NOTICE: THIS DOCUMENT CONTAINS
SENSITIVE DATA

NO. 322-744263-23 & NO. 322-744538-23

In the Matter of the Marriage of

Morgan Michelle Myers & Charles Dustin Myers

and in the Interest of

M.E.M & C.R.M,

Minor Children.

MOTION TO ENTER JUDGEMENT

In the 322nd District Court.

Tarrant County, Texas

IN REGARD TO:

JOINT MOTION TO RECUSE

TO BE PRESIDED BY JUSTICE LEE GABRIEL

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I. TEXAS PRESCEDENT REGARDING RECUSAL

1. In Texas, courts operate under a foundational presumption of impartiality. However, this presumption can be overcome if a movant presents compelling evidence of bias that fundamentally threatens due process. The Texas Court of Appeals has emphasized this requirement: bias must be so severe that it denies the movant a fair and impartial hearing. *In Interest of E.R.C.*, 496 S.W.3d 270, 280 (Tex. App.—Texarkana 2016, pet. denied); *Ex parte Ellis*, 275 S.W.3d 109, 117 (Tex. App.—Austin 2008, no pet.). Simply put, due process mandates that all parties are heard by a neutral, detached judge. *Brumit v. State*, 206 S.W.3d 639, 644-45 (Tex. Crim. App. 2006). This is not just a procedural necessity; it's enshrined in both the U.S. Constitution and the Texas Constitution.

2. Texas courts use the "reasonable person" test to determine whether recusal is appropriate: Would a well-informed, impartial observer reasonably question the judge's impartiality based on the known facts? *Hansen v. JP Morgan Chase Bank, N.A.*, 346 S.W.3d 769, 776 (Tex. App.—Dallas 2011, no pet.) (quoting *Sears v. Olivarez*, 28 S.W.3d 611, 615 (Tex. App.-Corpus Christi 2000, order) (en banc) (internal quotations and citations omitted). If the answer is yes, recusal is warranted. In this case, numerous procedural missteps and decisions have seriously jeopardized the perception of fairness. Texas precedent, therefore, supports a careful review to uphold the judicial integrity required by law.

4. Without evidence admitted in this matter, and without any findings on behalf of the tribunal, the court chose to sever the parent-child relationship for one parent due to false claims made by another prior to being afforded an opportunity to present his case.

II. ARGUMENT

This case exemplifies a serious violation of core due process principles, particularly in the failure of the 322nd District Court of Tarrant County as a whole to substantiate its rulings with factual findings or evidentiary support. Such ungrounded decisions have resulted in substantial harm, indicating a concerning bias that jeopardizes a fair resolution. This bias has disrupted the parent-child relationship by unjustly favoring one parent, despite indications that this party has prioritized personal interests over the children's welfare, while penalizing the other without lawful basis.

Without any factual or legal justification for these decisions, the only reasonable inference is an underlying bias, likely fueled by either fraudulent pleadings submitted by the Petitioner or an extrajudicial influence not in the record. These circumstances call for recusal to restore impartiality and procedural integrity. The judges' actions contravene their duties under the Texas Code of Judicial Conduct, disregarding fundamental protections enshrined in both the U.S. Constitution and Texas law. Given these considerations, Respondent CHARLES DUSTIN MYERS respectfully requests that the Court grant the Joint Motion to Recuse and, in the interest of judicial economy, issue judgment without a hearing if the opposing party does not respond by a designated date deemed appropriate by the court. The Respondent further seeks pre-admission of uncontested evidence relevant to this motion to assist the Court's determination.

Given the questionable handling of the case, the original Joint Motion to Recuse has been concurrently attached as a separate lead document, fully hyperlinked for convenience.

III. Performing the Duties of Judicial Office Impartially and Diligently

1. There are three prongs present within Canon 3 of the Texas Rules of Judicial Conduct. All three prongs, in general, "take precedence over all the judge's other activities", and each set forth standards to be followed in during the performance of such duties.[1] The issue is whether District Judge James Munford and Associate Judge Jeffrey Kaitcer should be recused. The rules and analysis of how they were applied in this case can only lead a reasonable fact finder to conclude that their recusal is warranted.

A. PRONG 1 – ADJUDICATIVE DUTIES

2. The first prong is the adjudicative standard outlined in Canon 3(B) of the Texas Code of Judicial Conduct. Paragraph 2 requires that "[a] judge should be faithful to the law and shall maintain professional competence in it," and specifies that "[a] judge shall not be swayed by partisan interests, public clamor, or fear of criticism." Additionally, Paragraph 5 mandates that a judge "perform judicial duties without bias or prejudice," while Paragraph 8 ensures that "[a] judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law." Further, Paragraph 9 sets the standard that "[a] judge should dispose of all judicial matters promptly, efficiently and fairly." All of these paragraphs are directly relevant and can be applied in the determination of recusal.

[1] Tex. Code Jud. Conduct Canon 3(A)

B. PRONG 2 – ADMINISTRATIVE DUTIES

3. Standards for a judge's administrative responsibilities are outlined under Canon 3(C) of the Texas Code of Judicial Conduct. Paragraph 1 requires that "[a] judge should diligently and promptly discharge the judge's administrative responsibilities without bias or prejudice, maintain professional competence in judicial administration, and cooperate with other judges and court officials in the administration of court business." Additionally, paragraph 2 mandates that a judge must ensure that "staff, court officials, and others subject to the judge's direction and control observe the standards of fidelity and diligence that apply to the judge and refrain from manifesting bias or prejudice in the performance of their official duties." These standards are critical to the recusal motion because they underscore the judge's obligation not only to maintain impartiality in personal actions but also to actively prevent bias or prejudice in all court operations under their oversight.

C. PRONG 3 – DISCIPLINARY DUTIES

4. Canon 3(D) of the Texas Code of Judicial Conduct outlines a judge's disciplinary responsibilities, which directly relate to maintaining the ethical integrity of the judicial process. Paragraph 1 requires that if a judge has clear information that another judge has violated the Code, they must take appropriate action. When the violation raises substantial concerns about the other judge's fitness for office, the judge is obligated to inform the State Commission on Judicial Conduct or take other suitable measures. Similarly, Paragraph 2 mandates that a judge who learns of a lawyer's serious

breach of the Texas Disciplinary Rules of Professional Conduct—especially one that questions the lawyer's honesty, trustworthiness, or overall fitness—must report the violation to the Office of the General Counsel of the State Bar of Texas or take other appropriate action. These disciplinary obligations are highly relevant to the recusal motion. The standards reinforce a judge's duty to uphold ethical conduct across all roles in the judicial system, ensuring that neither judicial nor legal misconduct goes unaddressed. In cases where bias, impropriety, or ethical breaches by a presiding judge are evident, the principles in Canon 3(D) underscore the necessity of recusal to protect the integrity of the proceedings and maintain the judiciary's credibility in the eyes of the public.

5. Notwithstanding the reasons set forth in the joint motion to recuse, the additional facts explained below show an intentional effort to deprive the Respondent access to justice after he has exhausted all other State remedies, and one needs to look no further than how the joint recusal motion was handled to highlight this effort showcasing the appearance of impartiality, which warrants recusal.

D. THE TEXAS RULES OF CIVIL PROCEDURE

6. Pursuant to the Texas Rules of Civil Procedure 18(a)(f), the Respondent judges have two options once a motion to recuse is filed. 1) the judge can file with the clerk an order of recusal or disqualification, or 2) the judge can sign and file with the clerk an order referring the motion to the regional presiding judge.

7. Rather than filing the orders of referral with the clerk of the court, they were forwarded from the court coordinator via email, Lindsey Baker, without the required certificate of service and remain inaccessible through the Texas Supreme Court approved electronic filing manager, re:Search Texas.

8. The original motion was altered and did not contain the affidavit or exhibits vital to the motion. This fact was promptly pointed out in *Exhibit 1,* where the file size difference can be seen from the email attachments. **Click for reference.**

9. Lindsey Baker then confirmed that the exhibits and affidavits had been forwarded. The file size difference was then pointed out in the last correspondence chain found within *Exhibit 1*, to which an amended order of referral followed, and the reasons given for the modification of the original motion changed due to the motion's length, thereby justifying the modification of the original motion into three parts. See *Exhibit 2*. **Click for reference.**

10. Given that the very purpose of re:Search Texas is to streamline the process of service and case management, it raises the question as to why the court would choose to utilize the platform up until the joint motion to recuse was filed. Further, the Frequently Asked Questions found within the District Clerk's website for electronic filing specifically reiterate that exhibits should be merged into one document with the lead document, and that the file size limit is 35mb. Given that the Respondent's original joint motion to recuse was well under the maximum size of 35mb, and the joint motion was filed as one document as the clerk prefers – why was it modified and served outside of

the requirements of Rule 21a of the Texas Rules of Civil Procedure? These facts were highlighted in the Respondent's formal objection filed and served on all parties through the EFM on October 10, 2024, and is attached hereto as *Exhibit 3*, and remains undocketed at the time of filing this motion. **Click for reference.**

11. Finally, contradicting everything above, Judge Jeff Kaitcer's order of referral was properly served through the EFM as one document, with the affidavit and all exhibits attached as one motion, but is albeit missing from the electronic case docket.

12. All undocketed filings that have been accepted by the court but remain missing from the re:Search Texas platform or that have been served to the respondent and are missing from the re:Search Texas platform have been attached hereto as *Exhibit 4.* **Click for reference.**

E. APPLICATION OF CANON 3 AND REMEDIAL ACTION

13. The actions of Judges Munford and Judge Kaitcer demonstrate a clear departure from the standards of impartiality and integrity mandated by Canon 3 of the *Texas Code of Judicial Conduct*. The facts before this court reveal a pattern of procedural inconsistencies and biased decision-making that stem, in large part, from the Petitioner's misleading tactics—an influence that these judges have inadvertently allowed to impact their rulings. Even though such information may have been obtained during the proceedings, that information was kept private and never disclosed or entered into the record, leaving an appearance of impartiality, which is enough to warrant recusal. See *Rogers v. Bradley*, 909 S.W.2d 872, 873 (Tex.1995) ("Declaration of Recusal" by

Gammage, J.) (noting that issue is one of perception). "[B]eyond the demand that a judge be impartial is the requirement that judge appear to be impartial so that no doubts or suspicions exist as to the fairness or integrity of the court."; see also *Sears v. Olivarez*, 28 S.W.3d 611, 613–14 (Tex.App.-Corpus Christi 2000, no pet.). The facts outlined above raise serious doubts to these requirements.

14. Under **Canon 3(B)**, judges are required to adjudicate based on impartiality and factual accuracy. However, the judges' failure to critically assess the Petitioner's narrative of hardship, coupled with improper handling of filings, has resulted in decisions that lack factual support and undermine the Respondent's rights to a fair hearing. This court now has the opportunity to address this lapse by recusing the judges and ensuring the case is overseen with genuine impartiality.

15. **Canon 3(C)** underscores the judges' responsibility to administer the court's operations consistently and transparently. The irregular handling of critical filings—orders forwarded without proper certificates of service, mismanagement within the EFM system, and discrepancies in access—demonstrate a failure in maintaining the procedural integrity essential to a fair process. These administrative oversights have obstructed the Respondent's access to justice, and this court now has both the facts and the authority to remedy this.

16. Finally, **Canon 3(D)** obligates this court to take appropriate action if it is established that a violation has occurred within the code. The Respondent believes that the violation is merely a product of relying on fraudulent pleadings by the Petitioner

mixed with permitting a likely unauthorized attorney to prosecute the case and does not reflect on either Judge Munford or Judge Kaitcer's overall fitness for office.

F. A CLOSER LOOK AT CANON 3(D)(2)

17. A judge who receives information clearly establishing that a lawyer has committed a violation of the Texas Disciplinary Rules of Professional Conduct should take appropriate action.

18. To assist in this determination, notwithstanding the current challenge to Ms. Carter's authority, one needs to look no further than the current temporary orders in place, which is attached as *Exhibit I* in the original joint motion to recuse filed on October 7, 2024.

19. On page 1, the orders read: "On February 1, 2024, the Court heard Petitioner's motion for temporary orders." A review of the record will show that no motion for temporary orders has been served to the Respondent in this matter, no notice of hearing was served to the parties regarding such a motion, and no hearing ever occurred regarding this motion.

20. The orders move on to state that both parties "appeared by counsel and announced ready" and "signed an agreed associate judge's report" when in fact, both parties appeared, but were rushed into a settlement agreement by the Respondent's prior counsel due to his unwillingness to remain in the courthouse all day, leading to his termination. Steve Myers, a witness, was present in the conference room during this exchange. Neither party went before the judge on February 1st, 2024. See *Exhibit 6*.

21. The agreement, which can be found in *Exhibit E* in the original joint motion to recuse, had the following provisions at the bottom of page 5 of the agreement:

"A typed written Order conforming to this Report will follow within 20 days from the date this Report is signed. The Temporary Order shall be prepared by Dan Bacalis. Each attorney should approve the Order. The parties do not need to approve the Order. The attorney reviewing the proposed Order shall have five (5) days to do so. There are no ten (10) day letters. If an agreement is not reached, a Motion to Sign shall be filed and set within thirty (30) days from the signing of this Report."

22. Given that an agreement was clearly not reached, the orders were reduced to writing well beyond the 20 day requirement, the orders were not prepared by Dan Bacalis, no motion to sign was filed, and the Respondent was not given 5 days to review the orders, it calls into question as to how they were permitted to be rendered despite lacking the Respondent's signature and despite being served to him immediately prior to a hearing scheduled to challenge their legal foundation.

23. Notwithstanding the above, the mere fact that the orders state "[t]he parties have agreed to the terms of this order as evidenced by the signatures below." and no signature from the Respondent is present showcases a pre-determined outcome, and a one-sided favoritism that warrants recusal.

24. Finally, and most concerning, is the fact that Judge Jeff Kaitcer affixed his signature to this document which states that "[t]he Court, after examining the record and the agreement of the parties and hearing the evidence and argument of counsel, finds that

all necessary prerequisites of the law have been legally satisfied and that the Court has jurisdiction of this case and of all the parties."

25. The foregoing statement can't possibly be true for two reasons. 1) No evidence has been admitted into this case, and no argument from counsel was presented – only objections without foundation. 2) The associate judge could not have possibly examined the record, because it is apparent that consent was not present at the time of rendition, and the directives he ordered within the agreement were not followed.

26. Expanding on point 2 above, the associate judge could not possibly have examined the record because in the original answer to the protective order filed by the Respondent, he claimed duress as an affirmative defense alongside fraud and illegality. *See Exhibit 7*.

27. There can be no claim of duress unless the following elements are present: (1) a threat or action taken without legal justification; (2) the threat or action was of such a character as to destroy the other party's free agency; (3) the threat or action overcame the opposing party's free will, causing them to do something they would not otherwise have done and were not legally bound to do; (4) the restraint was imminent; and (5) the opposing party had no present means of protection (*McMahan v. Greenwood*, 108 S.W.3d 467, 482 (Tex.App.-Houston [14th Dist.] 2003, pet. denied)).

28. The Petitioner's actions—including seeking an emergency ex parte order, initiating an eviction, filing for divorce, and pursuing an additional protective order—occurred within an 8-day span, representing actions taken without legal justification. (Exhibits A & B in the original Joint Motion to Recuse, and *Exhibit 8* herein. **Click for reference.**

29. These actions threatened the Respondent's livelihood by removing him from the residence he needed to provide for his children, as well as from the home where his children had been raised with their father. This threat materialized on January 16, 2024, when the Respondent was ordered to vacate the residence without justification. (Exhibit C in the original Joint Motion to Recuse)

30. These actions forced the Respondent to sign an agreement he would not have otherwise accepted. This agreement allowed him to return to the residence but involved conditions that removed his children from their home and was under no legal obligation to settle given the circumstances of the case and the baseless nature of the claims made against him.

31. If the Respondent did not sign, he would have faced no alternative other than continued exclusion from his residence and further impairment of his ability to provide for his children. This threat was imminent.

32. The Respondent's counsel advised him to sign the agreement instead of proceeding to a hearing, leaving him without a viable means of protection at that time.

33. All elements of duress were present when the Respondent signed the agreement. Judge Kaitcer and Ms. Carter were aware that consent was not present when

the orders were rendered yet were entered regardless. This disregard for procedural fairness and apparent partiality underscores the need for recusal.

34. Finally, Ms. Carter signed a pleading containing false statements, in violation of Rule 4.01(a) of the Texas Rules of Disciplinary Conduct. She claimed that the Respondent agreed to the orders, that they were based on a hearing that never occurred, and referenced a motion never served to the Respondent. This court should address these actions in accordance with Canon 3(D)(2) of the Texas Code of Judicial Conduct.

G. FINAL THOUGHTS

35. According to Tex. R. Civ. P. 21(d)(a)(1), a "court proceeding" includes any appearance before the court, such as a hearing or trial. Per Tex. R. Civ. P. 21(a), every pleading, plea, motion, or application to the court for an order—whether presented as a motion, plea, or other request—must be filed with the court clerk in writing, state the grounds, and be noted on the docket unless presented during a hearing or trial.

36. Should this matter proceed to a hearing, the court must adhere to the Texas Rules of Civil Procedure, including docketing all missing items listed in *Exhibit 4* and following the service requirements in Rule 21a when scheduling the hearing. Informal notices via email only obscure the opportunity for an appeal and fail to comply with Texas Civil Procedure. The court cannot continue to overlook its duty to correct these oversights, nor can it ignore state laws to uphold decisions lacking any legal justification.

37. It is deeply troubling that the Respondent, a self-represented litigant, must underscore basic procedural requirements to ensure adherence to standard rules, while the Petitioner's attorney has repeatedly disregarded these processes by raising baseless objections in proceedings yet remaining silent in the record. This absence of accountability raises questions about the attorney's commitment to ethical standards and procedural integrity, and it is perplexing that any reviewing judge could ignore the severity of the issues documented in this brief.

38. It remains unanswered how a citizen of this state can be removed from his home and stripped of custody of his children based solely on unproven accusations by the other parent, without the opportunity to defend himself. Our society—and especially our children—should not be subjected to this level of disregard by elected officials.

39. When such actions come from a vindictive parent willing to falsify their financial status and weave a false narrative for protection, the court should take appropriate action to prevent such deceptive actions from occurring in the future, and should surely be a factor in determining their fitness as a parent.

IV. CONCLUSION

Recusing Judges Munford and Kaitcer is the first step to restore the Respondent's rights as all other state remedies have been exhausted. These are essential first steps this court can now take. These actions will not only uphold Canon 3(D)'s standards but will also correct procedural injustices, ensuring that the case can proceed in alignment with

the highest principles of fairness and impartiality. Such principals in this instance demand that new judges be assigned to this case to examine the clear and intentional deception on which it was founded—deception initiated in bad faith during the week of Christmas by MORGAN MICHELLE MYERS.

The court's decision to stop docketing pleadings at the time the recusal motion was filed along with its handling of the matter occurring outside of established legal standards would lead any reasonable member of the public to question whether the judges were acting impartially in this matter.

Such impartiality has rewarded a mother that has fabricated not only her financial status to this court, but has also fabricated a false need for protection to her own benefit. Such action should not be tolerated, and should bear a heavy consequence.

The ongoing denial of a parent's constitutionally protected rights to his children and residence, despite multiple opportunities to address the situation, reflects a concerning lack of adequate legal justification by the current judges.

Without a factual basis or explanation for the court's decisions after ten months, they must be recused so that the truth of the matter may be addressed. The court must not tolerate the levels of deception and fraud committed by the Petitioner, and the Respondent reiterates that despite the egregious acts taken against him in totality, he holds no ill will toward any participant in this matter, and solely seeks a just and swift resolution for the sake of his children and to uphold the law to the best of his ability.

V. PRAYER

The respondent respectfully requests the following relief from this court:

1. Respectfully recuse both Judge James Munford and Judge Jeff Kaitcer from this matter by a date deemed appropriate by the court should no response be filed from the opposing party in opposition to the relief requested herein.
2. Require that the clerk of the court docket the missing documents found in *Exhibit 4 in accordance with the Texas Rules of Civil Procedure 21a*. **Click for reference.**
3. Take judicial notice of the Petitioner's deception by examining her pleadings and the effects it has had on the case.
4. Take judicial notice of the effort put forth by the Respondent to correct this situation and the lack thereof from the opposing party.
5. Pre-admit all exhibits attached hereto, and all exhibits found within the original Joint Motion to Recuse, attached to this envelope as a separate lead document to prevent confusion when referencing exhibits.
6. Adopt the Respondent's First Amended Motion for Temporary Orders attached hereto as *Exhibit 5* and take judicial notice of the Respondent's parenting plan, attached as *Exhibit L* in the original joint motion to recuse and admit both into evidence.

7. Award any other extraordinary relief deemed appropriate and necessary by the court given the circumstances presented.

Respectfully submitted,

/s/ Charles Dustin Myers
CHARLES DUSTIN MYERS
Pro-se
817-507-6562
Chuckdustin12@gmail.com

AFFIDAVIT OF CHARLES MYERS

STATE OF TEXAS
COUNTY OF TARRANT

BEFORE ME, the undersigned authority, on this day personally appeared Charles Dustin Myers, who, after being duly sworn, did depose and state as follows:

1. **Introduction and Background**

   My name is Charles Dustin Myers, and I am the Respondent in the case No. 322-744263-23 & No. 322-744538-23, In the Matter of the Marriage of Morgan Michelle Myers & Charles Dustin Myers and in the Interest of M.E.M. & C.R.M., Minor Children, currently pending in the 322nd District Court of Tarrant County, Texas. I am above 18 years of age, competent to make this affidavit, and have personal knowledge of the facts stated herein, which are true and correct.

2. **Procedural Violations and Due Process Concerns**

   Since the initiation of this case, I have encountered numerous procedural irregularities that have obstructed my right to a fair hearing. I was removed from my residence and separated from my children on January 16, 2024, based solely on allegations made by the Petitioner, without any evidentiary findings or an opportunity to defend myself in a formal hearing. This deprivation of my rights was executed without adherence to the foundational principles of due process.

3. **Duress in Signing the February 1, 2024, Agreement**

   On February 1, 2024, I was compelled to sign an agreement that I did not fully

understand nor agree with. This agreement allowed me limited access back into my residence but resulted in the removal of my children from their home. My decision to sign was made under duress, as I was advised by my attorney to accept these terms rather than proceed to a hearing. Due to the potential of further exclusion from my home and livelihood, I felt I had no other viable option to safeguard my ability to continue providing for my children.

4. **Bias and Lack of Impartiality**

   I have serious concerns regarding the impartiality of Judges Munford and Kaitcer, as the procedural management of this case has shown a consistent disregard for my rights. My filings and objections have been met with resistance and have often been undocketed or handled irregularly, while the Petitioner's pleadings have proceeded unchecked, despite containing misleading and unsubstantiated claims. This pattern of favoritism and procedural leniency towards the Petitioner has compromised the integrity of these proceedings.

5. **Misrepresentation and Lack of Consent in Orders**

   The current orders on record falsely state that both parties appeared before the court on February 1, 2024, announced readiness, and signed an agreed associate judge's report. In reality, there was no formal hearing or review of evidence on that date, and I did not give my consent to the terms as recorded. Furthermore, the orders assert that necessary legal prerequisites were met, when, in fact, no such procedural steps were observed. These inaccuracies directly impact my rights and the fairness of these proceedings.

6. **Unethical Conduct and Professional Misconduct**

   The Petitioner's counsel, Ms. Carter, signed and submitted pleadings containing false statements, misrepresenting my consent to the orders and claiming that a hearing had occurred when it had not. This conduct violates Rule 4.01(a) of the Texas Rules of Disciplinary Conduct and Canon 3(D)(2) of the Texas Code of Judicial Conduct. Such behavior not only misleads the court but also deprives me of a fair and just resolution.

7. **Need for Recusal**

   Given these procedural irregularities, false representations, and lack of impartiality demonstrated by Judges Munford and Kaitcer, I respectfully request their recusal from this case. Their actions and the management of this case have created an appearance of partiality, depriving me of my right to due process and casting doubt on the integrity of these proceedings.

8. **Request for Judicial Review and Corrective Action**

   I request that this court take immediate action to address the procedural oversights, docket missing filings as per Texas Rules of Civil Procedure, and ensure an impartial review of the facts in this case. I seek a fair hearing, free from bias, where the truth can be assessed without obstruction. In the interest of justice, I also urge the court to examine the Petitioner's documented misrepresentations and their impact on the well-being of my children, M.E.M. and C.R.M.

9. **Conclusion**

This affidavit is submitted with sincere intent to restore fairness and procedural integrity to these proceedings, not out of malice or animosity toward any individual involved. My only goal is to reach a resolution that genuinely considers the best interests of my children and respects my constitutional rights as a parent.

I declare under penalty of perjury that the foregoing is true and correct.

Charles Dustin Myers

X_____ 11/10/2024

CHARLES DUSTIN MYERS
817-507-6562
CHUCKDUSTIN12@GMAIL.COM
PRO-SE

State of Florida

County of Duval

Sworn to (or affirmed) and subscribed before me by means of online notarization, this 11/10/2024 by Charles Dustin Myers.

Kelly Mannix

Kelly Mannix

___ Personally Known OR ___✓Produced Identification

Type of Identification Produced __DL__

CERTIFICATE OF SERVICE

Respondent, CHARLES DUSTIN MYERS, certifies that a true copy of this trial brief and all exhibits were served in accordance with Rule 21a of the Texas Rules of Civil Procedure on the following on **11/11/24**:

Cooper L. Carter (Counsel for real party in interest)
by EMAIL/ESERVE at COOPERCARTER@MAJADMIN@COM

Morgan Michelle Myers (real party in interest)
by EMAIL/ESERVE at MORGANMW02@GMAIL.COM

Holly L. Hayes, Texas Office of the Attorney General
By EMAIL/ESERVE at 914-filer@texas.oag.gov

/s/ Charles Dustin Myers
Charles Dustin Myers
Chuckdustin12@gmail.com
6641 Anne Court
Watauga, TX 76148
Tel: 1-817-507-6562
Pro-se

EXHIBIT 1

Initial Referral Discrepancies

Gmail

Charlie Vids <chuckdustin12@gmail.com>

Myers 322-744263-23

4 messages

Lindsey K. Baker <LKBaker@tarrantcountytx.gov> Tue, Oct 8, 2024 at 4:42 PM
To: Charlie Vids <chuckdustin12@gmail.com>, Cooper Carter <coopercarter@majadmin.com>, "CSD-legal-914@oag.texas.gov" <csd-legal-914@oag.texas.gov>

Attached for your records please find correspondence from Judge Munford to Judge Evans and an Order of Referral.

Thank you.

Lindsey Baker

322nd Court Coordinator

Tarrant County Family Law Center

200 E. Weatherford, 4th floor

Fort Worth, Texas 76196

Phone: (817) 884-1597

2 attachments

Correspondence.pdf
33K

Myers-Order of Referral.pdf
1096K

Charlie Vids <chuckdustin12@gmail.com> Tue, Oct 8, 2024 at 6:29 PM
To: "Lindsey K. Baker" <LKBaker@tarrantcountytx.gov>

Dear Lindsay Baker,

I hope this email finds you well. I am writing to inform you that my Motion to Recuse, referenced in your message, may have been forwarded without the attached exhibits and affidavits that are critical to the motion.

The exhibits and affidavits provide necessary evidence and support for my claims, and it is important that the court has access to the full record. Could you please confirm whether these documents were received with my motion? It raises further concern that they are missing.

Please let me know the appropriate process to ensure that these documents are added to the court's record. Thank you for your attention to this matter.

I have attached a copy that was submitted and is available for download via the re-search Texas platform, which differs from the document attached in your prior email as it does not contain the relevant exhibits.

Please inform as soon as possible.

Best regards,

Charles Myers
Chuckdustin12@gmail.com
[Quoted text hidden]

JOINT MOTION TO RECUSE (8).pdf
19741K

Lindsey K. Baker <LKBaker@tarrantcountytx.gov> Tue, Oct 8, 2024 at 10:43 P
To: Charlie Vids <chuckdustin12@gmail.com>

The exhibits were e-filed and are included in the Courts file.

If you received a Notice of Dismissal, you MUST file a Motion to Retain. The Motion MUST be SET, HEARD and concluded with a SIGNED ORDER TO RETAIN.

DO NOT **EMAIL ME FOR A SETTING REGARDING THE DWOP.**

YOU MUST **APPEAR IN PERSON TO SET THE HEARING.**

All Orders that require the Judge's signature must be presented in person and will not be processed through e-filing.

Lindsey Baker

322nd Court Coordinator

Tarrant County Family Law Center

200 E. Weatherford, 4th floor

Fort Worth, Texas 76196

Phone: (817) 884-1597

From: Charlie Vids <chuckdustin12@gmail.com>
Sent: Tuesday, October 8, 2024 6:29 PM
To: Lindsey K. Baker <LKBaker@tarrantcountytx.gov>
Subject: Re: Myers 322-744263-23

EXTERNAL EMAIL ALERT! Think Before You Click!

[Quoted text hidden]

Charlie Vids <chuckdustin12@gmail.com> Wed, Oct 9, 2024 at 12:06 AM
To: "Lindsey K. Baker" <LKBaker@tarrantcountytx.gov>

Dear Ms. Baker,

Thank you for your response, and would just ask for some clarification on a couple of things.

There are noticable discrepancies between the file I submitted, accepted and available on the reSearchTX platform versus what appears in the court's receipt to the Regional Judge. My original submission was 20.21 MB, while the version in the courts email is 423 KB. Additionally, my receipt provides no indication that the exhibits were filed alongside the motion, particularly the affidavit, which is referenced in the table of contents.

The document I submitted was also hyperlinked, but those links are missing in the court’s receipt.

Could you please clarify which court system the file is currently in and explain for what purpose the file was modified to appear as if it were an unverified motion?

I would appreciate your prompt attention to this matter at your earliest convenience.

Best regards,

Charles Myers
Chuckdustin12@gmail.com
[Quoted text hidden]

EXHIBIT 2

The Amended Referrals

Gmail

Charlie Vids <chuckdustin12@gmail.com>

FW: Myers 322-744263-23

1 message

Lindsey K. Baker <LKBaker@tarrantcountytx.gov> Wed, Oct 9, 2024 at 12:18 PM
To: Charlie Vids <chuckdustin12@gmail.com>, Cooper Carter <coopercarter@majadmin.com>

Attached is correspondence from Judge Munford to Judge Evans and an Amended Order of Referral.

Due to the length of the Joint Motion to Recusal, it is being sent as three attachments.

Thank you.

Lindsey Baker

322nd Court Coordinator

Tarrant County Family Law Center

200 E. Weatherford, 4th floor

Fort Worth, Texas 76196

Phone: (817) 884-1597

From: Lindsey K. Baker
Sent: Wednesday, October 9, 2024 12:17 PM
To: Tracy Kemp <THKemp@tarrantcountytx.gov>
Subject: Myers 322-744263-23

Dear Ms. Kemp:

Attached is correspondence from Judge Munford and an Amended Order of Referral.

Due to the length of the Joint Motion to Recusal, it is being sent as three attachments.

Thank you.

Lindsey Baker

322nd Court Coordinator

Tarrant County Family Law Center

200 E. Weatherford, 4th floor

Fort Worth, Texas 76196

Phone: (817) 884-1597

---

3 attachments

Myers-Part 1.pdf
2688K

Myers-Part 2.pdf
2594K

Myers-Part 3.pdf
2496K

EXHIBIT 3

Formal Objection and
Request to Docket

322-744263-23

FILED
TARRANT COUNTY
10/10/2024 12:54 PM
THOMAS A. WILDER
DISTRICT CLERK

NO. 24-0395

NO. ___ SW3d ___, 04-10-24
NO. 322-744263-23 & NO. 322-744538-23

Morgan Michelle Myers *v* Charles Dustin Myers

OBJECTION

Proceedings arising from the 322nd District Court

-&-

On Petition for Writ of Mandamus from the Second Court of Appeals,

Tarrant County, Texas

-&-

In the Supreme Court of Texas,
Austin.

NO. 322-744263-23

IN THE 322ND DISTRICT COURT OF TARRANT COUNTY, TEXAS

IN THE MATTER OF THE MARRIAGE OF MORGAN MICHELLE MYERS AND CHARLES DUSTIN MYERS **AND IN THE INTEREST OF M[redacted] M[redacted] AND C[redacted] M[redacted], CHILDREN**	OBJECTION AND REQUEST TO DOCKET

Respondent respectfully objects to the handling of the case documents regarding the joint motion to recuse filed on October 7th, 2024 for the foregoing reasons:

I. FAILURE TO DOCKET

1. Respondent's motion to recuse has not been docketed on the research Texas platform. Metadata from the efile Texas platform shows the last docketed pleading to be the Respondent's Proposed Order on Rule 12 Motion (id # 7f9852d3f4205e0083d02b0536696131) See attached *Exhibit A*.

2. The correspondence to Regional Judge David Evans from District Judge James Munford has not been docketed.

3. The amended order of referral signed on October 9th, 2024, by District Judge James Munford has not been docketed.

4. The correspondence and order of referral to Regional Judge David Evans from Associate Judge Jeffrey Kaitcer signed October 10th, 2024, has not been docketed.

II. RELEVANT COURT RULES

5. According to **Rule 25** and **Rule 26** of the Texas Rules of Civil Procedure, the clerk is required to maintain a **file docket** and a **court docket** that record all filings, motions, orders, and proceedings in a case. The failure to properly docket these documents violates these rules and further compromises the integrity of the case record.

III. INCONSISTENT RESPONSES AND FAILURE TO FOLLOW PROTOCOL

6. The Respondent was initially informed via email that the exhibits and affidavits had been filed. However, after the Respondent pointed out discrepancies in file size, the explanation changed to the document being too large. This inconsistency raises concerns about transparency and procedural fairness. *Exhibit B*

7. As outlined in the Tarrant County FAQ, Respondent's original submission of 20 MB was well within the 36 MB limit, and the Respondent followed all proper e-filing procedures. Despite this, the filing was forwarded to the regional judge without the exhibits and affidavits and later split into three sections due to the supposed size limit—yet the documents were never subsequently docketed.

IV. THE ONLY RECEIPT CONTAINS THE INCORRECT PLEADNIGS

8. Despite the emails sent to the Respondent from the court coordinator Lindsey Baker, there is no official receipt that the correct motion, as filed, was delivered to the regional judge from either respondent.

9. The motion as originally filed was modified for reasons that did not remain persistent. The reasoning given related to file size contradicts the FAQ from the Tarrant County District Clerk. If a separate system is used to forward these files to the Regional Judge, the Respondent respectfully requests that this be clarified given the severity of the situation.

CONCLUSION AND REQUEST

Given the persistent inconsistencies, failure to properly docket the Respondent's filings, and the lack of transparency surrounding the handling of crucial case documents, Respondent Charles Dustin Myers formally objects to the actions of the 322nd District Court and requests immediate correction of the docketing failures. Furthermore, Respondent requests validation that the correct motions and accompanying exhibits were forwarded to the regional judge as originally filed. The files officially served to the Respondent via eFile do not contain the original joint motion. In light of these ongoing procedural issues, Respondent reserves the right to seek further remedies unless proper procedural requirements are followed to ensure equal protection under the United States Constitution.

Respectfully submitted,

/s/ Charles Dustin Myers
CHARLES DUSTIN MYERS
Chuckdustin12@gmail.com
817-507-6562
Pro-se

CERTIFICATE OF SERVICE

Respondent certifies that a true copy of this objection/request was served in accordance with Rule 21a of the Texas Rules of Civil Procedure on the following on **10/10/2024:**

Cooper L. Carter (counsel for petitioner)
by EMAIL/ESERVE at COOPERCARTER@MAJADMIN@COM

Morgan Michelle Myers (petitioner)
by EMAIL/ESERVE at MORGANMW02@GMAIL.COM

HOLLY HAYES (OAG)
By EMAIL/ESERVE at CSD-Legal-914@oag.texas.gov

/s/ Charles Dustin Myers
CHARLES DUSTIN MYERS
[redacted]
Chuckdustin12@gmail.com
817-507-6562
Pro-se

CASE METADATA - RESEARCH TX AS OF 10/10/24

description	submitter_name	docketed
ORDER ON RULE 12 MOTION	CHARLES D MYERS	2024-09-20T15:31:19.923
RULE 12 MOTION TO SHOW AUTHORITY	CHARLES D MYERS	2024-09-20T15:31:19.923
Second Amended Counterpetition for Divorce	CHARLES D MYERS	2024-07-05T10:12:38.757
Objection to Title-IV Intervention	CHARLES D MYERS	2024-07-01T00:00:00
INTE	Officer Filer 914	2024-06-28T12:35:54.01
MOTION FOR JOINDER OF PERSONS NEEDED FOR JUS	CHARLES D MYERS	2024-06-24T00:00:00
Notice of Completion - Children in the Middle	CHARLES D MYERS	2024-04-30T23:19:08.233
Objection to Motion for Pre-trial Conference	CHARLES D MYERS	2024-04-24T17:13:59.06
MOTION FOR PRETRIAL CONFERENCE	Roderick D Marx	2024-04-24T09:58:31.463
FIRST AMENDED NOTICE OF FILING OF ORIGINAL PRO	CHARLES D MYERS	2024-04-04T13:40:56.46
NOTICE OF FILING ORIGINAL PROCEEDING AND MOTI	CHARLES D MYERS	2024-04-03T10:32:30.553
Request for Findings of Fact and Conclusions of Law	CHARLES D MYERS	2024-03-26T17:15:46.607
	Sherma Proctor Lucas	2024-03-26T15:19:25.047
	Sherma Proctor Lucas	2024-03-26T15:19:25.047
Second Amended Notice of Judicial Review	CHARLES D MYERS	2024-03-26T00:00:00
Request for Clerk to Prepare Record	CHARLES D MYERS	2024-03-26T00:00:00
First Amended Notice of Judicial Review	CHARLES D MYERS	2024-03-22T17:49:29.86
Notice of Judicial Review	CHARLES D MYERS	2024-03-21T10:47:25.967
Respondent's Required Initial Disclosures	CHARLES D MYERS	2024-03-04T14:15:00.67
Notice / Unsworn Declaration	CHARLES D MYERS	2024-03-04T00:00:00
	Cynthia Cotman	2024-02-27T12:33:14.78
Proposed Order for the Motion for Partial Summary Jud	CHARLES D MYERS	2024-02-22T11:23:08.213
Motion for Partial Summary Judgement	CHARLES D MYERS	2024-02-22T11:23:08.213
RESPONDENT'S ANSWER TO PETITIONER'S FIRST AME	CHARLES D MYERS	2024-02-14T23:02:22.3
ORD FOR W/D	Veronica Luna	2024-02-12T16:31:39.78
EMERGENCY MOTION TO RECONSIDER EVIDENCE AN	CHARLES D MYERS	2024-02-09T15:17:19.787
AGD ORD TO CONSOL	Veronica Luna	2024-02-08T14:29:20.003
AGD AJ REP	Veronica Luna	2024-02-08T14:29:20.003
Agreed Motion for Withdrawal of Attorney	Lindsey McNabb	2024-02-06T16:28:16.837
Notice of Change in Legal Representation in Case No. :	CHARLES D MYERS	2024-02-05T20:36:43.217
FIRST AMENDED PETITION FOR DIVORCE	Roderick D Marx	2024-01-31T17:08:20.873
First Amended Counterpetition for Divorce	Tammy Johnson	2024-01-31T14:51:39.407

Automated Certificate of eService

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 93024186
Filing Code Description: Request
Filing Description:
Status as of 10/10/2024 2:21 PM CST

Associated Case Party: MORGANMICHELLEMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
MORGAN MICHELLEMYERS		morganmw02@gmail.com	10/10/2024 12:54:32 PM	SENT
Cooper L.Carter		coopercarter@majadmin.com	10/10/2024 12:54:32 PM	SENT

Associated Case Party: CHARLESDUSTINMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES MYERS		chuckdustin12@gmail.com	10/10/2024 12:54:32 PM	SENT

Associated Case Party: ATTORNEY GENERAL OF TEXAS

Name	BarNumber	Email	TimestampSubmitted	Status
HOLLY HAYES		csd-filer-914@texasattorneygeneral.gov	10/10/2024 12:54:32 PM	SENT

EXHIBIT 2

Kgqqg l e c l t cjmncq
dpm k r f c pc8Qc_pa f
Rcv_q Nj_rdmp k

Gmail

Charlie Vids <chuckdustin12@gmail.com>

FW: 322-744263-23 In the Matter of the Marriage of Morgan & Charles Myers

Charlie Vids <chuckdustin12@gmail.com> Wed, Oct 23, 2024 at 3:09 PM
To: "Lindsey K. Baker" <LKBaker@tarrantcountytx.gov>
Cc: "CSD-legal-914@texasattorneygeneral.gov" <CSD-legal-914@texasattorneygeneral.gov>, "CSD-legal-914@oag.texas.gov" <csd-legal-914@oag.texas.gov>, Cooper Carter <coopercarter@majadmin.com>, "Linda Y. Vera" <lyvera@tarrantcountytx.gov>, Victoria Weaver <victoriaweaver@majadmin.com>

Ms. Baker,

Thanks for your quick response.

I received the notification from service through the e-filing system, however, some concerns remain unaddressed.

i. Could you please provide the status on the following envelope numbers and why they have not been docketed? I need to ensure that the record reflects an accurate account of the pleadings in this matter in the event of technical issues:

1. Envelope Number: 92510702 //
   Document: Motion (No Fee) //
   Submitted: 09/26/2024 4:47 P.M. CST //
   Accepted: 9/27/2024 10:21 AM CST //
   Filer: CHARLES MYERS //
   Details: EM. MOTION FOR TEMPORARY ORDERS

   issues: Has not been docketed on the electronic filing manager.

2. Envelope Number: 92536276 //
   Document: Amended Filing
   Submitted: 9/27/2024 12:12 PM CST //
   Accepted: 9/27/2024 12:29 PM CST //
   Filer: CHARLES MYERS //
   Details: First Amended Motion for Temporary Orders

   issues: Has not been docketed on the electronic filing manager.

3. Envelope Number: 92846417 //
   Document: Motion (No Fee) //
   Submitted: 10/7/2024 7:30 AM CST //
   Accepted: 10/7/2024 10:46 AM CST //
   Filer: CHARLES MYERS
   Details: Joint Motion to Recuse

   issues: Has not been docketed on the electronic filing manager.

4. Envelope Number: 92959648 //
   Document: No Fee Documents //
   Submitted: 10/9/2024 10:38 AM CST
   Filer: KIM PERKINS
   Details: Order of referral from Honorable James Munford

   issues: Contained an altered motion without exhibits and affidavits, different file size than the original file uploaded to the electronic filing manager. Has not been docketed on the electronic filing manager.

5. Envelope Number: 92989465 //
   Document: Notice //

Submitted: 10/9/2024 4:21 PM CST //
Accepted: 10/10/2024 9:41 AM CST //
Filer: CHARLES MYERS //
Details: Notice regarding the discrepancies in the order of referral signed by Honorable James Munford.

issues: Has not been docketed on the electronic filing manager.

6. Envelope Number: 93021015 //
   Document: No Fee Documents //
   Submitted: 10/10/2024 12:11 PM CST //
   Filer: KIM PERKINS //
   Details: Amended order of referral

issues: Has not been docketed on the electronic filing manager. Joint Motion to Recuse is not attached to the amended order. Reasons given for the amendment were in regard to the filing size being purportedly too large, requiring that it be split into three separate documents.

7. Envelope Number: 93024186 //
   Document: Request / Objection //
   Submitted: 10/10/2024 12:54 PM CST //
   Accepted: 10/10/2024 2:22 PM CST //
   Filer: CHARLES MYERS
   Details: Objection and request to docket the above mentioned.

issues: Raised an objection due to the manner in which the case documents are being handled and requested that the missing filings be docketed as required by Tex. R. Civ. P. 21a.

8. Enveloper Number: 93081805 //
   Document: No Fee Documents
   Submitted: 10/11/2024 2:39 PM CST
   Filer: SHERMA PROCTOR LUCAS
   Details: Order of Referral from Honorable Jeffrey Kaitcer

issues: Has not been docketed on the electronic filing manager.

9. Envelope Number: 93089471 //
   Document: No Fee Documents
   Submitted: 10/11/2024 4:05 PM CST
   Filer: KIM PERKINS
   Details: Order of Referral from Honorable Jeffrey Kaitcer with attached motion.

issues: Has not been docketed on the electronic filing manager. Was filed in one document. Raises more concerns as to why one judge would split the document for being too large, while another sends as one document.

10. Envelope Number: 93480293 //
    Document:No Fee Documents
    Submitted: 10/23/2024 12:24 PM CST
    Filer: SHERMA PROCTOR LUCAS
    Details: Order setting hearing on Joint Motion to Recuse

issues: Has not been docketed on the electronic filing manager. Has no instructions for submitting evidence or disclosing witnesses who are expected to testify in regards to this matter.

I would appreciate your assistance in resolving these discrepancies and clarifying why these documents have not been docketed. It is important for the record to reflect all filings accurately to ensure that all parties can proceed with clarity and full understanding.

Additionally, regarding Envelope No. 93480293, I would be grateful if you could provide further guidance on submitting evidence and witness disclosures for the upcoming hearing, as this information is crucial for proper preparation.

Given that anything filed is not docketed on the EFM, this is my only option as far as receiving answers.

Thank you for all of your help with this matter in ensuring that the proceedings abide by Texas Procedure.

For your technical staff, the case number on the EFM is:

b04183e55b355b628fa3d90671422f9b

Respectfully,

Charles Myers
chuckdustin12@gmail.com
817-507-6562
[Quoted text hidden]

Gmail

Charlie Vids <chuckdustin12@gmail.com>

Notification of Service for Case: 322-744263-23, MORGAN MICHELLE MYERS VS. CHARLES DUSTIN MYERS for filing Service Only, Envelope Number: 92242806

1 message

no-reply@efilingmail.tylertech.cloud <no-reply@efilingmail.tylertech.cloud> Thu, Sep 19, 2024 at 4:44 PM
To: chuckdustin12@gmail.com

EFILE TEXAS.gov

Notification of Service

Case Number: 322-744263-23
Case Style: MORGAN MICHELLE MYERS VS. CHARLES DUSTIN MYERS
Envelope Number: 92242806

This is a notification of service for the filing listed. Please click the link below to retrieve the submitted document. If the link does not work, please copy the link and paste into your browser. You can also obtain this document by following the steps on this article.

Filing Details	
Case Number	322-744263-23
Case Style	MORGAN MICHELLE MYERS VS. CHARLES DUSTIN MYERS
Date/Time Submitted	9/19/2024 4:43 PM CST
Filing Type	Service Only
Filing Description	Request for Discovery - Disclosures, Production, and Admissions.
Filed By	CHARLES MYERS
Service Contacts	MORGAN MICHELLE MYERS: MORGAN MYERS (morganmw02@gmail.com) Cooper Carter (coopercarter@majadmin.com) CHARLES DUSTIN MYERS: CHARLES MYERS (chuckdustin12@gmail.com)

Document Details	
Served Document	Download Document
This link is active for 45 days. To access this document, you will be required to enter your email address. Click here for more information.	

Gmail

Charlie Vids <chuckdustin12@gmail.com>

Filing Accepted for Case: 322-744263-23; MORGAN MICHELLE MYERS VS. CHARLES DUSTIN MYERS; Envelope Number: 92536276

1 message

no-reply@efilingmail.tylertech.cloud <no-reply@efilingmail.tylertech.cloud> Fri, Sep 27, 2024 at 12:29 PM
To: CHUCKDUSTIN12@gmail.com

EFILE TEXAS.gov

Filing Accepted

Envelope Number: 92536276
Case Number: 322-744263-23
Case Style: MORGAN MICHELLE MYERS VS. CHARLES DUSTIN MYERS

The filing below was reviewed and has been accepted by the clerk's office. You may access the file stamped copy of the document filed by clicking on the below link.If the link does not work, please copy the link and paste into your browser. You can also obtain this document by following the steps on this article.

Filing Details	
Court	Tarrant County - District Family
Case Number	322-744263-23
Case Style	MORGAN MICHELLE MYERS VS. CHARLES DUSTIN MYERS
Date/Time Submitted	9/27/2024 12:12 PM CST
Date/Time Accepted	9/27/2024 12:29 PM CST
Accepted Comments	
Filing Type	EFileAndServe
Filing Description	First Amended Motion for Temporary Orders
Activity Requested	Amended Filing
Filed By	CHARLES MYERS
Filing Attorney	

Document Details	
Lead Document	First Amended Motion for Temporary Orders.pdf
Lead Document Page Count	36
File Stamped Copy	Download Document
This link is active for 45 days. To access this document, you will be required to enter your email address. Click here for more information.	

Please Note: If you have not already done so, be sure to add yourself as a service contact on this case in order to receive eService.

For technical assistance, contact your service provider

Need Help? Help
Visit: https://efiletexas.gov/contacts.htm
Email: support@eFileTexas.gov

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Gmail

Charlie Vids <chuckdustin12@gmail.com>

Filing Accepted for Case: 322-744263-23; MORGAN MICHELLE MYERS VS. CHARLES DUSTIN MYERS; Envelope Number: 92846417

1 message

no-reply@efilingmail.tylertech.cloud <no-reply@efilingmail.tylertech.cloud> Mon, Oct 7, 2024 at 10:46 AM
To: CHUCKDUSTIN12@gmail.com

EFILE TEXAS.gov

Filing Accepted

Envelope Number: 92846417
Case Number: 322-744263-23
Case Style: MORGAN MICHELLE MYERS VS. CHARLES DUSTIN MYERS

The filing below was reviewed and has been accepted by the clerk's office. You may access the file stamped copy of the document filed by clicking on the below link.If the link does not work, please copy the link and paste into your browser. You can also obtain this document by following the steps on this article.

Filing Details	
Court	Tarrant County - District Family
Case Number	322-744263-23
Case Style	MORGAN MICHELLE MYERS VS. CHARLES DUSTIN MYERS
Date/Time Submitted	10/7/2024 7:30 AM CST
Date/Time Accepted	10/7/2024 10:46 AM CST
Accepted Comments	
Filing Type	EFileAndServe
Filing Description	Joint Motion to Recuse
Activity Requested	Motion (No Fee)
Filed By	CHARLES MYERS
Filing Attorney	

Document Details	
Lead Document	JOINT MOTION TO RECUSE.pdf
Lead Document Page Count	149
File Stamped Copy	Download Document
This link is active for 45 days. To access this document, you will be required to enter your email address. Click here for more information.	

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For technical assistance, contact your service provider

Need Help? Help
Visit: https://efiletexas.gov/contacts.htm
Email: support@eFileTexas.gov

Please do not reply to this email. It was automatically generated.

Gmail

Charlie Vids <chuckdustin12@gmail.com>

Filing Accepted for Case: 322-744263-23; MORGAN MICHELLE MYERS VS. CHARLES DUSTIN MYERS; Envelope Number: 92989465

1 message

no-reply@efilingmail.tylertech.cloud <no-reply@efilingmail.tylertech.cloud> Thu, Oct 10, 2024 at 9:42 AM
To: CHUCKDUSTIN12@gmail.com

EFILE TEXAS.gov

Filing Accepted

Envelope Number: 92989465
Case Number: 322-744263-23
Case Style: MORGAN MICHELLE MYERS VS. CHARLES DUSTIN MYERS

The filing below was reviewed and has been accepted by the clerk's office. You may access the file stamped copy of the document filed by clicking on the below link.If the link does not work, please copy the link and paste into your browser. You can also obtain this document by following the steps on this article.

Filing Details	
Court	Tarrant County - District Family
Case Number	322-744263-23
Case Style	MORGAN MICHELLE MYERS VS. CHARLES DUSTIN MYERS
Date/Time Submitted	10/9/2024 4:21 PM CST
Date/Time Accepted	10/10/2024 9:41 AM CST
Accepted Comments	
Filing Type	EFileAndServe
Filing Description	Notice
Activity Requested	Notice
Filed By	CHARLES MYERS
Filing Attorney	

Document Details	
Lead Document	NOTICE.pdf
Lead Document Page Count	30
File Stamped Copy	Download Document
This link is active for 45 days. To access this document, you will be required to enter your email address. Click here for more information.	

Please Note: If you have not already done so, be sure to add yourself as a service contact on this case in order to receive eService.

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Email: support@eFileTexas.gov

Please do not reply to this email. It was automatically generated.

New

Gmail

Charlie Vids <chuckdustin12@gmail.com>

Filing Accepted for Case: 322-744263-23; MORGAN MICHELLE MYERS VS. CHARLES DUSTIN MYERS; Envelope Number: 93024186

1 message

no-reply@efilingmail.tylertech.cloud <no-reply@efilingmail.tylertech.cloud> Thu, Oct 10, 2024 at 2:22 PM
To: CHUCKDUSTIN12@gmail.com

EFILE TEXAS.gov

Filing Accepted

Envelope Number: 93024186
Case Number: 322-744263-23
Case Style: MORGAN MICHELLE MYERS VS. CHARLES DUSTIN MYERS

The filing below was reviewed and has been accepted by the clerk's office. You may access the file stamped copy of the document filed by clicking on the below link.If the link does not work, please copy the link and paste into your browser. You can also obtain this document by following the steps on this article.

Filing Details	
Court	Tarrant County - District Family
Case Number	322-744263-23
Case Style	MORGAN MICHELLE MYERS VS. CHARLES DUSTIN MYERS
Date/Time Submitted	10/10/2024 12:54 PM CST
Date/Time Accepted	10/10/2024 2:22 PM CST
Accepted Comments	
Filing Type	EFileAndServe
Filing Description	
Activity Requested	Request
Filed By	CHARLES MYERS
Filing Attorney	

Document Details	
Lead Document	OBJECTION AND REQUEST.pdf
Lead Document Page Count	11
File Stamped Copy	Download Document
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Please Note: If you have not already done so, be sure to add yourself as a service contact on this case in order to receive eService.

For technical assistance, contact your service provider

Need Help? Help
Visit: https://efiletexas.gov/contacts.htm
Email: support@eFileTexas.gov

Please do not reply to this email. It was automatically generated.

Gmail

Charlie Vids <chuckdustin12@gmail.com>

Notification of Service for Case: 322-744263-23, MORGAN MICHELLE MYERS VS. CHARLES DUSTIN MYERS for filing Request, Envelope Number: 93024186

no-reply@efilingmail.tylertech.cloud <no-reply@efilingmail.tylertech.cloud> Thu, Oct 10, 2024 at 12:55 PM
To: chuckdustin12@gmail.com

EFILE TEXAS.gov

Notification of Service

Case Number: 322-744263-23
Case Style: MORGAN MICHELLE MYERS VS. CHARLES DUSTIN MYERS
Envelope Number: 93024186

This is a notification of service for the filing listed. Please click the link below to retrieve the submitted document. If the link does not work, please copy the link and paste into your browser. You can also obtain this document by following the steps on this article.

Filing Details	
Case Number	322-744263-23
Case Style	MORGAN MICHELLE MYERS VS. CHARLES DUSTIN MYERS
Date/Time Submitted	10/10/2024 12:54 PM CST
Filing Type	Request
Filing Description	
Filed By	CHARLES MYERS
Service Contacts	MORGAN MICHELLE MYERS: MORGAN MYERS (morganmw02@gmail.com) Cooper Carter (coopercarter@majadmin.com) CHARLES DUSTIN MYERS: CHARLES MYERS (chuckdustin12@gmail.com) ATTORNEY GENERAL OF TEXAS: HOLLY HAYES (csd-filer-914@texasattorneygeneral.gov)

Document Details	
Served Document	Download Document
This link is active for 45 days. To access this document, you will be required to enter your email address. Click here for more information.	

Gmail

Charlie Vids <chuckdustin12@gmail.com>

Filing Accepted for Case: 322-744263-23; MORGAN MICHELLE MYERS VS. CHARLES DUSTIN MYERS; Envelope Number: 93873858

2 messages

no-reply@efilingmail.tylertech.cloud <no-reply@efilingmail.tylertech.cloud> Mon, Nov 4, 2024 at 8:59 AM
To: CHUCKDUSTIN12@gmail.com

EFILE TEXAS.gov

Filing Accepted

Envelope Number: 93873858
Case Number: 322-744263-23
Case Style: MORGAN MICHELLE MYERS VS. CHARLES DUSTIN MYERS

The filing below was reviewed and has been accepted by the clerk's office. You may access the file stamped copy of the document filed by clicking on the below link.If the link does not work, please copy the link and paste into your browser. You can also obtain this document by following the steps on this article.

Filing Details	
Court	Tarrant County - District Family
Case Number	322-744263-23
Case Style	MORGAN MICHELLE MYERS VS. CHARLES DUSTIN MYERS
Date/Time Submitted	11/4/2024 8:51 AM CST
Date/Time Accepted	11/4/2024 8:58 AM CST
Accepted Comments	
Filing Type	EFileAndServe
Filing Description	Pre-Trial Motion in Limine
Activity Requested	Motion (No Fee)
Filed By	CHARLES MYERS
Filing Attorney	

Document Details	
Lead Document	PT MOTION IN LIMINE.pdf
Lead Document Page Count	5
File Stamped Copy	Download Document
This link is active for 45 days. To access this document, you will be required to enter your email address. Click here for more information.	

Please Note: If you have not already done so, be sure to add yourself as a service contact on this case in order to receive eService.

For technical assistance, contact your service provider

Need Help? Help
Visit: https://efiletexas.gov/contacts.htm
Email: support@eFileTexas.gov

Please do not reply to this email. It was automatically generated.

---

no-reply@efilingmail.tylertech.cloud <no-reply@efilingmail.tylertech.cloud> Mon, Nov 4, 2024 at 8:59 AM
To: CHUCKDUSTIN12@gmail.com

Filing Accepted

Envelope Number: 93873858
Case Number: 322-744263-23
Case Style: MORGAN MICHELLE MYERS VS. CHARLES DUSTIN MYERS

The filing below was reviewed and has been accepted by the clerk's office. You may access the file stamped copy of the document filed by clicking on the below link.If the link does not work, please copy the link and paste into your browser. You can also obtain this document by following the steps on this article.

Filing Details	
Court	Tarrant County - District Family
Case Number	322-744263-23
Case Style	MORGAN MICHELLE MYERS VS. CHARLES DUSTIN MYERS
Date/Time Submitted	11/4/2024 8:51 AM CST
Date/Time Accepted	11/4/2024 8:58 AM CST
Accepted Comments	
Filing Type	EFileAndServe
Filing Description	PT Motion in Limine - Proposed Order
Activity Requested	Proposed Order
Filed By	CHARLES MYERS
Filing Attorney	

Document Details	
Lead Document	PT MOTION IN LIMINE - PROPOSED ORDER.pdf
Lead Document Page Count	1
File Stamped Copy	Download Document
This link is active for 45 days. To access this document, you will be required to enter your email ac[illegible]e for more information.	

Please Note: If you have not already done so, be sure to add yourself as a service contact on this case in order to receive eService.

[Quoted text hidden]

Gmail

Charlie Vids <chuckdustin12@gmail.com>

Filing Accepted for Case: 322-744263-23; MORGAN MICHELLE MYERS VS. CHARLES DUSTIN MYERS; Envelope Number: 94002696

no-reply@efilingmail.tylertech.cloud <no-reply@efilingmail.tylertech.cloud> Wed, Nov 6, 2024 at 2:56 PM
To: CHUCKDUSTIN12@gmail.com

EFILE TEXAS.gov

Filing Accepted

Envelope Number: 94002696
Case Number: 322-744263-23
Case Style: MORGAN MICHELLE MYERS VS. CHARLES DUSTIN MYERS

The filing below was reviewed and has been accepted by the clerk's office. You may access the file stamped copy of the document filed by clicking on the below link.If the link does not work, please copy the link and paste into your browser. You can also obtain this document by following the steps on this article.

Filing Details	
Court	Tarrant County - District Family
Case Number	322-744263-23
Case Style	MORGAN MICHELLE MYERS VS. CHARLES DUSTIN MYERS
Date/Time Submitted	11/6/2024 2:48 PM CST
Date/Time Accepted	11/6/2024 2:55 PM CST
Accepted Comments	
Filing Type	EFileAndServe
Filing Description	Request for oath of office records pursuant to Tex. Govt Code ???? 25.0017 and 25.0018
Activity Requested	Request
Filed By	CHARLES MYERS
Filing Attorney	

Document Details	
Lead Document	REQUEST FOR CONFIRMATION OF PROCEDURAL COMPLIANCE.pdf
Lead Document Page Count	4
File Stamped Copy	Download Document
This link is active for 45 days. To access this document, you will be required to enter your email address. Click here for more information.	

Please Note: If you have not already done so, be sure to add yourself as a service contact on this case in order to receive eService.

For technical assistance, contact your service provider

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Need Help? Help
Visit: https://efiletexas.gov/contacts.htm
Email: support@eFileTexas.gov

Please do not reply to this email. It was automatically generated.

New

EXHIBIT 5

Respondent's unopposed First Amended Motion for Temporary Orders - filed 09/27/24.

FILED
TARRANT COUNTY
9/27/2024 12:12 PM
THOMAS A. WILDER
DISTRICT CLERK

NO. 322-744263-23

IN THE 322ND DISTRICT COURT OF TARRANT COUNTY, TEXAS

IN THE MATTER OF THE MARRIAGE OF **MORGAN MICHELLE MYERS AND CHARLES DUSTIN MYERS** **AND IN THE INTEREST OF M[redacted] M[redacted] AND C[redacted] M[redacted] CHILDREN** 09/27/2024	First Amended Motion for Temporary Orders *EXPEDITED RELIEF REQUESTED BY OCTOBER 1ST, 2024*

FOREWORD

On **January 16th, 2024**, amid inclement weather, the Respondent was ordered to vacate the residency at a show cause hearing for an order of protection where a continuance was granted, and cause number **322-744263-2**3 was consolidated with cause number **322-744538-23** on the court's own motion, and the case was reset to **January 22nd, 2024**, and then again for **February 1st, 2024,** where a settlement agreement was quickly drafted and Respondent was advised to sign it by his former counsel.

This led to the subsequent termination of counsel, leaving Respondent to request an emergency hearing to vacate the associate judge's report for temporary orders, which was the only hearing to date in this case after **eight months.**

The unusual circumstances surrounding the initiation of this case warrant the court's reconsideration of the Respondent's original answer and subsequent briefs[1] filed before the initial setting. Given the evolving facts and the clear foresight demonstrated in these earlier submissions, Respondent respectfully urges the court to revisit these filings in the interest of ensuring a just resolution.

[1] **THIS PLEADING IS INTERACTIVE AND BOOKMARKED FOR THE COURT'S CONVENIENCE**

FIRST AMENDEDMOTION FOR TEMPORARY ORDERS

Pursuant to **Texas Family Code §§ 105.001(a)(3) and (a)(4)**, Respondent respectfully requests that the court issue the following temporary orders without notice or hearing to the Petitioner, for the safety and welfare of the children and in the interest of judicial economy:

1. Tex Fam. Code §§ 105.001(a)(3); (a)(4)

Temporary Orders Before Final Order

Respondent respectfully requests the court enter temporary orders:

A . **Prohibiting Petitioner, MORGAN MICHELLE MYERS**, from removing the children, **M[redacted]E[redacted]M[redacted]** and **C[redacted]R[redacted]M[redacted]** beyond [redacted], [redacted] while the case is pending, applied equally to Respondent.

B . Prohibiting Petitioner, MORGAN MICHELLE MYERS, or any third party acting on her behalf or with knowledge of this case, **from disturbing the peace and well-being of the minor children**, M[redacted] E[redacted] M[redacted] and C[redacted] R[redacted] M[redacted] **and Respondent**, CHARLES DUSTIN MYERS, during the pendency of this case, applied equally to Respondent..

2. Tex Fam. Code §§ 6.501

Temporary Restraining Order

Respondent respectfully requests that the court grant the following temporary restraining order without notice against the Petitioner in this matter:

C. Respondent, CHARLES DUSTIN MYERS, asks the court to **grant the following temporary restraining order against the Petitioner**, MORGAN MICHELLE MYERS for the **preservation of the property at** [redacted] **and for the protection of the parties**, prohibiting Petitioner, MORGAN AND CHARLES MYERS, from:

(i) intentionally communicating in person or in any other manner, including by telephone or another electronic voice transmission, video chat, in writing, or electronic messaging, with the other party by use of vulgar, profane, obscene, or indecent language or in a coarse or offensive manner, with intent to annoy or alarm the other party;

(ii) threatening the other party in person or in any other manner, including by telephone or another electronic voice transmission, video chat, in writing, or electronic messaging, to take unlawful action against any person, intending by this action to annoy or alarm the other party;

(iii) placing a telephone call, anonymously, at an unreasonable hour, in an offensive and repetitious manner, or without a legitimate purpose of communication with the intent to annoy or alarm the other party;

(iv) intentionally, knowingly, or recklessly causing bodily injury to the other party or to a child of either party;

(v) threatening the other party or a child of either party with imminent bodily injury;

(vi) intentionally, knowingly, or recklessly destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of the parties or either party with intent to obstruct the authority of the court to order a division of the estate of the parties in a manner that the court deems just and right, having due regard for the rights of each party and any children of the marriage;

(vii) intentionally falsifying a writing or record, including an electronic record, relating to the property of either party;

(viii) intentionally misrepresenting or refusing to disclose to the other party or to the court, on proper request, the existence, amount, or location of any tangible or intellectual property of the parties or either party, including electronically stored or recorded information;

(xi) intentionally or knowingly damaging or destroying the tangible or intellectual property of the parties or either party, including electronically stored or recorded information;

(x) intentionally or knowingly tampering with the tangible or intellectual property of the parties or either party, including electronically

stored or recorded information, and causing pecuniary loss or substantial inconvenience to the other party;

(xi) destroying, disposing of, or altering any e-mail, text message, video message, or chat message or other electronic data or electronically stored information relevant to the subject matter of the suit for dissolution of marriage, regardless of whether the information is stored on a hard drive, in a removable storage device, in cloud storage, or in another electronic storage medium;

(xii) using any password or personal identification number to gain access to the other party's e-mail account, bank account, social media account, or any other electronic account;

(xiii) excluding the other party from the use and enjoyment of a specifically identified residence of the other party;

3. Tex Fam. Code §§ 6.503
AFFIDAVIT, VERIFIED PLEADING, AND BOND NOT REQUIRED

D. Respondent, CHARLES DUSTIN MYERS requests the court issue the above orders without notice and hearing and in the absence of a verified pleading, affidavit, and dispense with the necessity of a bond on behalf of the parties, their children, and the protection of their property in connection with these orders pursuant to the Texas Family Code, section 6.503 without notice and hearing.

4. Extraordinary relief

E. Given the extraordinary circumstances of this case, Respondent, CHARLES DUSTIN MYERS, requests that the court order his return to the residency, where he will resume rent payments and begin transitioning and recovering from the ongoing deprivation that has lasted throughout the case. The Respondent has attached a proposed parenting plan which was overlooked on **January 16th, 2024,** when this court decided to order him to vacate the residency which he requires to financially support the Children during the pendency of the case.

F. Respondent, CHARLES DUSTIN MYERS further requests that the court vacate the orders currently in place *sua sponte* replacing them with the current orders, which will allow him to withdraw his Motion for Rehearing in the Supreme Court of Texas. Cause no. 24-0395.

G. The Respondent, CHARLES DUSTIN MYERS prays the Court will take swift action and intends to demonstrate through his actions how these orders suit the best interests of the children in this case.

H. The Respondent respectfully requests expedited action on this motion by October 1st, 2024, as he will be forced to temporarily relocate to Denton, Texas pending relief, which will further exacerbate the situation and will further separate him from his children.

CONCLUSION

i. The Petitioner appeared before this Court on December 14, 2023, requesting an ex-parte temporary order of protection, and subsequently filed a protective order on December 22, 2023. The Respondent contends that the Petitioner's narrative is an attempt to avoid accountability for her extramarital affairs which was discovered just prior to the initiation of her pleadings.

ii. While the Petitioner engaged in activities outside the marriage, the Respondent remained at home caring for the children. During the time the Petitioner pursued legal actions shortly before Christmas, the Respondent was preparing for the children's holiday. Since taking residence in the family home, the Petitioner has reportedly moved in her sister, reduced her employment to three hours per day, failed to complete the court-ordered parenting course, and is not contributing rent to her grandmother. The Respondent asserts that there is sufficient evidence on record to substantiate these claims, and predicted this exact outcome within his first pleadings within the clerk’s record, attached hereto.

iii. The Respondent believes that this case has been conducted in the best interest of the Petitioner rather than the children, a concern that has been repeatedly raised without response. The current orders in place are lack lawful foundation, and there has been minimal meaningful engagement from the Petitioner's attorney. The Respondent is concerned about the ongoing financial

erosion affecting the children's well-being and sees no logical basis to consider the existing arrangements as serving their best interests.

iv. Granting this motion would initiate a long-overdue healing process. The Petitioner should be required to explain her actions and be held accountable. The Respondent emphasizes the critical need for access to the residence to provide for the children while seeking alternative accommodations nearby. This need is argued to take precedence over the Petitioner's desire to protect herself from the consequences of her own actions.

v. The Respondent respectfully urges the Court to intervene and make a decision that genuinely serves the best interests of the children.

vi. If anything else – the orders currently in place show the truth. Mother can't pay rent, hasn't completed her responsibilities for the Children, and has reduced her employment. Father has followed all aspects of the orders that he is able to given the circumstances.

vii. So long as the Children are in Father's care and he is given a fair amount of time to transition from the residency to ensure that he may still provide for his Children financially while the case is pending, the status quo will be maintained.

viii. Father has overwhelming evidence to support all claims herein, already served to Petitioner, and without response, and already on the record.

Respondent prays that this Court will consider the totality of the case, and grant this motion to rightfully restore the status quo.

PRAYER FOR EXPEDITED RELIEF

Respondent requests the following expedited relief:

1. Vacate the current orders, which were entered in violation of the Respondent's right to due process and a fair hearing. These orders were rendered as "agreed" without the Respondent's consent and are unsupported by any motion that was properly served on him.
2. Grant the Respondent's motion for temporary orders without notice or hearing to the Petitioner, restoring the status quo for the children and enabling the Respondent to meet his financial obligations related to the Children and allow healing to begin.
3. Provide a provision allowing the Respondent to return to the residence at [redacted] where he was wrongfully removed including the option for Petitioner to reside there as well if she so chooses.
4. Strike all pleadings from the Respondent other than the Rule 12 motion to show authority and the summary judgement motion in the interest of judicial economy.
5. Grant any further relief that this Court finds equitable, just, and appropriate so that we may finally get this case headed in the right direction and in alignment with the Children's best interest.

Respectfully submitted,

Charles Dustin Myers
CHARLES DUSTIN MYERS
[redacted]
Chuckdustin12@gmail.com
817-507-6562
PRO-SE

CERTIFICATE OF CONFERENCE

Pursuant to Tarrant County Local Rules 4.01(10)(a) & 4.01(10)(b), a conference was not held with Morgan Michelle Myers due to her failure to respond to email correspondence sent on 09/24/2024. However, Respondent certifies that the merits of this First Amended Motion for Temporary Orders was fully communicated to the Petitioner and would be in the best interests of the minor children.

s Charles Dustin Myers
CHARLES DUSTIN MYERS
[redacted]
[redacted]
Chuckdustin12@gmail.com
817-507-6562
PRO-SE

CERTIFICATE OF SERVICE

Respondent hereby certifies that on **09/27/2024**, a true and correct copy of this **First Amended Motion for Temporary Orders** was served on the following parties via electronic service through the **Electronic Filing Manager (EFM) a**nd via email to the email address on record, pursuant to **Texas Rules of Civil Procedure 21(a):**

Served to:

1. Morgan Michelle Myers, Petitioner via electronic filing system.
2. Cooper Carter via electronic filing system.

Email Addresses for Service:

1. coopercarter@majadmin.com
2. morganmw02@gmail.com

/s/ Charles Dustin Myers
Charles Dustin Myers
[redacted]
[redacted]
chuckdustin12@gmail.com
817-507-6562

Automated Certificate of eService

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 92536276
Filing Code Description: Amended Filing
Filing Description: First Amended Motion for Temporary Orders
Status as of 9/27/2024 12:28 PM CST

Associated Case Party: MORGANMICHELLEMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
MORGAN MICHELLEMYERS		morganmw02@gmail.com	9/27/2024 12:12:51 PM	SENT
Cooper L.Carter		coopercarter@majadmin.com	9/27/2024 12:12:51 PM	SENT

Associated Case Party: CHARLESDUSTINMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES MYERS		chuckdustin12@gmail.com	9/27/2024 12:12:51 PM	SENT

EXHIBIT 6

Affidavit of Steve Myers

NO. _322-744263-23

IN THE MATTER OF THE MARRIAGE OF	§	IN THE DISTRICT COURT
	§	322ND JUDICIAL DISTRICT
MORGAN MYERS	§	
AND	§	TARRANT COUNTY, TEXAS
CHARLES MYERS	§	

AFFIDAVIT

THE STATE OF TEXAS

COUNTY OF Denton

BEFORE ME, the undersigned authority, on this day personally appeared Steven C. Myers, who
[PRINT the first and last names of the person who will sign this statement.]

swore or affirmed to tell truth, and stated as follows:

"My name is Steven C. Myers

[PRINT the first and last names of the person who will sign this statement.]

I am of sound mind and capable of making this sworn statement. I have personal knowledge of the facts written in this statement. I understand that if I lie in this statement I may be held criminally responsible. This statement is true.

On 2/1/2024, I was present in Tarrant County Family Court #322 waiting for Case # 322-744263-23 to be called. In the preceding case, I heard Judge Jeffrey Kaitcer give a woman instructions and then state "I can't order you to do that but if you don't, I'll sure remember it the next time you come into this court room.

Mr. Daniel R. Bacalis, attorney for Charles Dustin Myers, presented a Settlement Offer to Charles Myers. Charles Myers disagreed with the conditions in the document and advised Mr. Bacalis that he wanted to take it to trial because the petitioner did not have any evidence of family violence. Mr Basalis advised Mr. Myers that he "knows this Judge and this is the best we can get'. Mr. Bacalis stated in whining manner "We'll be here all day; we can come back and change it later". Mr Bacalis stated "no one will put a gun to your head if you are not out by March 1st.

On 3/14/2024, I was present in Tarrant County Family Court #322. Ms. Cooper Carter presented Charles Myers with a Temporary Orders document.

Prior to the proceeding, Judge Jeffrey Kaitcer mentioned "I had to stay here until 6 last night to read all your filings. I know about the summary judgement".

During the proceeding, Charles Myers attempted to raise the issue of family violence allegations being the foundation of the case and was objected for relevance and sustained by Judge Kaitcer.

Cooper Carter called Morgan Myers to testify. Norgan testified she did not feel safe around Charles Myers. On cross examination, Charles Myers asked Morgan if she waived the 60 day waiting period due to an active protective order. Charles Myers was objected for relevance and Judge Kaitcer sustained. Charles Myers then brought up section 6.405(b) of the family code which was also waived as irrelevant.

During the proceeding, Judge Jeffrey Kaitcer made a comment speaking to Charles Myers "you don't care about your kids. All you care about is your business"

Judge Jeffrey Kaitcer instructed Charles Myers to sign the temporary orders by 1:30.

[The person who has personal knowledge of this statement must sign it.

DO NOT SIGN this statement until you are in front of a notary.] State of Texas
County of Denton
[name of county where statement is notarized.]

SWORN to and SUBSCRIBED before me, the undersigned authority, on

the 24th day of October, 2024 year, by

Steven C. Myers

. [PRINT the first and last names of the person who is signing this affidavit.]

AAMIR SAJJAD
Notary Public, State of Texas
Comm. Expires 02-03-2028
Notary ID 130522665

Notary Public, State of Texas [Notary's signature.]

[Notary's seal must be included.]

EXHIBIT 7

Respondent's Original Answer
Filed 01/02/24

FILED
TARRANT COUNTY
1/2/2024 1:54 PM
THOMAS A. WILDER
DISTRICT CLERK

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA.

Cause Number 322-744538-23
(Complete the heading so that it looks exactly like the Petition)

MORGAN MICHELLE MYERS
Plaintiff (Print Full Name)

v.

CHARLES DUSTIN MYERS
Defendant (Print Full Name)

In the (check one):

322 - PRECINCT 1
Court Number

☐ District Court
☐ County Court at Law
☒ Justice Court (JP)

TARRANT County, Texas

Defendant's Answer

WARNING: Talk to a lawyer **before** filling out this form. You may accidentally give up important legal rights if you file this form with the Court without first talking to a lawyer. For example, if you file an answer, you may be agreeing that the case can move forward in Texas. For help finding a lawyer, call your local lawyer referral service. If you do not have enough money to hire a lawyer to take your whole case, you can hire a lawyer just to give you advice and help you fill out this form. This is called Limited Scope Representation. You may also be able to talk to a lawyer for free at a legal advice clinic. For help finding a free legal advice clinic go to www.TexasLawHelp.org.

INSTRUCTIONS: If you decide to use this Defendant's Answer form:

- Fill it out completely and sign it.
- File (turn in) your completed answer form at the Courthouse where the Petition was filed.
- It does not cost anything to file an answer.
- If you have been served, you have a limited time to file an answer. Counting from the day you were served, you have 20 days plus the following Monday, at 10 a.m. to file an answer. If you do not file an answer by the deadline, the Plaintiff can ask the court to enter a default judgment against you.
- Keep a copy of your answer for your records.
- Send a copy to the Plaintiff's lawyer or to the Plaintiff if they are not represented by a lawyer.
- Filing an answer usually means you have 30 days to exchange **Required Initial Disclosures**. Read more at www.TexasLawHelp.org.

1. Defendant's Information

My name is CHARLES DUSTIN MYERS. I am the Defendant in this Case.
(PRINT your full name.)

The last three numbers of my driver's license number are [redacted] My driver's license was issued in (State) TEXAS.

Or ☐ I do not have a driver's license number.

The last three numbers of my social security number are [redacted]

Or ☐ I do not have a social security number.

2. General Denial ..... Texas Rules of Civil Procedure Rule 92

I enter a general denial.

I request notice of all hearings in this case.

A CERTIFIED COPY
ATTEST: 04/15/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY /s/ Catherine Saenz

3. Specific Pleas Made Under Penalty of Perjury

Read Texas Rules of Civil Procedure Rule 93 for a list of specific pleas that must be verified or made under penalty of perjury. Ask a lawyer which specific pleas apply to your case.

I make the following specific pleas under penalty of perjury:

The Plaintiff, Morgan Michelle Myers, intentionally lied about allegations of family violence to the court, as evidenced by the complete absence of any police reports, medical records, or credible witnesses to corroborate such claims. I assert that my personal history is devoid of any such incidents and my record remains unblemished. Please see attached EXBIT B.

These unfounded allegations have caused significant undue stress and threaten the well-being of my children and myself. The claim that I have a history of family violence is categorically false and is maliciously designed to obstruct my parental rights and access to my children.

The timing and nature of these allegations suggest a strategic ploy to influence the outcome of concurrent legal proceedings — specifically, an eviction case and our ongoing divorce. It appears these claims were fabricated to leverage an advantage in these matters, rather than to protect any party from harm.

The Plaintiff also requested for joint conservatorship in the divorce and seeks co-parenting, which directly contradicts this order in and of itself.

In light of these considerations, I plead with the court to dismiss the protective order and to take appropriate measures to prevent further unwarranted with my family life and living situation, as my children's best interests remains my priority.

4. Affirmative Defenses

Read Texas Rules of Civil Procedure Rule 94 for a list of affirmative defenses. Ask a lawyer which affirmative defenses apply to your case.

Note: An affirmative defense is an independent reason that the Plaintiff should not win the lawsuit. If an affirmative defense is successful, you could win the lawsuit, even if what the Plaintiff says is true. If you file an answer and do not claim an affirmative defense, you may forever give up that defense.

I claim the affirmative defenses checked below:

- ☐ accord and satisfaction
- ☐ arbitration and award
- ☐ assumption of risk
- ☐ contributory negligence
- ☐ discharge in bankruptcy
- ☒ duress
- ☐ estoppel
- ☐ failure of consideration
- ☒ fraud
- ☒ illegality
- ☐ injury to fellow servant
- ☐ laches
- ☐ license
- ☐ release
- ☐ res judicata
- ☐ statute of frauds
- ☐ statute of limitations
- ☐ waiver

☐ I already paid the debt sued for. I paid $ _____ to _____
on _____ by _____.
(date) (check, cash, etc.)

Write any other details regarding payment of the debt here:

_____

_____

☒ I also claim these additional affirmative defenses:

Abuse of Process: The petitioner has utilized the judicial proceedings as an instrument of malice and personal vendetta, with the primary intent of causing unwarranted harm to my reputation and rights, rather than seeking legitimate redress for a valid legal grievance.

Lack of Evidence: The petitioner has failed to provide any credible evidence, such as police reports, medical documentation, or witness testimony to substantiate the allegations of family violence. My record is clear of any such incidents, underscoring the baseless nature of the allegations.

A CERTIFIED COPY
ATTEST: 04/15/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

I reserve the right to file an Amended Defendant's Answer with the Court to plead additional verified pleas, affirmative defenses and claims, cross-claims, or third-party claims, as applicable, after further investigation and discovery.

5. Request for Judgment

I ask that Plaintiff take nothing from this lawsuit. I ask for costs of court. I ask for such other and further relief, at law or in equity, to which I may be justly entitled.

Respectfully submitted,

Defendant's Signature [redacted]

CHARLES DUSTIN MYERS — 817-507-6562

Defendant's Printed Name — Phone

[redacted] — [redacted]

Mailing Address — City — State — Zip

Email: CHUCKDUSTIN12@GMAIL.COM — Fax (if available)

I understand that I must let the Court, the Plaintiff's lawyer (or the Plaintiff if the Plaintiff does not have a lawyer), and any other party or lawyer in this case know in writing if my mailing address or email address changes during this case. If I don't, any notices about this case will be sent to me at the mailing address or email address on this form.

> "Perjury" means making a false statement under oath, which is a crime, so everything in this Answer must be true.

6. Unsworn Declaration Made Under Penalty of Perjury

I make this unsworn declaration under penalty of perjury in place of verification as allowed by Texas Civil Practices and Remedies Code Section 132.001.

My name is: CHARLES (First) DUSTIN (Middle) MYERS (Last)

My date of birth is [redacted]

My address is: [redacted]

I declare **under penalty of perjury** that: 1) I am the Defendant in this case, 2) I have read this Defendant's Answer, and 3) the statements in this Defendant's Answer are within my personal knowledge and are true and correct. I understand that it is a crime to lie on this form.

Formally signed **under penalty of perjury** in TARRANT County, TEXAS State,

on this date: [redacted]

Defendant's Signature

A CERTIFIED COPY
ATTEST: 04/15/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

7. Certificate of Service

I certify that a copy of this document was delivered to the Plaintiff's lawyer or the Plaintiff (if the Plaintiff does not have a lawyer) on the same day this document was filed with (turned in to) the Court as follows: (Check one.)

- [x] through the electronic file manager if this document is being filed electronically
- [ ] by certified mail, return receipt requested
- [ ] by fax, to: _____
- [x] by personal delivery
- [x] by email to this email address: MORGANMW02@GMAIL.COM

Defendant's Signature

01/02/2024
Date

A CERTIFIED COPY
ATTEST: 04/15/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

EXHIBIT 8

Petitioner's application for protective order filed on 12/22/23

Cause No.: 322 744538 23

Applicant: MORGAN MICHELLE MYERS § In the DISTRICT Court

v. § of

Respondent: CHARLES DUSTIN MYERS § TARRANT County, Texas

FILED
TARRANT COUNTY
2023 DEC 22 PM 3:17
THOMAS A. WILDER
DISTRICT CLERK

Application for Protective Order

1 Parties

Name:	County of Residence:
Applicant: MORGAN MICHELLE MYERS	TARRANT
Respondent: CHARLES DUSTIN MYERS	TARRANT
Respondent's address for service: [redacted]	[redacted]

Check all that apply:

- ☑ The Applicant and Respondent are or were members of the same family or household.
- ☑ The Applicant and Respondent are parents of the same child or children.
- ☐ The Applicant and Respondent used to be married.
- ☐ The Applicant and Respondent are or were dating.
- ☐ The Applicant is an adult asking for protection for the Children named below from child abuse and/or family or dating violence.
- ☐ The Applicant is dating or married to a person who was married to or dating the Respondent.

2 Children: The Applicant is asking for protection for these Children under age 18:

	Name:	Is Respondent the biological parent?		County of Residence:
a.	M[redacted]	☑ Yes	☐ No	TARRANT
b.	C[redacted] R[redacted] M[redacted]	☑ Yes	☐ No	TARRANT
c.		☐ Yes	☐ No	
d.		☐ Yes	☐ No	

Check all that apply:

- ☐ Other children are listed on a sheet attached to this Application.
- ☑ The Children are or were members of the Applicant's family or household.
- ☐ The Children are the subject of a court order affecting access to them or their support.

3 Other Adults: The Applicant is asking for protection for these Adults, who are or were members of the Applicant's family or household, or are in a dating or marriage relationship with the Applicant.

	Name:	County of Residence:
a.		
b.		

4a Other Court Cases: Are there other court cases, like divorce, custody, support, involving the Applicant, Respondent, or the Children?

☑ Yes ☐ No

If "Yes," say what kind of case and if the case is active or completed.

DIVORCE - ACTIVE

If "completed," (*check all that apply*): ☐ A copy of the final order is attached.

☐ A copy of the final order will be filed before the hearing on this Application.

☐ The Texas Office of the Attorney General Child Support Division has been involved with a child support case. List the agency case number for each open case, if known. Case Number:

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DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

4b **Presumption of Family Violence**: Has the Respondent ever been convicted of or placed on deferred adjudication community supervision for any crime under Title 5 or Title 6 of the Texas Penal Code? (see list of crimes at the end of the kit)

☐Yes ☑No

If "Yes," say what kind of case:

_____

If the Respondent was convicted or placed on community supervision for a Title 5 crime, did the Court make a finding that the crime involved family violence?

☐Yes ☐No

Was the crime against a child listed in this petition under Number 2 "Children"?

☐Yes ☐No

Have the Respondent's parental rights to this child been terminated?

☐Yes ☐No

Is the Respondent seeking or attempting to seek contact with this child?

☐Yes ☐No

5 **Grounds**: Why is the Applicant asking for this Protective Order? Check one or both:

☒ The Respondent committed family violence.

☐ The Respondent violated a prior Protective Order that expired, or will expire in 30 days or less. A copy of the Order is (*check one*): ☐ Attached, or
☐ Not available now but will be filed before the hearing on this Application

The Applicant requests a PROTECTIVE ORDER and asks the Court to make all Orders marked with a check ✔

6 **✔ Orders to Prevent Family Violence**

The Applicant asks the Court to order the Respondent to (*Check all that apply*):

a. ✔ Not commit family violence against any person named on page 1 of this form.

b. ☑ Not communicate in a threatening or harassing manner with any person named on page 1 of this form.

c. ☑ Not communicate a threat through any person to any person named on page 1 of this form.

d. ☑ Not communicate or attempt to communicate in any manner with (*Check all that apply*):
☑ Applicant ☐ Children ☐ Other Adults named on page 1 of this form.
The Respondent may communicate through: _____ or other person the Court appoints. Good cause exists for prohibiting the Respondent's direct communications.

e. ☑ Not go within 200 yards of the (*Check all that apply*):
☑ Applicant ☐ Children ☐ Other Adults named on page 1 of this form.

f. ☑ Not go within 200 yards of the residence, workplace, or school of the (*Check all that apply*):
☑ Applicant ☐ Other Adults named on page 1 of this form.

g. ☑ Not go within 200 yards of the Children's residence, child-care facility, or school, except as specifically authorized in a possession schedule entered by the Court.

h. ☑ Not stalk, follow, or engage in conduct directed specifically to anyone named on page 1 of this form that is reasonably likely to harass, annoy, alarm, abuse, torment, or embarrass them, including tracking or monitoring a car or other property.

The Applicant asks the Court to:

i. ☐ Suspend any license to carry a handgun issued to the Respondent by the State of Texas.

j. ☑ Require the Respondent to complete a battering intervention and prevention program; or if no such program is available, counseling with a social worker, family service agency, physician, psychologist, licensed therapist, or licensed professional counselor; and pay all costs for the counseling or treatment ordered.

k. ☐ Prohibit the Respondent from taking, harming, threatening, or interfering with the care, custody, or control of the following pet, companion animal, or assistance animal: _____ (describe the animal).

l. ☐ Require the Respondent to follow these provisions to prevent or reduce the likelihood of family violence:

_____

The law requires a trial court issuing a protective order to prohibit the Respondent from possessing a firearm or ammunition, unless the Respondent is a peace officer actively engaged in employment as a swo[illegible] paid employee of a state agency or political subdivision.

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7 ☒ **Property Orders**

The Residence located at: [redacted]

(*Check one*): ☒ is jointly owned or leased by the Applicant and Respondent;
☐ is solely owned or leased by the Applicant; or
☐ is solely owned or leased by the Respondent; and the Respondent is obligated to support the Applicant or a child in the Applicant's possession.

The Applicant also asks the Court to make these orders (*Check all that apply*):

☒ The Applicant to have exclusive use of the Residence identified above, and the Respondent must vacate the Residence.

☒ The sheriff, constable, or chief of police shall provide a law enforcement officer to accompany the Applicant to the Residence, to inform the Respondent that the Court has ordered the Respondent excluded from the Residence, to provide protection while the Applicant takes possession of the Residence and the Respondent removes any necessary personal property, and, if the Respondent refuses to vacate the Residence, to remove the Respondent from the Residence and arrest the Respondent for violating the Court's Order.

☒ [redacted] that the Applicant and Respondent jointly own or lease:

☒ The Respondent must not damage, transfer, encumber, or otherwise dispose of any property jointly owned or leased by the parties, except in the ordinary course of business or for reasonable and necessary living expenses, including, but not limited to, removing or disabling any vehicle owned or possessed by the Applicant or jointly owned or possessed by the parties (whether so titled or not).

8 ☒ **Spousal Support Order**

The Applicant is married to the Respondent or otherwise legally entitled to support from the Respondent and asks the Court to order the Respondent to pay support in an amount set by the Court.

9 ☒ **Orders Related to Removal, Possession, and Support of Children**

The Respondent is a parent of the following of the Applicant's children: M[redacted] E[redacted] M[redacted], C[redacted] R[redacted] M[redacted]

And, the Applicant asks for these Orders in the best interest of the people named on page 1 of this form.
Check all that apply:

☒ The Respondent must not remove the children from the Applicant's possession or from their child-care facility or school, except as specifically authorized in a possession schedule entered by the Court.

☒ The Respondent must not remove the children from the jurisdiction of the Court.

☒ Establish or modify a schedule for the Respondent's possession of the Children, subject to any terms and conditions necessary for the safety of the Applicant or the Children.

☒ Require the Respondent to pay child support in an amount set by the Court.

10 ✔ **Temporary Ex Parte PROTECTIVE ORDER**

Based on the information in the attached Affidavit or Declaration, there is a clear and present danger of family violence that will cause the Applicant, Children, or Other Adults named on page 1 of this form immediate and irreparable injury, loss, and damage, for which there is no adequate remedy at law. Applicant asks the Court to issue a Temporary Ex Parte Protective Order immediately without bond, notice, or hearing.

11 ☒ **Ex Parte Order: Vacate Residence Immediately**

The Applicant now lives with the Respondent at: [redacted] or has resided at this Residence within the 30 days prior to filing this Application. The Respondent committed family violence against a member of the household within the 30 days prior to the filing of this Application, as described in the attached Affidavit or Declaration. There is a clear and present danger that the Respondent is likely to commit family violence

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against a member of the household. The Applicant is available for a hearing but asks the Court to issue a Temporary Ex Parte Protective Order immediately without bond, notice, or hearing:

- Granting the Applicant exclusive use and possession of the Residence and ordering the Respondent to vacate the Residence immediately, and remain at least 200 yards away from the Residence pending further Order of the Court; and
- Directing the sheriff, constable, or chief of police to provide a law enforcement officer to accompany the Applicant to the Residence, to inform the Respondent that the Court has ordered the Respondent to vacate the Residence, and to provide protection while the Applicant either takes possession of the Residence or removes necessary personal property.

12 ✔ Keep Information Confidential

The Applicant asks the Court to keep addresses and telephone numbers for residences, workplaces, schools, and childcare facilities confidential. The Applicant asks the Court to order the Court Clerk to strike contact information for Protected People, including: addresses, mailing addresses, county of residence, telephone numbers, places of employment, businesses, child-care facilities, and schools from the public records of the Court, and maintain a confidential record of this information. The Applicants asks the Court to prohibit the Court Clerk from releasing contact information of Protected People except to the Court or to law enforcement for the purpose of entering the information into the Department of Public Safety law enforcement information system. **The Applicant asks the Court to order that all contact information of Protected People be confidential.**

The Applicant asks the Court to order that the following person is designated as a person to receive any notice or documents filed with the Court related to the Application on behalf of the Applicant:

Name: MARGIE WILSON
Address: [redacted]

The Applicant asks the Court to order that the Applicant's address is confidential and shall only be disclosed to the Court.

WARNING: A copy of this court document will be served to the respondent with any information that you include available for public inspection. Marking the box on number 12 means that you are asking the judge to order the clerk to remove some addresses and telephone numbers from the final order in this case so that the public cannot see them. If you are requesting this, DO NOT INCLUDE this personal information in this form OR a temporary ex parte protective order form.

13 ✔ Fees And Costs

The Applicant asks the Court to order the Respondent to pay fees for service of process, all other fees and costs of Court, and reasonable attorneys' fees, if applicable.

I have read the entire Application and it is true and correct to the best of my knowledge.

▶ _____
Applicant, *Pro se*

Address where Applicant may be contacted: [redacted]

Phone # where Applicant may be contacted: [redacted] Fax #: _____
(List another address/phone if you want yours kept confidential)

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Use this form if YOU WANT your Date of Birth and Address to REMAIN CONFIDENTIAL.

You will need to have it SIGNED BY A NOTARY.

Do NOT use the Declaration form if you use this form.

AFFIDAVIT

County of TARRANT

State of Texas

My name is MORGAN ~~AF~~ MICHELLE MYERS (First Middle Last). I am 31 years old and otherwise competent to make this Affidavit. The information and events described in this Affidavit are true and correct.

1. Describe the most **recent time** the Respondent hurt you or threatened to hurt you:
TOLD ME I DESERVED TO BE BEAT UP, THAT ANOTHER WOMAN SHOULD COME "KICK MY ASS".

2. In which county did this happen? TARRANT
3. What date did this happen? 12 / 18 / 23
4. Was a weapon involved? ☐ Yes ☒ No — If yes, what kind?
5. Were any children there? ☒ Yes ☐ No — If yes, who? M[redacted] M[redacted] + C[redacted] M[redacted]
6. Did anyone call the police? ☐ Yes ☒ No — If yes, what happened?
7. Did you get medical care? ☐ Yes ☒ No — If yes, describe your injuries:

Has the Respondent ever threatened or hurt you ***before***? Describe below in detail how the Respondent threatened or hurt you, including date(s) if possible.
MULTIPLE MENTIONS OF "WE JUST NEED TO FUCK" AND OTHER SEXUALLY AGGRESSIVE COMMENTS, LAYING IN BED NAKED WHEN I PREVIOUSLY SAID I DON'T WANT TO SHOW/PARTICIPATE IN ANY ~~AF~~ PHYSICAL AFFECTION.

9. Were weapons ever involved? ☐ Yes ☒ No — If yes, what kind?
10. Were any children there? ☒ Yes ☐ No — If yes, who? M[redacted] M[redacted] + C[redacted] M[redacted]
11. Have the police ever been called? ☐ Yes ☒ No
12. Did you ever have to get medical care? ☐ Yes ☒ No — If yes, describe your injuries:

13. Has the Defendant ever been convicted of family violence? Yes (No)
If yes, list when and in which county and state the convictions occurred:

▶ [signature]
Applicant signs here

On 12 / 22 / 23 the Applicant MORGAN MYERS personally appeared before me, the undersigned notary. After being sworn, the Applicant stated that she/he is qualified to make this oath, that she/he has read the foregoing Application and Affidavit, that she/he has personal knowledge of the facts asserted, and the facts asserted are true and to the best of her/his knowledge and belief. Subscribed and sworn before me on 12 / 22 / 2023

▶ Frederick J. Willis Sr
Notary Public in and for the State of Texas

My Commission expires: 1-2-26

FREDERICK J. WILLIS SR.
Notary Public, State of Texas
Comm. Expires 01-02-2026
Notary ID 12408121-5

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ATTEST: 04/15/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz