No._____-CV

IN THE

SECOND JUDICIAL DISTRICT COURT OF APPEALS

AT FORT WORTH, TEXAS

IN RE: C.D.M., *RELATOR.*

Original Proceeding Arising Out of

the 322ND Judicial District Court of Tarrant County

Cause No. 322-744263-23 (consolidated)

Honorable James B. Munford, District Judge Presiding

Honorable Jeffrey N. Kaitcer, Associate Judge Presiding

PETITION FOR WRIT OF MANDAMUS

Respectfully submitted by:

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PRO-SE LITIGANT

Emergency Relief Requested

IDENTITY OF PARTIES AND COUNSEL

Relator certifies that the following is a list of all parties and all counsel who have appeared in this matter:

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ABBREVIATIONS AND APPENDIX REFERENCES

Abbreviations:

1. Relator C.D.M. will be referred to as "**Father**" or "**Relator**".

2. Respondents , the Honorable James Munford, district judge presiding, will be referred to as "**DJ Respondent**" and the Honorable Jeffrey Kaitcer will be referred to as "**AJ Respondent**"

4. Father's children with Mother will be referred to as "**Children**" or "**the Children**".

5. Real Party in Interest M.M.M., the Mother of the Children, will be referred to as "**Mother**" or "**Petitioner**".

6. The appendix filed with this Petition for Writ of Mandamus will be referred to as "**App.**" and will be cited by page number(s) as appropriate. **App. ___-___**.

7. A comprehensive court record is not available for this case. This is due to the absence of a court reporter at the hearings presided over by both the DJ Respondent and the AJ Respondent.

8. For efficient navigation, by clicking on "**App**" references, the Court may directly access the relevant sections in the Appendix. To return to the original point in the document after review, the Court can select the "**APPENDIX**" link located at the bottom right corner of the referenced section.

STATEMENT OF THE CASE

Nature of the Case: The underlying suit is a divorce proceeding initiated by Mother overseen by two separate Judges which waived the 60-day waiting period due to an alleged active order of protection against the Father and was consolidated with a protective order claiming harassment and sexual harassment from the Relator.

Respondents: Respondents are Hon. James Munford, presiding District Judge & Hon. Jeffrey N. Kaitcer, presiding Associate Judge of the 322nd District Court of Tarrant County, Texas.

Respondents' actions:

Both respondents contributed to the removal of an active and involved father from his children's lives, lacking judicial oversight and disregarding the facts, thereby destabilizing the children's lives, and overlooking the father's significant role. This approach not only enabled the mother's frivolous litigation but also cast a long shadow on the children's future by prioritizing unsubstantiated claims over the well-being and stability of the family.

Statement of Jurisdiction

This Honorable Court has jurisdiction to issue a writ of mandamus under Section 22.221(b) of the Texas Government Code.

Issues Presented

Issue No. 1: The District Judge prematurely removed the Father from his home and children's lives without a formal hearing, and the Associate Judge extended this separation by granting a continuance due to the Mother's last-minute acquisition of counsel, exacerbating the Father’s unjust removal, and disregarding due process and the children’s best interests.

Issue No. 2: AJ Respondent abused his discretion when rendering temporary orders affecting the parent-child relationship without notice and hearing, allowing the Mother more time to acquire Counsel while prolonging the Relator's unjustified removal from his home and business, and leaving the Children without an involved parent who provides for them out of the home, disregarding their best interests and emotional well-being entirely.

Issue No. 3: Both Respondents abused their discretion by participating in the drafting, prolonging, and subsequent upholding of temporary orders that lacked factual or legal grounding and disregarded the children’s best interests while allowing counsel to commandeer the proceedings without substantial discovery or judicial oversight, leading to the drastic upheaval of the Children’s only known way of life.

PETITION FOR WRIT OF MANDAMUS

TO THE HONORABLE JUSTICES OF THE SECOND COURT OF APPEALS:

Relator C.D.M., ("Father") submits this Petition for Writ of Mandamus, and as grounds, therefore, would show as follows:

I.

STATEMENT OF FACTS

A. Between December 14th, 2023, and December 27th, 2023, the Mother filed for two protective orders, a divorce, and influenced an eviction suit – each of them claiming family violence.

On December 14th, 2023, Mother requested an emergency ex-parte order of protection from DJ Respondent.[1]

On December 17th, 2023, the Mother's grandmother served the Relator with an eviction notice citing a yet to be filed divorce petition and protective order. On

[1] This reference can be found in the Original Petition for Divorce, page 7 under 9B. *See* ***App. 11.***

December 18th, 2024, the Mother wrote **"VOID"** on the notice in black ink and physically tore it in half.**App 1-2.**

On December 18th, 2023, The Mother filed for divorce**App. 3** waiving the 60-day waiting period claiming that an active order of protection was active against the Father.**App. 11.**

On December 22nd, 2023, the Mother filed for a Protective Order against the Father despite getting denied an emergency protective order on December 14th, 2023.**App. 15-21.**

On December 27th, 2023, The ex-parte protective order was filed with the Court against the Father, indicating a denial based on the "*Xs*" marked over the pages.**App.22-25.**

On December 28th, 2023, the Father was served with the Eviction suit initiated by the Mother's grandparents.**App. 26.** A third ex-parte protective order

was filed with the Court also containing *"Xs"* marked across the pages.**App. 27-30.**

B. Between January 2nd, 2024, and the initial Show Cause hearing scheduled for January 16th, 2024, the Father prepared his defense to address the baseless allegations of family violence made against him.[2]

On January 2nd, 2024, Father filed his answer to the protective order.**App. 31-35.** The answer was accompanied by the Father's criminal record from the Texas Department of Public Safety, marked as EXHIBIT B.**App. 36-37.**

On January 3rd, 2024, Father filed a motion to consolidate for judicial efficiency.**App. 38-41.** Father's motion to consolidate was accompanied by his Background Report for Case Consolidation.

[2] At the time of this filing, not one document has been filed corroborating the claims made by the Mother or her Counsel regarding family violence.

On January 8th, 2024, the Father filed a motion for continuance.**App. 44-46.** The Father's motion for continuance was filed with a brief attached, explaining that he had been focusing on the Children's holidays and school vacation while simultaneously battling concurrent litigation by the Mother and landlords, and was requesting the continuance to allow more time to prepare given these circumstances.**App. 47-49.**

C. On January 16th, 2024, the Father was ordered to vacate the family home and place of business on four hours' notice, and full custody was awarded to the Mother.

On January 16th, 2024, the Father was ordered to vacate his home without due process, and despite the Father's motion for continuance being granted alongside his motion for consolidation, this decision was made without any witnesses being called and before the Father could obtain legal Counsel and the hearing was re-scheduled for January 22nd, 2024.**App. 50-51.**

On the evening of January 16th, 2024, Father filed his Counterpetition for Divorce**App. 52-61**, accompanied by a comprehensive statement of context to provide insights into the case, detailing the situation, and outline the evidence the Father would present at the reset hearing on January 22nd, 2024.**App. 62-67.** Father also filed an unsworn declaration to shed light on the conspiratorial nature of the collective actions taken against him by the Mother and her family.**App. 68-71.**

D. After being removed from his home, the Father attended the eviction hearing and prevailed on January 17th, 2024.

On January 17th, 2024, less than 24 hours after being ordered to vacate the residence, the Father attended the eviction hearing at Justice of the Peace 1 in Fort Worth, Texas, where he prevailed for lack of jurisdiction.**App. 72.**

On January 19th, 2024, Father retained Counsel.

On January 19th, 2024, Father retained Counsel to advocate on his Children's behalf and represent his interests.

E. Mother's failure to acquire counsel in time for the reset hearing resulted in further delays on January 22nd, 2024, due to AJ Respondent granting her continuance.

On January 22nd, 2024, after Father acquired Counsel and attending the reset hearing, Mother failed to acquire representation until minutes before the hearing started to which a continuance was requested and subsequently granted, causing further delays in the proceedings, and prompting yet another reset for February 1st, 2024.**App. 73-74.**

F. At the next hearing on February 1st, 2024, Father's Counsel drafted an Associate Judge's Agreed Report, and

part of this agreement, Mother dropped the protective order suit against the Father while granting him temporary relief until March 1st.

On February 1st, 2024, the hearing was usurped by Father's Counsel and was suddenly focused on the drafting of an Associate Judge's Report**App. 75-80** with the addition of temporary child support to be paid by the Father**App. 76** rather than holding a hearing to discuss the issues that were directly communicated via email leading up to the hearing. The last page of the orders had specific procedural requirements that were part of the order that stated:

> "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**[3].
> 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."**App. 79.**

[3] Dan Bacalis was terminated on February 5th, 2024, by the Father, making these procedural stipulations outlined in the order arguably impossible to satisfy without modification.

The agreement allowed the Father back into the family home so he could work and regain his active role in his Children's lives until March 1st **App. 77** while simultaneously removing the Children from their own home until the same date and dropping the protective order suit initiated by the Mother which had been the basis for every decision leading up to this point in the case.**App. 77.**

G. Father terminated the services of his legal Counsel on February 5th, 2024.

On February 5th, 2024, Father's Counsel was terminated due to ineffective representation, and a notice was promptly filed with the Court.**App. 81-83.**

On February 6th, 2024, an agreed motion for withdrawal of attorney was signed by the Father and his Counsel and filed with the Court.**App. 84-87.**

H. On February 9th, 2024, Father filed his emergency motion to reconsider / vacate temporary orders.

The Father filed his motion to reconsider evidence and vacate temporary orders on **February 9th, 2024,App. 88-90**, accompanied by a detailed brief which aimed to challenge the overall foundation of the case and bring to light the procedural missteps and re-focus the case on the Children's best interests.**App. 91-98.**

I. The Order for Withdrawal of Attorney was rendered and served to all parties on February 12th, 2024.

On February 12th, 2024, the Order for Withdrawal of Attorney was filed with the Clerk containing AJ Respondent's signature dated February 8th, 2024, which stated that the Court found no pending settings or deadlines within the case.**App. 99-101.**

J. On February 13th, 2024, Father communicated with Mother's Counsel regarding the scheduling of the reconsideration motion.

On February 13th, 2024, Father reached out via email to Mother's counsel regarding the scheduling of the reconsideration motion, where she claimed that she

would have availability nearly a month later, and also claimed that she would be filing a counter-motion.[4]

K. The Father moved for a Partial Summary Judgement on February 22nd, 2024.

On February 22nd, 2024, Father filed a Motion for Partial Summary Judgement after no counter-motion was filed by Mother's Counsel with an accompanying brief to argue that the evidence and procedural history presented in the case clearly favor his position, demonstrating that the actions taken against him were not supported by the substantive facts of the case or in the best interest of the children, eliminating the need for a hearing regarding the reconsideration motion.**App. 102-111.** The Father's proposed parenting plan was attached to the motion as EXHIBIT D.**App. 112-115.**

L. On February 27th, a Notice of Hearing was served regarding Father's Reconsideration Motion.

On February 27th, a Notice of Hearing was served on all Parties scheduled for March 14th, 2024, on Father's reconsideration Motion.**App. 116-117.**

[4] This counter motion was never filed.

M. Father filed an Unsworn Declaration with the Court on March 3rd, 2024.

On March 3rd, 2024, Father filed a Notice and unsworn declaration with the Court explaining he would be unable to vacate the home by March 1st, as the Mother's employment had changed, and that it would not be in the Children's best interest.**App.118-121.**

N. Father and Mother attended the reconsideration hearing on March 14th, 2024.

On March 14th, 2024, Minutes before the hearing, Mother's Counsel hands the Father the agreed orders reduced to writing in the Courtroom, which differed from the original agreed orders signed on February 1st, 2024, such as the Father requiring to vacate the home by March 20th, rather than March 1st, and the Mother and Children being allowed to return on the 30th, not the 1st, which left a 10-day gap where neither party would be occupying the residence. Father's reconsideration motion was denied on March 14th, 2024.**App. 122.**

O. Father filed a Notice of Judicial Review With the Court on March 26th, 2024. (LINKS REDACTED DUE TO PRIVACY FOR MINORS)

On March 26th, 2024, Father filed his Second Amended Notice of Judicial Review**App. 123-171** that contains familial background history, **App.132** as well as employment history and family dynamics.**App. 133-140.** This review also contains a statement of facts with several linked documents embedded within the filing that reiterate many facts brought forth within this mandamus petition.**App.141-150.** Most critically, the Respondent's Parental Index within the document highlights the Father's pivotal role in the Children's lives throughout these proceedings.**App.151-154.**

This document also contains sworn statements from the Father's business clients that was offered at the hearing on March 14th, 2024, corroborating the Father's active involvement in the Children's lives, work ethic, and history working out of the family residence.**App.172-187.**

P. On March 26th, 2024, the Agreed Associate Judge's Report was reduced to writing and became Temporary Orders and was served on the parties.

On March 26th, 2024, the judgement and denial of Father's reconsideration motion was filed with the Clerk and served on the parties, rendering the current temporary orders**App. 188-226** effective until the signing of the final decree of divorce.**App 224.**

II.

SUMMARY OF THE ARGUMENT

The actions taken by DJ Respondent and AJ Respondent represent a clear abuse of discretion, violating the explicit statutory mandates of the Texas Family Code concerning the issuance of orders affecting conservatorship and support, without due notice and a formal hearing.

DJ Respondent overstepped by appointing the Mother as primary managing conservator of the children during

a protective order hearing, sidestepping the critical procedural requirement for evidence presentation and witness testimony. This contravenes *TEX. FAM. CODE § 105.001(b)*, which mandates that orders under subsections (a)(1), (2), or (5) — directly relevant to conservatorship — cannot be rendered absent notice and a hearing. By preemptively assigning conservatorship to the Mother under *TEX. FAM. CODE § 105.001(a)(1)*, DJ Respondent disregarded these statutory obligations, underscoring an unequivocal abuse of discretion.

Similarly, AJ Respondent compounded this disregard for statutory requirements on January 22nd, 2024. With the expiration of DJ Respondent's orders, AJ Respondent enacted temporary orders affecting the conservatorship of the children and Father's access to his residence, all without the benefit of a hearing, attributed to the Mother's last-minute retention of counsel. This action flouts the same legal requirement for notice and a hearing as outlined in *TEX. FAM. CODE § 105.001(b)*, highlighting a systemic breach of due process.

The infringement continued on February 1st, 2024, with AJ Respondent's ratification of the Agreed Associate Judge's Report, prepared by the Father's attorney, concerning "the temporary conservatorship of the children" and "temporary support of the children" as per *TEX. FAM. CODE §§ 105.001(a)(1) & (a)(2)*. The stipulation that such orders must not be rendered without a prior hearing, as per *TEX. FAM. CODE § 105.001(b)*, was once again overlooked. This neglect forced the Father into agreeing to conditions without the foundational due process, further compelling his termination of legal counsel and challenging the orders on March 14th—a challenge that was met with denial, which leads the Relator to this petition of mandamus, where he must climb Mount Everest without oxygen to preserve the stability of his Children that was swiftly discarded by both Respondents, the Mother, and both Counsel involved in this case.

Moreover, in the actions taken by AJ Respondent—specifically, the issuance of temporary orders after

providing notice and holding a hearing, but not following the procedural requirements outlined in the Agreed Associate Judge's Report—there is a clear deviation from the essential legal principle articulated in *TEX. FAM. CODE § 153.002*. This statute mandates that the best interest of the child shall be the primary consideration in decisions related to conservatorship, possession, and access. The Temporary Orders filed on March 26th, 2024, not only lacked a substantial evidentiary basis but also failed to prioritize the children's best interests as required by *Id*. This lapse, pending the final decree of divorce, significantly misapplies the statutory directive to ensure the children's welfare and best interests are at the forefront of all judicial determinations regarding their care and custody.

Collectively, these actions by DJ Respondent and AJ Respondent not only breached the Texas Family Code's procedural safeguards but also severely impacted the Father's parental rights and the Children's welfare,

and have taken the only stability the Children have ever known and turned it on its' head, underscoring the necessity for this writ of mandamus to correct these judicial missteps.

III.

ARGUMENT

A. AVAILABILITY OF MANDAMUS RELIEF

Mandamus is an appropriate remedy for a parent to attack the issuance of temporary orders in a custody proceeding, since such orders are not subject to interlocutory appeal. *Dancy v. Daggett, 815 S.W.2d 548, 549 (Tex. 1991) (per curiam).*

A writ of mandamus is the correct recourse when the trial court exhibits an abuse of discretion and there is no other adequate legal remedy available, such as an appeal. *In re Prudential Insurance Company of America, 148 S.W.3d 124, 135-36 (Tex. 2004)*

Furthermore, conservatorship determinations made after a bench trial are "subject to review only for

abuse of discretion and may be reversed only if the decision is arbitrary and unreasonable." *In re J.A.J., 243 S.W.3d 611, 616 (Tex. 2007)* quoting *Gillespie v. Gillespie, 644 S.W.2d 449, 451(Tex.1982)*

B. Issue No. 1

The District Judge prematurely removed the Father from his home, business, and children's lives without a formal hearing, and the Associate Judge extended this separation by granting a continuance due to the Mother's last-minute acquisition of counsel, exacerbating the Father's unjust removal, and disregarding due process and the children's best interests.

The *Texas Family Code* provides that "after notice and hearing, the court may render an appropriate order, including the granting of a temporary injunction for the preservation of the property and protection of the parties as deemed necessary and equitable." *Id § 6.502(a).* Considering no witnesses were called or evidence produced at the initial appearance on January 16th, 2024, the necessity of such significant actions was unreasonable.

The District Judge's directives, effectuating the Father's removal from his home, business, and the

assignment of temporary primary conservatorship to the Mother without a formal evidentiary hearing, starkly contravened statutory requirements, and due process principles. This is underscored by the clear mandate that "[c]ertain orders, such as those regarding temporary conservatorship of children, may not be rendered without notice and a hearing..." *In re S.M., 13-23-00371-CV at 11 (Tex. App. Oct 04, 2023)*, which the District Judge disregarded.

1. Unjust Consolidation and Disregard for Father's Motion

Compounding this error, the initially scheduled Show Cause hearing concerning the protective order was abruptly consolidated into the Suit Affecting the Parent-Child Relationship (SAPCR) when the Relator already had his own motion filed to consolidate the case with accompanying background facts**App.42-43** that would have shed light on the situation.

This transformation occurred without setting a first appearance for the divorce, directly conflicting with *TEX. R. CIV. P. § 245*. This rule explicitly states that the trial court "may set contested cases on written request of any party, or on the court's own motion, with reasonable notice of not less than forty-five days to the parties of a first setting for trial, or by agreement of the parties." The significance of this provision is emphasized in *In re V.J., 02-22-00233-CV (Tex. App. Aug 10, 2023)*, which affirms that "The forty-five-day notice provision of Rule 245 is mandatory."

2. Neglect of Children's Best Interests in Custody Decisions

On January 16th, 2024, this significant decision was made, effectively removing one parent from the Children's lives, and introducing instability without any consideration of the Children's best interests when "the best interest[s] of the child[ren] shall always be the primary consideration in determining

conservatorship, possession of, and access to the child[ren]." *TEX. FAM. CODE § 153.002.* The fact that the Father requires the residency for his at-home business, and given that such a business would take time to transition to an alternative residency, the DJ Respondent erred in not taking these facts into consideration when "[s]uits affecting the parent-child relationship are 'intensly fact-driven' and require courts to balance many factors." *Billisits v. Billisits, No. 03-21-00358-CV, 2023 WL 2191330, at *2 (Tex. App.—Austin Feb. 24, 2023, no pet.) (mem. op.).*

B. Issue No. 2

AJ Respondent abused his discretion when rendering temporary orders affecting the parent-child relationship without notice and hearing, allowing the Mother more time to acquire Counsel while prolonging the Relator's unjustified removal from his home and business, and leaving the Children without an involved parent who provides for them out of the home, disregarding their best interests and emotional well-being entirely.

During the rescheduled appearance on January 22nd, despite both parties being present, the Mother's last-

minute acquisition of counsel led to further delays, culminating in an Associate Judge’s Report that, once more, allocated primary conservatorship to the Mother without the foundational step of calling witnesses or presenting any evidence. This absence of procedural due diligence, in stark contrast to the paramount importance of a thorough and evidence-based consideration mandated by family law, highlights a failure to prioritize the children’s best interests.

The threshold for determining an abuse of discretion by a judicial officer, as articulated in *Bocquet v. Herring*, 972 S.W.2d 19, 21 (Tex. 1998), is whether the court’s actions were arbitrary, unreasonable, or detached from guiding legal principles or supportive evidence. By issuing temporary orders that significantly impact the parent-child relationship and the stability of the children’s environment without a duly constituted hearing or evidence evaluation, AJ Respondent's decisions manifestly contravened these criteria. The unilateral imposition of such

consequential orders, without procedural fairness or a substantiated basis, unequivocally disregarded the statutory imperative to ensure the children's best interests remains the focal point of any custody determination. *TEX. FAM. CODE § 153.002.*

C. Issue No. 3

Both Respondents abused their discretion by playing their respective parts in drafting and then upholding temporary orders that have no basis in fact or law and have taken no consideration to the Children's best interests, which resulted in turning the only stability the Children had ever known on its' head.

This abuse is manifest in two critical aspects: firstly, through a failure to exercise the discretionary powers vested by law in a manner required by the circumstances; and secondly, by making determinations that contravene established legal rules, principles, or criteria. Specifically, *In re Marriage of Runberg, 159 S.W.3d 194 (Tex. App. 2005)* elucidates that "a trial court abuses its discretion

if it declines to exercise a power of discretion vested in it by law when the circumstances require that the power be exercised; or if it arrives at its choice in violation of an applicable legal rule, principle, or criterion." This definition of judicial discretion underscores the errors committed in the present case.

1. Rather than a hearing, Counsel usurped the proceedings and began negotiations, giving no other alternative to the Relator.

On February 1, 2024, the court's proceedings took a turn that did not prioritize a hearing but rather led to negotiations culminating in an Agreed Associate Judge’s Report. This report granted the Father temporary access to his home until March 1, 2024, while paradoxically removing the Children and reaffirming the Mother's status as the primary conservator.

2. None of the factors known by the Courts for nearly half a century were applied to the Children in this case.

Long ago, *Holly v. Adams 544 S.W.2d 367 (1976)* set forth a non-exhaustive list of factors for the Court to use as guidance when the Children's best interests are at issue.

Integrating the *Holley v. Adams* factors into the narrative reveals a profound oversight by the court in recognizing the essential elements critical to the Children's best interests. Each factor, when applied to the circumstances of this case, illustrates the judicial missteps, and underscores the necessity for immediate mandamus relief to rectify these errors:

Desires of the Child

Although the children's specific desires might not be directly ascertainable due to their young ages, the stability and presence of both parents, especially the Father's significant role in their daily lives, reflect

a presumed preference for maintaining those relationships, and coincides with the public policy set forth in *TEX. FAM. CODE 153.001(a)(1).* The court's initial decision disrupted the status quo without considering the Children's need for stability.

Emotional and Physical Needs

The court's actions have inadvertently jeopardized the children's emotional security by severing their primary support system. Removing the Father, without evidence of harm, significantly impairs the children's emotional development, contrary to ensuring their well-being now and in the future.

Emotional and Physical Danger

No credible evidence was presented to suggest that the Father's presence posed any danger. Instead, the protective order and subsequent decisions were based on allegations lacking substantive proof, thereby endangering the children's emotional stability rather

than protecting it by effectively removing a parent from their lives abruptly.

Parental Abilities

The court's intervention has had a profound and detrimental effect on the children's well-being and the Relator's parenting capacity. Prior to this intervention, the Relator's ability to parent was exceptional, providing a stable and nurturing environment while also sustaining the family through his home-based business. However, the decision to remove him not only compromised his professional operations, directly impacting his financial ability to support his children, but also left the children in a situation where their primary care now falls to a mother whose ability to provide, already stretched thin by increased work hours, is further strained by the absence of the Relator's support.

Programs Available to Assist Parents

Had the Court duly considered the *Holley* factor concerning the programs available to assist the parents, it would have discerned that the necessity for such support services was effectively moot prior to its intervention. Before the court's involvement, the family operated as a cohesive unit, with the Relator adeptly managing his professional duties from home, thus ensuring the family's needs were met without external intervention. The mother, similarly, fulfilled her responsibilities independently, further evidencing the lack of reliance on support programs.

The trial Court's decision to remove the Relator from his home and disrupt his business, pivotal not only to his personal identity but crucially to his provision for the children, introduced an unwarranted destabilization into the children's lives and financial insecurity into the family structure. This intervention inadvertently necessitated a shift towards external support such as legal aid, financial assistance, and emotional counseling, which were services that were

previously unneeded due to the family's self-sufficiency and stability.

THE PLANS FOR THE CHILDREN

In the intricate web of this case, the Court's oversight has inadvertently woven a narrative that starkly contrasts the parents' approaches toward ensuring the welfare of their children. While the Relator meticulously strategized to safeguard the children's Christmas, ensuring their holiday was not marred by the ongoing legal battles, the Mother took actions that directly undermined the family's stability. Orchestrating attempts to evict the Relator right before Christmas and seeking protection from him while he was caring for the Children at home was not for any other reason to gain an unfair advantage in the divorce proceedings, which ultimately succeeded.

This systematic effort to alienate familial support and destabilize the home environment, particularly at such a critical time, not only deviates from acting in the children's best interests but also reflects a lack

of foresight and planning for their well-being. The court, through its decisions, and counsel, through their lack of due diligence, have inadvertently facilitated this disruption. The absence of any substantive evidence against the Relator further exacerbates the situation, turning the legal proceedings into a tool for personal vendetta rather than a means to serve the Children's best interests.

In her pursuit to dismantle the structure she once benefited from, the mother has not only jeopardized the family's financial foundation but also the emotional and psychological well-being of the children, without presenting any viable alternative to replace the stability she seeks to destroy. Despite reaping the benefits of the secure environment painstakingly built by the Relator, she remains resistant to obtaining full-time employment, exhibiting a glaring absence of any strategic plan for the future. This decision-making void, indicative of a lack of commitment to the children's long-term welfare, starkly undermines the

core principle of acting in the children's best interests. The court's failure to recognize this lack of foresight and the detrimental effects of her actions not only exacerbates the family's predicament but also challenges the premise of equitable legal intervention aimed at safeguarding the children's future.

The Relator's meticulously devised plan to relocate to a nearby residence was crafted with dual objectives: to ensure his children benefit from continuous, meaningful parental interaction, and to allow for the careful transition of his business operations—a cornerstone of the family's financial stability. This proposal embodies a deep-seated commitment to the Children's emotional well-being and the family's economic health, demanding a period for thoughtful implementation. Contrastingly, this well-intentioned plan meets with unwarranted judicial restrictions that significantly curtail his parental involvement and challenge his professional continuity.

While the Relator's plan was a testament to forward-thinking and stability, ensuring the children's access to both parents without sacrificing the family's livelihood, the response it elicited from the judicial system, influenced by the other parent's actions, underscores a lack of similar strategic planning for the children's future well-being.

Stability of the Home Environment

The decisions have removed the children from a stable home environment, undermining their sense of security and continuity. The Father's efforts to provide stability have been disregarded, now only able to see his Children at various family member’s houses and hotels across the Tarrant County while relief is sought. The Mother’s home environment, now void of a stay-at-home parent, had the stability

removed from it rather than preserved during the pendency of the case.

Acts or Omissions Indicating the Existing Parent-Child Relationship is not Proper

The Father’s consistent advocacy for his children's best interests starkly contrasts with any claims against him, for which no substantial evidence was provided. The Court's reliance on unsubstantiated allegations rather than on factual evidence of the Father's dedication highlights a significant judicial oversight and warrants mandamus relief and a temporary stay of the proceedings, affording the Relator re-entry to his home, his business, and most importantly: his Children’s lives until alternative residency can be established by vacating the order.

IV.

CONCLUSON

Granting this writ of mandamus is not only profoundly beneficial for the children by

reinstating their father into the family home and his essential business operations but also places a negligible burden on the Mother. This action's necessity is compellingly highlighted in *In re Team Rocket, L.P.,* which asserts, "The adequacy of an appellate remedy must be determined by balancing the benefits of mandamus review against the detriments." *Id at 256 S.W.3d 257, 262 (Tex. 2008)*. This principle underscores the critical importance of immediate judicial intervention in this case, where the balance decidedly favors the restoration of the Father's roles, both as a parent and a provider.

The Mother's decision to live elsewhere, driven by personal choices rather than any substantiated need for protection, should not preclude the children from maintaining a stable and nurturing environment with their Father. Available alternative residencies nearby afford a practical solution for both parents to continue playing active roles in their children's lives amidst the legal proceedings. This arrangement

would also facilitate the Father’s endeavor to transition his home-based business to a new location, an objective that current restrictions render impossible.

PRAYER

Wherefore premises considered, for all the foregoing reasons alleged and briefed herein, Relator C.D.M. prays that this court grant him mandamus relief and order AJ Respondent to vacate the current temporary orders that have no factual backing, thereby restoring the status quo to the Children’s lives, the Relator's business, and restoring the stability the Children have always known while the case is pending and until the Relator can have a reasonable amount of time to transition from the family home.

Relator C.D.M. further requests that this court grant him such other relief both general and special, at law or in equity, to which he may show himself to be justly entitled.

Respectfully submitted,

C.D.M.
/s/ C. D. M.
Pro-Se Litigant
chuckdustin12@gmail.com

CERTIFICATION OF FACTS AND VERIFICATION OF RECORD

Before me, the undersigned authority, on this day personally appeared Realtor, C.D.M., and upon his oath, stated that (i) he is self-represented in this cause; (ii) he has reviewed the Petition for Writ of Mandamus and concluded that every factual statement in the petition is supported by competent evidence included in the appendix and supplemental electronic appendix; and (3) the items in the appendix and supplemental electronic appendix are true and correct copies of documents material to Relator's claims and are either pleadings that are on file in the underlying suit, links to documents found on the clerk's record, or orders signed by the Trial Court in the underlying suit.

/s/ C.D.M.

C.D.M.

Subscribed and sworn on April 5, 2024.

ANDREW MYERS
Notary Public, State of Texas
Comm. Expires 04-21-2027
Notary ID 134320689

_____

Notary Public for and in the State of Texas

CERTIFICATE OF RELATOR REGARDING WORD COUNT

Pursuant to rule 9 of the Texas Rules of Appellate Procedure, I certify that the word count in this Petition for Writ of Mandamus, excluding the caption and introductory matters, signature, proof of service, certification, certificate of compliance, and appendix, totals **4,751** words.

/s/ C. D. M.
C. D. M.

Certificate of Service

I certify that a true copy of this Notice for Emergency Relief was served in accordance with Rule 21a of the Texas Rules of Civil Procedure on the following on **04-05-2024:**

Cooper L. Carter by EMAIL/ESERVE at COOPERCARTER@MAJADMIN@COM

M. M. M. (Mother) by EMAIL/ESERVE at MORGANMW02@GMAIL.COM

Hon James B. Munford by ELECTRONIC SERVICE

Presiding District Judge, 322nd District Court of Tarrant County

200 E Weatherford St, Fort Worth, TX 76102

Hon Jeffrey N. Kaitcer by ELECTRONIC SERVICE

Presiding Associate Judge, 322nd District Court of Tarrant County

200 E Weatherford St, Fort Worth, TX 76102

/s/ C. D. M.
C. D. M.

Pro Se

No_____ -CV

IN THE COURT OF APPEALS FOR THE SECOND JUDICIAL DISTRICT

FORT WORTH, TEXAS

IN RE: C.D.M, *Relator*

Original Proceeding Arising Out of

the 322nd District Court, Tarrant County

Cause No. 322-744263-23(consolidated)

(Honorable James B. Munford, District Judge Presiding

Honorable Jeffrey N. Kaitcer, Associate Judge Presiding)

Appendix

In support of this petition, Relator submits this Appendix in compliance with Rule 52.3(j) of the Texas Rules of Appellate Procedure:

1. Ex-Parte Temporary Order.....12.14.2023
2. Original Petition for Divorce.....12.18.2023
3. Application for Protective Order.....12.22.2023
4. Ex-Parte Temporary Orde.....12.27.2023

5. Ex-Parte Temporary Order.....12.28.2023
6. Answer to Protective Order.....01.02.2024
7. Motion to Consolidate.....01.03.2024
8. Cases Background For Consolidation.....01.03.2024
9. Motion of Continuance.....01.06.2024
10. Motion of Continuance Brief.....01.06.2024
11. COMPREHENSIVE STATEMENT OF CONTEXT.....01.06.2024
12. Unsworn Declaration - General (1).....01.07.2024
13. Initial temporary orders.....01.17.2024
14. Second temporary orders.....01.23.2024
17. NOTICE OF TERMINATION OF COUNSEL.....02.05.2024
18. Agreed Motion for Withdrawal of Atty...02.06.2024
19. Agreed Associate Judge’s Report.....02.08.2024
21. MOTION TO VACATE TEMPORARY ORDERS.....02.09.2024
22. ORDER FOR WITHDRAWAL OF ATTORNEY.....02.12.2024
23. MOTION FOR SUMMARY JUDGEMENT – BRIEF.. 02.22.2024
24. EXHIBIT D –PROPOSED PARENTING PLAN.....02.22.2024
25. NOTICE OF HEARING FOR 03/14.....02.27.2024
26. NOTICE_UNSWORN_DECLARATION.....03.03.2024
27. NOTICE FOR JUDICIAL REVIEW.....03.23.2024
28. ORDER ON RECONSIDERATION MOTION.....03.23.2024
29. DANNY SLADE AFFIDAVIT.....03.23.2024
30. AARON WATSON AFFIDAVIT.....03.23.2024
31. LUZ_OBLE_AFFIDAVIT.....03.23.2024
32. JOHN VALERA AFFIDAVIT.....03.23.2024

33. BRIANNA GALBO AFFIDAVIT.....03.23.2024
34. CHRISTIAN VROOM AFFIDAVIT.....03.23.2024
35. MORVAN AFFIDAVIT.....03.23.2024
36. Current Temporary Orders.....03.26.2024
37. TEX. FAM. CODE § 105.001(b)
38. TEX. FAM. CODE § 105.001(a)(1)
39. TEX. FAM. CODE § 153.002
40. TEX.R.CIV.P. § 245

Relator notes the absence of a court-reported record for this case, significantly hindering the ability to provide a verbatim transcript of proceedings crucial to this mandamus action. Notably, the only witness called during these proceedings was the mother, primarily for securing legal fees for the March 14th motion for reconsideration. This unique circumstance, compounded by the lack of a court reporter, accentuates the need for the Court's detailed review of the attached appendix. This appendix, containing all relevant documents filed in compliance with statutory requirements and unopposed to date, forms the core evidence for the Court's consideration. Despite these procedural anomalies, the Relator believes the submitted documents will sufficiently support the Petition for Writ of Mandamus.

FILED
TARRANT COUNTY
3/26/2024 3:19 PM
THOMAS A. WILDER
DISTRICT CLERK

CAUSE NO. 322-744263-23

IN THE MATTER OF THE MARRIAGE OF	§	**IN THE DISTRICT COURT**
[redacted]	§	
AND	§	**322ND JUDICIAL DISTRICT**
[redacted]	§	
AND IN THE INTEREST OF	§	
[redacted] **AND** [redacted]	§	**TARRANT COUNTY, TEXAS**
[redacted], **CHILDREN**		

TEMPORARY ORDERS

On February 8, 2024, the Court heard Petitioner's motion for temporary orders.

Appearances

Petitioner, [redacted], appeared in person and through attorney of record, Cooper L. Carter, and announced ready and signed an Associate Judge's Report regarding Agreed Temporary Orders.

Respondent, [redacted], appeared in person and through attorney of record, Daniel Bacalis, and announced ready and signed an Associate Judge's Report regarding Agreed Temporary Orders.

The parties have agreed to the terms of this order as evidenced by the signatures below.

Jurisdiction

The 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.

Children

The following orders are for the safety and welfare and in the best interest of the

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following children:

Name:	[redacted]
Sex:	Female
Birth date:	7 years
Home state:	Texas

Name:	[redacted]
Sex:	Female
Birth date:	5 years
Home state:	Texas

Conservatorship

IT IS ORDERED that [redacted] and [redacted] are appointed Temporary Joint Managing Conservators of the following children: [redacted] and [redacted]

IT IS ORDERED that, at all times, [redacted], as a parent temporary joint managing conservator, shall have the following rights:

1. the right to receive information from any other conservator of the children concerning the health, education, and welfare of the children;

2. the right to confer with the other parent to the extent possible before making a decision concerning the health, education, and welfare of the children;

3. the right of access to medical, dental, psychological, and educational records of the children;

4. the right to consult with a physician, dentist, or psychologist of the children;

5. the right to consult with school officials concerning the children's welfare and educational status, including school activities;

6. the right to attend school activities, including school lunches, performances, and field trips;

7. the right to be designated on the children's records as a person to be notified in case of an emergency;

8. the right to consent to medical, dental, and surgical treatment during an

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emergency involving an immediate danger to the health and safety of the children; and

9. the right to manage the estates of the children to the extent the estates have been created by the parent's family or by the parent, other than by the community or joint property of the parent.

IT IS ORDERED that, at all times, [redacted], as a parent temporary joint managing conservator, shall have the following rights:

1. the right to receive information from any other conservator of the children concerning the health, education, and welfare of the children;

2. the right to confer with the other parent to the extent possible before making a decision concerning the health, education, and welfare of the children;

3. the right of access to medical, dental, psychological, and educational records of the children;

4. the right to consult with a physician, dentist, or psychologist of the children;

5. the right to consult with school officials concerning the children's welfare and educational status, including school activities;

6. the right to attend school activities, including school lunches, performances, and field trips;

7. the right to be designated on the children's records as a person to be notified in case of an emergency;

8. the right to consent to medical, dental, and surgical treatment during an emergency involving an immediate danger to the health and safety of the children; and

9. the right to manage the estates of the children to the extent the estates have been created by the parent's family or by the parent, other than by the community or joint property of the parent.

IT IS ORDERED that, at all times, [redacted] and [redacted], as parent temporary joint managing conservators, shall each have the following duties:

1. the duty to inform the other conservator of the children in a timely manner of significant information concerning the health, education, and welfare of the children;

2. the duty to inform the other conservator of the children if the conservator resides with for at least thirty days, marries, or intends to marry a person who the conservator knows is

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registered as a sex offender under chapter 62 of the Texas Code of Criminal Procedure or is currently charged with an offense for which on conviction the person would be required to register under that chapter. IT IS ORDERED that notice of this information shall be provided to the other conservator of the children as soon as practicable, but not later than the fortieth day after the date the conservator of the children begins to reside with the person or on the tenth day after the date the marriage occurs, as appropriate. IT IS ORDERED that the notice must include a description of the offense that is the basis of the person's requirement to register as a sex offender or of the offense with which the person is charged. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE;

3. the duty to inform the other conservator of the children if the conservator establishes a residence with a person who the conservator knows is the subject of a final protective order sought by an individual other than the conservator that is in effect on the date the residence with the person is established. IT IS ORDERED that notice of this information shall be provided to the other conservator of the children as soon as practicable, but not later than the thirtieth day after the date the conservator establishes residence with the person who is the subject of the final protective order. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE;

4. the duty to inform the other conservator of the children if the conservator resides with, or allows unsupervised access to a child by, a person who is the subject of a final protective order sought by the conservator after the expiration of sixty-day period following the date the final protective order is issued. IT IS ORDERED that notice of this information shall be provided to the other conservator of the children as soon as practicable, but not later than the ninetieth day after the date the final protective order was issued. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE; and

5. the duty to inform the other conservator of the children if the conservator is the subject of a final protective order issued after the date of the order establishing conservatorship. IT IS ORDERED that notice of this information shall be provided to the other conservator of the children as soon as practicable, but not later than the thirtieth day after the date the final protective order was issued. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE.

IT IS ORDERED that, during her periods of possession, [redacted], as parent temporary joint managing conservator, shall have the following rights and duties:

1. the duty of care, control, protection, and reasonable discipline of the children;

2. the duty to support the children, including providing the children with clothing, food, shelter, and medical and dental care not involving an invasive procedure;

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3. the right to consent for the children to medical and dental care not involving an invasive procedure; and

4. the right to direct the moral and religious training of the children.

IT IS ORDERED that, during his periods of possession, [redacted], as parent temporary joint managing conservator, shall have the following rights and duties:

1. the duty of care, control, protection, and reasonable discipline of the children;

2. the duty to support the children, including providing the children with clothing, food, shelter, and medical and dental care not involving an invasive procedure;

3. the right to consent for the children to medical and dental care not involving an invasive procedure; and

4. the right to direct the moral and religious training of the children.

IT IS ORDERED that [redacted], as a parent temporary joint managing conservator, shall have the following rights and duty:

1. the independent right to consent to medical, dental, and surgical treatment involving invasive procedures;

2. the independent right to consent to psychiatric and psychological treatment of the children;

3. the independent right to receive and give receipt for periodic payments for the support of the children and to hold or disburse these funds for the benefit of the children;

4. the independent right to represent the children in legal action and to make other decisions of substantial legal significance concerning the children;

5. the independent right to consent to marriage and to enlistment in the armed forces of the United States;

6. the independent right to make decisions concerning the children's education;

7. except as provided by section 264.0111 of the Texas Family Code, the independent right to the services and earnings of the children;

8. except when a guardian of the children's estates or a guardian or attorney ad litem has been appointed for the children, the independent right to act as an agent of the children in

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relation to the children's estates if the children's action is required by a state, the United States, or a foreign government;

9. the right, subject to the agreement of the other conservator, to apply for passports for the children, to renew the children's passports, and to maintain possession of the children's passports; and

10. the independent duty to manage the estates of the children to the extent the estates have been created by the community or joint property of the parent.

IT IS ORDERED that [redacted], as a parent temporary joint managing conservator, shall have the following rights and duty:

1. the independent right to consent to medical, dental, and surgical treatment involving invasive procedures;

2. the independent right to consent to psychiatric and psychological treatment of the children;

3. the independent right to receive and give receipt for periodic payments for the support of the children and to hold or disburse these funds for the benefit of the children;

4. the independent right to represent the children in legal action and to make other decisions of substantial legal significance concerning the children;

5. the independent right to consent to marriage and to enlistment in the armed forces of the United States;

6. the independent right to make decisions concerning the children's education;

7. except as provided by section 264.0111 of the Texas Family Code, the independent right to the services and earnings of the children;

8. except when a guardian of the children's estates or a guardian or attorney ad litem has been appointed for the children, the independent right to act as an agent of the children in relation to the children's estates if the children's action is required by a state, the United States, or a foreign government;

9. the right, subject to the agreement of the other conservator, to apply for passports for the children, to renew the children's passports, and to maintain possession of the children's passports; and

10. the independent duty to manage the estates of the children to the extent the estates have been created by the community or joint property of the parent.

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Notwithstanding any provision in this order to the contrary, IT IS ORDERED that MORGAN MYERS shall have the exclusive right to enroll the children in school. Each conservator, during that conservator's period of possession, is ORDERED to ensure the children's attendance in the schools in which [redacted] has enrolled the children.

The Court finds that, in accordance with section 153.001 of the Texas Family Code, it is the public policy of Texas to assure that children will have frequent and continuing contact with parents who have shown the ability to act in the best interest of the child; to provide a safe, stable, and nonviolent environment for the child; and to encourage parents to share in the rights and duties of raising their child after the parents have separated or dissolved their marriage. IT IS ORDERED that the primary residence of the children shall be within Tarrant County, Texas, and counties contiguous to Tarrant County, Texas, and the parties shall not remove the children from Tarrant County, Texas, and counties contiguous to Tarrant County, Texas for the purpose of changing the primary residence of the children until this geographic restriction is modified by further order of the court of continuing jurisdiction or by a written agreement that is signed by the parties and filed with that court.

Except as expressly provided otherwise in this temporary order, IT IS ORDERED that all information of which a conservator is required to notify the other conservator and all documents and information that a conservator is required to provide to the other conservator shall be sent in the following manner:

a. delivery to the recipient at the recipient's electronic mail address as follows or to such other electronic mail address subsequently designated by the recipient:

[redacted] morganm202@gmail.com

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and in the event of any change in a recipient's electronic mail address, that recipient is ORDERED to notify the other recipient of such change in writing within twenty-four hours after the change.

If a party applies for a passport for the children, that party, is ORDERED to notify the other party of that fact no later than 10 days after the application.

IT IS ORDERED that if a parent's consent is required for the issuance or renewal of a passport, that parent shall provide that consent in writing no later than ten days after receipt of the consent documents, unless the parent has good cause for withholding that consent.

Possession and Access

IT IS ORDERED that nothing in this order shall supercede any term of any protective order or condition of bond, probation, or parole.

1. Standard Possession Order

IT IS ORDERED that each conservator shall comply with all terms and conditions of this Standard Possession Order. IT IS ORDERED that this Standard Possession Order is effective immediately and applies to all periods of possession occurring on and after the date the Court signs this Standard Possession Order. IT IS, THEREFORE, ORDERED:

(a) Definitions

1. In this Standard Possession Order "school" means the elementary or secondary school in which the child is enrolled or, if the child is not enrolled in an elementary or secondary school, the public school district in which the child primarily resides.

2. In this Standard Possession Order "child" includes each child, whether one or more, who is a subject of this suit while that child is under the age of eighteen years and not otherwise emancipated.

(b) Mutual Agreement or Specified Terms for Possession

IT IS ORDERED that the conservators shall have possession of the child at times mutually agreed to in advance by the parties, and, in the absence of

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mutual agreement, it is ORDERED that the conservators shall have possession of the child under the specified terms set out in this Standard Possession Order.

(c) When Parents Reside 50 Miles or Less Apart

Except as otherwise expressly provided in this Standard Possession Order, when [redacted] resides 50 miles or less from the primary residence of the child, [redacted] shall have the right to possession of the child as follows:

1. Weekends –

On weekends that occur during the regular school term, beginning at the time the child's school is regularly dismissed, on the first, third, and fifth Friday of each month and ending at the time the child's school resumes after the weekend.

On weekends that do not occur during the regular school term, beginning at 6:00 P.M., on the first, third, and fifth Friday of each month and ending at 6:00 P.M. on the following Sunday.

2. Weekend Possession Extended by a Holiday –

Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by [redacted] [redacted] begins on a student holiday or a teacher in-service day that falls on a Friday during the regular school term, as determined by the school in which the child is enrolled, or a federal, state, or local holiday that falls on a Friday during the summer months when school is not in session, that weekend period of possession shall begin at the time the child's school is regularly dismissed on the Thursday immediately preceding the student holiday or teacher in-service day and 6:00 p.m. on the Thursday immediately preceding the federal, state, or local holiday during the summer months.

Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by [redacted] [redacted] ends on or is immediately followed by a student holiday or a teacher in-service day that falls on a Monday during the regular school term, as determined by the school in which the child is enrolled, or a federal, state, or local holiday that falls on a Monday during the summer months when school is not in session, that weekend period of possession shall end at 8:00 a.m. on Tuesday.

3. Thursdays - On Thursday of each week during the regular school term, beginning at the time the child's school is regularly dismissed and ending at the time the child's school resumes on Friday.

4. Spring Vacation in Even-Numbered Years - In even-numbered

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years, beginning at the time the child's school is dismissed and ending at 6:00 P.M. on the day before school resumes after that vacation.

5. Extended Summer Possession by [redacted]-

With Written Notice by April 1 - If [redacted] gives [redacted] written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, [redacted] shall have possession of the child for thirty days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year, to be exercised in no more than two separate periods of at least seven consecutive days each, as specified in the written notice. These periods of possession shall begin and end at 6:00 P.M. on each applicable day.

Without Written Notice by April 1 - If [redacted] does not give [redacted] written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, [redacted] shall have possession of the child for thirty consecutive days in that year beginning at 6:00 P.M. on July 1 and ending at 6:00 P.M. on July 31.

Notwithstanding the Thursday periods of possession during the regular school term and the weekend periods of possession ORDERED for [redacted], it is expressly ORDERED that [redacted] shall have a superior right of possession of the child as follows:

1. Spring Vacation in Odd-Numbered Years - In odd-numbered years, beginning at the time the child's school is dismissed and ending at 6:00 P.M. on the day before school resumes after that vacation.

2. Summer Weekend Possession by [redacted] - If [redacted] gives [redacted] written notice by April 15 of a year, [redacted] shall have possession of the child on any one weekend beginning at 6:00 P.M. on Friday and ending at 6:00 P.M. on the following Sunday during any one period of the extended summer possession by [redacted] in that year, provided that [redacted] picks up the child from [redacted] and returns the child to that same place and that the weekend so designated does not interfere with Father's Day possession. Not later than the fifteenth day before the Friday that begins the designated weekend, [redacted] MORGAN MYERS is to pick up and return the child.

3. Extended Summer Possession by [redacted] - If [redacted] gives [redacted] written notice by April 15 of a year or gives [redacted] fourteen days' written notice on or after April 16 of a year, [redacted] may designate one weekend beginning no

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earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation, during which an otherwise scheduled weekend period of possession by [redacted] shall not take place in that year, provided that the weekend so designated does not interfere with [redacted] period or periods of extended summer possession or with Father's Day possession.

Notwithstanding the weekend and Thursday periods of possession of [redacted] and [redacted] shall have the right to possession of the child as follows:

1. Christmas Holidays in Even-Numbered Years - In even-numbered years, [redacted] shall have the right to possession of the child beginning at the time the child's school is dismissed for the Christmas school vacation and ending at noon on December 28, and [redacted] shall have the right to possession of the child beginning at noon on December 28 and ending at 6:00 P.M. on the day before school resumes after that Christmas school vacation.

2. Christmas Holidays in Odd-Numbered Years - In odd-numbered years, [redacted] shall have the right to possession of the child beginning at the time the child's school is dismissed for the Christmas school vacation and ending at noon on December 28, and [redacted] shall have the right to possession of the child beginning at noon on December 28 and ending at 6:00 P.M. on the day before school resumes after that Christmas school vacation.

3. Thanksgiving in Odd-Numbered Years - In odd-numbered years, [redacted] shall have the right to possession of the child beginning at the time the child's school is dismissed before Thanksgiving and ending at 6:00 P.M. on the Sunday following Thanksgiving.

4. Thanksgiving in Even-Numbered Years - In even-numbered years, [redacted] shall have the right to possession of the child beginning at the time the child's school is dismissed before Thanksgiving and ending at 6:00 P.M. on the Sunday following Thanksgiving.

5. Child's Birthday - If a parent is not otherwise entitled under this Standard Possession Order to present possession of a child on the child's birthday, that parent shall have possession of the child and the child's minor siblings beginning at 6:00 P.M. and ending at 8:00 P.M. on that day, provided that that parent picks up the child from the other parent's residence and returns the child to that same place.

6. Father's Day - [redacted] shall have the right to possession of the child each year, beginning at 6:00 P.M. on the Friday preceding

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Father's Day and ending at 8:00 a.m. on the Monday after Father's Day, provided that if [redacted] is not otherwise entitled under this Standard Possession Order to present possession of the child, he shall pick up the child from [redacted] residence and return the child to that same place.

7. Mother's Day - [redacted] shall have the right to possession of the child each year, beginning at the time the child's school is regularly dismissed on the Friday preceding Mother's Day and ending at the time the child's school resumes after Mother's Day, provided that if [redacted] not otherwise entitled under this Standard Possession Order to present possession of the child, she shall pick up the child from [redacted] residence and return the child to that same place.

(d) When Parents Reside More than 50 Miles but 100 Miles or Less Apart

Except as otherwise expressly provided in this Standard Possession Order, when [redacted] resides more than 50 Miles but 100 miles or less from the primary residence of the child, [redacted] shall have the right to possession of the child as follows:

1. Weekends –

On weekends that occur during the regular school term, beginning at the time the child's school is regularly dismissed, on the first, third, and fifth Friday of each month and ending at the time the child's school resumes after the weekend.

On weekends that do not occur during the regular school term, beginning at 6:00 P.M., on the first, third, and fifth Friday of each month and ending at 6:00 P.M. on the following Sunday.

2. Weekend Possession Extended by a Holiday –

Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by [redacted] begins on a student holiday or a teacher in-service day that falls on a Friday during the regular school term, as determined by the school in which the child is enrolled, or a federal, state, or local holiday that falls on a Friday during the summer months when school is not in session, that weekend period of possession shall begin at the time the child's school is regularly dismissed on the Thursday immediately preceding the student holiday or teacher in-service day and 6:00 p.m. on the Thursday immediately preceding the federal, state, or local holiday during the summer months.

Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by [redacted] ends on or is immediately followed by a student holiday or a teacher in-service day that falls on

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a Monday during the regular school term, as determined by the school in which the child is enrolled, that weekend period of possession shall end at 8:00 a.m. on Tuesday.

Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by [redacted] ends on or is immediately followed by a federal, state, or local holiday that falls on a Monday during the summer months when school is not in session, that weekend period of possession shall end at 6:00 P.M. on that Monday.

3. Thursdays - On Thursday of each week during the regular school term, beginning at the time the child's school is regularly dismissed and ending at the time the child's school resumes on Friday.

4. Spring Vacation in Even-Numbered Years - In even-numbered years, beginning at the time the child's school is dismissed for the school's spring vacation and ending at 6:00 P.M. on the day before school resumes after that vacation.

5. Extended Summer Possession by CHARLES MYERS –

With Written Notice by April 1 - If [redacted] gives [redacted] written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, [redacted] shall have possession of the child for thirty days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year, to be exercised in no more than two separate periods of at least seven consecutive days each, as specified in the written notice. These periods of possession shall begin and end at 6:00 P.M. on each applicable day.

Without Written Notice by April 1 - If [redacted] does not give [redacted] written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, [redacted] shall have possession of the child for thirty consecutive days in that year beginning at 6:00 P.M. on July 1 and ending at 6:00 P.M. on July 31.

Notwithstanding the Thursday periods of possession during the regular school term and the weekend periods of possession ORDERED for [redacted] it is expressly ORDERED that [redacted] shall have a superior right of possession of the child as follows:

1. Spring Vacation in Odd-Numbered Years - In odd-numbered years, beginning at the time the child's school is dismissed for the school's spring vacation and ending at 6:00 P.M. on the day before school resumes after that vacation.

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2. Summer Weekend Possession by [redacted] - If [redacted] gives [redacted] written notice by April 15 of a year, [redacted] shall have possession of the child on any one weekend beginning at 6:00 P.M. on Friday and ending at 6:00 P.M. on the following Sunday during any one period of the extended summer possession by [redacted] in that year, provided that [redacted] picks up the child from [redacted] and returns the child to that same place and that the weekend so designated does not interfere with Father's Day possession. Not later than the fifteenth day before the Friday that begins the designated weekend, [redacted] must give [redacted] written notice of the location at which [redacted] is to pick up and return the child.

3. Extended Summer Possession by [redacted] - If [redacted] gives [redacted] written notice by April 15 of a year or gives CHARLES MYERS fourteen days' written notice on or after April 16 of a year, MORGAN MYERS may designate one weekend beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation, during which an otherwise scheduled weekend period of possession by [redacted] shall not take place in that year, provided that the weekend so designated does not interfere with [redacted] period or periods of extended summer possession or with Father's Day possession.

(e) Parents Who Reside More Than 100 Miles Apart

Except as otherwise expressly provided in this Standard Possession Order, when [redacted] resides more than 100 miles from the residence of the child, [redacted] shall have the right to possession of the child as follows:

1. Weekends - Unless [redacted] elects the alternative period of weekend possession described in the next paragraph, [redacted] shall have the right to possession of the child on weekends beginning at 6:00 P.M., on the first, third, and fifth Friday of each month and ending at 6:00 P.M. on the following Sunday.

Alternate Weekend Possession - In lieu of the weekend possession described in the foregoing paragraph, [redacted] shall have the right to possession of the child not more than one weekend per month of [redacted] choice beginning at 6:00 P.M. on the day school recesses for the weekend and ending at 6:00 P.M. on the day before school resumes after the weekend. [redacted] may elect an option for this alternative period of weekend possession by giving written notice to [redacted] within ninety days after the parties begin to reside more than 100 miles apart. If [redacted] makes this election, [redacted] shall give [redacted]

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fourteen days' written or telephonic notice preceding a designated weekend. The weekends chosen shall not conflict with the provisions regarding Christmas, Thanksgiving, the child's birthday, and Mother's Day possession below.

2. Weekend Possession Extended by a Holiday –

Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by [redacted] begins on a student holiday or a teacher in-service day that falls on a Friday during the regular school term, as determined by the school in which the child is enrolled, or a federal, state, or local holiday during the summer months when school is not in session, that weekend period of possession shall begin at the time the child's school is regularly dismissed on the Thursday immediately preceding the student holiday or teacher in-service day and 6:00 p.m. on the Thursday immediately preceding the federal, state, or local holiday during the summer months

Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by [redacted] ends on or is immediately followed by a student holiday or a teacher in-service day that falls on a Monday during the regular school term, as determined by the school in which the child is enrolled, that weekend period of possession shall end at 8:00 a.m. on Tuesday.

Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by [redacted] [redacted] ends on or is immediately followed by a federal, state, or local holiday that falls on a Monday during the summer months when school is not in session, that weekend period of possession shall end at 6:00 P.M. on that Monday.

3. Spring Vacation in All Years - Every year, beginning at 6:00 P.M. on the day the child is dismissed from school for the school's spring vacation and ending at 6:00 P.M. on the day before school resumes after that vacation.

4. Extended Summer Possession by [redacted] [redacted] –

With Written Notice by April 1 - If [redacted] [redacted] gives [redacted] [redacted] written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, [redacted] [redacted] shall have possession of the child for forty-two days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year, to be exercised in no more than two separate periods of at least seven consecutive days each, as specified in the written notice. These periods of possession shall begin and end at 6:00 P.M. on each applicable day.

Without Written Notice by April 1 - If [redacted] [redacted] does not give

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[redacted] written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, [redacted] shall have possession of the child for forty-two consecutive days beginning at 6:00 P.M. on June 15 and ending at 6:00 P.M. on July 27 of that year.

Notwithstanding the weekend periods of possession ORDERED for [redacted] it is expressly ORDERED that [redacted] shall have a superior right of possession of the child as follows:

1. Summer Weekend Possession by [redacted] - If [redacted] gives [redacted] written notice by April 15 of a year, [redacted] shall have possession of the child on any one weekend beginning at 6:00 P.M. on Friday and ending at 6:00 P.M. on the following Sunday during any one period of possession by [redacted] during [redacted] extended summer possession in that year, provided that if a period of possession by [redacted] in that year exceeds thirty days, MORGAN MYERS may have possession of the child under the terms of this provision on any two nonconsecutive weekends during that period and provided that [redacted] picks up the child from [redacted] and returns the child to that same place and that the weekend so designated does not interfere with Father's Day possession.

2. Extended Summer Possession by [redacted] - If [redacted] gives [redacted] written notice by April 15 of a year, [redacted] may designate twenty-one days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year, to be exercised in no more than two separate periods of at least seven consecutive days each, during which [redacted] shall not have possession of the child, provided that the period or periods so designated do not interfere with [redacted] period or periods of extended summer possession or with Father's Day possession. These periods of possession shall begin and end at 6:00 P.M. on each applicable day.

(f) Holidays

Notwithstanding the weekend and Thursday periods of possession of [redacted] except when [redacted] resides fifty miles or less from the primary residence of the child, [redacted] and [redacted] MYERS shall have the right to possession of the child as follows:

1. Christmas Holidays in Even-Numbered Years - In even-numbered years, [redacted] shall have the right to possession of the child beginning at the time the child's school is dismissed for the Christmas school vacation and ending at noon on December 28, and [redacted] shall have the right to possession of the child beginning at noon on December 28 and ending

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at 6:00 P.M. on the day before school resumes after that Christmas school vacation.

2. Christmas Holidays in Odd-Numbered Years - In odd-numbered years, [redacted] shall have the right to possession of the child beginning at the time the child's school is dismissed for the Christmas school vacation and ending at noon on December 28, and [redacted] shall have the right to possession of the child beginning at noon on December 28 and ending at 6:00 P.M. on the day before school resumes after that Christmas school vacation.

3. Thanksgiving in Odd-Numbered Years - In odd-numbered years, [redacted] shall have the right to possession of the child beginning at the time the child's school is dismissed before Thanksgiving and ending at 6:00 P.M. on the Sunday following Thanksgiving.

4. Thanksgiving in Even-Numbered Years - In even-numbered years, [redacted] shall have the right to possession of the child beginning at the time the child's school is dismissed before Thanksgiving and ending at 6:00 P.M. on the Sunday following Thanksgiving.

5. Child's Birthday - If a parent is not otherwise entitled under this Standard Possession Order to present possession of a child on the child's birthday, that parent shall have possession of the child and the child's minor siblings beginning at 6:00 P.M. and ending at 8:00 P.M. on that day, provided that that parent picks up the child from the other parent's residence and returns the child to that same place.

6. Father's Day - [redacted] shall have the right to possession of the child each year, beginning at 6:00 P.M. on the Friday preceding Father's Day and ending at 8:00 a.m. on the Monday after Father's Day, provided that if [redacted] is not otherwise entitled under this Standard Possession Order to present possession of the child, he shall pick up the child from [redacted] residence and return the child to that same place.

7. Mother's Day - [redacted] shall have the right to possession of the child each year, beginning at the time the child's school is regularly dismissed on the Friday preceding Mother's Day and ending at the time the child's school resumes after Mother's Day, provided that if [redacted] is not otherwise entitled under this Standard Possession Order to present possession of the child, she shall pick up the child from [redacted] residence and return the child to that same place.

(g) Undesignated Periods of Possession

[redacted] shall have the right of possession of the child at all

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other times not specifically designated in this Standard Possession Order for [redacted]

(h) General Terms and Conditions

Except as otherwise expressly provided in this Standard Possession Order, the terms and conditions of possession of the child that apply regardless of the distance between the residence of a parent and the child are as follows:

1. Surrender of Child by [redacted] - [redacted] is ORDERED to surrender the child to [redacted] at the beginning of each period of [redacted] possession at the residence of [redacted]

If a period of possession by [redacted] begins at the time the child's school is regularly dismissed, [redacted] is ORDERED to surrender the child to [redacted] at the beginning of each such period of possession at the school in which the child is enrolled. If the child is not physically attending school, [redacted] shall pick up the child at the residence of [redacted] at 6:00 P.M., and [redacted] is ORDERED to surrender the child to [redacted] at the residence of [redacted] at 6:00 P.M. under these circumstances.

2. Surrender of Child by [redacted] - [redacted] is ORDERED to surrender the child to [redacted] at the residence of [redacted] at the end of each period of possession.

If a period of possession by [redacted] ends at the time the child's school resumes, [redacted] is ORDERED to surrender the child to [redacted] at the end of each such period of possession at the school in which the child is enrolled or, if the child is not physically attending school, at the residence of [redacted] at 6:00 P.M.

3. Surrender of Child by [redacted] - [redacted] is ORDERED to surrender the child to [redacted] if the child is in [redacted] MYERS's possession or subject to [redacted] control, at the beginning of each period of MORGAN MYERS's exclusive periods of possession, at the place designated in this Standard Possession Order.

4. Return of Child by [redacted] - [redacted] is ORDERED to return the child to [redacted] if [redacted] is entitled to possession of the child, at the end of each of [redacted] exclusive periods of possession, at the place designated in this Standard Possession Order.

5. Personal Effects - Each conservator is ORDERED to return with

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the child the personal effects that the child brought at the beginning of the period of possession.

6. Designation of Competent Adult - Each conservator may designate any competent adult to pick up and return the child, as applicable. IT IS ORDERED that a conservator or a designated competent adult be present when the child is picked up or returned.

7. Inability to Exercise Possession - Each conservator is ORDERED to give notice to the person in possession of the child on each occasion that the conservator will be unable to exercise that conservator's right of possession for any specified period.

8. Written Notice - Written notice, including notice provided by electronic mail or facsimile or as otherwise authorized in this order, shall be deemed to have been timely made if received or, if applicable, postmarked before or at the time that notice is due. Each conservator is ORDERED to notify the other conservator of any change in the conservator's electronic mail address or facsimile number within twenty-four hours after the change.

9. Notice to School and [redacted] - If [redacted] MYERS's time of possession of the child ends at the time school resumes and for any reason the child is not or will not be returned to school, [redacted] shall immediately notify the school and [redacted] that the child will not be or has not been returned to school.

This concludes the Standard Possession Order.

2. <u>Duration</u>

The periods of possession ordered above apply to each child the subject of this suit while that child is under the age of eighteen years and not otherwise emancipated.

Child Support

IT IS ORDERED that [redacted] pay to [redacted] for the support of [redacted] and [redacted] nine hundred seventy-three dollars and nineteen cents ($973.19) per month, with the first payment being due and payable on April 1, 2024 and a like payment being due and payable on the first day of each month thereafter until further order of this Court.

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Withholding from Earnings

IT IS ORDERED that any employer of [redacted] shall be ordered to withhold the child support payments ordered in this order from the disposable earnings of [redacted] for the support of [redacted] and [redacted]

IT IS FURTHER ORDERED that all amounts withheld from the disposable earnings of [redacted] by the employer and paid in accordance with the order to that employer shall constitute a credit against the child support obligation. Payment of the full amount of child support ordered paid by this order through the means of withholding from earnings shall discharge the child support obligation. If the amount withheld from earnings and credited against the child support obligation is less than 100 percent of the amount ordered to be paid by this order, the balance due remains an obligation of [redacted] and it is hereby ORDERED that [redacted] pay the balance due directly as specified below.

On this date the Court signed an Income Withholding for Support.

Payment

IT IS ORDERED that all payments shall be made through the state disbursement unit at Texas Child Support Disbursement Unit, P.O. Box 659791, San Antonio, Texas 78265-9791, and thereafter promptly remitted to [redacted] for the support of the children. IT IS ORDERED that all payments shall be made payable to the Office of the Attorney General and include the ten-digit Office of the Attorney General case number (if available), the cause number of this suit, [redacted] name as the name of the noncustodial parent (NCP), and [redacted] name as the name of the custodial parent (CP). Payment options are found on the Office of the Attorney General's website at www.texasattorneygeneral.gov/cs/payment-options-and-types.

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IT IS ORDERED that each party shall pay, when due, all fees charged to that party by the state disbursement unit and any other agency statutorily authorized to charge a fee.

Change of Employment

IT IS FURTHER ORDERED that [redacted] shall notify this Court and [redacted] by U.S. certified mail, return receipt requested, of any change of address and of any termination of employment. This notice shall be given no later than seven days after the change of address or the termination of employment. This notice or a subsequent notice shall also provide the current address of [redacted] and the name and address of his current employer, whenever that information becomes available.

Clerk's Duties

IT IS ORDERED that, on the request of a prosecuting attorney, the title IV-D agency, the friend of the Court, a domestic relations office, [redacted] or an attorney representing [redacted] or [redacted] the clerk of this Court shall cause a certified copy of the Income Withholding for Support to be delivered to any employer.

Medical and Dental Support

1. IT IS ORDERED that [redacted] and [redacted] shall each provide additional child support for each child as set out in this order for as long as the Court may order [redacted] and [redacted] to provide support for the child under sections 154.001 and 154.002 of the Texas Family Code. Beginning on the day MORGAN [redacted] and [redacted] actual or potential obligation to support a child under sections 154.001 and 154.002 of the Family Code terminates, IT IS ORDERED that [redacted] and [redacted] are discharged from these obligations with respect to that child, except for any failure by a parent to fully comply with these obligations before that date.

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IT IS FURTHER ORDERED that the additional child support payments for costs of health and dental insurance ordered below are payable through the state disbursement unit or as directed below and subject to the provisions for withholding from earnings provided above for other child support payments.

2. Definitions -

"Health Insurance" means insurance coverage that provides basic health-care services, including usual physician services, office visits, hospitalization, and laboratory, X-ray, and emergency services, that may be provided through a health maintenance organization or other private or public organization, other than medical assistance under chapter 32 of the Texas Human Resources Code.

"Reasonable cost" means the total cost of health insurance coverage for all children for which [redacted] is responsible under a medical support order that does not exceed 9 percent of [redacted] annual resources, as described by section 154.062(b) of the Texas Family Code.

"Health-care expenses" include, without limitation, medical, surgical, prescription drug, mental health-care services, dental, eye care, ophthalmological, and orthodontic charges but do not include expenses for travel to and from the provider or for nonprescription medication.

"Health-care expenses that are not reimbursed by insurance" ("unreimbursed expenses") include related copayments and deductibles.

3. Findings on Availability of Health Insurance - Having considered the cost, accessibility, and quality of health insurance coverage available to the parties, the Court finds:

IT IS FURTHER FOUND that the following orders regarding health-care coverage are in the best interest of the children.

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4. Provision of Health-Care Coverage –

As Petitioner's child support, [redacted] is ORDERED to obtain Medicaid for the children the subject of this suit, and then maintain health insurance for the children as long as child support is payable for that child. [redacted] is ORDERED –

a. to provide to each conservator of the children the following information no later than the thirtieth day after she received Medicaid for the children:

   a. [redacted] Social Security number;

   b. Proof that health insurance has been provided for the children;

   c. The following information and documents:

      i. The name of the health insurance carrier;

      ii. The number of the policy;

      iii. A copy of the policy;

      iv. A schedule of benefits;

      v. A health insurance membership card;

      vi. Claim forms; and

      vii. Any other information necessary to submit a claim; and

   d. To provide each conservator of the children with a copy of any renewals or changes to the health insurance coverage of the children and any additional information regarding health insurance coverage of the children no later than the fifteenth day after [redacted] receives or is provided with the renewal, change, or additional information;

   e. To notify each conservator of the children of any termination or

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lapse of health insurance coverage of the children no later than the fifteenth day after the date of the termination or lapse;

f. After termination or lapse of health insurance coverage, to notify each conservator of the children of the availability to [redacted] of additional health insurance for the children no later than the fifteenth day after the date the insurance becomes available;

g. After termination or lapse of health insurance coverage, to enroll the children in a health insurance plan that is available to [redacted] at a reasonable cost at the next available enrollment period.

Pursuant to section 1504.051 of the Texas Insurance Code, IT IS ORDERED that if [redacted] is eligible for dependent health coverage but fails to apply to obtain coverage for the children, the insurer shall enroll the children on application of [redacted] or others authorized by law.

5. Allocation of Unreimbursed Expenses -

The conservator who incurs a health-care expense on behalf of a child is ORDERED to provide to the other conservator receipts, bills, statements, or explanations of benefits showing the uninsured portion of the health-care expenses within thirty days after the incurring conservator receives them. The nonincurring conservator is ORDERED to pay the non-incurring conservator's percentage of the unreimbursed portion of the health-care expenses either by paying the health-care provider directly or by reimbursing the incurring conservator for any advance payment exceeding the incurring conservator's percentage of the unreimbursed portion of the health-care expenses within thirty days after the nonincurring conservator receives receipts, bills, statements, or explanations of benefits showing the unreimbursed portion of the

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health-care expense.

For the Court to hold the nonincurring conservator in civil or criminal contempt for failing to pay the nonincurring conservator's percentage of the unreimbursed portion of a health-care expense, the incurring conservator must prove beyond a reasonable doubt that the nonincurring conservator personally received receipts, bills, statements, or explanations of benefits reflecting the unreimbursed portion of the health-care expense no later than thirty days after the incurring conservator received them. Even if the incurring conservator fails to meet that burden of proof, the Court may award the incurring conservator a judgment in the nature of child support against the nonincurring conservator in the amount of the unreimbursed portion of the heath-care expense the nonincurring conservator was ordered but fail to pay.

6. WARNING - A PARENT ORDERED TO PROVIDE HEALTH INSURANCE OR DENTAL INSURANCE OR TO PAY THE OTHER PARENT ADDITIONAL CHILD SUPPORT FOR THE COST OF HEALTH INSURANCE OR DENTAL INSURANCE WHO FAILS TO DO SO IS LIABLE FOR NECESSARY MEDICAL EXPENSES OF THE CHILDREN, WITHOUT REGARD TO WHETHER THE EXPENSES WOULD HAVE BEEN PAID IF HEALTH INSURANCE OR DENTAL INSURANCE HAD BEEN PROVIDED, AND FOR THE COST OF HEALTH INSURANCE PREMIUMS, DENTAL INSURANCE PREMIUMS, OR CONTRIBUTIONS, IF ANY, PAID ON BEHALF OF THE CHILDREN.

7. Notice to Employer - On this date a Medical Support Notice was signed by the Court. For the purpose of section 1169 of title 29 of the United States Code, the conservator not carrying the health or dental insurance policy is designated the custodial parent and alternate recipient's representative.

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No Termination of Orders on Death of Obligee

An obligation to pay child support under this order does not terminate on the death of [redacted] but continues as an obligation to [redacted] and [redacted]

Other Child Related Provisions

Required Notices

NOTICE TO ANY PEACE OFFICER OF THE STATE OF TEXAS: YOU MAY USE REASONABLE EFFORTS TO ENFORCE THE TERMS OF CHILD CUSTODY SPECIFIED IN THIS ORDER. A PEACE OFFICER WHO RELIES ON THE TERMS OF A COURT ORDER AND THE OFFICER'S AGENCY ARE ENTITLED TO THE APPLICABLE IMMUNITY AGAINST ANY CLAIM, CIVIL OR OTHERWISE, REGARDING THE OFFICER'S GOOD FAITH ACTS PERFORMED IN THE SCOPE OF THE OFFICER'S DUTIES IN ENFORCING THE TERMS OF THE ORDER THAT RELATE TO CHILD CUSTODY. ANY PERSON WHO KNOWINGLY PRESENTS FOR ENFORCEMENT AN ORDER THAT IS INVALID OR NO LONGER IN EFFECT COMMITS AN OFFENSE THAT MAY BE PUNISHABLE BY CONFINEMENT IN JAIL FOR AS LONG AS TWO YEARS AND A FINE OF AS MUCH AS $10,000.

THE COURT MAY MODIFY THIS ORDER THAT PROVIDES FOR THE SUPPORT OF A CHILD, IF:

(1) THE CIRCUMSTANCES OF THE CHILD OR A PERSON AFFECTED BY THE ORDER HAVE MATERIALLY AND SUBSTANTIALLY CHANGED; OR

(2) IT HAS BEEN THREE YEARS SINCE THE ORDER WAS RENDERED OR LAST MODIFIED AND THE MONTHLY AMOUNT OF THE CHILD SUPPORT AWARD

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UNDER THE ORDER DIFFERS BY EITHER 20 PERCENT OR $100 FROM THE AMOUNT THAT WOULD BE AWARDED IN ACCORDANCE WITH THE CHILD SUPPORT GUIDELINES.

Warnings to Parties

WARNINGS TO PARTIES: FAILURE TO OBEY A COURT ORDER FOR CHILD SUPPORT OR FOR POSSESSION OF OR ACCESS TO A CHILD MAY RESULT IN FURTHER LITIGATION TO ENFORCE THE ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF CONTEMPT MAY BE PUNISHED BY CONFINEMENT IN JAIL FOR UP TO SIX MONTHS, A FINE OF UP TO $500 FOR EACH VIOLATION, AND A MONEY JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS.

FAILURE OF A PARTY TO MAKE A CHILD SUPPORT PAYMENT TO THE PLACE AND IN THE MANNER REQUIRED BY A COURT ORDER MAY RESULT IN THE PARTY'S NOT RECEIVING CREDIT FOR MAKING THE PAYMENT.

FAILURE OF A PARTY TO PAY CHILD SUPPORT DOES NOT JUSTIFY DENYING THAT PARTY COURT-ORDERED POSSESSION OF OR ACCESS TO A CHILD. REFUSAL BY A PARTY TO ALLOW POSSESSION OF OR ACCESS TO A CHILD DOES NOT JUSTIFY FAILURE TO PAY COURT-ORDERED CHILD SUPPORT TO THAT PARTY.

Property and Parties

The Court finds that the following orders respecting the property and parties are necessary and equitable.

IT IS ORDERED that [redacted] shall be responsible for the timely payment of the following:

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1. The auto insurance for the vehicle in her possession;

2. the monthly payment for her cell phone;

3. the rent payment for the residence located at 6641 Anns Court, Watauga, Texas beginning after March 30, 2024.

IT IS ORDERED that [redacted] shall be responsible for the timely payment of the following:

1. The auto insurance for the 2021 Mazda, the 2023 Mazda, and any other vehicle currently in his possession;

2. the car payments for the 2021 Mazda, the 2023 Mazda, and any other vehicle currently in his possession;

3. the monthly payment for his cell phone;

4. the rent payment for the residence located at 6641 Anns Court, Watauga, Texas for February and March 2024.

IT IS ORDERED that Petitioner have the exclusive and private use and possession of the following property while this case is pending: the personal property and clothing in her possession, the 2007 Mazda motor vehicle currently in her possession, and the residence located at 6641 Anns Court, Watauga, Texas beginning March 30, 2024.

IT IS ORDERED that Respondent have the exclusive and private use and possession of the following property while this case is pending: the personal property and clothing in his possession, the 2021 Mazda motor vehicle, the 2023 Mazda motor vehicle, and the residence located at 6641 Anns Court, Watauga, Texas ONLY until March 20, 2024.

Co-Parenting Website

IT IS ORDERED that the parties are to attend "Children in the Middle" part 1 and/or 2

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by May 1, 2024, and file a certificate of completion with the Court for their attendance to this co-parenting class.

IT IS FURTHER ORDERED that each party shall be solely liable for their own costs for the attendance of this co-parenting class.

App Close

IT IS ORDERED that [redacted] and [redacted] each shall, within ten days after the entry of the Associate Judge's Report is signed by the Court, obtain at his/her sole expense a subscription to the AppClose program. IT IS FURTHER ORDERED that [redacted] and [redacted] each shall maintain that subscription in full force and effect for as long as the child is under the age of eighteen years and not otherwise emancipated.

IT IS ORDERED that [redacted] and [redacted] shall each communicate through the AppClose program with regard to all communication regarding the children, except in the case of emergency or other urgent matter.

IT IS ORDERED that [redacted] and [redacted] each shall timely post all significant information concerning the health, education, and welfare of the children, including but not limited to the children's medical appointments, the children's schedules and activities, and request for reimbursement of uninsured health-care expenses, on the AppClose website. However, IT IS ORDERED that neither party shall have any obligation to post on that website any information to which the other party already has access through other means, such as information available on the website of the children's schools.

IT IS FURTHER ORDERED that [redacted] and [redacted] shall each timely post on the AppClose website a copy of any email received by the party from the

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children's school or any health-care provider of the children, in the event that email was not also forwarded by the school or health-care provider to the other party.

For purposes of this section of this order, "timely" means on learning of the event or activity, or if not immediately feasible under the circumstances, not later than twenty-four hours after learning of the event or activity.

By agreement, the parties may communicate in any manner other than using the AppClose program, but other methods of communication used by the parties shall be in addition to, and not in lieu of, using the AppClose program.

Temporary Injunction

The temporary injunction granted below shall be effective immediately and shall be binding on the parties; on their agents, servants, employees, and attorneys; and on those persons in active concert or participation with them who receive actual notice of this order by personal service or otherwise. The requirement of a bond is waived.

IT IS ORDERED that Petitioner and Respondent are enjoined from:

1. Intentionally communicating with 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, 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.

2. 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.

3. Placing a telephone call, anonymously, at any unreasonable hour, in an offensive

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and repetitious manner, or without a legitimate purpose of communication with the intent to annoy or alarm the other party.

4. Intentionally, knowingly, or recklessly causing bodily injury to the other party or to a child of either party.

5. Threatening the other party or a child of either party with imminent bodily injury.

6. Intentionally, knowingly, or recklessly destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of one or both of the parties 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 the children of the marriage.

7. Intentionally falsifying any writing or record, including an electronic record, relating to the property of either party.

8. 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 one or both of the parties, including electronically stored or recorded information.

9. Intentionally or knowingly damaging or destroying the tangible or intellectual property of one or both of the parties, including electronically stored or recorded information, and causing pecuniary loss or substantial inconvenience to the other party.

10. Intentionally or knowingly tampering with the tangible or intellectual property of one or both of the parties, including electronically stored or recorded information, and causing pecuniary loss or substantial inconvenience to the other party.

11. Selling, transferring, assigning, mortgaging, encumbering, or in any other manner alienating any of the property of one or both of the parties, whether personal property, real

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property, or intellectual property, and whether separate or community property, except as specifically authorized by this order.

12. Incurring any debt, other than legal expenses in connection with this suit, except as specifically authorized by this order.

13. Withdrawing money from any checking or savings account in any financial institution for any purpose, except as specifically authorized by this order.

14. Spending any money in either party's possession or subject to either party's control for any purpose, except as specifically authorized by this order.

15. Withdrawing or borrowing money in any manner for any purpose from any retirement, profit-sharing, pension, death, or other employee benefit plan, employee savings plan, individual retirement account, or Keogh account of either party, except as specifically authorized by this order.

16. Withdrawing, transferring, assigning, encumbering, selling, or in any other manner alienating any funds or assets held in any brokerage account, mutual fund account, or investment account by one or both parties, regardless of whether the funds or assets are community or separate property and whether the accounts are self-managed or managed by a third party, except as specifically authorized by this order.

17. Withdrawing or borrowing in any manner all or any part of the cash surrender value of any life insurance policy on the life of either party or a child of the parties, except as specifically authorized by this order.

18. Entering any safe-deposit box in the name of or subject to the control of one or both of the parties, whether individually or jointly with others.

19. Changing or in any manner altering the beneficiary designation on any life

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insurance policy on the life of either party or a child of the parties.

20. Canceling, altering, failing to renew or pay premiums on, or in any manner affecting the level of coverage that existed at the time this suit was filed of, any life, casualty, automobile, or health insurance policy insuring the parties' property or persons including a child of the parties.

21. Opening or diverting mail or email or any other electronic communication addressed to the other party.

22. Signing or endorsing the other party's name on any negotiable instrument, check, or draft, including a tax refund, insurance payment, and dividend, or attempting to negotiate any negotiable instrument payable to the parties or the other party without the personal signature of the other party.

23. Taking any action to terminate or limit credit or charge cards in the name of the parties or the other party, except as specifically authorized in this order.

24. Discontinuing or reducing the withholding for federal income taxes from either party's wages or salary.

25. Destroying, disposing of, or altering any financial records of the parties, including but not limited to a canceled check, deposit slip, and other records from a financial institution, a record of credit purchases or cash advances, a tax return, and a financial statement.

26. Destroying, disposing of, or altering any email, text message, video message, or chat message or other electronic data or electronically stored information relevant to the subject matter of this case, whether stored on a hard drive, in a removable storage device, in cloud storage, or in another electronic storage medium.

27. Modifying, changing, or altering the native format or metadata of any electronic

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data or electronically stored information relevant to the subject matter of this case, whether stored on a hard drive, in a removable storage device, in cloud storage, or in another electronic storage medium.

28. Deleting any data or content from any social network profile used or created by either party or a child of the parties.

29. Using any password or personal identification number to gain access to the other party's email account, bank account, social media account, or any other electronic account.

30. Consuming, use or have in their possession any illegal drug or drugs at any time nor shall they have, at any time, a legal drug or drugs in their possession for which that party does not have a prescription.

31. Neither party shall consume alcohol at least 12 hours prior to their time for possession of the children.

32. Neither party shall consume alcohol during their period of possession with the children.

33. Neither party shall attend one of the children's activities if they have consumed alcohol or they are under the influence of alcohol.

34. Neither party shall leave the children with a person who is consuming alcohol at least 12 hours prior to taking possession of the children or has in their possession an illegal drug(s), including prescription drugs, as a childcare provider.

35. No disparaging remarks in the presence of the children and no discussion of litigation or issues of the case with children.

36. The parties are not to discuss the litigation or issues with the children about the other party. The aforementioned sentence means that neither party shall belittle, talk bad, refer to

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the other party using a profane name or names, profanity or curse words.

37. The parties are not to discuss the litigation or issues with the children.

38. Neither party shall discuss what occurred in Court including testimony of any witness or witnesses with the children.

IT IS ORDERED that Petitioner is further enjoined from:

1. Entering, operating, or exercising control over the 2021 Mazda motor vehicle and the 2023 Mazda motor vehicle in the possession of Respondent.

IT IS ORDERED that Respondent is further enjoined from:

1. Excluding Petitioner from the use and enjoyment of the residence located at 6641 Anns Court, Watagua, Texas on or after March 30, 2024;.

2. Entering, operating, or exercising control over the 2007 Mazda motor vehicle in the possession of Petitioner.

IT IS ORDERED that Petitioner is specifically authorized:

To make expenditures and incur indebtedness for reasonable and necessary living expenses for food, clothing, shelter, transportation, and medical care.

To make expenditures and incur indebtedness for reasonable attorney's fees and expenses in connection with this suit.

To make withdrawals from accounts in financial institutions only for the purposes authorized by this order.

IT IS ORDERED that Respondent is specifically authorized:

To make expenditures and incur indebtedness for reasonable and necessary living expenses for food, clothing, shelter, transportation, and medical care.

To make expenditures and incur indebtedness for reasonable attorney's fees and expenses

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in connection with this suit.

For purposes of this order, "personal property" includes, but is not limited to, the following:

a. cash, checks, traveler's checks, and money orders;

b. funds on deposit in financial accounts with commercial banks, savings banks, and credit unions;

c. funds and assets held in brokerage, mutual fund, and other investment accounts;

d. publicly traded stocks, bonds, and other securities;

e. stock options and restricted stock units;

f. bonuses;

g. closely held business interests;

h. retirement benefits and accounts;

i. deferred compensation benefits;

j. insurance policies, annuities, and health savings accounts;

k. motor vehicles, boats, airplanes, cycles, mobile homes, trailers, and recreational vehicles;

l. money owed to one or both parties, including notes and expected income tax refunds;

m. household furniture, furnishings, and fixtures;

n. electronics and computers;

o. antiques, artwork, and collections;

p. sporting goods and firearms;

q. jewelry and other personal items;

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r. pets and livestock;

s. club memberships;

t. travel award benefits and other award accounts;

u. crops, farm equipment, construction equipment, tools, leases, cemetery lots, gold or silver coins not part of a collection, tax overpayments, loss carry-forward deductions, lottery tickets/winnings, stadium bonds, stadium seat licenses, seat options, season tickets, ranch brands, and business names;

v. digital assets such as email addresses, social network accounts, Web sites, domain names, digital media such as pictures, music, e-books, movies, and videos, blogs, reward points, digital storefronts, artwork, and data storage accounts;

w. virtual assets such as virtual pets, avatars, accessories for virtual characters, virtual prizes, virtual real estate, and virtual currency;

x. safe-deposit boxes and their contents;

y. storage facilities and their contents; and

z. contingent assets.

Duration

These Temporary Orders shall continue in force until the signing of the Final Decree of Divorce or until further order of this Court.

SIGNED on March 14, 2024.

Associate JUDGE PRESIDING

APPROVED AS TO FORM ONLY:

MARX ALTMAN & JOHNSON

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2905 Lackland Rd.
FT. WORTH, Texas 76116
Tel: (817) 926-6211
Fax: (817) 926-6188

By:_____
Cooper L. Carter
Attorney for Petitioner
State Bar No. 24121530
coopercarter@majadmin.com

Daniel R. Bacalis PC
669 Airport Freeway
Suite 307
Hurst, TX 76053
Office Phone: (817)498-4105
Fax: (817)282-0634

By:_____
Daniel Bucalis
Attorney for Respondent
State Bar No. 01487550
Email: dbacalis@dbacalis.com

APPROVED AND CONSENTED TO AS TO BOTH FORM AND SUBSTANCE:

_____
[redacted]
PETITIONER

_____
[redacted]
RESPONDENT

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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: 85983756
Filing Code Description: No Fee Documents
Filing Description:
Status as of 3/27/2024 7:40 AM CST

Associated Case Party: [redacted]

Name	BarNumber	Email	TimestampSubmitted	Status
[redacted]		[redacted]mw02@gmail.com	3/26/2024 3:19:25 PM	SENT
Cooper L.Carter		coopercarter@majadmin.com	3/26/2024 3:19:25 PM	SENT

Associated Case Party: [redacted]

Name	BarNumber	Email	TimestampSubmitted	Status
Daniel Bacalis		service@dbacalis.com	3/26/2024 3:19:25 PM	SENT
Tammy L.Johnson		tjohnson@dbacalis.com	3/26/2024 3:19:25 PM	SENT
Daniel R.Bacalis		dbacalis@dbacalis.com	3/26/2024 3:19:25 PM	SENT
[redacted]		chuckdustin12@gmail.com	3/26/2024 3:19:25 PM	SENT

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EVICTION NOTICE

[redacted]
[redacted]
Watauga, Texas 76148

TO THE TENANT(S) AND ANY AND ALL OTHERS IN POSSESSION OF THE PREMISES LOCATED AT THE AFOREMENTIONED ADDRESS, THIS NOTICE HAS BEEN SENT TO YOU PURSUANT TO TEXAS STATE PROPERTY CODE § 24005 STATE LAWS AS A RESULT OF YOUR BREACH OF THE LEASE AND/OR YOUR FAILURE TO PAY RENT, LATE FEES AND/OR OTHER ASSOCIATED COSTS AND/OR FEES.

BE IT KNOWN that [redacted] Agreement dated 07/01/2022 and where you are in possession of the premises located at [redacted] Watauga, Texas 76148, it is alleged that you are in breach of the above-mentioned Lease Agreement because you have failed to abide by the following terms therein: Granddaughter getting a divorce. Have ordered a protection notice. My property
and she and the children are allowed to stay. He must vacate the property.

THEREFORE, you are hereby provided notice that the above-mentioned violations must be cured by no later than 12/21/2023 or you must vacate, quit, relinquish, move out or deliver up possession of the aforementioned premises. Failure to correct the breach of your Lease Agreement within the stipulated time requested by this notice shall result in the cancellation, termination or forfeiture of your Lease Agreement.

THE LANDLORD RESERVES THE RIGHTS AND REMEDIES AFFORDED TO THEM PURSUANT TO THE SIGNED LEASE/RENTAL AGREEMENT AND IN ACCORDANCE WITH APPLICABLE LAWS OF THE STATE OF TEXASINCLUDING, BUT NOT LIMITED TO, UNPAID RENT AND/OR PROPERTY DAMAGES, AND NOTHING IN THIS NOTICE MAY BE INTERPRETED AS A RELINQUISHMENT OF SUCH RIGHTS AND REMEDIES.

By: [redacted]
(Landlord Signature)

12-17-2023
(Date)

[redacted]
Watauga, Texas 76148
8173665938
[redacted]5066@yahoo.com

Merry Christmas

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CERTIFICATE OF SERVICE

BE IT KNOWN that I, Margie Wilson, hereby certify that on the date of 12-18-2023, I served copies of the Eviction Notice on Mr. Charles Myersby way of personal delivery to the tenant

[redacted]

(Landlord Signature)

12-18-2023

(Date)

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CITATION

Cause No. 322-744263-23

[redacted]

VS.

[redacted]

ISSUED

This 19th day of December, 2023

Thomas A. Wilder
Tarrant County District Clerk
200 E WEATHERFORD
FORT WORTH TX 76196-0402

By KAREL JACKSON Deputy

PRO SE
Name: [redacted]

Address: [redacted]

WATAUGA, TX 76148

FAMILY LAW

32274426323000002

SERVICE COPY

THE STATE OF TEXAS
DISTRICT COURT, TARRANT COUNTY

SERVICE COPY

CITATION

Cause No. 322-744263-23

IN THE MATTER OF THE MARRIAGE OF:

[redacted]

VS.

[redacted]

TO: [redacted]

CONSTABLE/SHERIFF'S DEPARTMENT
TARRANT COUNTY, TX
2023 DEC 20 AM 10: 05
DATE 12-27-23
TIME 3:33pm
DEPUTY

You said RESPONDENT are hereby commanded to appear by filing a written answer to the ORIGINAL PETITION FOR DIVORCE at or before 10 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service hereof before the 322nd District Court in and for Tarrant County, Texas, at the Courthouse in the City of Fort Worth, Tarrant County, Texas said PETITIONER being

[redacted]

Filed in said Court on December 18th, 2023 Against

[redacted]

For suit, said suit being numbered 322-744263-23 the nature of which demand is as shown on said ORIGINAL PETITION FOR DIVORCE a copy of which accompanies this citation.

PRO SE
Attorney for [redacted] Phone No. -
Address [redacted] WATAUGA, TX 76148

Thomas A. Wilder, Clerk of the District Court of Tarrant County, Texas. Given under my hand and the seal of said Court, at office in the City of Fort Worth, this the 19th day of December, 2023.

By _____ Deputy
KAREL JACKSON

NOTICE: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 AM on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

Thomas A. Wilder, Tarrant County District Clerk, 200 E WEATHERFORD, FORT WORTH TX 76196-0402

OFFICER'S RETURN *32274426323000002*

Received this Citation on the _____ day of _____, _____ at _____ o'clock ___M; and executed at _____ within the county of _____, State of _____ at _____ o'clock ___M on the _____ day of _____, _____ by delivering to the within named (Def.): _____ defendant(s), a true copy of this Citation together with the accompanying copy of ORIGINAL PETITION FOR DIVORCE having first endorsed on same the date of delivery.

Authorized Person/Constable/Sheriff: _____
County of _____ State of _____ By _____ Deputy
Fees $_____ _____
State of _____ County of _____ (Must be verified if served outside the State of Texas)
Signed and sworn to by the said _____ before me this _____ day of _____, ____
to certify which witness my hand and seal of office
(Seal)
_____
County of _____, State of _____

APPENDIX 4

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA.

FILED
TARRANT COUNTY
2023 DEC 18 AM 10: 43
THOMAS A. WILDER
DISTRICT CLERK

Cause Number: 322 744263 23

In the Matter of the Marriage of

In the _____
(Court Number)

Petitioner: [redacted]
Print first, middle and last name of the spouse who filed for divorce.

And

☒ District Court
☐ County Court at Law

Respondent: [redacted]
Print first, middle and last name of other spouse.

Tarrant County, Texas

And in the Interest of:
(Print the initials of each child you and your spouse have together who is under 18 or still in high school.)

1. [redacted] 2. [redacted] 3. _____
4. _____ 5. _____ 6. _____

Original Petition for Divorce

Print your answers.

My name is: [redacted]
First Middle Last

I am the **Petitioner**, the person asking for a divorce.

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.

My spouse's name is: [redacted].
First Middle Last

My spouse is the **Respondent**.

1. Discovery Level

The discovery level in this case, if needed, is Level 2.

2. Legal Notice (Check one box.)

☐ I think my spouse will sign a Waiver of Service (or Answer). Do not send a sheriff, constable, or process server to serve my spouse with a copy of this Petition for Divorce at this time.

☒ I will have a sheriff, constable, process server or clerk serve my spouse with this Petition for Divorce here:

[redacted], Watauga, Texas 76148.
Street Address City State Zip

If this is a work address, name of business: _____.

I ask the clerk to issue a Citation of Service (the form necessary to provide legal notice to my spouse by "Official Service of Process"). I understand that I will need to **pay the fee** (or file a Statement of Inability to Afford Payment of Court Costs if I am unable to pay the fee) and **arrange for service**.

☐ I cannot find my spouse. I ask that my spouse be served by publication. I understand I must file an Affidavit for Citation by Publication and hire a lawyer to serve as attorney ad litem for my spouse.

AFFIDAVIT OF INABILITY

APPENDIX 5

3. Jurisdiction

3A. County Residence Requirement

(Check all boxes that apply.)

- [x] I have lived in this county for the last 90 days.
- [x] My spouse has lived in this county for the last 90 days.
- [ ] I am serving in the armed forces or other government service outside of Texas, but this county has been the home county of either my spouse or me for at least 90 days.
- [ ] I have accompanied my spouse who is serving in the armed forces or other government service outside of Texas, but this county has been the home county of either my spouse or me for at least 90 days.

3B. Texas Residence Requirement

(Check all boxes that apply.)

- [x] I have lived in Texas for the last six months.
- [x] My spouse has lived in Texas for the last six months.
- [ ] I am serving in the armed forces or another government service outside of Texas, but Texas is the home state of either my spouse or me and has been for at least 6 months.
- [ ] I have accompanied my spouse who is serving in the armed forces or another government service outside of Texas, but Texas is the home state of either my spouse or me and has been for at least 6 months.

3C. Personal Jurisdiction over Spouse

(Check one box.)

- [x] My spouse lives in Texas.
- [ ] My spouse does not live in Texas. (Check any boxes that apply below.)
  - [ ] My spouse agrees that a Texas court can make orders in this divorce, including orders regarding conservatorship (custody), visitation, and financial support of our children and orders regarding our property and debts. My spouse will file a Waiver of Service (or Answer).
  - [ ] Texas is the last state where we lived together as a married couple. This Petition for Divorce is filed less than two years after we separated.
  - [ ] The children live in Texas because of my spouse's actions.
  - [ ] My spouse has lived in Texas with the children.
  - [ ] My spouse has lived in Texas and provided prenatal expenses or support for the children.
  - [ ] My spouse had sexual intercourse in Texas, and the children may have been conceived by that act of intercourse.
  - [ ] Our child was born in Texas and my spouse registered with the paternity registry maintained by the bureau of vital statistics or signed an acknowledgment of paternity.
  - [ ] My spouse will be personally served with citation (official service of process) in Texas.

4. Dates of Marriage and Separation

My spouse and I got married on or about: July 20th, 2015
Month Day Year.

We stopped living together as spouses on or about :December 1st, 2023
Month Day Year.

5. Grounds for Divorce

I ask the Court to grant me a divorce. The marriage has become insupportable due to discord or conflict of personalities that destroys the legitimate ends of the marital relationship and prevents any reasonable expectation of reconciliation.

6. Children

6A. Children Husband and Wife Have Together

My spouse and I are the parents of the following children who are under 18 years old or over 18 years old and still in high school.

(You MUST list all children you and your spouse have together (adopted or biological) who are under 18 or over 18 and still in high school.)

	Child's name	Date of Birth	Place of Birth	State where child lives now
1.	[redacted]	[redacted]	Ft. Worth	Texas
2.	[redacted]	[redacted]	Ft. Worth	Texas
3.				
4.				
5.				
6.				

6B. Jurisdiction over Children

(Check one box.)

☑ The children live in Texas now and have lived in Texas for at least the past 6 months or since birth.

☐ The children do not live in Texas now, but they have been gone from Texas for less than 6 months. The children lived in Texas the 6 months before they moved. A parent or person acting as a parent continues to live in Texas.

☐ None of the above apply.

(Check box below only if true.)

☐ There are **no court orders** about any of the children listed above. No other court has continuing jurisdiction over this case or the children.

6C. Children's Property

(Check one box.)

☑ The children do not own any property of significant value in their own name.

☐ The children own the following property of significant value in their own name:

_____.

6D. Conservatorship (Custody) of the Child(ren)

I ask the court to make conservatorship (custody) orders as follows: (Check a, b, or c.)

a. ☐ Mother and Father should be **Joint Managing Conservators** of the child(ren) and:

(If you checked **a**, check **a-1, a-2,** or **a-3**.)

a-1. ☐ Father should have the exclusive right to designate the primary residence of the child(ren) within the following geographic area: (Check one box below.)

☐ anywhere. ☐ this county. ☐ this county or county adjacent to this county.
☐ Texas. ☐ other:_____.

a-2. ☑ Mother should have the exclusive right to designate the primary residence of the child(ren) within the following geographic area: (Check one box below.)

☐ anywhere. ☐ this county. ☑ this county or county adjacent to this county.
☐ Texas. ☐ other:_____.

a-3. ☐ Neither parent should have the exclusive right to designate the primary residence of the child(ren) but both parents should be ordered not to move the child(ren) out of the following geographic area: (Check one box below.)

☐ this school district:_____ ☐ this county.
☐ this county or county adjacent to this county. ☐ other:_____.

b. ☐ Mother should be the **Sole Managing Conservator** of the child(ren) with the exclusive rights listed in Texas Family Code 153.132 including the exclusive right to designate the primary residence of the child(ren) anywhere.

c. ☐ Father should be the **Sole Managing Conservator** of the child(ren) with the exclusive rights listed in Texas Family Code 153.132 including the exclusive right to designate the primary residence of the child(ren) anywhere.

6E. Child(ren)'s Passports (Check only if applicable.)

☑ I ask the Court to order that I have the exclusive right to apply for and renew passports for the child(ren).

6F. Possession of and Access to the Child(ren) (Visitation)

I ask the court to make possession and access (visitation) orders as follows: (Check **a, b, c,** or **d.**)

a. ☑ Father should have "standard visitation." (See Texas Family Code Chapter 153, Subchapter F.)

b. ☐ Mother should have "standard visitation." (See Texas Family Code Chapter 153, Subchapter F.)

c. ☐ "Standard visitation" would be unworkable or inappropriate. Possession and access to the child(ren)should be as follows:

_____
_____
_____
_____
_____
_____

d. ☐ I am concerned about the safety of the children with the other parent: I ask that:
(If you checked **d,** check all that apply below.)

d-1. ☐ exchanges of the child(ren) be supervised, or in the alternative, be in a public place.

d-2. ☐ the other parent's possession of the child(ren) be limited to day visits.

d-3. ☐ the other parent's possession of the child(ren) be supervised.

d-4. ☐ the other parent have no right to possession or access to the child(ren).

d-5. ☐ the other parent be ordered not to use alcohol or illegal drugs 24 hours prior to or during possession of the child(ren).

d-6. ☐ the other parent's possession and access to the children be restricted as follows:

_____
_____
_____
_____
_____

(Check only if you are asking that a different possession order be in place while a child is under 3 years old.)

☐ One or more of the children is under 3. Until the child turns 3, possession should be as follows:

_____
_____
_____
_____

After the child turns 3, possession should be as checked above.

(Check only if applicable.)

☐ I am concerned that the other parent may take the child(ren) to another country and refuse to return them. I ask the Court to determine if there is a risk of international kidnapping by the other parent and to take such measures as are necessary to protect the child(ren).

6G. Child Support, Medical Support, and Dental Support for the Child(ren)

I ask the court to make appropriate orders for the financial support of the child(ren), including regular child support, medical support, dental support and, if supported by the evidence, retroactive child support.

7. Is the wife pregnant?

(Check one box.)

☑ The wife in this marriage **is not** pregnant.

☐ The wife in this marriage **is** pregnant. I understand that I cannot finish the divorce until after the child is born.

(If the wife is pregnant, also check one box below.)

☐ The husband **is** the father of this child. I ask the court to include orders for custody, visitation, child support, and medical and dental support for the child in the Final Decree of Divorce.

☐ The husband **is not** the father of this child. I understand that paternity of the child must be established before I can finish the divorce.

8. Did the wife have a child with another man while married to the husband?

(Check one box. Fill in the requested information, if applicable.)

☑ The wife **did not** have a child with another man while married to the husband.

☐ The wife **did** have a child with another man while married to the husband. All of the children born during the marriage that are not the Husband's adopted or biological children are named below:

	Child's name	Age	Date of Birth	Sex
1.				
2.				
3.				
4.				
5.				
6.				

(If the wife had a child or children with another man during the marriage, check one box below,)

☐ Paternity of the child(ren) named above **has not** been established. I understand that paternity of the child(ren) must be established before I can finish my divorce.

☐ Paternity of the child(ren) named above **has** been established:

(Check one box.)

☐ A court order has established that another man is the biological father and/or the Husband is not the biological father of the child(ren) listed above. I understand I must attach a file-stamped copy of the court order to my Final Decree of Divorce.

☐ An Acknowledgement of Paternity was signed by the biological father and a Denial of Paternity was signed by the Husband for the child(ren) listed above. I understand I must attach a copy of these documents to my Final Decree of Divorce.

9. Protective Order Statement (Check the appropriate boxes. Fill in the requested information.)

9A. No Protective Order

☐ I **do not** have a protective order against my spouse and I have not asked for one.

☐ My spouse **does not** have a protective order against me and has not asked for one.

9B. Pending Protective Order

☑ I **have** filed paperwork at the courthouse asking for a protective order against my spouse, but a judge has not decided if I should get it. I asked for a protective order on 12/14/2023 (Date Filed)

In Tarrant (County) County, Texas (State). The cause number is _____ (Cause Number).

If I get a protective order, I will file a copy of it before any hearings in this divorce.

☐ My spouse **has** filed paperwork asking for a protective order against me, but a judge has not decided if my spouse will get it. My spouse asked for a protective order on _____ (Date Filed)

in _____ (County) County, _____ (State). The cause number is _____ (Cause Number).

If my spouse gets a protective order, I will file a copy of it before any hearings in this divorce.

9C. Protective Order in Place

☐ I **do have** a protective order against my spouse. I got the protective order in _____ (County) County, _____ (State) on _____ (Date Ordered).

The cause number for the protective order is _____ (Cause Number).

Either I have attached a copy of the protective order to this petition or I will file a copy of it with the court before any hearings in this divorce.

☐ My spouse **does have** a protective order against me. The protective order was made in _____ (County) County, _____ (State) on _____ (Date Ordered).

The cause number for the protective order is _____ (Cause Number).

Either I have attached a copy of the protective order to this petition or I will file a copy of it with the court before any hearings in this divorce.

10. Waiver of Waiting Period Based on Family Violence (Check only if applicable.)

☑ I ask the Court to waive the 60-day waiting period for divorce because: (Check one box.)

☐ My spouse has been convicted of or received deferred adjudication for a crime involving family violence against me or a member of my household.

☑ I have an active protective order or an active magistrate's order for emergency protection against my spouse because of family violence during our marriage. The order includes a finding that my spouse committed family violence.

11. Property and Debt

11A. Community Property and Debt

If my spouse and I can agree about how to divide the property and debts we got during our marriage, I ask the Court to approve our agreement. If we cannot agree, I ask the Court to divide our community property and debts according to Texas law.

11B. Separate Property

I own the following separate property. I owned this property before I was married, or I received this property as a gift or inheritance during my marriage or I received this property as recovery for personal injuries that occurred during the marriage (not including any recovery for lost wages or medical expenses). I ask the Court to confirm this property as my separate property.

(Fill in all lines. If you have no property to list in a particular category, write "none.")

House located None_____
Street Address City State Zip

Land located at: None_____
Street Address City State Zip

Cars, trucks, motorcycles, or other vehicles

Year	Make	Model	Vehicle Identification No. [VIN]-
2023	Mazda	CX-5	JM3KFBCM1P0135569
2021	Mazda	CX-3	

Other money or personal property I owned before I was married, received as a gift or inheritance during my marriage or property I purchased during my marriage with separate property funds: None

Money I received as recovery for personal injuries that occurred during the marriage that was not for lost wages or medical expenses: None

12. Name Change

(Check one box.)

☐ I am NOT asking the Court to change my name.

☑ I ask the Court to change my name back to a name I used before my marriage. I am not asking the court to change my name to avoid criminal prosecution or creditors. I ask that my name be changed to:

[redacted] _____.

First Middle Last

The children: (Check all that apply.)

☐ have **private health insurance**.

Name of insurance company: _____

Policy number: _____ Cost of premium: $ _____

Name of person who pays for insurance: _____

The insurance policy ☐ is ☐ is not available through the parent's work.

☐ have health insurance through **Medicaid**.

☐ have health insurance through **C.H.I.P**. Cost of premium (if any): $_____

☑ do not have health insurance.

If the children do not have private health insurance also complete the following:

Private dental insurance ☐ is ☑ is not available to Father at a reasonable cost.
Private dental insurance ☐ is ☑ is not available to Mother at a reasonable cost.

13. Dental Insurance Availability for Children

The child(ren): (Check all that apply.)

☐ have **private dental insurance**.

Name of insurance company: _____

Policy number: _____ Cost of premium: $ _____

Name of person who pays for insurance: _____

The insurance policy ☐ is ☐ is not available through the parent's work.

☐ have dental insurance through **Medicaid**.

☑ do not have dental insurance.

Private dental insurance ☐ is ☑ is not available to Father at a reasonable cost. Private dental insurance ☐ is ☑ is not available to Mother at a reasonable cost.

14. Public Benefits

(Check any boxes that apply.)

☑ The child(ren) have Medicaid now **or** had it in the past.

☑ The child(ren), or someone on behalf of the child(ren), get TANF (Temporary Assistance for Needy Families) now **or** got it in the past.

15. Family Information

(Check only if applicable.)

☑ I believe my children or I will be harassed, abused, seriously harmed or injured or otherwise subjected to family violence if I must give my spouse the information checked below for myself and the child(ren):

☐ home address, ☐ mailing address, ☐ employer, ☐ work address,
☑ home phone, ☑ work phone, ☐ social security no., ☐ driver's license #.

I ask the Court to Order that I not have to give this information or notice of changes in this information to my spouse. I also ask the Court to keep this information confidential.

16. Request for Judgment

I ask the Court to grant my divorce. I also ask the Court to make the other orders I have asked for in this Petition and any other orders to which I am entitled.

Respectfully,

→ _____ 12/18/2023
Petitioner's Signature — Date

[redacted]
Petitioner's Name (Print) — Phone

[redacted] [redacted] [redacted] TX 76148
Mailing Address — City — State — Zip

Email Address [redacted]31@gmail.com Fax (if available) _____

I understand that I must notify the Court and my spouse's attorney (or my spouse if my spouse does not have an attorney) in writing if my mailing address or email address changes during these divorce proceedings. If I don't, any notices about this case including the dates and times of hearings will be sent to me at the mailing address or email address above.

17. Certificate of Service to the Office of the Attorney General (OAG)

I certify that a true copy of this Petition was served on the Office of the Attorney General Child Support Division* in person, by certified and first-class mail, by commercial delivery service, by fax, by email, or through the electronic file manager on this date.

→ _____ _____
Petitioner's Signature — Date

CITATION

Cause No. 322-744538-23

[redacted]

VS.

[redacted]

ISSUED

This 27th day of December, 2023

Thomas A. Wilder
Tarrant County District Clerk
200 E WEATHERFORD
FORT WORTH TX 76196-0402

By KAREL JACKSON Deputy

PRO SE

FAMILY LAW

32274453823000005

SERVICE COPY

THE STATE OF TEXAS
DISTRICT COURT, TARRANT COUNTY

SERVICE COPY

CONSTABLE'S OFFICE PRECINCT 1 TARRANT COUNTY, TX
2023 DEC 28 AM 9:17
DATE 12-29-23
TIME 8:02 AM
DEPUTY

NOTICE OF AN APPLICATION FOR PROTECTIVE ORDER

Cause No. 322-744538-23

[redacted] VS. [redacted]

TO: [redacted]

An application for a protective order has been filed in the court stated in this notice alleging that you have committed family violence. You may employ an attorney to defend you against this allegation. You or your attorney may, but are not required to, file a written answer to the application. Any answer must be filed before the hearing on the application. If you receive this notice within 48 hours before the time set for the hearing, you may request the court to reschedule the hearing not later than 14 days after the date set for the hearing. If you do not attend the hearing, a default judgement may be taken and a protective order may be issued against you.
The application for protective order was filed on 12/22/2023.

You are commanded to be and appear before the 322nd Court at 200 E WEATHERFORD FORT WORTH TX 76196-0402 at 9:00 AM on the 16th day of January, 2024, to show cause, if you have any, why this application for Protective Order should not be granted.

Attorney for APPLICANT
Attorney Name PRO SE
Address

Thomas A. Wilder, Clerk of the District Court of Tarrant County, Texas. Given under my hand and the seal of said Court, at office in the City of Fort Worth, this the 27th day of December, 2023.

By _____ Deputy

KAREL JACKSON
Thomas A. Wilder
Tarrant County District Clerk
200 E WEATHERFORD
FORT WORTH TX 76196-0402

DISTRICT COURT OF TARRANT COUNTY, TEXAS

OFFICER'S RETURN

Received this Citation on the _____ day of _____, _____ at _____ o'clock ___M; and executed at _____ within the county of _____, State of _____ at _____ o'clock ___M on the _____ day of _____, _____ by delivering to the within named (Resp.): application for protective o _____ respondent(s), a true copy of this Citation together with the accompanying copy of the _____, having first endorsed on same the date of delivery by serving _____

Authorized Person/Constable/Sheriff: _____
County of _____ State of _____
By _____ Deputy

Fees $_____ _____
(Must be verified if served outside the State of Texas)
State of _____ County of _____
Signed and sworn to by the said _____ before me this _____ day of _____, ____
to certify which witness my hand and seal of office
(Seal) _____
County of _____, State of _____

Cause No.: 322 744538 23

Applicant: [redacted] § In the DISTRICT Court

§

v. § of

§

§

§

Respondent: [redacted] § 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: [redacted] TARRANT

Respondent: [redacted] TARRANT

Respondent's address for service: [redacted] WATAUGA, TX 76148

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.	[redacted]	☑ Yes	☐ No	TARRANT
b.	[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:

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 sworn, full-time paid employee of a state agency or political subdivision.

7 ☒ **Property Orders**

The Residence located at: [redacted] WATAUGA, TX 76148

(*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.

☒ The Applicant to have exclusive use of the following property that the Applicant and Respondent jointly own or lease: [redacted] WATAUGA, TX 76148

☒ 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: [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] WATAUGA, TX 76148 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

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: [redacted]
Address: [redacted] WATAUGA, TX 76148

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.

▶ [redacted]
Applicant, Pro Se

Address where Applicant may be contacted: [redacted] WATAUGA, TX 76148

Phone # where Applicant may be contacted: (817)940-0852 Fax #: _____
(List another address/phone if you want yours kept confidential)

AFFIDAVIT

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.

County of TARRANT

State of Texas

My name is [redacted] (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? [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? [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:

[redacted]
Applicant signs here

On 12 / 22 / 23 the Applicant [redacted] 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 [illegible]

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

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

My Commission expires: 1-2-2026

Cause No.: 322 744538 23

322-744538-23

Applicant: [redacted] § In the DISTRICT Court

§

v. § of

§

§

Respondent: [redacted] § TARRANT County, Texas

FILED
TARRANT COUNTY
12/27/2023 9:04 AM
THOMAS A. WILDER
DISTRICT CLERK

Order setting Hearing for
~~Temporary Ex Parte Protective Order~~

Go to the court hearing on: Date: Jan 15, 2024 Time: 9:00 a.m. p.m.

Court Address: 4th Floor, 322nd Assoc. Ct, 200E Weatherford Street, Fort Worth TX

Findings: The Court finds from the sworn Affidavit or Declaration attached to the *Application for Protective Order* filed in this case that there is a clear and present danger that the Respondent named below will commit acts of family violence that will cause the Applicant, Children, and/or Other Adults named below immediate and irreparable injury, loss, and damage, for which there is no adequate remedy at law. The Court, therefore, enters this *Temporary Ex Parte Protective Order* without further notice to the Respondent or hearing. No bond is required.

1 **Respondent:** The person named below is ordered to follow all Orders marked with a check.

Name: [redacted] County of Residence: TARRANT

2 **Protected People:** The following people are protected by the terms of this PROTECTIVE ORDER:

	Name:	County of Residence:
☐ **Applicant:**	[redacted]	TARRANT
☐ **Children:**	[redacted]	TARRANT
	[redacted]	TARRANT
☐ **Other**		
Adults:		

3 **Temporary Orders** — To prevent family violence, the Court orders the Respondent to obey all orders marked with a check. ✔

The Respondent (person named in 1) must:

a. ☒ Not commit an act against any person named in **2** above that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places those people in fear of imminent physical harm, bodily injury, assault, or sexual assault.

b. ☒ Not communicate in a threatening or harassing manner with any person named in **2** above.

c. ☒ Not communicate a threat through any person to any person named in **2** above.

Copy from re:SearchTX

d. ☒ Not communicate or attempt to communicate in any manner with: (*Check all that apply*)
☒ Applicant ☐ Children ☐ Other Adults named in **2** above. 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 in **2** above. (except to go to court hearings)

f. ☒ Not go within 200 yards of the Residence, workplace, or school of the: (*Check all that apply*)
☒ Applicant ☐ Other Adults named in **2** above.
The addresses of the prohibited locations are: (*Check all that apply*)
☐ Deemed confidential. The Clerk is ordered to strike the information from all public court records and maintain a confidential record of the information for Court use only.
☐ Disclosed as follows:
Applicant's Residence: _____
Applicant's Workplace/School: _____
Other: _____

g. ✔ Not possess a firearm or ammunition, unless the Respondent is a peace officer actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision.

h. ☒ Not go within 200 yards of the Children's Residence, child-care facility, or school.
The addresses of the prohibited locations are: (*Check all that apply*)
☐ Deemed confidential. The Clerk is ordered to strike the information from all public court records and maintain a confidential record of the information for Court use only.
☐ Disclosed as follows:
Children's Residence: _____
Children's Child-care/School: _____
Other: _____

i. ☒ Not stalk, follow, or engage in conduct directed specifically toward the Applicant, Children, or Other Adults named in 2 above that is reasonably likely to harass, annoy, alarm, abuse, torment, or embarrass them, including tracking or monitoring a car or other property.

j. ☒ Not remove the Children from their school, child-care facility, or the Applicant's possession.

k. ☒ Not remove the Children from the jurisdiction of the Court.

l. ☐ Not take, harm, or interfere with the care, custody, or control of the following pet, companion animal, or assistance animal: _____ (describe the animal).

m. ☒ Not interfere with the Applicant's use of the Residence located at: [redacted] _____, including, but not limited to, disconnecting utilities or telephone service or causing such services to be disconnected.

n. ☒ Not interfere with the Applicant's use and possession of the following property:
2023 MAZDA CX5 PLATE# [redacted]

o. ☒ Not damage, transfer, encumber, or otherwise dispose of any property jointly owned or leased by the Applicant and Respondent, 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 by the parties (whether so titled or not).

Copy from re:SearchTX

4 ☒ **Order: Vacate Residence Immediately**

The Court finds that the Residence located at: [redacted] WATAUGA, TX 76148 (*Check one*):

- ☒ is jointly owned or leased by the Applicant and Respondent;
- ☐ is solely owned or leased by the Applicant; or
- ☐ is soley owned by the Respondent; and the Respondent is obligated to support the Applicant or a child in in the Applicant's possession.

The Court further finds that the Applicant currently resides at the Residence, or has resided there within 30 days prior to the filing of the *Application for Protective Order* in this case, and that the Respondent has committed family violence against a member of the household within 30 days prior to the filing of the *Application for Protective Order* in this case. There is a clear and present danger that the Respondent is likely to commit family violence against a member of the household.

The Respondent is therefore ORDERED to vacate the Residence on or before: _____ ☐ a.m. ☐ p.m. on: _____ (*date*) and to remain at least 200 yards away from the Residence until further order of the Court. The Applicant shall have exclusive use and possession of the Residence until further order of the Court.

IT IS FURTHER ORDERED that 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 to vacate the Residence, and to provide protection while the Applicant takes possession of the Residence, and if the Respondent refuses to vacate the Residence, provide protection while the Applicant takes possession of the Applicant's necessary personal property.

5 ☒ **Confidentiality of Information**

The Court Clerk is ordered 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 Clerk of the Court is prohibited 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. **It is ordered that all contact information for the Protected People is confidential.**

☒ It is ordered 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: [redacted]

Address: [redacted] WATAUGA, TX 76148

☒ It is ordered that the following person is designated as a person to receive any notice or documents filed with the Court.

6 ☒ **Go to the Court Hearing**

IT IS FURTHER ORDERED that notice issue to the Respondent to appear, and the Respondent is ORDERED to appear in person before this Court at the time and place indicated on page 1 of this form.

The purpose of this hearing is to determine whether the Court should issue the Protective Orders and other relief requested in the *Application for Protective Order* filed in this case.

7 **Duration of Order:** This Order is effective immediately and shall continue in full force and effect until twenty (20) days from the date it is signed, or further order of the Court.

Copy from re:SearchTX

8 ☐ **Warning:** A person who violates this order may be punished for contempt of court by a fine of as much as $500 or by confinement in jail for as long as six months, or both.

No person, including a person who is protected by this order, may give permission to anyone to ignore or violate any provision of this Order. During the time in which this Order is valid, every provision of this Order is in full force and effect unless a court changes the Order.

It is unlawful for any person, other than a peace officer, as defined by Section 1.07, Penal Code, actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision, who is subject to a Protective Order to possess a firearm or ammunition.

If a person subject to a protective order is released from confinement or imprisonment following the date the order would have expired, or if the order would have expired not later than the first anniversary of the date the person is released from confinement or imprisonment, the order is automatically extended to expire on: (1) the first anniversary of the date the person is released, if the person was sentenced to confinement or imprisonment for a term of more than five years; or (2) the second anniversary of the date the person is released if the person was sentenced to confinement or imprisonment for a term of five years or less.

A violation of this Order by commission of an act prohibited by the Order may be punishable by a fine of as much as $4,000 or by confinement in jail for as long as one year, or both. An act that results in family violence may be prosecuted as a separate misdemeanor or felony offense. If the act is prosecuted as a separate felony offense, it is punishable by confinement in prison for at least two years.

This Ex Parte Order signed on (*date*): 12/22/2023 Time: ~~2:40~~ 3:22pm a.m. (p.m.)

Judge Presiding: ▶ _____

This is a Court Order. No one – except the Court – can change this Order.

Copy from re:SearchTX

FILED
12/28/2023 12:00 AM
Judge Ralph Swearingin
Justice of the Peace, Precinct 1
Tarrant County

CAUSE NO. JP01-23-E00102017

[redacted]
PLAINTIFF v.

IN THE JUSTICE COURT
PRECINCT NO. 1
Tarrant COUNTY, TEXAS

Rental Subsidy (if any): $0.00
Tenant's Portion: $800.00
TOTAL MONTHLY RENT: $800.00

[redacted]
DEFENDANT

PETITION: EVICTION CASE

COMPLAINT: Plaintiff hereby sues the following Defendant(s) [redacted]

for eviction of Plaintiff's premises (including storerooms and parking areas) located in the above precinct. The address of the property is:

[redacted] Watauga TX 76148

Street Address | Unit No. (if any) | City | State | Zip

GROUNDS FOR EVICTION: Plaintiff alleges the following grounds for eviction:

☐ **Unpaid rent.** Defendant(s) failed to pay rent for the following time period(s): _____. The amount of rent claimed as of the date of filing is: _____. Plaintiff reserves the right to orally amend the amount at trial to include rent due from the date of filing through the date of trial.

☒ **Other lease violations.** Defendant(s) breached the terms of the lease (other than by failing to pay rent) as follows: _____
[redacted] has filed with the court for divorce from [redacted]
[redacted] has also filed a protective order against [redacted] with the court.
[redacted] and the children will be allowed to stay at the property.

☐ **Holdover.** Defendant(s) are unlawfully holding over by failing to vacate at the end of the rental term or renewal of extension period, which was the _____ day of _____, _____.

NOTICE TO VACATE: Plaintiff has given Defendant(s) a written notice to vacate (according to Chapter 24.005 of the Texas Property Code) and demand for possession. Such notice was delivered on the 17th day of December, 2023 by this method:
Hand delivered to [redacted]

SUIT FOR RENT: Plaintiff ☐ does or ☒ does not include a suit for unpaid rent.

ATTORNEY'S FEES: Plaintiff ☐ will be or ☒ will not be seeking applicable attorney's fees. The attorney's name, address, phone and fax numbers are: _____

Copy from re:SearchTX

26

Cause No.: 322 744538 23

Applicant: [redacted] § In the DISTRICT Court

§

v. § of

§

§

Respondent: [redacted] § TARRANT County, Texas

FILED
TARRANT COUNTY
12/28/2023 9:56 AM
THOMAS A. WILDER
DISTRICT CLERK

Order setting hearing for
~~Temporary Ex Parte Protective Order~~

Go to the court hearing on: Date: Jan 15, 2024 Time: 9:00 a.m. p.m.

Court Address: 4th Floor, 322nd Assoc. Ct, 200E Weatherford Street, Fort Worth TX

Findings: The Court finds from the sworn Affidavit or Declaration attached to the *Application for Protective Order* filed in this case that there is a clear and present danger that the Respondent named below will commit acts of family violence that will cause the Applicant, Children, and/or Other Adults named below immediate and irreparable injury, loss, and damage, for which there is no adequate remedy at law. The Court, therefore, enters this *Temporary Ex Parte Protective Order* without further notice to the Respondent or hearing. No bond is required.

1 **Respondent:** The person named below is ordered to follow all Orders marked with a check.

Name: [redacted] County of Residence: TARRANT

2 **Protected People:** The following people are protected by the terms of this PROTECTIVE ORDER:

	Name:	County of Residence:
☐ **Applicant:**	[redacted]	TARRANT
☐ **Children:**	[redacted]	TARRANT
	[redacted]	TARRANT
☐ **Other**		
Adults:		

3 **Temporary Orders** — To prevent family violence, the Court orders the Respondent to obey all orders marked with a check. ✔

The Respondent (person named in 1) must:

a. ☒ Not commit an act against any person named in **2** above that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places those people in fear of imminent physical harm, bodily injury, assault, or sexual assault.

b. ☒ Not communicate in a threatening or harassing manner with any person named in **2** above.

c. ☒ Not communicate a threat through any person to any person named in **2** above.

Copy from re:SearchTX

d. ☒ Not communicate or attempt to communicate in any manner with: (*Check all that apply*)
☒ Applicant ☐ Children ☐ Other Adults named in **2** above. 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 in **2** above. (except to go to court hearings)

f. ☒ Not go within 200 yards of the Residence, workplace, or school of the: (*Check all that apply*)
☒ Applicant ☐ Other Adults named in **2** above.
The addresses of the prohibited locations are: (*Check all that apply*)
☐ Deemed confidential. The Clerk is ordered to strike the information from all public court records and maintain a confidential record of the information for Court use only.
☐ Disclosed as follows:
Applicant's Residence: _____
Applicant's Workplace/School: _____
Other: _____

g. ✔ Not possess a firearm or ammunition, unless the Respondent is a peace officer actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision.

h. ☒ Not go within 200 yards of the Children's Residence, child-care facility, or school.
The addresses of the prohibited locations are: (*Check all that apply*)
☐ Deemed confidential. The Clerk is ordered to strike the information from all public court records and maintain a confidential record of the information for Court use only.
☐ Disclosed as follows:
Children's Residence: _____
Children's Child-care/School: _____
Other: _____

i. ☒ Not stalk, follow, or engage in conduct directed specifically toward the Applicant, Children, or Other Adults named in 2 above that is reasonably likely to harass, annoy, alarm, abuse, torment, or embarrass them, including tracking or monitoring a car or other property.

j. ☒ Not remove the Children from their school, child-care facility, or the Applicant's possession.

k. ☒ Not remove the Children from the jurisdiction of the Court.

l. ☐ Not take, harm, or interfere with the care, custody, or control of the following pet, companion animal, or assistance animal: _____ (describe the animal).

m. ☒ Not interfere with the Applicant's use of the Residence located at [redacted] WATAUGA, TX 76148 including, but not limited to, disconnecting utilities or telephone service or causing such services to be disconnected.

n. ☒ Not interfere with the Applicant's use and possession of the following property:
2023 MAZDA CX5 [redacted]

o. ☒ Not damage, transfer, encumber, or otherwise dispose of any property jointly owned or leased by the Applicant and Respondent, 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 by the parties (whether so titled or not).

Copy from re:SearchTX

4 ☒ Order: Vacate Residence Immediately

The Court finds that the Residence located at: [redacted] WATAUGA, TX 76148 (*Check one*):

- ☒ is jointly owned or leased by the Applicant and Respondent;
- ☐ is solely owned or leased by the Applicant; or
- ☐ is soley owned by the Respondent; and the Respondent is obligated to support the Applicant or a child in in the Applicant's possession.

The Court further finds that the Applicant currently resides at the Residence, or has resided there within 30 days prior to the filing of the *Application for Protective Order* in this case, and that the Respondent has committed family violence against a member of the household within 30 days prior to the filing of the *Application for Protective Order* in this case. There is a clear and present danger that the Respondent is likely to commit family violence against a member of the household.

The Respondent is therefore ORDERED to vacate the Residence on or before: _____ ☐ a.m. ☐ p.m. on: _____ (*date*) and to remain at least 200 yards away from the Residence until further order of the Court. The Applicant shall have exclusive use and possession of the Residence until further order of the Court.

IT IS FURTHER ORDERED that 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 to vacate the Residence, and to provide protection while the Applicant takes possession of the Residence, and if the Respondent refuses to vacate the Residence, provide protection while the Applicant takes possession of the Applicant's necessary personal property.

5 ☒ Confidentiality of Information

The Court Clerk is ordered 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 Clerk of the Court is prohibited 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. **It is ordered that all contact information for the Protected People is confidential.**

☒ It is ordered 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: [redacted]

Address: [redacted] WATAUGA, TX 76148

☒ It is ordered that the following person is designated as a person to receive any notice or documents filed with the Court.

6 ☒ Go to the Court Hearing

IT IS FURTHER ORDERED that notice issue to the Respondent to appear, and the Respondent is ORDERED to appear in person before this Court at the time and place indicated on page 1 of this form.

The purpose of this hearing is to determine whether the Court should issue the Protective Orders and other relief requested in the *Application for Protective Order* filed in this case.

7 Duration of Order: This Order is effective immediately and shall continue in full force and effect until twenty (20) days from the date it is signed, or further order of the Court.

Copy from re:SearchTX

8 ☐ **Warning:** A person who violates this order may be punished for contempt of court by a fine of as much as $500 or by confinement in jail for as long as six months, or both.

No person, including a person who is protected by this order, may give permission to anyone to ignore or violate any provision of this Order. During the time in which this Order is valid, every provision of this Order is in full force and effect unless a court changes the Order.

It is unlawful for any person, other than a peace officer, as defined by Section 1.07, Penal Code, actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision, who is subject to a Protective Order to possess a firearm or ammunition.

If a person subject to a protective order is released from confinement or imprisonment following the date the order would have expired, or if the order would have expired not later than the first anniversary of the date the person is released from confinement or imprisonment, the order is automatically extended to expire on: (1) the first anniversary of the date the person is released, if the person was sentenced to confinement or imprisonment for a term of more than five years; or (2) the second anniversary of the date the person is released if the person was sentenced to confinement or imprisonment for a term of five years or less.

A violation of this Order by commission of an act prohibited by the Order may be punishable by a fine of as much as $4,000 or by confinement in jail for as long as one year, or both. An act that results in family violence may be prosecuted as a separate misdemeanor or felony offense. If the act is prosecuted as a separate felony offense, it is punishable by confinement in prison for at least two years.

This Ex Parte Order signed on (*date*): 12/22/2023 Time: ~~2:40~~ 3:22pm a.m. (p.m.)

Judge Presiding: ▶ _____

This is a Court Order. No one – except the Court – can change this Order.

Copy from re:SearchTX

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)

[redacted]
Plaintiff (Print Full Name)

v.

[redacted]
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 [redacted]. 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.

Copy from re:SearchTX

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, [redacted] 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	☐ estoppel	☐ license
☐ arbitration and award	☐ failure of consideration	☐ release
☐ assumption of risk	☒ fraud	☐ res judicata
☐ contributory negligence	☒ illegality	☐ statute of frauds
☐ discharge in bankruptcy	☐ injury to fellow servant	☐ statute of limitations
☒ duress	☐ laches	☐ 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.

Copy from re:SearchTX

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: _____ Date: 01/02/2024

Defendant's Printed Name: [redacted] Phone: 817-507-6562

Mailing Address: [redacted] City: WATAUGA State: TX Zip: 76148

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: [redacted] (First) [redacted] (Middle) [redacted] (Last)

My date of birth is: [redacted] (Month Day Year).

My address is: [redacted] (Street Address) WATAUGA (City) TX (State) 76148 (Zip Code) USA (Country).

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) County, TEXAS (State),

on this date: 01 (Month) / 02 (Day) / 2024 (Year).

Defendant's Signature: [redacted]

Copy from re:SearchTX

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: [redacted]02@GMAIL.COM

[redacted] 01/02/2024

Defendant's Signature Date

Copy from re:SearchTX

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: 82998767
Filing Code Description: Answer/Contest/Response/Waiver
Filing Description: Answer to Protective Order
Status as of 1/2/2024 4:14 PM CST

Associated Case Party: [redacted]

Name	BarNumber	Email	TimestampSubmitted	Status
[redacted] [redacted]		[redacted]02@GMAIL.COM	1/2/2024 1:54:52 PM	SENT

Associated Case Party: [redacted]

Name	BarNumber	Email	TimestampSubmitted	Status
[redacted] [redacted]		chuckdustin12@gmail.com	1/2/2024 1:54:52 PM	SENT

Copy from re:SearchTX

EXHIBIT B

322-744538-23

Copy from re:SearchTX

Search Results

Search for individuals in the Computerized Criminal History System (CCH)

Viewing Results

Your search entitles you to view one detailed record. An additional search credit will be used when viewing each additional public criminal history record match. A search credit will be used even if there are "no matching records" or if you do not view a matching record. Access to Public Sex Offender Registry (SOR) records have no additional charge.

☑ Show me a preview of records when I open them.

Search Criteria

Search #31559509

Searched for '[redacted] | [redacted]

Searched on 12/30/2023 11:49:27 AM

Helpful Links

Start New Search

View Search History

View Other Searches in this Batch

Search Results

No search results found.

Databases Searched

- CCH (Computerized Criminal History Database) A database of records supported by fingerprints.
  - Computerized Criminal History (CCH) Specifications | Department of Public Safety (texas.gov)
  - CCH - Offense Codes | Department of Public Safety (texas.gov)
- SOR (Sex Offender Registry) The Public Sex Offender Registry.

Field Descriptions

- Match Type - Indicates how the record matched.
- Match - Name / Birthdate that matched your criteria.

Match Type Descriptions

- 'EXACT' - Matched on Last, First and Middle names.
- 'SOUNDEX' - Matched on Last, First and Middle names using Soundex.
- 'PARTIAL DOB' - Matched on Birth Month & Day or Birth Year only.
- 'YEAR +/-' - Matched on Birth Month, Day & +/- One Year.

Copy from re:SearchTX

****THIS IS NOT A SUBSTITUTE FOR THE ADVICE OF AN ATTORNEY****

FILED
TARRANT COUNTY
1/3/2024 6:59 PM
THOMAS A. WILDER
DISTRICT CLERK

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

Cause No. 322-744263-23

[redacted]
[redacted]
WATAUGA, TX 76148

§ In the *(check one)*:
§
§ ☒ 322nd District Court
§
§ ☐ County Court at Law No. _____
§
§ TARRANT County, Texas

AND

Cause No. 322-744538-23

[redacted]
[redacted]
WATAUGA, TX 76148

§ In the *(check one)*:
§
§ ☒ 322nd District Court
§
§ ☐ County Court at Law No. _____
§
§ TARRANT County, Texas

Motion to Consolidate

Print your answers

My name is:

[redacted] [redacted] [redacted]

First *Middle* *Last*

I am the ☐ Petitioner ☒ Respondent in this case

In support, the following is shown:

1. These lawsuits involve [a] common question[s] of law or fact.
2. It would serve the convenience of the Court and parties to have these lawsuits consolidated. Consolidation would assist in avoiding repetition, unnecessary expense, and unnecessary delay.

I pray that the Court grant the Motion to Consolidate and consolidate these lawsuits under the older and lower cause number.

Respectfully submitted,

[redacted] 01-03-2024
Your Signature *Date*

[redacted] 817-507-6562
Your Printed Name *Phone*

[redacted] WATAUGA TX 76148
Mailing Address *City* *State* *Zip*

CHUCKDUSTIN12@GMAIL.COM
Email Address *Fax # (if any)*

Notice of Hearing

The above motion is set set for a hearing on the ____ day of_____, 20_____, at _____ a.m. / p.m.

The hearing will be held in the _____
(Court)

located at _____
(Court's Location)

Signed this _____ day of _____, 20_____.

_____
Judge or Clerk

Certificate of Service

I certify that I delivered a copy of this document to each party in this case, or if a party is represented by a lawyer to the party's lawyer, by: *(Check one or more)*

☐ Hand delivery to the other party _____

☐ Hand delivery to the other party's lawyer _____

☒ Email to this email address [redacted]-5@GMAIL.COM

☐ Regular mail to this address: _____

_____

☐ Certified mail to this address: _____

_____

☐ Commercial delivery service (for example FedEx) to this address: _____

_____

☐ Fax to fax #: _____

▶ [redacted] 01-03-2024

Signature *Date*

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: 83059711
Filing Code Description: Motion (No Fee)
Filing Description: Motion to Consolidate
Status as of 1/4/2024 11:37 AM CST

Associated Case Party: [redacted]

Name	BarNumber	Email	TimestampSubmitted	Status
[redacted] [redacted]		[redacted]2@gmail.com	1/3/2024 6:59:39 PM	SENT

Associated Case Party: [redacted]

Name	BarNumber	Email	TimestampSubmitted	Status
[redacted] [redacted]		chuckdustin12@gmail.com	1/3/2024 6:59:39 PM	SENT

Background Report for Case Consolidation

Case Details:

Divorce Case (Cause No. 322-744263-23) in the 322nd District Court of Tarrant County, filed on December 18, 2023.

Protective Order Case (Cause No. 322-744538-23) in the 322nd District Court of Tarrant County.

Reasons for Consolidation:

Interconnected Issues:

The divorce case and the protective order case involve overlapping issues concerning family violence allegations, which are central to the divorce proceedings and directly affect custody and visitation rights. The protective order case includes allegations of family violence, which are also a pivotal point in the divorce case in determining the waiver of the standard waiting period for the divorce.

Consistency in Rulings:

Consolidating the divorce and protective order cases would ensure consistency in the court's findings, particularly regarding any allegations of family violence and their impact on the dissolution of marriage, custody, and visitation rights.

Judicial Economy:

Hearing both cases together would promote judicial economy by avoiding duplication of legal proceedings, as both cases are likely to involve similar witnesses, evidence, and legal arguments.

Claims of False Statements:

There have been claims of false statements and perjury related to the protective order, which could have significant implications for the divorce case. For instance, the claim that the plaintiff intentionally lied about being unable to pay court fees and made false allegations of family violence to gain an advantage in the divorce proceedings suggests that a single judge should hear both matters for a clear understanding of the facts.

Evidence of Misrepresentation and False Statements:

Evidence provided suggests that there have been misrepresentations to the court, including the transfer of funds from the joint account and the plaintiff's interaction with third parties, which could affect both the protective order and the divorce outcome. The protective order – which was based on claims of family violence – are entirely baseless as I have no record of family violence, and no evidence from the Plaintiff has been provided to substantiate these claims.

Landlord-Tenant Relationship:

The eviction case, although not directly related to family law matters, stems from claims and actions that are deeply intertwined with the divorce and protective order cases, suggesting that the alleged family violence and the actions of the plaintiff have been used to justify an eviction that coincides with the timing of the divorce and protective order filings.

Conclusion:

Given the overlapping factual and legal issues in the divorce and protective order cases, consolidation would serve the interests of justice and efficiency. It would ensure that the court has a comprehensive understanding of the intertwined nature of the family's circumstances, which is vital for fair and equitable resolution of these matters. While the eviction case may not be directly consolidated due to jurisdictional differences, it should be considered in context with the other cases to provide a complete picture of the ongoing disputes and to keep the best interests of our children intact.

Respectfully submitted,

Chuckdustin12@gmail.com

817-507-6562

X

On this day of 01-03-2024

FILED
TARRANT COUNTY
1/8/2024 12:00 AM
THOMAS A. WILDER
DISTRICT CLERK

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

Cause Number 322 744538 23
Complete this section so that it looks exactly like the Petition filed in your case.

[redacted]
[redacted]
WATAUGA, TX 76148

In the *(check one)*:
322 *Court Number*
☒ District Court
☐ County Court at Law

TARRANT County, Texas

Motion for Continuance and Notice of Hearing

Print your answers.

1. My name is: [redacted] *First* [redacted] *Middle* [redacted] *Last*.
2. I am the ☐ Petitioner ☒ Respondent in this case.
3. This case is presently set for a hearing or trial on 01 / 16 / 2024. *Month Day Year*
4. I ask the Court to change the date of the hearing or trial to a later date because: *(Check all that apply.)*
   - ☐ I did not get at least 3 days' notice of this hearing.
   - ☐ I did not get at least 10 days' notice of this **contempt/enforcement** hearing.
   - ☐ I did not get at least 45 days' notice of this **final** hearing or trial.
   - ☒ I need time to hire a lawyer.
   - ☐ I need time to get legal advice and get ready to represent myself at the hearing.
   - ☒ Other: *(Write why you need a continuance.)* Please see attached documents.
5. This continuance is not sought solely for delay but that justice may be done.
6. I ask the Court to grant my Motion for Continuance.

Respectfully submitted,

[redacted]
Your Signature

01-06-2024
Date

[redacted]
Your Printed Name

(817) 507-6562
Phone

[redacted], WATAUGA TX - 76148
Mailing Address *City* *State* *Zip*

CHUCKJUSTIN12@GMAIL.COM
Email Address

Fax Number (if available)

Notice of Hearing

The above motion is set for hearing on 01-16-2024 at 9:00 ☒ a.m. ☐ p.m.

at the TARRANT County Courthouse, located at:

200 E. WEATHERFORD FORT WORTH TX 76196-0402

Physical Address of Courthouse *City* *State* *Zip*

▶ _____

Signature of Judge or Clerk (if required in your County)

Declaration (Pursuant to Texas Civil Practice & Remedies Code 132.002)

My full name is: [redacted],

my date of birth is: [redacted], and

my address is: [redacted], WATAUGA, TX 76148,

and TARRANT.

Country

I declare **under penalty of perjury** that: 1) I am the person asking for a continuance, 2) I have read this Motion for Continuance, and 3) the statements in this Motion for Continuance are within my personal knowledge and are true and correct.

Executed *(formally signed)* in TARRANT County, Texas on this date: 01-06-2024.

▶ [redacted]

Signature of Party Asking for Continuance

Certificate of Service

I certify that I delivered a copy of this document to each party in this case, or if a party is represented by a lawyer to the party's lawyer, by: *(Check one.)*

☒ Hand delivery to the other party: [redacted]

☐ Hand delivery to the other party's lawyer: _____

☒ Email to this email address: [redacted]@gmail.com

☐ Certified mail, return receipt requested to this address: *(**Note:** This method may take too long.)*

_____

☐ Commercial delivery service (for example FedEx) to this address:

_____

☐ Fax to fax #: _____

☒ Electronic service through the electronic filing manager. *(**Note:** The method is required if you electronically file (e-file) this document and the email address of your spouse or your spouse's attorney is on file with the electronic file manager.)*

▶ [redacted] 01-06-2024

Signature of Party Asking for Continuance *Date*

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Automated Certificate of eService

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Envelope ID: 83152990
Filing Code Description: Motion (No Fee)
Filing Description: Motion of Continuance
Status as of 1/8/2024 12:31 PM CST

Associated Case Party: [redacted]

Name	BarNumber	Email	TimestampSubmitted	Status
[redacted] [redacted]		[redacted]02@GMAIL.COM	1/6/2024 3:25:44 PM	SENT

Associated Case Party: [redacted]

Name	BarNumber	Email	TimestampSubmitted	Status
[redacted]		chuckdustin12@gmail.com	1/6/2024 3:25:44 PM	SENT

[redacted]

[redacted]

Watauga, TX 76148 [redacted]

Chuckdustin12@gmail.com

2024-01-06

IN THE DISTRICT COURT OF TARRANT COUNTY, TEXAS

BEFORE THE 322ND COURT

[redacted] Plaintiff,

vs.

[redacted], Defendant.

CAUSE NO. 322-744538-23

MOTION FOR CONTINUANCE

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now Charles Dustin Myers, Defendant in the above-entitled and numbered cause, respectfully requests that the Court grant a continuance in the protective order case, and as grounds therefore would show the following:

1. Family Priorities During Holidays: The recent holiday season and the children's break from school have been my priority. Ensuring their stability and spending quality time with them has been of utmost importance, impacting my ability to prepare adequately for this case.

2. Motion for Consolidation: I have recently filed a motion for consolidation to combine this case with two others due to their intertwined nature. This motion has been accepted by the court but not yet ruled upon by the judge. A decision on this matter could significantly impact the proceedings of this case. The relevant cases that are intertwined are cause numbers: 322-744263-23 (DIVORCE) and JP01-23-E00102017 (EVICTION).

3. Unfounded Claims in Eviction Suit and Protective Order: Both the eviction suit and the protective order claims are unfounded. The eviction suit lists the violation of the lease as "granddaughter divorced" and prematurely references the protective order as a secondary reason for eviction grounds. Additional time is needed to address these premature and baseless claims. There is no immediate danger to the Plaintiff, or the children – and has never been any incident of family violence that has occurred within our home. Attached is a copy of my criminal history obtained by the Texas Department of Public Safety that highlights my clean record.

4. Time to appropriately answer the divorce: The parent case in the request to consolidate is the divorce, which I have yet to answer due to the concurrent proceedings (eviction suit and protective order) which were both filed due to the claims that I possess a history of family violence, waiving the 60-day period for service and making the timeframe unreasonable – especially considering the lack of communications from the Plaintiffs – to formulate a plan that best suits our children's interests.

5. Lack of Cooperation in Providing Lease Agreement: Despite requests, the Plaintiff has not provided a copy of the lease agreement necessary for my defense. More time is needed to acquire these critical documents, especially given the unlawful nature of the eviction.

6. Potential for Amicable Resolution: Given more time to prepare and the pending decision on the consolidation of cases, there is a potential for a more amicable resolution to be reached. The intertwined nature of the cases suggests that a holistic approach to resolution may be more appropriate and beneficial for all parties involved.

Considering the above reasons, continuity is necessary to ensure a fair and just resolution of this matter. I assure the Court that this request is not for the purpose of delay, but to allow for adequate preparation and the pursuit of justice.

WHEREFORE PREMISES CONSIDERED, I, [redacted], respectfully request that the Court grant a continuance for the protective order case.

Respectfully submitted,

[redacted]

CERTIFICATE OF SERVICE

I certify that a true and correct copy of this Motion for Continuance was served on [redacted] Plaintiff, at [redacted]v02@gmail.com on 2024-01-06.

[redacted]

322ND FAMILY DISTRICT COURT

~~ASSOCIATE JUDGE'S REPORT~~ Rendition

FILED
TARRANT COUNTY
1/17/2024 2:28 PM
THOMAS A. WILDER
DISTRICT CLERK

CAUSE NUMBER: 322 - 744538-23
322- 744263-23

ITMOTMO/INRE

[redacted]

vs

[redacted]

§ IN THE DISTRICT COURT
§
§ TARRANT COUNTY, TEXAS
§
§ 322ND JUDICIAL DISTRICT

RESET DATE AND TIME: January 22, 2024 at 9:00 am

1. Appearances:

☑ Petitioner/Movant appeared in person and ~~by attorney~~ Pro Se

☑ Respondent appeared in person and ~~by attorney~~ Pro Se

☐

2. Issue(s): ☐ Custody ☐ Visitation ☐ Child Support ☐ Health Insurance ☐ CPS

☐ (Property and Conservatorship)

3. Order(s) or Agreement(s): The Wife will remain in the house temporarily. Case is set next Monday, January 22, 2024 at 9:00am. The husband shall vacate the house by 2:00p.m January 16, 2024. Mother to have possession of the Children until the time of the hearing. Cause # 322-744538-23 is consolidated into Cause # 322-744263-23.
Continuance granted.

AGREED AS TO FORM AND SUBSTANCE:

Attorney for Petitioner

Attorney for Respondent

Petitioner

Respondent

SO ORDERED: James B Munroe

322nd ~~Associate~~ Judge

1-16-2024

Date

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: 83494135
Filing Code Description: No Fee Documents
Filing Description: Rendition
Status as of 1/17/2024 4:23 PM CST

Associated Case Party: [redacted]

Name	BarNumber	Email	TimestampSubmitted	Status
[redacted]		[redacted]w02@gmail.com	1/17/2024 2:28:44 PM	SENT

Associated Case Party: [redacted]

Name	BarNumber	Email	TimestampSubmitted	Status
[redacted]		chuckdustin12@gmail.com	1/17/2024 2:28:44 PM	SENT

FILED
TARRANT COUNTY
1/16/2024 6:02 PM
THOMAS A. WILDER
DISTRICT CLERK

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA.

Cause Number: 322-744263-23

(Print court information exactly as it appears on the Original Petition for Divorce)

IN THE MATTER OF THE MARRIAGE OF

Petitioner: [redacted]
Print first, middle and last name of the spouse filing for divorce.

And

Respondent: [redacted]
Print first, middle and last name of other spouse.

In the 322nd
(Court Number)

☒ District Court
☐ County Court at Law

TARRANT County, Texas

AND IN THE INTEREST OF: *(List all children you and your spouse have together who are under 18 or still in high school.)*

1. [redacted] 2. [redacted] 3. _____
4. _____ 5. _____ 6. _____

Respondent's Original Counter-Petition for Divorce

Print your answers.

My name is: [redacted] [redacted] [redacted].
First *Middle* *Last*

I am the **Respondent and Counter-Petitioner** in this divorce case.

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.

My spouse's name is: [redacted] [redacted] [redacted].
First *Middle* *Last*

My spouse is the **Petitioner** and **Counter-Respondent**.

1. Discovery Level

The discovery level in this case, if needed, is: *(Check one box.)*

☒ Level 1. *Check here if you and your spouse have less than $50,000 in property.*

☐ Level 2. *All **other** couples check here.*

2. Legal Notice.

I will deliver a copy of this document to my spouse as required by Texas Rules of Civil Procedure Rule 21a.

If my spouse has a lawyer, I will deliver it to my spouse's lawyer instead of directly to my spouse.

3. Jurisdiction

3A. County Residence Requirement (Check all boxes that apply.)

- [x] I have lived in this county for the last 90 days.
- [x] My spouse has lived in this county for the last 90 days.
- [ ] I am serving in the armed forces or other government service outside of Texas, but this county has been the home county of either my spouse or me for at least 90 days.
- [ ] I have accompanied my spouse who is serving in the armed forces or other government service outside of Texas, but this county has been the home county of my spouse or me for at least 90 days.

3B. Texas Residence Requirement (Check all boxes that apply.)

- [x] I have lived in Texas for the last six months.
- [x] My spouse has lived in Texas for the last six months.
- [ ] I am serving in the armed forces or other government service outside of Texas, but Texas is the home state of either my spouse or me and has been for at least 6 months.
- [ ] I have accompanied my spouse who is serving in the armed forces or other government service outside of Texas, but Texas is the home state of either my spouse or me and has been for at least 6 months.

4. Dates of Marriage and Separation

My spouse and I got married on or about: JUNE (*Month*) 20 (*Day*) 2023 (*Year*)

We stopped living together as spouses on or about: CURRENTLY STILL LIVING TOGETHER (*Month Day Year*)

5. Grounds for Divorce

I ask the Court to grant me a divorce. The marriage has become insupportable due to discord or conflict of personalities that destroys the legitimate ends of the marital relationship and prevents any reasonable expectation of reconciliation.

6. Children

6A. Children Husband and Wife have Together

My spouse and I are the parents of the following children who are under 18 years old <u>or</u> over 18 years old and still in high school.

(You MUST list <u>all</u> children you and your spouse have together (adopted or biological) who are under 18 or over 18 and still in high school.)

© TexasLawHelp.org

	Child's name	Date of Birth	Place of Birth	State where child lives now
1.	[redacted]	[redacted]	FORT WORTH	TEXAS
2.	[redacted]	[redacted]	FORT WORTH	TEXAS
3.				
4.				
5.				
6.				

6B. Jurisdiction over Children

(Check one box.)

[X] The children live in Texas now and have lived in Texas for at least the past 6 months or since birth.

[ ] The children do not live in Texas now but they have been gone from Texas less than 6 months. The children lived in Texas the 6 months before they moved. A parent or person acting as a parent continues to live in Texas.

[ ] None of the above apply. (***Note:*** *Talk with a lawyer if none of the above apply.)*

(Check box below only if true.)

[X] There are **no court orders** about any of the children listed above. No other Court has continuing jurisdiction over this case or the children.

> ***Note:*** *Do **not** use this form if there is already a court order in place for any of the children (such as a child support order through the Attorney General's Office.)*
> *Use Respondent's Original Counter-Petition for Divorce—Set C at www.TexasLawHelp.org for filing a Counter-Petition for Divorce when there is already a court order in place.*

6C. Children's Property

(Check one box.)

[X] The children do not own any property of significant value in their own name.

[ ] The children own the following property of significant value in their own name:

_____

_____

6D. Children's Health Insurance

The children: *(Check all that apply.)*

[ ] have **private health insurance.**

Name of insurance company: _____

Policy number: _____ Cost of premium: $ _____

Name of person who pays for insurance: _____

The insurance policy [ ] is [ ] is not available through the parent's work.

[ ] have health insurance through **Medicaid.**

[ ] have health insurance through **C.H.I.P.** Cost of premium (if any): $_____

[X] do not have health insurance.

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*If the children **do not** have private health insurance also complete the following:*

Private health insurance ☐ is ☒ is not available to Father at a reasonable cost.

Private health insurance ☐ is ☒ is not available to Mother at a reasonable cost.

6E. Children's Dental Insurance

The children: *(Check all that apply.)*

☐ have **private dental insurance.**

Name of insurance company: _____

Policy number: _____ Cost of premium: $ _____

Name of person who pays for insurance: _____

The insurance policy ☐ is ☐ is not available through the parent's work.

☐ have dental insurance through **Medicaid.**

☐ have dental insurance through **C.H.I.P.** Cost of premium (if any): $_____

☒ do not have dental insurance.

*If the children **do not** have private dental insurance also complete the following:*

Private dental insurance ☐ is ☒ is not available to Father at a reasonable cost.

Private dental insurance ☐ is ☒ is not available to Mother at a reasonable cost.

6F. Conservatorship (Custody) of the Child/ren

I ask the court to make conservatorship (custody) orders as follows: *(Check **a, b,** or **c.**)*

a. ☒ Mother and Father should be **Joint Managing Conservators** of the child/ren and:

*(If you checked **a**, check **a-1, a-2,** or **a-3**.)*

a-1. ☐ Father should have the exclusive right to designate the primary residence of the child/ren within the following geographic area: *(Check one box below.)*

☐ anywhere. ☐ this county. ☐ this county or county adjacent to this county.

☐ Texas. ☐ other: _____.

a-2. ☐ Mother should have the exclusive right to designate the primary residence of the child/ren within the following geographic area: *(Check one box below.)*

☐ anywhere. ☐ this county. ☐ this county or county adjacent to this county.

☐ Texas. ☐ other: _____.

a-3. ☒ Neither parent should have the exclusive right to designate the primary residence of the child/ren but both parents should be ordered not to move the child/ren out of the following geographic area: *(Check one box below.)*

☐ this school district: _____ ☐ this county.

☒ this county or county adjacent to this county. ☐ other: _____.

b. ☐ Mother should be the **Sole Managing Conservator** of the child/ren.

c. ☐ Father should be the **Sole Managing Conservator** of the child/ren.

6G. *Possession of and Access to the Child/ren (Visitation)*

I ask the court to make possession and access (visitation) orders as follows: *(Check **a, b, c,** or **d.**)*

a. ☐ Father should have "standard visitation." *(See Texas Family Code Chapter 153, Subchapter F.)*

b. ☒ Mother should have "standard visitation." *(See Texas Family Code Chapter 153, Subchapter F.)*

c. ☐ "Standard visitation" would be unworkable or inappropriate. Possession and access to the child/ren should be as follows: _____

_____

_____

_____

_____

_____

_____

d. ☐ I am concerned about the safety of the children with the other parent: I ask that:
*(If you checked **d**, check all that apply below.)*

d-1. ☐ exchanges of the child/ren be supervised, or in the alternative, be in a public place.

d-2. ☐ the other parent's possession of the child/ren be limited to day visits.

d-3. ☐ the other parent's possession of the child/ren be supervised.

d-4. ☐ the other parent have no right to possession or access to the child/ren.

d-5. ☐ the other parent be ordered not to use alcohol or illegal drugs 24 hours prior to or during possession of the child/ren.

d-6. ☐ the other parent's possession and access to the children be restricted as follows:

_____

_____

_____

_____

_____

(Check only if you asking that a different possession order be in place while a child is under 3 years old.)

☐ One or more of the children is under 3. Until the child turns 3, possession should be as follows:

_____

_____

_____

After the child turns 3, possession should be as checked above.

(Check only if applicable.)

☐ I am concerned that the other parent may take the child/ren to another country and refuse to return them. I ask the Court to determine if there is a risk of international kidnapping by the other parent and to take such measures as are necessary to protect the child/ren.

6H. *Child Support, Medical Support, and Dental Support for the Child/ren*

I ask the court to make appropriate orders for the financial support of the child/ren, including regular child support and medical and dental support and, if supported by the evidence, retroactive child support.

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7. Is the Wife Pregnant?

(Check one box.)

☒ The wife in this marriage **is not** pregnant.

☐ The wife in this marriage **is** pregnant. I understand that I cannot finish the divorce until after the child is born.

(If the wife is pregnant, also check one box below.)

☐ The husband **is** the father of this child. I ask the court to include orders for custody, visitation, child support and medical support for the child in the *Final Decree of Divorce*.

☐ The husband **is not** the father of this child. I understand that paternity of the child must be established before I can finish the divorce. *(Read "Texas Paternity Law: Frequently Asked Questions" at www.TexasLawHelp.org for information about establishing paternity.)*

8. Did the Wife have a Child with Another Man While Married to the Husband?

(Check one box. Fill in the requested information, if applicable.)

☒ The wife **did not** have a child with another man while married to the husband.

☐ The wife **did** have a child with another man while married to the husband. All of the children born during the marriage that are not the Husband's adopted or biological children are named below:

	Child's name	Age	Date of Birth	Sex
1.				
2.				
3.				
4.				
5.				
6.				

(If the wife had a child or children with another man during the marriage, check one box below,)

☐ Paternity of the child/ren named above **has not** been established. I understand that paternity of the child/ren must be established before I can finish my divorce. *(Read "Texas Paternity Law: FAQs" at www.TexasLawHelp.org for information about establishing paternity.)*

☐ Paternity of the child/ren named above **has** been established: *(Check one box.)*

☐ A court order has established that another man is the biological father and/or the Husband is not the biological father of the child/ren listed above. I understand I must attach a file-stamped copy of the court order to my *Final Decree of Divorce*.

☐ An *Acknowledgement of Paternity* was signed by the biological father and a *Denial of Paternity* was signed by the Husband for the child/ren listed above. I understand I must attach a copy of these documents to my *Final Decree of Divorce*.

9. Protective Order Statement

(Check the appropriate boxes. Fill in the requested information, if applicable.)

9A. No Protective Order

[X] I **do not** have a Protective Order against my spouse and I have not asked for one.

[ ] My spouse **does not** have a Protective Order against me and has not asked for one.

9B. Pending Protective Order

[ ] I **have** filed paperwork with a court asking for a Protective Order against my spouse, but a judge has not decided if I should get it. I asked for a Protective Order on _____ (*Date filed*) in _____ (*County*) County, _____ (*State*).

The cause number is _____ (*Cause Number*).

If I get a Protective Order, I will file a copy of it before any hearings in this divorce.

[X] My spouse **has** filed paperwork asking for a Protective Order against me, but a judge has not decided if my spouse will get it. My spouse asked for a Protective Order on 2023-12-22 (*Date filed*) in TARRANT (*County*) County, TEXAS (*State*).

The cause number is 322-744538-23 (*Cause Number*).

If my spouse gets a Protective Order, I will file a copy of it before any hearings in this divorce.

9C. Protective Order in Place

[ ] I **do have** a Protective Order against my spouse. I got the Protective Order in _____ (*County*) County, _____ (*State*) on _____ (*Date Ordered*).

The cause number for the Protective Order is _____ (*Cause Number*).

Either I have attached a copy of the Protective Order to this Petition or I will file a copy of it with the court before any hearings in this divorce.

[ ] My spouse **does have** a Protective Order against me. The Protective Order was made in _____ (*County*) County, _____ (*State*) on _____ (*Date Ordered*).

The cause number for the Protective Order is _____ (*Cause Number*).

Either I have attached a copy of the Protective Order to this Petition or I will file a copy of it with the court before any hearings in this divorce.

10. Waiver of Waiting Period Based on Family Violence

(Check only if applicable.)

[ ] I ask the Court to waive the 60-day waiting period for divorce because: *(Check one box.)*

[ ] My spouse has been convicted of or received deferred adjudication for a crime involving family violence against me or a member of my household.

[ ] I have an active protective order or an active magistrate's order for emergency protection against my spouse because of family violence during our marriage. The order includes a finding that my spouse committed family violence.

11. Family Information

(Check only if applicable.)

☐ I believe my children or I will be harassed, abused, seriously harmed or injured or otherwise subjected to family violence if I must give my spouse the information checked below for myself and the child/ren:

☐ home address ☐ mailing address ☐ employer ☐ work address,
☐ home phone # ☐ work phone # ☐ social security # ☐ driver's license #.

I ask the Court to Order that I not have to give this information or notice of changes in this information to my spouse. I also ask the Court to keep this information confidential.

12. Property and Debt

Note: *It is very important to talk with a lawyer if you or your spouse has a house, land, business, retirement funds, other valuable property or debt. Getting advice from a lawyer now can save you time and money in the long run.*

About community property: *Texas is a community property state. This means that any new property that either spouse gets from the minute they are married until the minute the judge grants the divorce is probably community property, even if the property is only in one spouse's name.* ***About separate property:*** *Property owned by a spouse before the marriage is that spouse's separate property. In addition, if either spouse receives a gift, an inheritance, or a recovery for personal injuries that occurred during the marriage (not including a recovery for lost wages or medical expenses); it is that spouse's separate property. There are exceptions to these general rules. If you have questions talk with a lawyer.*

About retirement: *Retirement funds (such as 401k, pension, profit sharing, stock option plans and IRAs) earned by either spouse during the marriage are usually considered to be community property that can be divided by the court. This is true even if you or your spouse has not yet retired.*

- *If you want the Court to divide retirement funds (other than an IRA), you will need to have the Court sign an additional form, usually called a "Qualified Domestic Relations Order" (QDRO), to make the division effective. You should have the QDRO prepared before you go to court, so the judge can sign it when you finish your divorce. A QDRO form is not included with this divorce set. You may be able to get a sample QDRO form from the employer or retirement fund administrator. If not, you should hire a lawyer to draft the QDRO form.*
- *If you use the employer or retirement fund administrator's QDRO form, you should still have a lawyer review it to make sure you are not giving up important benefits.*

Note: *If you and your spouse plan to keep your own retirement funds or do not have retirement funds, you do not need a QDRO.*

About debt: *A creditor's right to collect a debt is not affected by a divorce decree. So, if the Court orders your spouse to pay a debt (such as a mortgage) that is in both of your names but your spouse doesn't pay it, the creditor can still seek payment from you. Ask a lawyer how to protect yourself in this situation.*

12A. Community Property and Debt

If my spouse and I can agree about how to divide the property and debts we got during our marriage, I ask the Court to approve our agreement. If we cannot agree, I ask the Court to divide our community property and debts according to Texas law.

12B. Separate Property

I own the following separate property. I owned this property before I was married or I received this property as a gift or inheritance during my marriage or I received this property as recovery for personal injuries that occurred during the marriage (not including any recovery for lost wages or medical expenses). I ask the Court to confirm this property as my separate property.

(Fill in all lines. If you have no property to list in a particular category, write "none.")

House located at: _____
Street Address *City* *State* *Zip*

Land located at: _____
Street Address *City* *State* *Zip*

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15. Certificate of Service

[X] (*Check this box and follow the instructions only if the child/ren get Medicaid or TANF now or got it in the past.*) I will deliver a copy of this *Petition for Divorce* to the Office of the Attorney General Child Support Division* as follows:

If I file this document electronically, I will deliver it through the electronic file manager if possible. If not possible, I will deliver it in person, by mail, by commercial delivery service, by fax, or by email.

If I file a paper copy of this document, I will deliver it in person, by mail, by commercial delivery service, by fax, or by email.

[X] I gave a copy of this document to my spouse's lawyer or my spouse (if my spouse does not have a lawyer) on the same day this document is filed with (turned in to) the Court as follows:

If I filed this document electronically, I sent a copy of it to my spouse or my spouse's lawyer through the electronic file manager if possible. If not possible, I gave a copy to my spouse or my spouse's lawyer in person, by mail, by commercial delivery service, by fax, or by email.

If I filed a paper copy of this document, I gave a copy of it to my spouse or my spouse's lawyer in person, by mail, by commercial delivery service, by fax, or by email.

[redacted] 01-06-2024

Respondent/Counter-Petitioner's Signature ***Date***

Note: *For a referral to a lawyer call your local lawyer referral service or the State Bar of Texas Lawyer Referral Information Service at 1-800-252-9690.*

For information about free and low-cost legal help in your county go to www.texasbar.com/ReferralDirectory or call the Legal Aid office serving your area:

Legal Aid of Northwest Texas *1-888-529-5277 (serves Dallas / Ft. Worth area & Northwest Texas)*

Lone Star Legal Aid *1-800-733-8394 (serves Houston area & East Texas)*

Texas Rio Grande Legal Aid *1-888-988-9996 (serves Austin / San Antonio area, El Paso area & South Texas)*

If you have been the victim of family violence, or if at any time you feel unsafe, get help by calling the:

National Domestic Violence Hotline *at 1-800-799-SAFE (7233) or*

Texas Family Violence Legal Line *at 1-800-374-HOPE (4673) or*

Advocates for Victims of Crime (AVOICE)*: at 1-888-343-4414.*

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Envelope ID: 83461559
Filing Code Description: Counter Claim/Cross Action/Interpleader/Intervention/Third Party
Filing Description: Contestation of Divorce Petition - Counter Petition
Status as of 1/17/2024 9:11 AM CST

Associated Case Party: [redacted]

Name	BarNumber	Email	TimestampSubmitted	Status
[redacted]		[redacted]mw02@gmail.com	1/16/2024 6:02:45 PM	SENT

Associated Case Party: [redacted]

Name	BarNumber	Email	TimestampSubmitted	Status
[redacted]		chuckdustin12@gmail.com	1/16/2024 6:02:45 PM	SENT

COUNTER-PETITION FOR DIVORCE AND COMPREHENSIVE STATEMENT OF CONTEXT

IN THE DISTRICT COURT OF TARRANT COUNTY, TEXAS

322ND JUDICIAL DISTRICT

[redacted]

Plaintiff,

vs.

[redacted]

Defendant.

COUNTER-PETITION FOR DIVORCE AND COMPREHENSIVE STATEMENT OF CONTEXT

TO THE HONORABLE JUDGE OF SAID COURT:

I, [redacted] the Defendant in the above-captioned case, submit this Counter-Petition for Divorce and Comprehensive Statement of Context in response to the Original Petition for Divorce filed by [redacted] the Plaintiff. This document addresses the inaccuracies in the Plaintiff's petition, provides a detailed account of the situation, and outlines the evidence I am prepared to present to the Court.

I. OVERVIEW AND CONTEXT

This divorce is intertwined with two additional legal proceedings - an eviction suit (Case No. JP01-23-E00102017) and a protective order (Case No. 322-744538-23), both of which are deeply entangled with the divorce case (Case No. 322-744263-23).

The significant third-party influence exerted by individuals named [redacted] and [redacted] as well as our landlord – her Grandmother – who lives next door to us - has critically impacted the Plaintiff's decisions and actions in our marital matters and the ongoing divorce proceedings. Notably, [redacted] a family member, has played an active and concerning role in the process – claiming to be her legal representative yet possessing no license to practice law in the state of Texas.

1. **[redacted] and [redacted] Influence:**

   I possess extensive text and call logs that unequivocally demonstrate the Plaintiff's prioritization of [redacted] and [redacted] over our family obligations and commitments. These interactions, which have been meticulously logged and analyzed, reveal a consistent pattern where the Plaintiff has chosen to allocate a significant amount of her time and attention to these individuals, even amidst our divorce proceedings. It wasn't until the discovery and subsequent discussion of these interactions that lead to the situation escalating. It is my firm belief that the protective order was filed in an attempt to escape responsibility rather than to seek protection, as we have been co-habiting throughout this process, and joint conservatorship was requested on the original divorce petition.

2. **[redacted] Branthoover's Role:**

   [redacted] Branthoover's involvement has escalated beyond mere influence to active participation in the legal aspects of our divorce. He has notably assisted the Plaintiff in preparing and filing divorce papers.

   Critically, under [redacted] advice, the Plaintiff withdrew $1,600 from our joint bank account without my authorization. This unauthorized transaction led to a dire financial situation, with a deficit of $800 in our account, resulting in bounced bills and considerable strain on my business operations.

   This act of financial maneuvering, advised and facilitated by [redacted] not only infringed upon our mutual financial responsibilities but also breached the trust inherent in our joint financial management. It underscores the extent of third-party involvement in our personal and legal affairs.

3. **Communication Breakdown:**

   Throughout these developments, the Plaintiff has consistently failed to communicate with me about these significant third-party influences and their implications on our divorce and family dynamics. This lack of communication has been a major contributing factor to the misunderstandings and the subsequent escalation of conflict between us.

   The involvement of these third parties, particularly the actions taken by [redacted] have not only influenced the Plaintiff's decisions but also actively interfered with our joint financial integrity and the legal process. This has added layers of complexity to an already challenging situation and has necessitated the presentation of this comprehensive account in the interest of transparency and fairness in these proceedings.

4. Deterioration of Parental Responsibility

Since the announcement of our divorce on December 1st, 2023, there has been a noticeable and concerning shift in [redacted] parenting responsibilities and her involvement in our children's lives. Prior to this date, [redacted] was an engaged and active parent. However, since the announcement, her day-to-day interactions with [redacted] and [redacted] have noticeably deteriorated. This change is not only alarming but also detrimental to the well-being and emotional stability of our children.

[redacted] has increasingly prioritized her personal interests, specifically her interactions with friends, [redacted] and [redacted] over her responsibilities as a mother. It has been observed and documented that she spends an excessive amount of time, estimated to be up to 24 hours per week, visiting these friends. This extensive time spent away from home has not only reduced her physical presence in our children's lives but also impacted her emotional availability to them.

More concerning is the complete lack of effort on [redacted] part to communicate effectively about the children's needs, their daily routines, and their emotional well-being since the divorce announcement. This breakdown in communication is critical, as co-parenting effectively is paramount for the children's adjustment to the changes in our family structure. The inability or unwillingness to engage in meaningful dialogue regarding our children's care is not in their best interest and is counterproductive to their needs during this challenging time.

5. Contradicting and False Statements

Throughout the ongoing divorce proceedings, there have been several instances of contradictory and demonstrably false statements made by [redacted] which have significantly complicated and distorted the case. A critical point of contention is [redacted] claim regarding her inability to pay, which is incongruent with the financial facts presented. Additionally, her request for the waiver of the standard 60-day waiting period for divorce, citing an alleged order that found I had committed family violence, is entirely baseless and untrue.

There is no evidence or record to substantiate claims of family violence in our marriage. In fact, this assertion directly contradicts my clean record and consistent history of being a caring and non-violent partner and father. The accusation appears to be a strategic move to gain an unfair advantage in the divorce proceedings.

Furthermore, [redacted] actions in filing a protective order, followed by the initiation of an eviction process, appear to be coordinated attempts to remove me from our family home. Notably, the eviction notice cited the protective order as a reason, even though the protective order had not been filed at the time of the eviction notice. This sequence of events points towards a premeditated strategy to unfairly influence the custody and property aspects of our divorce.

Given these concerning developments, it is imperative that this counter petition replace the original. This counter-petition is not just a necessary step to address the false allegations and

contradicting statements made by [redacted] but also a crucial measure to ensure a fair and equitable trial, and to correct the inaccuracies made by [redacted] on the original petition. It is essential to have the appropriate amount of time and a factual basis for the proceedings to ensure that any decisions made, particularly those affecting our children's future and well-being, are based on truth and justice, rather than unfounded allegations. This approach will also facilitate a smoother and more amicable transition for all parties involved, especially for our children, who are of utmost importance in this process.

II. EVIDENCE TO BE PRESENTED

1. Text Message Evidence:

   I will present text interactions between myself and the Plaintiff that show my attempts to work towards a resolution and her avoidance of communication and accountability.

2. Data Analysis and Phone/Text Logs:

   I have prepared charts and graphs created from our joint account's text and phone call logs. These will illustrate the extreme levels of interaction the Plaintiff had with [redacted] and [redacted] highlighting her priorities outside of our marriage. This priority in her friends has remained consistent - even throughout the divorce proceedings.

3. No History of Family Violence:

   I will present my criminal record from the Texas Department of Public Safety, proving the absence of any history of family violence.

4. Bank Statements and Financial Transactions:

   Evidence of bank transactions will demonstrate financial maneuverings by the Plaintiff, advised by [redacted] affecting our joint account.

5. Eviction Notice and Protective Order Claims:

   I have the eviction notice served to me, which was later voided, and evidence related to the protective order, demonstrating the misuse of legal processes to influence our divorce and custody proceedings.

III. CHILDREN'S WELFARE AND FAMILY STABILITY

The children's welfare remains my primary concern. The Plaintiff's actions, influenced by third parties and her unfounded claims, threaten our children's stability and well-being. I advocate for maintaining the standard 60-day waiting period for the divorce to provide our children with a stable and gradual transition.

Since the divorce announcement, I have remained an active role in my children's lives, finding activities for us to do together due to their time off from school. Despite all inclusion efforts – [redacted] has declined to join us on these activities – something the children don't understand and have taken notice to. [redacted] on the other hand, has been extremely short with the children, impatient, and has kept her priorities in line with her friends.

IV. PROPOSAL FOR INTERIM CUSTODY ARRANGEMENT

Considering the current complexities surrounding our divorce proceedings, and with the paramount goal of ensuring the best interests and minimal disruption to our children's lives, I propose the following interim custody arrangement:

1. **Full Custody Arrangement**

   I propose to take on full custody of our children, [redacted] and [redacted] This decision is motivated by the need to provide them with a stable and consistent environment, especially during this transitional phase of our family's life. My commitment to their day-to-day needs, emotional well-being, and continued growth has been and will remain unwavering.

2. **Co-Habitation in Current Family Home:**

   Recognizing the importance of maintaining a sense of normalcy for our children, I suggest that we continue to cohabit in our current family home. This arrangement will prevent any immediate upheaval in the children's living environment, allowing them to retain their sense of security and familiarity amidst the ongoing changes, and will afford [redacted] the opportunity to find full-time stable employment, and allow me to continue making rent payments to her grandmother, our landlord. This is in the best interest of all parties involved.

3. **Transition to a New Home**

   I am planning to move out of my current family home with the children, but only when a suitable and equally accommodating residence is secured. The aim is to ensure this new home is near our

current location, thus allowing the children to remain in their current school and maintain their usual routines and social connections.

4. Active Roles for Both Parents

It is imperative that both [redacted] and I continue to play active roles in our children's lives. The proposed arrangement is designed to facilitate this by ensuring that the children have regular and consistent access to both parents. This continued parental presence will be crucial in minimizing the emotional and psychological impact of our separation on [redacted] and [redacted]

Mitigating Potential Damage: The current petition, as it stands, poses a significant risk of causing disruption and potential harm to our children's well-being.

by abruptly altering their living situation and limiting their access to one parent. My proposal aims to mitigate this damage by providing a more balanced and thoughtful approach to the transition, one that prioritizes the emotional and psychological health of our children above all else.

Flexibility and Cooperation: This proposal is made with a spirit of flexibility and cooperation, understanding that the situation may evolve as we navigate this process. I am open to discussions and modifications to this plan, if they serve the best interests of [redacted] and [redacted]

Professional Support if Needed: To aid in this transition and to ensure that the emotional needs of our children are being met, I also propose that we engage the services of a child psychologist or a family counselor. This professional can provide support to [redacted] and [redacted] helping them to understand and adapt to the changes in their family dynamics.

Regular Review and Adjustment of the Arrangement: I propose that this interim custody arrangement be subject to regular review, with the possibility of adjustments based on the evolving needs of our children and our family situation. This will ensure that the arrangement remains relevant and beneficial for [redacted] and [redacted]

V. PRAYER

WHEREFORE, premises considered, I respectfully request that the Court consider this Counter-Petition for Divorce with due diligence. My earnest prayer is for a fair and just resolution that corrects the inaccuracies in the original petition and uncovers the true nature of the events leading to the divorce announcement. It is vital that these matters are resolved amicably, prioritizing the best interests of our children, [redacted] and [redacted] I seek a fair outcome that recognizes the complexities of our situation and promotes a stable, nurturing environment for our family moving forward.

Respectfully submitted,

[redacted]

NOTICE: THIS FORM CONTAINS SENSITIVE DATA
AVISO: ESTE FORMULARIO CONTIENE INFORMACIÓN DELICADA

322-744263-23

No. 322-744538-23
Núm.

[Fill out cause number and heading information EXACTLY as it is written on the Petition.]
[Escriba el número de causa y otra información del tribunal EXACTAMENTE como aparece en la Petición.]

IN THE MATTER OF THE MARRIAGE OF:

[redacted] &

[redacted]

AND IN THE INTEREST OF:

[redacted]

[redacted]

In the: (check one):
En el: (seleccione una):

322
Court Number
Número de Juzgado

- [x] District Court
  Tribunal de Distrito
- [ ] County Court at Law –
  Tribunal de Condado
- [ ] Justice Court (JP) – Tribunal de Justicia

Tarrant County, Texas
Condado, Texas

Unsworn Declaration

Declaración

(Texas Civil Practice and Remedies Code 132.001)

My name is: [redacted].
Mi nombre es: First – Primer nombre Middle- Segundo nombre Last - Apellido

my date of birth is: [redacted], and
mi fecha de nacimiento es: [-] Month/Mes Day/Día Year/ Año y

my address is: [redacted] WATAUGA, TX 76148
mi dirección es: Street Address / Calle City / Ciudad State / Estado Zip Code / Código Postal

and United States of America (country).
y en el paíz [-]

I declare under penalty of perjury that all information in the attached document, titled
Yo declaro, bajo pena de perjurio, que toda la información en el documento, titulado

Statement, is true and correct.
Name of Document - Título del Documento , adjunto es correcta y verdadera.

Signed in Tarrant County, TX (state),
Firmado en el Condado [-] del estado de [-]

on this date: 1 / 13 / 2024.
el: [feche] Month/Mes Day/Día Year/ Año

/s [redacted]
Your Signature – Su Firma

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Pursuant to Texas Civil Practice and Remedies Code Section 132.001, an unsworn declaration may be used in lieu of a written sworn declaration, verification, certification, oath, or affidavit required by statute or required by a rule, order, or requirement adopted as provided by law. This provision does not apply to a lien required to be filed with a county clerk, an instrument concerning real or personal property required to be filed with a county clerk, or an oath of office or an oath required to be taken before a specified official other than a notary public. An unsworn declaration made under this section must be 1) in writing, 2) signed by the person making the declaration as true under penalty of perjury and 3) in substantially the form used above.

De acuerdo con la sección 132.001 del Código de Practica y Procedimiento Civil de Texas, esta declaración puede ser usada en lugar de una declaración, verificación, certificación, juramento, o afidávit firmada ante un notary public que requiera un estatuto, reglamento, orden, o requisito aprobado como lo establece la ley. Esta provisión no aplica a un derecho o privilegio de preferencia de un acreedor (lien), un documento de bienes raíces o una propiedad propia que requiera ser entregado en la secretaria del condado, o un juramento de cargo u otro juramento que requiera ser hecho en la presencia de un oficial especifico además de un notary public. La declaración hecha en conformidad con esta sección tiene que ser 1) por escrito, 2) firmado por la persona declarando y indique ser cierto bajo pena de perjurio y 3) substancialmente el documento anterior.

STATEMENT

I, [redacted] submit this unsworn declaration to recount the events since December 1st, 2023, when my wife, [redacted] unexpectedly declared her wish for a divorce. The announcement was not only ill-timed but also perplexing in its lack of substantiated reasoning or opportunity for reconciliation.

At noon that day, [redacted] cited 'the way I talk to her' as her rationale for the divorce. Despite her evolving reasons, I extended apologies and exhaustively sought resolution, yet my every attempt to discuss our daughters' future and our family's welfare was met with hostility or outright [redacted] by [redacted]

The abruptness of Morgan's hostility compelled me to seek deeper insight. Upon examining our AT&T records, I found an alarmingly high volume of communication between [redacted] and two individuals: [redacted] and [redacted] These findings were troubling, especially given the children's scant interaction with [redacted] family despite [redacted] extensive evening visits. When presented with this evidence, [redacted] downplayed its significance and persisted in her communications and visits, placing them above resolving our marital issues.

After sharing my concerns with her grandparents, our landlords, the dynamics shifted abruptly. Within days, [redacted] began to systematically exclude me from the family narrative surrounding the divorce.

The situation intensified on December 14th, 2023, with the involvement of [redacted] her mother's boyfriend. [redacted] contacted me, purporting to mediate our divorce impartially, yet his subsequent actions—advising [redacted] facilitating a transfer of funds from our account to his PayPal, and overdrawn our joint account—belied his stated intentions. This financial maneuvering, coupled with [redacted] claim that [redacted] is "his client," despite lacking a legal license in Texas, underscores a deceitful manipulation of the facts.

[redacted] subsequent visit to [redacted] in Oklahoma for the divorce petition preparation and the acquisition of a second phone coincided with a conspicuous halt in her communications with [redacted] and [redacted] as evidenced in the AT&T records.

On December 17th, 2023, I was served an eviction notice by [redacted] grandmother—a notice that cited a divorce and a protective order not yet filed, revealing a preconceived strategy to undermine my paternal rights and disrupt our daughters' stability, particularly before the Christmas season.

The subsequent protective order filed on December 22nd, 2023, and the divorce petition,

STATEMENT

paint a unilateral narrative of events. Throughout this ordeal, [redacted] has actively excluded me from our daughters' lives and neglected to pursue employment or engage in any dialogue regarding their future.

Conversely, I have remained steadfast in my parental duties, inviting [redacted] to participate in our daughters' lives, only to be rebuffed at every turn. Her behavior and legal actions, which starkly contradict her claims of fear, suggest an attempt to evade accountability rather than protect herself from any purported threat.

The chain of events illustrates a concerted effort by [redacted] and her family to extricate me from our home, leveraging unfounded legal allegations and an eviction suit without considering the facts or the impact on our daughters.

It is my firm belief that [redacted] actions are self-serving, aimed at avoiding responsibility for her actions rather than safeguarding our children. Hence, I implore this court to recognize the inconsistencies in [redacted] claims and to view subsequent allegations with a discerning eye, considering their strategic nature.

In conclusion, I respectfully request the court to deny the protective order and impose sanctions on [redacted] for his role in the marital discord that has ensued since the announcement. It is essential for our daughters' stability and well-being that the full truth of this matter be brought to light and considered in these proceedings.

CAUSE NO. JP01-23-E00102017

[redacted]	§	IN THE JUSTICE COURT
PLAINTIFF	§	
VS	§	PRECINCT ONE
	§	
[redacted]	§	TARRANT COUNTY, TEXAS
DEFENDANT	§	

DISMISSAL ORDER
(Lack of Jurisdiction)

ON THIS THE 17TH DAY OF JANUARY, 2024, CAME TO BE HEARD THE ABOVE NUMBERED AND STYLED CAUSE, AND PLAINTIFF(S), [redacted] HAVING APPEARED FOR TRIAL, AND THE DEFENDANT(S) [redacted] HAVING APPEARED AND ANNOUNCED READY FOR TRIAL. AFTER HEARING THE PLEADINGS, EVIDENCE AND TESTIMONY, THE COURT IS OF THE OPINION IT LACKS JURISDICTION TO TRY SAID CAUSE DUE TO LACK OF JURISDICTION.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT, THIS SUIT BE DISMISSED WITHOUT PREJUDICE, AND THE DEFENDANT(S), [redacted] GO HENCE WITHOUT DAY AND FURTHER THAT COURT COSTS BE TAXED AGAINST PLAINTIFF(S). THE APPEAL BOND AMOUNT IS $500.00.

SIGNED THIS 17TH DAY OF JANUARY, 2024.

1/17/2024 11:09:50 AM

JUDGE RALPH SWEARINGIN JR.
JUSTICE COURT, PRECINCT ONE
100 W WEATHERFORD ST, ROOM 450
FORT WORTH, TX 76196

JUSTICE COURT - PRECINCT 1 TARRANT COUNTY, TEXAS

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322ND FAMILY DISTRICT COURT
ASSOCIATE JUDGE'S REPORT

FILED
TARRANT COUNTY
1/23/2024 8:14 AM
THOMAS A. WILDER
DISTRICT CLERK

CAUSE NUMBER: 322 - 744538-23

ITMOTMO/INRE

[redacted]

AND

[redacted]

322-744538-23

§ **IN THE DISTRICT COURT**
§
§ **TARRANT COUNTY, TEXAS**
§
§ **322ND JUDICIAL DISTRICT**

RESET DATE AND TIME: 2/1/2024 at 9:00 A.M.

1. **Appearances:**

☒ Petitioner/Movant appeared in person and by attorney COOPER CARTER

☒ Respondent appeared in person and by attorney DAN BACALIS

☐

2. **Issue(s):** ☐ Custody ☐ Visitation ☐ Child Support ☐ Health Insurance ☐ CPS

☒ DIVORCE TEMP. ORDERS & APP. for P.O.

3. **Order(s) or Agreement(s):** Motion for Continuance requested by Petitioner. The Court grants continuance and re-sets all issues for 2/1/2024 at 9:00 A.M.

Respondent, [redacted] to have possession of the children from Friday, Jan 26, 2024, 6:00 PM – Sunday 1/28/24 at 6:00 PM. Respondent to pick-up and drop-off children at [redacted] WATAUGA, TX

AGREED AS TO FORM AND SUBSTANCE:

Attorney for Petitioner

Attorney for Respondent

Petitioner

[redacted]
Respondent

SO ORDERED:

322nd Associate Judge

1/22/24
Date

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Associated Case Party: [redacted]

Name	BarNumber	Email	TimestampSubmitted	Status
[redacted]		[redacted]W02@GMAIL.COM	1/23/2024 8:14:14 AM	SENT
Cooper Carter		COOPERCARTER@MAJADMIN.COM	1/23/2024 8:14:14 AM	SENT

Associated Case Party: CHARLESDUSTINMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
[redacted]		chuckdustin12@gmail.com	1/23/2024 8:14:14 AM	SENT
Daniel Bacalis		DBACALIS@DBACALIS.COM	1/23/2024 8:14:14 AM	SENT

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2/8/2024 2:29 PM
THOMAS A. WILDER
DISTRICT CLERK

AGRED

ASSOCIATE JUDGE'S REPORT FOR TEMPORARY ORDERS

(Suit Affecting the Parent-Child Relationship, Property and Debts)

DIVORCE WITH CHILDREN

CAUSE NUMBER: 322- 744263-23

[redacted]	§	**IN THE DISTRICT COURT**
AND	§	**TARRANT COUNTY, TEXAS**
[redacted]	§	**322ND JUDICIAL DISTRICT**

RESET DATE:_____

1. Appearances:

(X)Petitioner/Movant appeared in person and by attorney COOPER CARTER

(X)Respondent appeared in person and by attorney DAN BACALIS

( )_____

2. Temporary Conservatorship:

A. (X)Joint Managing Conservators: Primary Possession to (X)Mother ( )Father ( )Other:_____

(X)Mother and Father have the rights and duties under TEX. FAM. CODE ANN. §§ 153.073, 153.074

( )Other has the rights and duties under TEX. FAM. CODE ANN. §§ 153.073, 153.074

( )Mother ( )Father ( )Other have the rights, duties and privileges as set forth in TEX. FAM. CODE ANN. § 153.132 except as follows:

The (X)Mother ( )Father ( )Other shall have the exclusive right to establish the residence of the child(ren) and residence of the child(ren) will be Tarrant County or counties contiguous to Tarrant County, TX and/or_____

The (X)Mother (X)Father ( )Other are enjoined from removing the child(ren) from Tarrant County or counties contiguous to Tarrant County, TX for the purpose of establishing the residence of the child(ren) and/or_____

The right to make educational decisions shall be by the (X)Mother ( )Father ( )Other.

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The right to make invasive surgical decisions shall be by mutual consent of the partied and failing to agree by the (X)Mother ( )Father ( )Other. The term "invasive" means elective surgical decisions.

The right to receive child support shall be by the (X)Mother ( )Father ( )Other_____

B. ( )Sole Managing Conservator: ( )Mother ( )Father ( )Other:_____

( )Possessory Conservator: ( )Mother ( )Father ( )Other:_____

( )Mother ( )Father ( )Other have the rights and duties under TEX. FAM. CODE ANN. §§ 153.073, 153.074

( )Mother ( )Father and/or ( )Other have the rights, duties and privileges as set forth in TEX. FAM. CODE ANN. § 153.132.

( )Residency Restriction to ( )Tarrant County ( )Tarrant & contiguous counties.

3. Temporary Possession Schedule:

( )Texas Standard Family Code TEX. FAM. CODE ANN. §§ 153.311 THROUGH 153.316. All possession times begin and end at 6:00 p.m. except for Thursdays which ends at 8:00 p.m.

(X)Texas "Extended" Standard Family Code TEX. FAM. CODE ANN. §§ 153.311 THROUGH 153.316. All possession times begin and end at the time school recesses or begins. Thursdays overnight, during the regular school year.

( )Other:_____

_____

_____

_____

(X)Mother ( )Father ( )Other shall surrender the child to the other person at the residence of (X)Mother ( )Father ( )Other at the beginning of each period of possession.

( )Mother (X)Father ( )Other shall surrender the child to the other person at the residence of ( )Mother (X)Father ( )Other at the end of each period of possession.

4. Temporary Child Support:

( )Mother (X)Father shall pay through the Texas State Disbursement Unit, P.O. Box 659791, San Antonio, TX 78265-9791 of $ 973.19 per month beginning 4-1-2024

_____

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Medical Insurance on Child Provided by: ( )Mother ( )Father Mother to apply for MEDICAID
Insurance Cost Paid by: ( )Mother ( )Father
Uncovered Medical, Dental & Vision Costs: ( )Equally ( )

5. **Additional Orders:**

App. for Protective Order is non-suited

6. **Temporary Spousal Support:** N.A.

( )Wife ( )Husband shall pay direct to Spouse $_____ per _____ beginning

7. **Temporary Possession of Property:**

Husband: 2021 MAZDA 3, his personal prop. & clothing 2023 MAZDA CX-8 (LEASED) RESPONDENT to vacate home at 6641 Anne Court WATAUGA by MARCH 1, 2024

Wife: 2007 MAZDA, her personal property & clothing, [redacted], WATAUGA,

Copy from re:SearchTX

8. Temporary Payment of Debts and Bills:

Husband: His living expenses: CAR PAYMENT, his AUTO INS his telephone payment.
LEASE PAYMENT for HOMESTEAD for FEBRUARY & MARCH 2024

Wife: Her living expenses: her AUTO INSURANCE, her telephone payment. LEASE PAYMENT ON HOMESTEAD AFTER MARCH 30, 2024

9. Temporary Injunctions:

(X) Mutual Temporary Injunctions as to Persons pursuant to the Texas Family Practice Manual.

(X) Mutual Temporary Injunctions as to Property pursuant to the Texas Family Practice Manual.

THE PARTIES TO COMMUNICATE THROUGH APP CLOSE

10. MISCELLANEOUS:

(X) The parties are to attend *"Children in the Middle"* part 1 and/or 2 by 5/1/24 and to file a certificate with the Court. Each to pay for their own costs.

(X) Neither party shall consume, use or have in their possession any illegal drug or drugs at any time nor shall they have, at any time, a legal drug or drugs in their possession for which that party does not have a prescription.

Neither party shall consume alcohol at least 12 hours prior to their time for possession of the child(ren).

Neither party shall consume alcohol during their period of possession with the child(ren).

Neither party shall attend one of the child(ren)'s activities if they have consumed alcohol or they are under the influence of alcohol.

Neither party shall leave the child(ren) with a person who is consuming alcohol at least 12 hours prior to taking possession of the child(ren) or has in their possession an illegal drug(s), including prescription drugs, as a childcare provider. No disparaging remarks in the presence of the child(ren) and no discussion of litigation or issues of the case with the child(ren).

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(X) The parties are not to discuss the litigation or issues with the child(ren) about the other party. The aforementioned sentence means that neither party shall belittle, talk bad, refer to the other party using a profane name or names, profanity or curse words.

The parties are not to discuss the litigation or issues with the child(ren). This paragraph presumes the child(ren) is old enough to communicate with a party. The aforementioned sentence means that neither party shall discuss what occurred in Court including the testimony of any witness or witnesses with the child(ren).

A party is allowed to reasonably offer an age-appropriate statement to discuss the effect of an Order with the child(ren) with a brief statement or sentence. For example, a party is not allowed to show a document to the child(ren) and attempt to comprehensively discuss the case in detail with the child(ren).

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.

AGREED AS TO FORM AND SUBSTANCE

Attorney for Petitioner

Attorney for Respondent

Petitioner

[redacted]

Respondent

SO, ORDERED:

322ND Associate Judge

Date: FEBRUARY 1, 2024

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Envelope ID: 84305097
Filing Code Description: No Fee Documents
Filing Description: AGD AJ REP
Status as of 2/8/2024 3:12 PM CST

Associated Case Party: [redacted]

Name	BarNumber	Email	TimestampSubmitted	Status
Cooper L.Carter		coopercarter@majadmin.com	2/8/2024 2:29:20 PM	SENT

Associated Case Party: [redacted]

Name	BarNumber	Email	TimestampSubmitted	Status
Daniel Bacalis		service@dbacalis.com	2/8/2024 2:29:20 PM	SENT
Tammy L.Johnson		tjohnson@dbacalis.com	2/8/2024 2:29:20 PM	SENT
Daniel R.Bacalis		dbacalis@dbacalis.com	2/8/2024 2:29:20 PM	SENT
[redacted]		chuckdustin12@gmail.com	2/8/2024 2:29:20 PM	SENT

Copy from re:SearchTX

322-744263-23

FILED
TARRANT COUNTY
2/5/2024 8:36 PM
THOMAS A. WILDER
DISTRICT CLERK

IN THE 322ND DISTRICT COURT OF TARRANT COUNTY

Plaintiff,

v.

Respondent.

Cause Number: 322-744538-23

NOTICE OF TERMINATION OF LEGAL COUNSEL

TO THE CLERK OF THE COURT AND ALL PARTIES OF INTEREST:

Please take notice that I, the Respondent in the above-captioned matter, have terminated the legal services of Mr. Daniel R. Bacalis as my counsel of record, as communicated with Mr. Bacalis on 02/05/2024 at 3:09 P.M. CST via e-mail communications.

This notice is filed pursuant to the applicable rules and regulations governing legal representation and is intended to ensure no delay in the proceedings due to this change.

I will represent myself pro se until further notice. If I retain new legal counsel, a notice of appearance will be filed accordingly.

Kindly update the court records to reflect this change and direct all future correspondence related to this case to my attention via the contact method of preference listed below.

This notification is provided directly to the court due to the time-sensitive nature of the ongoing matters in this case.

I will ensure all future correspondence and legal documents are filed in accordance with local court rules and within the set deadlines.

Should there be any required actions or additional information needed from my end, please do not hesitate to contact me directly.

Respectfully submitted,

/s/

Watauga, Tx 76148

817-507-6562

chuckdustin12@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Termination of Legal Counsel has been furnished to all counsel of record on this 5th day of February, 2024 via e-mail.

/s/ [redacted]

[redacted]

[redacted]

Watauga, Tx 76148

817-507-6562

chuckdustin12@gmail.com

Automated Certificate of eService

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Envelope ID: 84172349
Filing Code Description: Notice
Filing Description: Notice of Change in Legal Representation in Case No. 322-744263-23
Status as of 2/6/2024 4:09 PM CST

Associated Case Party: [redacted]

Name	BarNumber	Email	TimestampSubmitted	Status
[redacted]		[redacted]mw02@gmail.com	2/5/2024 8:36:43 PM	SENT

Associated Case Party: [redacted]

Name	BarNumber	Email	TimestampSubmitted	Status
Daniel Bacalis		service@dbacalis.com	2/5/2024 8:36:43 PM	SENT
Tammy L.Johnson		tjohnson@dbacalis.com	2/5/2024 8:36:43 PM	SENT
Daniel R.Bacalis		dbacalis@dbacalis.com	2/5/2024 8:36:43 PM	SENT
[redacted]		chuckdustin12@gmail.com	2/5/2024 8:36:43 PM	SENT

FILED
TARRANT COUNTY
2/6/2024 4:28 PM
THOMAS A. WILDER
DISTRICT CLERK

CAUSE NO. 322-744263-23

IN THE MATTER OF THE MARRIAGE OF	§	**IN THE DISTRICT COURT**
	§	
[redacted]	§	
AND	§	**322ND JUDICIAL DISTRICT**
[redacted]	§	
	§	
AND IN THE INTEREST OF	§	
[redacted] **AND**	§	
[redacted],	§	
CHILDREN	§	**TARRANT COUNTY, TEXAS**

AGREED MOTION FOR WITHDRAWAL OF ATTORNEY

Pursuant to Rule 10 of the Texas Rules of Civil Procedure, Daniel R. Bacalis on behalf of [redacted] files this Agreed Motion for Withdrawal of Attorney as attorney in charge for [redacted], Respondent, and states as follows:

1. This is a suit for dissolution of marriage between the parties and affecting the parent-child relationship.

2. Discovery is being conducted under Level 2.

3. The following are children subject to the suit, and their ages are as follows:

Name	Age
[redacted]	7 years
[redacted]	5 years

4. Daniel R. Bacalis, attorney in charge for [redacted], the Respondent, petitions this Court to withdraw as the attorney for [redacted], and in support of this Motion, Daniel R. Bacalis shows the Court:

5. [redacted] has agreed and consented to this Motion.

Copy from re:SearchTX

6. [redacted] has been delivered a copy of this Motion, and has been notified in writing of the right to object to this Motion. The last known address for [redacted] is [redacted], Watauga, TX 76148.

7. This request for withdrawal is not sought for delay only.

8. There are no pending settings or deadlines in this case.

9. Daniel R. Bacalis petitions this Court to grant this Motion for Withdrawal of Attorney and remove Daniel R. Bacalis as attorney of record and attorney in charge for [redacted] and for general relief.

Respectfully submitted,

Daniel R. Bacalis PC
669 Airport Freeway
Suite 307
Hurst, TX 76053
Office Phone: (817) 498-4105
Fax: (817) 282-0634

/s/ Daniel R. Bacalis
Daniel R. Bacalis
Attorney for [redacted]
State Bar No: 01487550
Email: dbacalis@dbacalis.com

Copy from re:SearchTX

Certificate of Service

I certify that a true copy of this document was served in accordance with Rule 21a of the Texas Rules of Civil Procedure on the following on February 6, 2024.

Cooper L. Carter by electronic filing manager at coopercarter@majadmin.com.

/s/ Daniel R. Bacalis
Daniel R. Bacalis
Attorney for [redacted]

AGREED:

/s/ [redacted]
[redacted]

Copy from re:SearchTX

Automated Certificate of eService

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Lindsey McNabb on behalf of Daniel Bacalis
Bar No. 1487550
lmcnabb@dbacalis.com
Envelope ID: 84215421
Filing Code Description: Motion (No Fee)
Filing Description: Agreed Motion for Withdrawal of Attorney
Status as of 2/7/2024 10:29 AM CST

Associated Case Party: [redacted]

Name	BarNumber	Email	TimestampSubmitted	Status
Cooper L.Carter		coopercarter@majadmin.com	2/6/2024 4:28:16 PM	SENT

Copy from re:SearchTX

****THIS IS NOT A SUBSTITUTE FOR THE ADVICE OF AN ATTORNEY****

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

Cause No. Cause No. 322-744263-23

[redacted]	§	In the (*check one*):
V	§	[X] 322nd District Court
	§	[ ] County Court at Law No. ____
[redacted]	§	TARRANT County, Texas

Motion for Reconsideration and to Vacate Temporary Orders

Print your answers

My name is:

[redacted] [redacted] [redacted]

First *Middle* *Last*

I am the ☐ Petitioner ☒ Respondent in this case and request the Court grant this motion for Reconsideration and to Vacate Temporary Orders (*title of motion*). In support, the following is shown:

SEE ATTACHED MOTION

Respectfully submitted,

/s/ [redacted] 2024-02-09

Your Signature *Date*

[redacted] 817-507-6562

Your Printed Name *Phone*

[redacted] WATAUGA TX 76148

Mailing Address *City* *State* *Zip*

CHUCKDUSTIN12@GMAIL.COM

Email Address *Fax # (if any)*

Notice of Hearing

The above motion is set for hearing on _____ at _____.M. in

_____

_____ (*designation and location of court*).

SIGNED on _____.

_____

Judge or Clerk

Certificate of Service

I certify that I delivered a copy of this document to each party in this case, or if a party is represented by a lawyer to the party's lawyer, by: *(Check one or more)*

☐ Hand delivery to the other party _____

☐ Hand delivery to the other party's lawyer _____

☒ Email to this email address COOPERCARTER@MAJADMIN.COM

☐ Regular mail to this address: _____

_____

☐ Certified mail to this address: _____

_____

☐ Commercial delivery service (for example FedEx) to this address: _____

_____

☐ Fax to fax #: _____

/s/ [redacted] _____ 2024-02-09

Signature *Date*

IN THE 322nd DISTRICT COURT OF TARRANT COUNTY

STATE OF TEXAS

[redacted]e[redacted],	Cause No. 322-744263-23
Petitioner,	
v.	**Emergency Motion to Reconsider Evidence and to Vacate Temporary Orders**
[redacted],	
Respondent	

This motion urgently calls for the Court's intervention to address critical procedural missteps in the matter of cause# 322-744263-23, aiming to reinstate the safety and stability that our children rightfully deserve until due process and all facts of the case can be considered by the Court. I am seeking immediate court intervention to correct procedural errors and address the misuse of the legal system by the Petitioner. This motion highlights the significant impact of the Petitioner's actions on our children's welfare and my unjust removal from our home based on frivolous claims.

In pursuit of justice and the well-being of the children at heart, I respectfully request that the Court reconsider all details, weighing the comprehensive scenario presented herein along with the supporting evidence. I am committed to the highest interests of my children and family, striving to resolve these matters efficiently and avoid unnecessary judicial expenditure. This document seeks to unveil the Petitioner's deliberate misrepresentation and misuse of the legal system, which has gravely disrupted our children's stability and emotional well-being by weaponizing the court system.

---

[1] On December 1st, 2023, the Petitioner announced her desire for a divorce with no plan in place to preserve our familial stability, with no desire for counseling or communication, and with no consideration of the timing around the holiday season, nor any sign of marital discord warranting such a decision leading up to this announcement.

[2] Between December 14th, 2023, and December 22nd, 2023, the Petitioner filed for an Emergency Protective Order, a Divorce Petition, a Protective Order, and instigated an Eviction suit.

NATURE OF SUITS AND THIRD-PARTY INFLUENCE

1. **On December 1st, 2023,** Petitioner announced the divorce with no plan in place for the children, no sign of marital discord leading up to this point to warrant such a decision, and no desire for counseling, communication, and no consideration for the time of year.

2. **Between December 1st, 2023,** and **December 12th, 2023**, all efforts are exhausted in an attempt to communicate with the Petitioner which lead to the subsequent discovery of an alarming volume of text messages that were directed towards two individuals – [redacted] and [redacted] showing a significant level of influence.[3]

3. **On December 12th, 2023**, After the discovery of the communications between these two individuals combined with the irrational behavior from the Petitioner during such a critical time of year, I reached out to the Petitioner's grandfather via text message.[4]

4. **On December 13th, 2023**, Petitioner states she will be going to talk to her Grandparents alone. This conversation lasts between 9:55 and 1:30 A.M.

5. **On December 14th, 2023**, Petitioner filed for an Emergency Protective Order. This order was denied by the court.

6. **On December 15th, 2023**, Petitioner involves her family into the situation. Particularly, [redacted] became involved. He is the boyfriend of the Petitioner's Mother. Shortly thereafter, I received a notice from our joint bank account stating that $1,576 had just been withdrawn. As our bank statement for December 2023 will demonstrate – the transaction record shows the funds being transferred directly to Mr. [redacted] PayPal account.[5]

---

[3] See attached EXHIBIT A.1 – A true and accurate copy of the AT&T text logs filtered by relevant parties. Parties include Meme, Papaw, [redacted] and [redacted] Dates and times surrounding the case will corroborate with other evidence presented herein. See page 456 – 458.

[4] See attached EXHIBIT A.2 – A true and accurate copy of the referenced text message in paragraph 3.

[5] See attached EXHIBIT A.3 – The true and accurate bank statement reflecting the transaction referenced in paragraph 6.

7. **On December 16th, 2023**, Petitioner's transaction under the advice of Mr. [redacted] lead to our joint bank account becoming $-800 overdrawn. I requested from Mr. [redacted] via text message that he needs to return the funds immediately, where he subsequently admits to this transaction having occurred.[6]

8. **On December 17th, 2023,** Petitioner's grandmother, [redacted] initiates an Eviction Suit by serving me an eviction notice around 11:00 AM CST.

9. **On December 18th, 2023** – Petitioner writes **"VOID"** on the Eviction Notice, and physically tears it in half. [7]

10. **On December 19th, 2023**, Mr. [redacted] uses intimidation tactics by impersonating an attorney despite having no license to practice law in the State of Texas.[8]

11. **On December 27th, 2023,** I am served the Divorce Papers by the Constable.

12. **On December 28th, 2023,** I am served the Protective Order, followed by the Eviction shortly thereafter by the Constable.

The Protective Order (Show Cause) hearing was set for **January 16th, 2024**, and the Eviction hearing for **January 17th, 2024.**

The documented timeline of events, particularly during the holiday season, underscores a notable disregard for our children's welfare. This has enabled the Petitioner to inappropriately utilize the judicial system to disrupt the stable environment our children have known, influenced significantly by third-party actions as previously detailed. The forthcoming section of this motion will highlight the specific frivolous claims and false statements found within each filing initiated by the Petitioner.

---

[6] See attached EXHIBIT A.4 – Overdrawn account notice from PNC bank on December 16th, 2023.

[7] See attached EXHIBIT A.5 – The physically torn and voided Eviction notice served on December 17th, 2023.

[8] See attached EXHIBIT A.6 – Mr. [redacted] refers to Petitioner as "his client" while having no license in law.

FRIVOLOUS CLAIMS AND FALSE STATEMENTS

A. EMERGENCY PROTECTIVE ORDER

1. As mentioned above, Petitioner filed for an Emergency Protective Order on December 14th, 2023. This protective order was denied by the courts.

2. Due to the fact this order was not granted by the court, one could conclude that there was not a clear and present danger of family violence.[1]

B. THE DIVORCE PETITION

1. Petition was filed on 2024-12-18 under an Affidavit of Inability to pay.[2]

2. The Petitioner's action of filing for divorce under an Affidavit of Inability to pay three days after transferring $1,576 to herself starkly contravenes the mandates set forth *in Chapter 10, Section 10.001 of the Civil Practice and Remedies Code*. This section asserts that each claim or legal contention must be warranted by existing law or a nonfrivolous argument for the modification of existing law or the establishment of new law, and that each factual contention has or is likely to have evidentiary support after further investigation or discovery[3].

3. The Petitioner violated *Chapter 10, Section 10.001* a second time within the same document when she intentionally elected to waive the 60-day waiting period claiming to have an active protective order against me that found family violence had occurred during our marriage[4] despite being denied such an order just five days prior on December 14th, 2023.

5. The final page of the Divorce Petition for service to the Office of the Attorney General was left unsigned by the Petitioner.

---

[1] TEXAS FAMILY CODE, TITLE 4, SUBTITLE B, CHAPTER 83, Sec. 83.001

[2] See attached EXHIBIT B.1 – A True and Accurate copy of the Divorce Petition for all references made in regard to this document.

[3] CIVIL PRACTICE AND REMEDIES CODE, TITLE 2, SUBTITLE A, CHAPTER 10, Sec. 10.001.

[4] TEXAS FAMILY CODE, Sec. 6.405 – The petitioner shall attach to the petition a copy of each order described by Subsection (a)(1). No such order, as required, was attached to the divorce petition, because no such order exists.

C. EVICTION SUIT

1. The suit was unlawful by nature[5], as the grounds for eviction were based on family status, referencing the divorce as well as a protective order that had been denied on December 14th, 2023. The suit was dismissed for lack of jurisdiction on January 17th, 2024.[6]

D. PROTECTIVE ORDER

1. This suit was the second attempt by the Petitioner to have me removed from the home, which ultimately succeeded.

2. The claims within this suit mentioned sexually aggressive comments and threatening behavior. These allegations are materially false, as the Petitioner possesses no evidence, and has presented no evidence in relation to these claims since the initiation of the suit. Despite this, as video and image evidence will show once a fair trial date is set, the Petitioner and I continued to maintain stability at our family home and preserved the sense of normalcy that our daughters have been accustomed to their entire lives up until January 16th, 2024.

The Court's decision to remove me from my home and my children's lives on January 16th, 2024, albeit preliminary and unjustified, bypassed the safeguarding of the children's emotional, psychological, and physical well-being. This oversight is compounded by the Petitioner's actions. The juxtaposition of the Court's decision against the backdrop of the Petitioner's inattention to the children's needs illuminates a disconcerting disregard for the paramount principle that custody determinations should primarily serve the children's best interests. The final section of this motion will highlight the procedural aspects of the events unfolding between the dates of January 16th, 2024, and February 1st, 2024, and pray the court will rectify this situation by restoring the stability to our family by vacating the current temporary orders that are in place until a proper investigation can be completed by the courts.

---

[5] TEXAS RULES OF CIVIL PROCEDURE – RULE 6 – Suits initiated on a Sunday are invalid.

[6] See attached EXHIBIT B.2 – A true and accurate copy of the Eviction Dismissal.

THE PROTECTIVE ORDER HEARINGS

1. In preparation for the Protective Order hearing on January 16th, 2024, I filed with the Court an answer to the Protective Order on January 2nd, 2024 as well as two motions – a motion to consolidate the divorce with the protective order, filed on January 4th, 2024, as well as a motion of continuance, filed on January 8th, 2024 for the purpose to acquire counsel due to the complex nature of the case.[1] All three filings were accepted by the court.

2. On January 16th, 2024, both parties sought additional time to secure legal representation. Despite not reviewing any evidence, witness testimonies, or documents related to the motions, and acknowledging the denial of a previous Emergency Protective Order, the court mandated my departure from our home within four hours. This decision, unexpectedly made, awarded custody to the Petitioner, overlooking my concerns about the adverse effects on our children and my work from home. This ruling, which both parties did not sign, set the case to resume on January 22nd, 2024, to allow time for obtaining counsel.[2]

3. Following the court's directive, I relocated to my father's residence in Flower Mound until the subsequent hearing. During this interval, the Petitioner did not take the initiative to have the children call once and did not provide any information as to how they were doing, showcasing her lack of empathy and concern for our children's well-being and stability. After incurring substantial expenses to secure representation, I detailed my case and concerns to my attorney, preparing for the next court appearance.

4. On January 22nd, 2024, the Petitioner chose to seek legal representation just minutes before the hearing was due to start, indicating a disregard for the process. My lawyer recommended agreeing to a continuance, thereby extending the period I couldn't work and impacting our established family dynamics. This resulted in a third hearing being set for February 1st, coinciding with my birthday, and a second rendition being ordered.[3]

---

[1] See attached EXHIBIT C.1 – A true and accurate copies of all referenced filings in paragraph 1.

[2] See attached EXHIBIT C.2 – A true and accurate copy of the unsigned rendition ordered on January 16th, 2024.

[3] See attached EXHIBIT C.3 – A true and accurate copy of the second rendition ordered on January 22nd, 2024.

5. On February 1st, 2024, during the third hearing, the substantive issues I had raised were not addressed, nor was there any exchange of evidence between our legal representatives. Despite the focus of the hearing supposed to be on the protective order, the discussions veered into custody and child support matters. My lawyer presented the sole option of a temporary return to the family home for 30 days with expanded visitation rights, coupled with a child support obligation starting in April. This outcome, which diverged significantly from the case's core issues, compelled me to reconsider my legal representation. Consequently, I decided to terminate my attorney's services and embarked on drafting this motion myself, aiming to bring the court's attention back to the pivotal elements of the case that had thus far been neglected while able to legally reside in my home.

CONCLUSION AND PRAYER

In conclusion, this motion has laid bare the stark realities and procedural aberrations that have marred the essence of justice and due process in the matter of Cause No. 322-744263-23. Through the course of these proceedings, it has become abundantly clear that the actions taken by the Petitioner, [redacted], have not only disregarded the welfare and best interests of our children but have also illuminated her unfitness as a parent. Her actions speak to a pattern of deceit, manipulation, and an unsettling willingness to leverage the judicial system for personal vendettas, all at the expense of the emotional and psychological well-being of our children.

The court, in its decisions, inadvertently facilitated this troubling trajectory by removing me, [redacted], from the lives of our children based on unsubstantiated claims and without due consideration of my role as a devoted and stable parent. This oversight has not only disrupted the lives of our children but has also significantly impaired my ability to provide for them, casting a long shadow over their future stability and welfare.

Moreover, the conduct of my Counsel involved has further compounded these issues, demonstrating a distressing disregard for the intricate dynamics and facts of this case. This has culminated in a situation where the paramount importance of the children's best interests and the fundamental principles of fairness and justice have been overshadowed by procedural missteps and a lack of thorough investigation into the Petitioner's fitness as a parent.

Therefore, it is with a heavy hearted yet unwavering resolve that I implore the Court to take immediate and decisive action to rectify these wrongs. Specifically, I respectfully request the Court to:

1. Vacate the existing temporary orders that unjustly removed me from my home and separated me from my children, restoring the status quo ante until a thorough and unbiased evaluation of the facts can be conducted, as the Texas Constitution requires. If left as it stands, these orders will further compound the issues at hand, and will exacerbate the chaos introduced into the children's lives.
2. Set a fair hearing date to delve into the substantive issues at hand, ensuring that all parties are given an equitable opportunity to present their case and that the best interests of our children are placed at the forefront of all considerations.
3. Scrutinize any response or new claims from the Petitioner or her counsel with the utmost diligence, given the established pattern of deceitful and manipulative behavior exhibited by the Petitioner throughout these proceedings.
4. Consider awarding me full custody of our children, ensuring their continued access to a stable, nurturing environment, and the consistent provision of their needs, which I am fully committed to upholding. Furthermore, in alignment with my enduring belief in the importance of both parents in the lives of our children, I pledge to facilitate and encourage a healthy, constructive relationship between the children and their mother, provided she demonstrates a genuine commitment to their well-being and stability.
5. In seeking these remedies, I do so not out of vindictiveness but from a place of deep concern for the welfare of our children and a steadfast belief in the principles of justice and fairness. Despite the pain and turmoil of these proceedings, my ultimate desire is for peace and the best possible outcome for all parties involved, most importantly, our children. It is my sincere hope that the Court will recognize the gravity of the situation and act in a manner that prioritizes the well-being of our children, ensuring their return to a life marked by stability and love.

I affirm under penalty of perjury that all claims herein are true and accurate to the best of my knowledge.

Respectfully submitted on this 9th day of February 2024,

/s/ [redacted]

[redacted]

Chuckdustin12@gmail.com

FILED
TARRANT COUNTY
2/12/2024 4:31 PM
THOMAS A. WILDER
DISTRICT CLERK

CAUSE NO. 322-744263-23

IN THE MATTER OF THE MARRIAGE OF	§	**IN THE DISTRICT COURT**
	§	
[redacted]	§	
AND	§	**322ND JUDICIAL DISTRICT**
[redacted]	§	
	§	
AND IN THE INTEREST OF	§	
[redacted] **AND**	§	
[redacted],	§	
CHILDREN	§	**TARRANT COUNTY, TEXAS**

ORDER FOR WITHDRAWAL OF ATTORNEY

After reviewing the Motion for Withdrawal of Attorney filed by Daniel R. Bacalis, P.C. on February 6, 2024, the Court **ORDERS** that the Motion is **GRANTED**.

The Court finds that the Motion is not made for delay and that there is good cause to allow Daniel R. Bacalis to withdraw as attorney for [redacted].

The Court further finds that [redacted] agrees and consents to the withdrawal by Daniel R. Bacalis, P.C.

The Court finds that there is no attorney substituting in as counsel for [redacted] at this time. The Court further finds that a copy of the Motion for Withdrawal of Attorney was delivered to [redacted], of [redacted], Watauga, TX 76148 by email at chuckdustin12@gmail.com.

The Court further finds that [redacted] was notified in writing of the right to object to the Motion.

The Court further finds that there are no pending settings or deadlines in this case.

IT IS ORDERED that Daniel R. Bacalis is discharged from further representing [redacted] as the attorney in charge in this suit. **IT IS FURTHER ORDERED** that Daniel R. Bacalis shall immediately notify [redacted] in writing of any additional settings or deadlines of which Daniel R. Bacalis has knowledge and has not notified [redacted].

SIGNED on February 8 2024.

Associate JUDGE PRESIDING

APPROVED AS TO FORM ONLY:

Daniel R. Bacalis PC
669 Airport Freeway
Suite 307
Hurst, TX 76053
Tel: 817-498-4105
Fax: 817-282-0634

/s/ Daniel R. Bacalis
Daniel R. Bacalis
Attorney for [redacted]
State Bar No: 01487550
Email: dbacalis@dbacalis.com

Automated Certificate of eService

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Envelope ID: 84423007
Filing Code Description: No Fee Documents
Filing Description: ORD FOR W/D
Status as of 2/13/2024 8:49 AM CST

Associated Case Party: [redacted]

Name	BarNumber	Email	TimestampSubmitted	Status
Cooper L.Carter		coopercarter@majadmin.com	2/12/2024 4:31:39 PM	SENT

Associated Case Party: [redacted]

Name	BarNumber	Email	TimestampSubmitted	Status
Daniel Bacalis		service@dbacalis.com	2/12/2024 4:31:39 PM	SENT
Tammy L.Johnson		tjohnson@dbacalis.com	2/12/2024 4:31:39 PM	SENT
Daniel R.Bacalis		dbacalis@dbacalis.com	2/12/2024 4:31:39 PM	SENT
[redacted]		chuckdustin12@gmail.com	2/12/2024 4:31:39 PM	SENT

IN THE 322nd DISTRICT COURT OF TARRANT COUNTY

STATE OF TEXAS

[redacted],	Cause No. 322-744263-23
Petitioner,	
v.	**RESPONDENT'S MOTION FOR PARTIAL SUMMARY JUDGEMENT**
[redacted],	
Respondent	

Pursuant to *Rule 166a of the Texas Rules of Civil Procedure*[1], the Respondent, [redacted], firmly seeks a partial Summary Judgment in regard to the upcoming hearing scheduled for March 14th, 2024. He categorically asserts that the evidence on file with the Court definitively demonstrates there is no genuine issue as to any material fact related to the allegations against him which have led to his unwarranted removal from his home, significantly disrupted his business operations, and unjustly granted the Petitioner full custody of their children and possession of the family home on a temporary basis.

The Respondent has meticulously and persistently contested the baseless allegations of family violence that have unjustly prejudiced the custody resolution to the detriment of the children's interests. The absence of substantive evidence supporting these claims has been made clear through detailed submissions.[2] This unwarranted influence on custody

[1] Rule 166a specifically allows for summary judgment when "the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." This provision is utilized here to highlight the lack of factual dispute regarding the allegations of family violence which have led to the continuation of unlawful temporary orders currently in place.

[2] Submissions on record filed by the Respondent: Motion of Continuance (granted), Motion of Consolidation (granted), Protective Order Answer (ignored), Counter Petition for Divorce (ignored), Motion of Withdrawal for Attorney (granted), Emergency Motion of Reconsideration of Evidence and to Vacate Temporary Orders (Scheduled for March 14th, 2024). See attached EXHIBIT A.

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arrangements negate the principles of fairness and due process. The subsequent dismissal of the Protective Order suit not only vindicates the Respondent but also invalidates the current custody orders, revealing that the initial award of custody was grounded solely in unsubstantiated claims of family violence.[3]

BACKGROUND

The documents on record filed by the Respondent, by virtue of their acceptance, inherently meet the threshold for self-authentication, thereby bolstering the legal foundation for the requested partial Summary Judgment. Detailed herewith are the enumerated facts underpinning this motion:

1. On December 14th, 2023, the Petitioner sought an EX-PARTE Order of Protection from the Court, which was judiciously denied, affirming the absence of immediate threat or harm that warranted such an extraordinary measure. Undeterred by this judicial determination, the Petitioner proceeded to file for divorce on December 18th, 2023, misleadingly alleging the existence of an active Order of Protection against the Respondent. This deliberate misrepresentation constitutes not merely an attempt to skew the legal process in the Petitioner's favor but represents a flagrant abuse of the judicial system designed to secure an undue advantage in the divorce proceedings, which has ultimately been successful.

2. On December 22nd, 2023, the Petitioner initiated a subsequent application for a Protective Order, forming the cornerstone of litigation since the initial hearing on January 16th, 2024.

3. On January 16th, 2024, the Court rendered Temporary Orders which required the Respondent to vacate his family home and give up custody of his children on the presumption of family violence. The Court's decision did not meet the statutory requirements of the *Texas Family Code, Sec. 6.502.*[4]

---

[3] The non-suit of the protective order entitles the Respondent to this Partial Summary Judgement as a matter of law, as there is now no genuine dispute over the baselessness of the allegations made against him which are the foundation of the current temporary orders in place.

[4] Sec. 6.502 mandates that a Court may make such a decision while a suit for dissolution of a marriage is pending and on the motion of a party or on the court's own motion after notice and hearing. No hearing took place, and no reasonable notice was given prior to the decision rendered on January 16th, 2024.

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4. On January 22nd, 2024, before the start of the reset hearing, the Petitioner acquired legal counsel at the last minute, delaying the case further until the reset date of February 1st, 2024.

5. On February 1st, 2024, both parties entered into an agreement which allowed the respondent back into the home on a temporary basis, yet still awarded the Petitioner with full custody of the children. The Respondent was given 30 days per the agreement to remain in the home. Despite having the ability to stay next door, and after dropping the Protective Suit that initiated and are the foundation for this agreement, the Petitioner chose to stay with her friend 9 miles away and remove the children from their stable environment.

6. On February 5th, 2024, the Respondent discharged his Legal Counsel for failure to address any of the issues mentioned herewith, and for failure to diligently represent the Respondent, as no genuine effort was made to make the court aware of these errors. The Protective Order suit was non-suited on this day, invalidating the current agreement, and requiring by law that the Court reset the case back to the status quo ante until a fair discovery process can be conducted on relevant matters to the divorce proceeding, and restoring order back into the lives of the Respondent and his Children.

7. The Petitioner's decision to reside outside the family home, despite alternatives that would minimize disruption during this transitional period, is a deliberate choice. This choice, made independently, should not facilitate the continuation of unfounded claims that have since been dismissed. Such actions have unduly influenced the living arrangements and well-being of the children at the heart of this case.

8. The Respondent explicitly refrains from pursuing any sanctions or penalties against the Petitioner, emphasizing instead a heartfelt plea for a reasonable transition period. This adjustment period is advocated as crucial for safeguarding the welfare of his children, himself, and the Petitioner, ensuring their collective long-term well-being. Furthermore, the Respondent underscores that the prevailing custody determinations were unjustly predicated on unsubstantiated allegations of family violence—a point underscored by the unequivocal dismissal of the Protective Order, which confirms the absence of any contested material facts.

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LEGAL BASIS

The legal foundation for this Partial Summary Judgment is firmly rooted in the principles and mandates of the law, notably where the current temporary orders are predicated on unsubstantiated claims of family violence, for which no concrete evidence has been presented. This lack of evidence fundamentally challenges the integrity and validity of the orders affecting the lives and welfare of the children involved. The necessity for the court to vacate these orders and revert to the status quo ante is underscored by the following critical legal arguments:

1 . **Misalignment with Texas Family Code Sec. 105.001:**

1.1 The orders issued on January 16th, 2024, and continued on January 22nd, 2024, starkly conflict with Texas Family Code Sec. 105.001, which unequivocally necessitates notice and a hearing prior to the issuance of such orders. This statute ensures that parties are given a fair opportunity to be heard, a fundamental aspect of due process, which was conspicuously absent in this case.

2. C**ontravention of Texas Family Code Sec. 105.005:**

2.1 The initial rendering of temporary orders on January 16th, 2024, did not adhere to *Texas Family Code Sec. 105.005*, requiring that court's findings be grounded in a preponderance of the evidence before making any child custody determination affecting the parent-child relationship.

2.2 The absence of evidence from the Petitioner, juxtaposed with the disregard for the Respondent's timely submissions, underscores a significant deviation from this legal requirement.

3. Violation of Texas Family Code Sec. 153.002:

3.1 The proceedings failed to prioritize "The best interest of the child," as mandated by Texas Family Code Sec. 153.002. This principle, deemed paramount in determining issues of conservatorship, possession, and access, was overlooked.

3.2 The Respondent's work-from-home situation and the need for a

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reasonable transition period to maintain his pivotal role in his children's lives were disregarded, further exacerbating the impact of the Petitioner's actions and the court's decisions on the children's stability and well-being.

4. Equal Opportunity and Fair Hearing (Sec. 152.205 & Sec. 105.003):

4.1 *The Texas Family Code Sec. 152.205* and *Sec. 105.003* enshrine the necessity for equitable procedural rights, mandating that all parties are granted a fair opportunity for notification and a meaningful hearing. The Respondent's ability to engage fully in the hearing process and to present a comprehensive defense was significantly impeded, a deviation from the due process envisaged by these statutes. Consequently, the temporary orders issued lack the foundational fairness that is central to the justice system and contravene the legal safeguards intended to ensure balanced participation by all parties in family law proceedings.

5. Managing Conservatorship Considerations (Sec. 153.005 & Sec. 153.007):

5.1 In deliberations of conservatorship, *Texas Family Code Sec. 153.005* obligates the court to deliberate thoroughly on the child's best interest, including the living circumstances and stability provided by the parents. Additionally, *Sec. 153.007* advocates for the establishment of a mutually agreed parenting plan, prioritizing the child's welfare and the continuity of their established routine. The current custodial provisions do not correspond with a collaboratively designed parenting plan that satisfies these essential criteria. Given the disproven allegations of family violence and the unnecessary protective measures imposed during this period of change, it is imperative for the Court to rescind these provisional measures. The immediate restoration of the status quo ante is crucial to uphold the children's best interest, allowing for a planned and considerate period of adjustment that acknowledges the absence of any immediate risk or harm to their well-being and without disruption to the Respondent's business operations at-home.

6. Rules of Dispositions for Family Law Cases – (Tarrant County Rules):

6.1 The provisions under *Rule 4.02: Trial Procedures of the Tarrant Family Rules*, specifically *Part 4* concerning the disposition of family law cases, have been notably contravened in the ongoing proceedings of the. This rule

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STATEMENTS OF FACT

Below are the enumerated statements of fact with no genuine dispute of material fact that entitle the Respondent to this Partial Summary Judgement:

1. The Petitioner has not provided any evidence of Family Violence.[6] These claims unjustly removed the Respondent from his home starting on January 16th, 2024 and significantly impaired his at-home business operations, and are the basis for the current custodial arrangements which are unlawful and founded on false claims.[7]

2. No basis exists for the current arrangements, as the Court has not considered the best interests of the children throughout this case, but rather has operated solely on the accusations of family violence, which are now non-suited.[8]

3. The deadline approaching March 1st to vacate, and the current custodial arrangements are void of any lawful basis. Any custodial arrangements are required to consider the best interests of the children involved.

4. Respondent's parenting plan has been overlooked by the Court, filed January 6th, 2024.[9]

5. The Court's basis for conservatorship was based solely on the claims of Family Violence, which are now void.

6. The respondent is entitled to this Partial Summary Judgement as a matter of law, which will rightfully restore the status quo ante given no genuine dispute of material fact exists regarding family violence, which are the basis for the ongoing and current orders.

---

[6] There exist no evidence supporting family violence on record, nullifying any custodial arrangements based on these foundational claims alone.

[7] See attached EXHIBIT B.

[8] Attached EXHIBIT C, page 3.

[9] See attached EXHIBIT D, filed January 6th, 2024, which better serve the children's best interests.

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PRAYER FOR RELIEF

WHEREFORE, [redacted], the Respondent herein, respectfully requests this Honorable Court to:

1. Annul the current temporary custody and visitation arrangements premised on allegations now proven to be baseless, taking into account the critical urgency imposed by the Respondent's work-from-home requirements and the ongoing detriment to his familial relationships.

2. Recognize that the initial accusations of family violence, which underpinned the imposition of these temporary measures, were not substantiated by credible evidence. This failure has unjustly prejudiced the Respondent, undermining his right to an equitable adjudication and rendering the imposed measures legally untenable.

3. Acknowledge the absence of substantial evidence for the allegations levied against the Respondent. Command a thorough reevaluation of both procedural and substantive legal missteps observed in the prevailing proceedings, with a view to rectifying the inequitable temporary orders that have adversely impacted the Respondent's familial and professional life.

4. In accordance with Rule 166a of the Texas Rules of Civil Procedure and Rule 60(b) of the Federal Rules of Civil Procedure, award relief predicated on identifiable mistakes, errors, and the conspicuous lack of evidential foundation for the accusations faced by the Respondent.

5. Uphold Fairness and Due Process: Reorient the ongoing legal process to align strictly with the principles of fairness, due process, and the paramount interests of the children involved. This reorientation is essential to ensure the administration of justice, uphold the Respondent's inalienable right to a fair trial, and ameliorate the unwarranted disruptions to his familial life.

6. Consideration of Respondent's Efforts: Reflect on the substantial time and effort dedicated by the Respondent in pursuit of equitable treatment under the

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law and the significant repercussions stemming from his unjust displacement based on allegations now demonstrated to be without merit.

7. Reestablish the custodial and visitation status quo ante pending a lawful and unbiased reevaluation of the custody determination, ensuring that any future decisions are made in a manner that genuinely reflects the best interests of the children and respects the due process rights of all parties involved.

The Respondent avers that such relief is not only justified but imperative to rectify the injustices endured and to restore the integrity of this Court's proceedings.

Under penalty of perjury, I attest that the facts herein are true and accurate to the best of my knowledge and belief. Pursuant to the Tarrant Local Rules, no conference between Counsel was required to be filed with this motion.

Respectfully submitted,

/s/ [redacted]

02/22/20224

[redacted]

Chuckdustin12@gmail.com

817-507-6562

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CASE NO. 322-744263-23

____[redacted]_____
PETITIONER (PRINT)

VS

_____[redacted]_____
RESPONDENT (PRINT)

IN THE 322nd

DISTRICT COURT

TARRANT COUNTY, TEXAS

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the : Motion for Partial Summary Judgement

_____

has been delivered to all opposing parties on record in accordance with the Texas Rule of Civil Procedure, 501.4, on this 22nd day of February, 20 24 .

SELECT ONE:

- [ ] IN PERSON
- [ ] MAILED/COURIER RECEIPT #_____
- [ ] FAX
- [x] E-MAIL (Only if the other party has agreed in writing to accept email service)

/s/ [redacted]
SIGNATURE

[redacted]
PRINT NAME

[redacted]
ADDRESS

Watauga, TX 76148
CITY, STATE AND ZIP CODE

817-507-6562
PHONE NUMBER

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Filing Description: Motion for Partial Summary Judgement
Status as of 2/22/2024 11:59 AM CST

Associated Case Party: [redacted]

Name	BarNumber	Email	TimestampSubmitted	Status
[redacted]		[redacted]@gmail.com	2/22/2024 11:23:08 AM	SENT
Cooper L.Carter		coopercarter@majadmin.com	2/22/2024 11:23:08 AM	SENT

Associated Case Party: [redacted]

Name	BarNumber	Email	TimestampSubmitted	Status
[redacted]		chuckdustin12@gmail.com	2/22/2024 11:23:08 AM	SENT

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EXHIBIT D

PROPOSED PARENTING PLAN

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IN THE DISTRICT COURT OF TARRANT COUNTY, TEXAS

322ND DISTRICT FAMILY COURT

[redacted],	§	
Plaintiff,	§	
	§	
vs.	§	**Case No. 322-744538-23**
	§	
[redacted],	§	
Defendant.	§	

EXHIBIT A: TEMPORARY VISITATION ADJUSTMENT PROPOSAL

Respondent: [redacted]

Understanding the intricate nature of our family's current situation and the legal complexities involved, I, [redacted], propose a thoughtful adjustment to the visitation schedule that aligns with our cohabiting status and the abrupt changes brought about by the divorce announcement.

1. Co-habitation Acknowledgement:

It is acknowledged that both parents currently cohabit, which complicates traditional custody arrangements. Therefore, the immediate priority is to facilitate a transition where both parties can establish their respective independent living and working arrangements without disrupting the children's lives.

2. Transition Period:

[redacted] Employment: Provide [redacted] with the necessary support and time to secure stable employment, which is vital for her to contribute to the children's needs and establish her own residence.

Stable Housing for [redacted] As I seek stable housing to maintain my significant role in our daughters' lives, flexibility in visitation is essential to ensure I continue to fulfill my parental duties.

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3. Work and Research Commitments:

The concurrent legal proceedings, particularly those based on unverified claims, demand a substantial amount of my time for research and preparation to protect the children's well-being.

My ability to work has been affected by the proceedings, necessitating an adjustment in my day-to-day routine to accommodate these new responsibilities.

4. Interim Custody Logic:

Continuity for Children: While we navigate these proceedings, it is critical to maintain stability and continuity for our children. Any temporary custody arrangements should reflect the least disruptive path for them.

Counseling and Mediation: I strongly advocate for counseling or mediation to reconcile and navigate the divorce process, emphasizing the children's best interests rather than abrupt and contentious changes.

5. Court's Facilitation:

The court's facilitation in endorsing a temporary and flexible visitation framework is crucial. This framework must account for the current living situation and the significant emotional and logistical upheaval that the divorce proceedings have caused.

This proposal is made in the spirit of cooperation, with a focus on minimizing the impact of our marital dissolution on our children. It is with a sincere hope that we can transition into a stable co-parenting arrangement that keeps our children's welfare as the priority.

Respectfully submitted,

X[redacted] 01-07-2024

[redacted]

[redacted]

Watauga, Texas 76148

817-507-6562

Chuckdustin12@gmail.com

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Certificate of Service

I hereby certify that a true and correct copy of the foregoing document, **EXHIBIT A: TEMPORARY VISITATION ADJUSTMENT PROPOSAL**, has been furnished to the following on 2024-01-07:

To Plaintiff:

[redacted]

Email:[redacted]mw02@gmail.com

Method of Service:

Via electronic mail to morganmw02@gmail.com as per the agreement between parties for electronic communication.

Executed on this sixth day of January, 2024.

X_[redacted]

[redacted]

[redacted]

Watauga, Texas 76148

[redacted]

Chuckdustin12@gmail.com

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Respectfully submitted,

/s/[redacted] 2024-02-09
Your Signature Date

[redacted] [redacted]
Your Printed Name Phone

[redacted] WATAUGA TX 76148
Mailing Address City State Zip

CHUCKDUSTIN12@GMAIL.COM
Email Address Fax # (if any)

Notice of Hearing

The above motion is set for hearing on March 14, 2024 at 9:00 a.M. in 322nd Associate Court, 4th Floor. 200 E. Weatherford, Ft. Worth TX 76196 (designation and location of court).

SIGNED on 2-15-24.

James B Murphy JB
Judge or Clerk

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Associated Case Party: [redacted]

Name	BarNumber	Email	TimestampSubmitted	Status
Cooper L.Carter		coopercarter@majadmin.com	2/27/2024 12:33:14 PM	SENT

Associated Case Party: [redacted]

Name	BarNumber	Email	TimestampSubmitted	Status
[redacted]		chuckdustin12@gmail.com	2/27/2024 12:33:14 PM	SENT

FILED
TARRANT COUNTY
3/4/2024 12:00 AM
THOMAS A. WILDER
DISTRICT CLERK

IN THE 322nd DISTRICT COURT OF TARRANT COUNTY

STATE OF TEXAS

[redacted],	Cause No. 322-744263-23
Petitioner,	
v.	**NOTICE AND UNSWORN DECLARATION**
[redacted],	
Respondent	
March 3, 2024	

Dear Clerk of the Court,

This letter is submitted on behalf of the Respondent in the above-referenced case to provide the court with an update on the Respondent's efforts to uphold the well-being of the children under the current agreed arrangements pending review and to navigate the complexities of this case. The following reasons why it is impossible for the Respondent to vacate the family home under the current agreement pending review are as follows:

1. Since the inception of the case, the Respondent's primary focus has been to reset the status quo ante for the benefit of the children, ensuring their lives remain as normal and uninterrupted as possible during this transitory period after it was significantly disrupted beginning on January 16th, 2024. Despite the challenges posed by the non-suited protective order and the dropped allegations of family violence which were the foundations of all decisions made within this case, the Respondent has respected the orders pending review, and has strived to provide a stable and supportive environment for his children during his designated time, all while planning a transition that best suits his children.

2. During the short amount of time the Respondent has been re-instated to his home, the Petitioner has, on multiple occasions, entered the residence unannounced and without prior consent, actions which stand in stark contrast to her prior requests for protection which have governed this case.

3. The Petitioner has changed employers since the signing of the agreement.

4. Petitioner has relinquished custody of the children to the Respondent on multiple days during her scheduled time, showcasing the Respondent's ability to care for his children at any time given his at-home work schedule specifically crafted to ensure participation in every aspect of his children's lives remains possible.

5. The Respondent must dedicate substantial time to researching and understanding legal procedures to ensure compliance with court rules and to advocate effectively for the best interests of his children. He is prepared to present all relevant facts and evidence at the upcoming hearing on March 14th, should his partial summary judgment not be accepted.

6. The Respondent has made efforts over the past 30 days to maintain normalcy for his children, showcasing his dedication to their well-being. The Respondent has maintained an amicable relationship with the Grandparents residing next-door, allowing frequent access during his time with the children to visit and attend church, maintaining normalcy and peace.

7. The choice to remain outside the home is a deliberate decision by the Petitioner during the transition period. Self-hosting and advertising is an essential requirement for my at-home operations, which is essential to maintain the quality of life our children are accustomed to. Multiple alternative housing options are available to the Petitioner, including the house next door.

The Respondent remains committed to following the court's directives and ensuring the best possible outcomes for his children. He appreciates the court's attention to these matters and is ready to provide further information or clarification as needed.

My name is [redacted] my date of birth is [redacted], and my address is [redacted] Watauga TX, 76148, United States. I declare under penalty of perjury that the foregoing is true and correct.

Executed in Tarrant County, TX on this 3rd day of March 2024.

/s/ [redacted]
[redacted], Declarant

Certificate of Service

I certify that a true copy of the Notice and Unsworn Declaration was served in accordance with Rule 21a of the Texas Rules of Civil Procedure on 2024-03-03 to:

[redacted], Petitioner

By electronic filing manager/email at MORGANMW02@GMAIL.COM

Cooper Carter, Attorney

By electronic filing manager/email at COOPERCARTER@MAJADMIN.COM

/s/ [redacted]

[redacted]

Respondent

[redacted]

Watauga, Tx 76148

817-507-6562

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Filing Description: Notice / Unsworn Declaration
Status as of 3/4/2024 9:02 AM CST

Associated Case Party: [redacted]

Name	BarNumber	Email	TimestampSubmitted	Status
[redacted]		[redacted]02@gmail.com	3/3/2024 11:56:06 PM	SENT
Cooper L.Carter		coopercarter@majadmin.com	3/3/2024 11:56:06 PM	SENT

Associated Case Party: [redacted]

Name	BarNumber	Email	TimestampSubmitted	Status
[redacted]		chuckdustin12@gmail.com	3/3/2024 11:56:06 PM	SENT

322ND FAMILY DISTRICT COURT
ASSOCIATE JUDGE'S REPORT
FOR TEMPORARY ORDERS

322-744263-23

CAUSE NUMBER: 322 - 744263-23

ITMOTMO/INRE/ITIO

[redacted]

	§	IN THE DISTRICT COURT
	§	
	§	TARRANT COUNTY, TEXAS
	§	
	§	322ND JUDICIAL DISTRICT

1. It is ordered that Movant's motion ~~for~~ to vacate is denied.

2. It is ordered that Movant shall provide Mrs. ~~Meyer~~ Myers' attorney with a list of the technology he needs from the marital home, for his business.

3. It is ordered that the parties shall present a the Temporary orders ~~by~~ regarding the ATR ~~filed~~ signed on 2/11/2024 by 1:30pm today.

Approved as to form

Attorney for Petitioner

Attorney for Respondent

Petitioner

Respondent

Court Notes that Respondent would not sign this report as to form. He did agree that paragraphs 1 + 3 correctly reflected the Court's ruling after a hearing. He did not agree the Paragraph 2 accurately reflected the Court's ruling, but provided no alternative language; therefore the Court signed this report.

SO ORDERED:

~~322nd Associate Judge~~

3/14/22

Date

Associate Judge

Page _____ of _____

200 East Weatherford Street
Fort Worth, Texas 76196

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FILED
TARRANT COUNTY
3/26/2024 12:00 AM
THOMAS A. WILDER
DISTRICT CLERK

NOTICE THIS DOCUMENT CONTAINS SENSITIVE DATA

IN THE 322nd DISTRICT COURT
OF TARRANT COUNTY
FORT WORTH, TEXAS

[redacted]

v.

[redacted]

Second Amended Preparatory Notice for Judicial Review

No. 322-744263-23

Daniel R. Bacalis, P.C.
Dan Bacalis
Texas Bar No. 01487550
dbacalis@dbacalis.com
669 Airport Fwy #307
Hurst, TX 76053
(817) 498-4105
RESPONDENT'S PRIOR COUNSEL

Copy from re:SearchTX

No. 322-744263-23 (consolidated)

IN THE 322ND DISTRICT COURT

OF TARRANT COUNTY

FORT WORTH, TEXAS

In re [redacted]

for MEM & CRM,

two minors

IDENTITY OF PARTIES AND COUNSEL

Respondent certifies that the following is a complete list of the parties, their attorneys, and any other person who has any interest in the outcome of this case:

COUNSEL FOR PETITIONER:

Max Altman & Johnson

Cooper L. Carter

State Bar No. 24121530

coopercarter@majadmin.com

2905 Lackland Rd,

Fort Worth, Texas 76116

Tel.: 817-926-6211

Fax.: 817-926-6188

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REAL PARTIES OF INTEREST:

[redacted] Petitioner

[redacted] Watauga TX, 76148

[redacted] Respondent

[redacted] Watauga TX, 76148

CRM, a minor child

MEM, a minor child

[redacted], Witness[1]

[redacted], Yukon, OK 73099

[redacted], Witness[2]

[redacted], Watauga, TX 76148

[redacted], Witness[3]

[redacted], Watauga TX, 76148

Cooper L. Carter, Witness[4]

---

[1] Mr. Branthoover's residency in Oklahoma necessitates his inclusion to address jurisdictional concerns and ensure that all relevant parties are properly before the court for a complete resolution of the dispute.

[2] [redacted] is the Couple's landlord and resides adjacent to the family home.
[redacted] is the Couple's landlord and resides adjacent to the family home.

[4] Given the growing probability that Ms. Carter will be required as a witness in this case, it is imperative for the integrity of the proceedings that she voluntarily withdraws from representation to avoid potential conflicts of interest and ensure procedural fairness for when the trial inevitably seeks removal to Federal Court.

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Issue: Considering the absence of concrete evidence indicating an immediate risk of harm or abuse towards the petitioner or minor children, did the court's decision to issue Temporary Orders on January 16th, January 22nd, and February 1st—thereby excluding the Respondent from the family residence and severing his relationship with his children—constitute an abuse of discretion under Texas Family Code § 83.001 et seq., which necessitates clear evidence of danger for such emergency action, ultimately leading to a violation of the Respondent's due process and infringement of constitutional and parental rights as outlined by the *U.S. Constitution and Tex. Const. art. I, § 19*, while also disregarding the children's best interest as mandated by *FAM § 153.002*?

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Texas Family Code § 105.001(b)……....RESERVED

Texas Family Code § 105.003I……RESERVED

Texas Family Code § 105.005……RESERVED

Texas Family Code § 151.001……RESERVED

Texas Family Code § 152.107……RESERVED

Texas Family Code § 152.205……RESERVED

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STATEMENT OF THE CASE

1. **Nature of Proceeding(s).** This case memorandum is respectfully submitted in good faith regarding the underlying legal proceedings brought against the Respondent in a systematic and concurrent fashion:

    a. Divorce: 322-744263-23 \ filed **2023-12-18**

    b. Protective Order: 322-744538-23 \ filed **2023-12-22**

    c. Eviction: JP01-23-E00102017 \ filed **2023-12-28**

2. **Judge(s), Court, and County.** Hon James B. Munford && Hon Jeffrey N. Kaitcer, 322nd (Family) District Court, Tarrant County, Texas

3. **Claim of Respondent:** The Court unlawfully removed the Respondent from his home without a right to legal representation and without any findings of fact that would warrant such a drastic decision which not only severely damaged the ability of the Respondent to provide for them, but has ultimately left him homeless and the children without one of their parents without conducting any discovery or indicating any lawful reasoning for doing so.

4. **Habeas Corpus** N/A

5. **Supreme Court** N/A

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ISSUES PRESENTED

1. Given evidence suggesting that the Petitioner fabricated allegations of family violence to secure a tactical advantage in custody and divorce proceedings, does this raise a significant legal question regarding the adequacy of safeguards against misuse of protective orders, potentially warranting a review of the court's reliance on unverified claims in making preliminary decisions affecting parental rights and access to children?

2. Considering the absence of concrete evidence indicating an immediate risk of harm or abuse towards the Petitioner or minor children, did the Court's initial decision to issue Temporary Orders on January 16th, followed by January 22nd, and February 1st—thereby excluding the Respondent from the family residence and severing his relationship with his children—constitute an abuse of discretion lacking clear evidence of danger for such emergency action, ultimately leading to a violation of the Respondent's due process and infringement of constitutional and parental rights, while also disregarding the children's best interests?

3. How can the Court remove one parent from the home without following the mandated process required by law, resulting in the destruction of the status quo of the minor children, and further uphold this decision when no finding of facts has taken place?

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FAMILY BACKGROUND

I. Petitioner and Respondent are referenced herein as *the Couple.*
II. The two children are referenced herein as *the Children.*

1. The Couple were married on June 20, 2015, and have two daughters aged seven and five at the time of this Memorandum.

2. The Couple moved into the residence located at [redacted] Watauga TX, 76148 around July 2015.

3. The family home is adjacent to the Petitioner's grandparents, who are also the landlords of the Couple, where they entered into a lease agreement on July 22nd, 2015.

4. The Couple have both played significant roles in the upbringing of the Children throughout their lifetime.

5. The Couple are both actively involved in the children's school activities and extra-curriculars.

6. Throughout the marriage, the Petitioner reiterated her strong desire to leave the family home and to escape the controlling nature of her grandparents.

7. Throughout the marriage, the Children have had continuous access to both parents throughout their lives up until court intervention on January 16th, 2024.

8. Throughout the marriage, the Couple have never endangered the Children.

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EMPLOYMENT HISTORY AND FAMILY DYNAMICS

1. Throughout their marriage, both parents have alternated roles as stay-at-home parents, adapting their employment status to meet the developmental needs and schedules of their children, now aged seven and five. This arrangement has enabled both the Petitioner and Respondent to maintain an active and consistent presence in their children's lives, encompassing not only day-to-day care but also engagement in school activities and extracurricular events. This hands-on approach has been a testament to their dedication to the well-being and upbringing of their children, demonstrating a flexible yet committed stance towards balancing family responsibilities with personal and professional development opportunities as they arise.

2. The Couple had lived paycheck to paycheck for most of the marriage, and things began to look up when the Petitioner acquired a job as a Leasing Agent/Consultant near our home. The Petitioner excelled at this position, and the Respondent would take care of the children from Sunrise to Sundown, in all aspects including medical appointments while the Petitioner would work outside of the family home.

3. The unique situation the Couple had been blessed with put them in a situation where the children could frequently visit their grandparents next door, creating a rare and ideal situation for them, also enabling the Respondent to help generate income by acquiring a part-time Legal

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Transcriptionist job from home while the children were in the care of the Grandparents.

4. During May of 2019, the Petitioner was unexpectedly terminated from her job as a Leasing Agent, where the Couple once more swapped roles as the stay-at-home parent, and the Respondent quickly acquired employment at Classic Mazda of Denton, starting on July 1st, 2019.

5. This transition was very difficult, as the Respondent went from seeing his children every day to sometimes not at all given the hour-long commute to work and extraneous hours and was in an entirely new field of work as a sales associate.

6. In the Fall of 2019, the COVID-19 pandemic hit and put the dealership in a state of uncertainty by significantly reducing the number of patrons who would visit the dealership, which impacted the monthly commission for the Respondent, creating significant down-time that the Respondent took advantage of by self-certifying himself in many areas of the dealership.

7. One evening at work, the Respondent noticed the Photographer taking photos of the vehicles out on the lot for the purpose of displaying them on the dealership's website, which sparked an idea that would ultimately

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become the sales solution for the dealership during the COVID-19 pandemic.

8. In November of 2019, the Respondent created a YouTube channel entitled Charlie and the Mazdas, where he began to use his self-certification for internet sales to create personalized videos for internet clients during the pandemic, allowing them to see the features of their desired vehicle from the comfort of their own home. If the client decided to move forward, the Respondent would wrap the steering wheels in plastic wrap, wash the vehicles himself, and drive them to the client's residence as a courtesy service during the pandemic.

9. This approach was not only successful but lead to the Respondent finishing second overall for the Southwest Region of the United States for Mazda sales for the year of 2020.

10. The Couple also leased their first vehicle in November of 2019, which was a Mazda CX-5 Grand Touring model, machine grey.

11. As the year 2020 unfolded, the Respondent found himself increasingly drawn to the stock market. This interest was sparked by the extraordinary market conditions of 2020, fueled by the Federal Reserve's pivotal amendments to Regulation D and the Supplemental Leverage Ratio. These changes were instrumental in maintaining bank liquidity, enabling continued lending to high-risk companies amid the pandemic, presenting unique investment opportunities.

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12. By January 2021, inspired by his burgeoning passion for financial markets—and motivated by a desire to reclaim precious time with the Children—the Respondent made a conscientious decision to part ways with the dealership. This step was taken in good faith, driven by his commitment to both his family and his growing interest in financial markets, setting the stage for a new chapter in his professional and personal life since his employment began on July 1st, 2019.

13. Shortly after starting this new chapter, the Respondent quickly realized trading was going to be a lot more challenging than he had first realized, which lead to the evolution of his YouTube channel, renamed from Charlie and the Mazdas to Charlie's Vids, where he turned his focus to SEC law, covering agency filings out of *the Options Clearing Corporation, National Securities Clearing Corporation, Depository Trust Company, Depository Trust Clearing Corporation, FINRA, the Code of Federal Regulations, the Office of Financial Research,* amongst other market agencies.

14. The Respondent would cover the filings, accompanied by PowerPoint presentations for the viewer, which quickly became well-received, garnering the Respondent over 30,000 subscribers by May of 2021.

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15. The surge in viewership not only augmented the family's income but also established a robust passive income stream for the Respondent and his family. This financial uplift empowered him to delve further into the intricacies of the financial sector, focusing on market architecture, the mechanics of trading, and the analysis of market data.

16. By September 12th, 2021, his deepened interest in financial market data culminated in the launch of a unique service. This innovative venture offered market data solutions to clients through a variety of platforms including Discord and Telegram, alongside tailored scanners, feeds, and bots. Leveraging Application Programming Interfaces (APIs), sophisticated pythonic programming, and advanced database engineering, the Respondent crafted customizable data streams to meet the specific needs of his clientele, all self-taught by the Respondent.

17. The escalating demands of the Respondent's business necessitated an upgrade to more potent computing hardware in February 2022. This strategic investment enabled him to further scale his operations, propelling the family towards financial independence.

18. Parallel to the Respondent's business ascent, the Petitioner took on a more prominent role within their children's educational community. Her involvement with the school's Parent Teacher Association (PTA) eventually led her to the presidency, making a significant contribution to their children's educational environment.

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19. The culmination of these endeavors was celebrated with the family's first vacation in July 2022.[5] They chose South Padre Island, Texas—a place of sentimental value, as it was where the Respondent spent many cherished moments of his childhood. Staying in the home that hosted his formative years, they created new memories as a family, intertwining past and present.

20. Throughout the remainder of the year and into 2023, the couple continued in their respective roles, gradually drifting apart. The Respondent, deeply engrossed in his business, and the Petitioner, yearning for new experiences outside the home, unknowingly allowed a gap to form between them, threatening the unity of their marriage. Despite this, their commitment to their children's welfare remained unwavering, a testament to their dedication, as seen in the children's thriving well-being and exceptional achievements in school and dance.

21. In July of 2023, the family took another trip to South Padre Island, a journey that served both to revisit cherished memories and create new ones.

[5]

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22. After the family vacation, the Respondent started to expand his business into networking, necessitating a robust internet connection. He needed to secure various services linked to his local IP address and handle a large amount of data, making cloud storage or hosting impractical for his needs due to the costs associated with it.

23. Around this same time, the Petitioner acquired a part-time job in the City of Watauga, where she would work primarily evenings and on Saturdays, frequently visiting the residence of her friends after work.

24. From the end of July to mid-November 2023, the Respondent dedicated himself to optimizing his setup. By November 24th, 2023, he launched his own web service from home, elevating his client offerings by integrating marketing efforts directly with his services, setting a new benchmark for his business model.

25. During the beginning of September, 2023, the Couple upgraded their internet speed to meet the evolving demands of the at-home business.[6]

26. Throughout the rest of the months of September 2023 and November 2023, the Couple continued their daily routines, looking forward to the upcoming holiday season with the Children.

[6] Petitioner excited and aware of my needs for at-home work just 3 months prior to the Divorce announcement.

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27. On December 1st, 2023, the Petitioner announced her desire for a divorce.

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Statement of Facts

I. Background Facts

1. The Petitioner had a meeting of the minds with [redacted], J[redacted] and [redacted] between the dates of December 15th, 2023, and December 19th, 2023 to have the Respondent removed from his home. This claim of was first introduced and can be found un-disputed within the record via the *Background Report for Case Consolidation* below.

2. Between the dates of December 14th, 2023 and December 28th, 2023, the Petitioner and her family sought a total of 5 frivolous suits against the Respondent:

    a. Ex-Parte Temporary Protection Order | 12-14-2023 | DENIED

    b. Eviction Notice | 12-17-2023 | Hearing: 01-17-2024 | DISMISSED FOR LACK OF JURISDICTION

    c. Divorce | 12-18-2023 | Hearing: N/A[7]

    d. Protection Order | 12-22-2023 | Hearing: 01-16-2024 | CONSOLIDATED / CONTINUANCE

[7] Since the filing of divorce on 12-18-2023, all matters pertaining to this case have unquestionably been founded on false allegations of family violence.

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e. Temporary Restraining Order | 12-28-2023 | Hearing: N/A[8]

II. Procedural Facts

3. On January 2nd, 2024, the Respondent filed the *Answer to the Protective Order*.

4. On January 3rd, 2024, the Respondent filed the *Motion to Consolidate* with an attached *Background Report for Case Consolidation*.

5. On January 8th, 2024, the Respondent filed the *Motion of Continuance* in order to acquire Counsel due to the severity of the claims against him.

6. On January 16th, 2024, the Couple attended the Show Cause hearing at 9:00 A.M. in the Associate Judge's Courtroom. The case was continued / consolidated with the Divorce. Rendered 01-17-2024. Reset date set for 01-22-2024.

7. On January 16th, 2024, the Respondent filed the Counterpetition for Divorce.

[8] This document was never served to the Respondent, and was only identified by looking at the record after terminating his legal counsel.

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8. On January 17th, 2024, the Respondent and [redacted] attended the Eviction hearing, which was dismissed for lack of Jurisdiction. Respondent prevailed.

9. On January 17th, 2024, the Respondent spent $3,000 and retained the services from Daniel R. Bacalis.

10. On January 19th, 2024, the Respondent uploaded the *Comprehensive Statement of Context* to the Client Portal offered by Dan Bacalis as well as an *Unsworn Declaration* which served to inform Mr. Bacalis of the Respondent's goals and case context.

11. On January 19th, 2024, the Respondent reached out to Mr. Bacalis via email to communicate the critical key points of the case and to reiterate his desires.

12. On January 22nd, 2024, the Couple attended the reset hearing. The case was once again continued due to the failure of the Petitioner to acquire counsel until the last minute when she retained Cooper L. Carter. Rendered 01-24-2024. Reset date set for 02-01-2024.

13. On January 23rd, 2024, the Respondent reached out to Mr. Bacalis with further concerns and a desire to challenge the situation at the time.

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14. On January 25th, 2024, after failing to hear from Mr. Bacalis for 48 hours, the Respondent reached out to Mr. Bacalis via email informing him of his lack of concern regarding the interests of the Respondent.

15. On January 31st, 2024, Ms. Carter filed the First Amended Petition for Divorce. Upon being notified of this document being filed via the e-file system, the Respondent reached out to Mr. Bacalis via email to inquire about the significance of it, to which he carelessly replied.

16. On January 31st, 2024, Mr. Bacalis filed the First Amended Counterpetition for Divorce.

17. On January 31st, 2024, the Respondent was called by his daughters, who were crying on the phone, requesting that the Respondent return home. After this call, the Respondent once again reached out to Mr. Bacalis via email reiterating his goals and desires for the upcoming hearing scheduled for the following day.

18. On February 1st, the Couple attended the second reset hearing. The case was settled under agreed orders.[9] The case was also consolidated for a second time. None of the concerns were represented by Mr. Bacalis, and the Protective Order continued to be used as leverage from the Petitioner and Ms. Carter.

[9] The stipulations set forth in these agreed orders were not met, calling into question their enforceability or validity.

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19. On February 5th, 2024, due to the failure of Mr. Bacalis to advocate effectively for the Respondent, his services were terminated via email correspondence.

20. On February 5th, 2024, the Respondent promptly notified the Court of his decision to terminate his representation.

21. On February 6th, 2024, the Respondent signed the *Order of Withdrawal* for Mr. Bacalis.

22. On February 8th, 2024, the Respondent timely filed an *Emergency Motion to Reconsider Evidence and Vacate Temporary Orders*.

23. On February 12th, 2024, the Respondent was contacted by the Court Coordinator, Lindsey Baker, who offered several times to be heard regarding the *Emergency Motion* filed 02-08-2024. The Respondent was required to get the availability of Ms. Carter, and it was determined via email correspondence that her earliest available time was March 14th, and that she would be filing a countermotion. That countermotion was never filed.

24. On February 14th, 2024, the Respondent filed the *Respondent's Answer to Petitioner's First Amended Petition for Divorce*.

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25. On February 22nd, the Respondent filed a *Motion of Summary Judgement* to have the Court reset the case in the interests of the Children until proper discovery could be conducted.

26. On March 4th, 2024, the Respondent filed a *Notice / Unsworn Declaration* with the court informing them that he would not be leaving the family home for several reasons, the most important being that it would not serve the children's best interests.

27. The opposing Counsel failed to conduct discovery, object, or deny any relief the Respondent sought in all of the above filings and motions, and failed to respond to any claims being made against the Petitioner in any of the documents on record.

28. On March 14th, 2024, the hearing was held regarding the *Emergency Motion to Reconsider Evidence and Vacate Temporary Orders*, which was ultimately focused solely on the agreed orders signed on February 1st, 2024 that failed to meet the procedural requirements as ordered.[10]

29. On March 14th, 2024, Ms. Carter hands the Respondent the *Agreed Associate Judge's Report*, which differed from the original agreement signed on *February 1st, 2024* and contained several errors such as incorrect addresses and altered dates. The Respondent made these errors known to the opposing party on March 18th, 2024.

[10] The termination of [redacted] Bacalis was a necessary and strategic move by the Respondent, as the procedural requirements outlined in the agreed orders were not met and the pending Summary Judgement remains un-opposed.

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III. Undisputed Evidentiary Facts

1. The Petitioner, [redacted], knowingly and willingly deceived the Court under penalty of Perjury in the following manner since the onset of the case:

    i. The Petitioner knowingly and willingly filed for divorce claiming an *Affidavit of Inability to Pay* just four days after emptying the Couple's joint bank account into [redacted] PayPal account, where it was subsequently transferred to the Petitioner's sole bank account, as admitted by [redacted] himself on December 16th, 2023.

    ii. The Petitioner knowingly and willingly filed for an *Emergency EX-Parte Order of Protection* on December 14th, 2023, yet was compelled to invite the Respondent to the school field-trip, directly contradicting the need for protection from the Respondent.

    iii. The Petitioner was under the influence of [redacted], who stated his intent to help the Petitioner file the divorce paperwork on December 16th, 2023, and after the divorce was filed, referred to himself as her attorney while having no license to practice law in Texas or any other state.

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iv. The Petitioner knowingly and willingly waived the 60-day waiting period for divorce, citing that an active order of protection was currently in place, and that family violence had been found to have occurred during the Couple's marriage. Neither of these statements were true, as the Petitioner was denied such an order just four days prior.

v. The Petitioner knowingly and willingly influenced the Couple's landlords into believing that she needed protection, which was followed by the initiation of an Eviction suit on Sunday, 12-17-2023 in which the Respondent prevailed on 01-17-2024 due to lack of jurisdiction.

vi. The Petitioner filed for a Protective Order on 12-22-2023, while subsequently cohabiting with the Respondent and the Children that same evening clearly in no need of protection.

vii. The deliberate actions of the Petitioner and her family members reflect a concerted effort that is both vindictive and predatory in nature, indicating a clear conspiracy to engage in unlawful conduct[11] aimed at depriving the Respondent of his parental rights, his ability to provide, and most importantly: damaging the children's well-being.

[11] The Texas Family Law Practice Manual points out a Civil Conspiracy as a valid cause of action for divorce proceedings. *See § 8.56, Ch.8*

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2. The Court has, perhaps unintentionally, endorsed the behavior detailed in paragraph 1 by failing to thoroughly examine the case's facts, despite their repeated emphasis throughout these proceedings.

3. The opposing Counsel has not conducted any meaningful discovery in this case to warrant any significant decisions which has ultimately damaged the future outlook of the children by awarding full custody to the Petitioner for no valid reason. The only discovery conducted in this case amounts to financial disclosures which have since significantly changed, as the Petitioner has changed employment, and the Respondent has been unable to work to full capacity since March 6th, 2024.

4. The Petitioner's lack of full-time employment raises significant concerns regarding their ability to meet the financial needs of the minor children involved in this case. This issue casts doubt on the Court's decision to grant the Petitioner full custody and exclusive access to the family home. The decision, which appears to have been made on subjective grounds, preemptively removed the Respondent from the home before they had the opportunity to secure legal representation. Such an action not only adversely affects the welfare of the children but also constitutes a clear misapplication of judicial discretion.

5. The Court and Opposing counsel exhibit a strong conflict of interest, as the opposing Counsel had no initial interest in the

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Divorce case, which is reflective in her failure to appropriately conduct discovery or determine what is truly in the best interests of the children.

6. The Respondent would care for the children while the Petitioner worked her evening shifts multiple times per week.

7. The Respondent would care for the children in all aspects of their lives leading up to his removal on January 16th, 2024, including while the Petitioner was out of the home filing for protection against him. [12]

8. Both the Respondent and opposing Counsel have intentionally delayed proceedings and failed to provide any evidence, witness lists, documents, or any other tangible items as required by both the Local Court Rules and the Texas Rules of Civil Procedure.

[12] See Respondent's Parental Index

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RESPONDENT'S PARENTAL INDEX

The Respondent has had one objective throughout this case:

To prioritize the children's well-being and uphold the existing familial structure, while actively promoting a healthy and ongoing relationship between the children and both parents. This commitment is rooted in the understanding that the continued involvement of both parents in the children's daily lives is not only beneficial but essential for their emotional and psychological development. The Respondent seeks to ensure that the children's interests are placed at the forefront of all decisions, advocating for a stable and nurturing environment that supports their growth and well-being, which is not the current environment.

TIMELINE[13]

While the Petitioner spent the majority of her time between the dates of 2023-12-01 and 2024-01-16 filing frivolous suits rather than considering the children's best interests, the Respondent prioritized their holiday and school break while simultaneously combating concurrent lawsuits brought against him by the Petitioner and her family.

The following is a timeline of interactions of the Respondent with his Children leading up to the arbitrary removal from their lives:

[13] These videos were made using compilation of raw videos directly from the Respondent's phone.

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[14] On this date, the Petitioner filed for an Emergency Order of Protection against the Respondent while simultaneously leaving the Children in his care.

[15] The Petitioner and the children return home on December 17th, 2023, from residence in Oklahoma, accompanied by mace, clearly indicating a narrative for protection.

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[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

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[redacted]

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[redacted]

[redacted]

[16] While the Respondent is taking the Children to school, the Petitioner and her family run next-door and lock the door, leaving the note found within the video on the door.

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THE RESPONDENT'S EFFORTS

1. Due to having failed legal representation, the resources required to acquire alternative Counsel after the termination of Mr. Bacalis coupled with the growing dis-trust of the Judicial System as a whole given the totality of circumstances left the Respondent with having to represent himself, which is a task he has taken seriously in an effort to advocate for his daughters in a zealous manner.

2. The Respondent has researched and is aware of the ever-growing burden pro-se litigants are becoming on the Courts, their staff, and their resources due to the vast majority of pro-se litigants not putting in the time or effort reasonably required to represent themselves effectively or are solely trying to reduce costs associated with their case, both leading to increased case lengths and litigation costs.

3. The Respondent in this case stands out from the stereotype as follows:

    a. Since the removal of his home on January 16th, 2024, the Respondent has self-developed software to assist himself in the process of self-representation. This software includes a POSTGRES database integrated text search where the Respondent manually inputted the following Texas laws:

        i. The Texas Family Code

        ii. The Texas Rules of Evidence

        iii. The Texas Disciplinary Rules of Professional Conduct

        iv. The Texas Code of Judicial Conduct

        v. The Texas Rules of Civil Procedure

        vi. The Texas Civil Practice and Remedies Code

        vii. The Texas Rules of Appellate Procedure

        viii. The Texas Blue Book Citation Standards

        ix. Federal Rules of Evidence

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x. Federal Rules of Civil Procedure

xi. Texas Family Law Practice Manual

xii. Texas Property Code

xiii. Rules for Disposition of Family Law Cases (Tarrant Local Family Rules)

xiv. STATEWIDE RULES GOVERNING ELECTRONIC FILING IN CRIMINAL CASES

xv. Case Law

b. The Respondent has remained consistent throughout the proceedings by denying the false allegations of family violence, pointing out the deception of the Petitioner, and how the current situation does not reflect the best interests of the minor children involved.

c. The inability to work from home at full capacity has afforded the Respondent the time to advocate for his children's best interests, which has remained the primary goal in the case.

d. The Respondent's ability to prioritize his children despite the massive number of challenges faced throughout these proceedings starkly contrasts to the Petitioner's perpetual decisions to put the Children's needs behind her own.

e. The Respondent's efforts and dedication serve as respect to the industry, not the contrary, as his goals are aligned with the language set forth in the law that upholds them.

f. The Respondent has met with several of his business clients to obtain sworn affidavits on his behalf to corroborate the necessity of his at-home operations:

i. CHRISTIAN MICHAEL VROOM, DALLAS TEXAS

ii. LUZ MARIA OBLE | SAN DIEGO, CALIFORNIA

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iii. JOHN JULIAN VARELA | OAKLAND, MICHIGAN

iv. BRIANNA NICOLE GALBO | SUFFOLK, NEW YORK

v. DANNY SLADE BURT | STANISLAUS, CALIFORNIA

vi. AARON J. WATSON | LUBBOCK, TEXAS

vii. NICHOLAS GLEN MORVAN | ORANGE, CALIFORNIA

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ARGUMENT

I. Best Interests of the Children

1. In the case concerning the unjust removal of a father from his residence on January 16, 2024, without prior notice, which abruptly ended his meaningful relationship with his daughters and significantly impacted his livelihood due to his home-based business operations, the Court notably failed to comply with the essential legal principles set forth in *Holley v. Adams, 544 S.W.2d 367 (Tex. 1976)*. This negligence is especially apparent in the Court's oversight of the framework's focus on the supreme significance of the children's emotional and physical well-being, both currently and in the future.

2. The decision in *Holley v. Adams, 544 S.W.2d 367 (Tex. 1976)*, emphasizes the importance of conducting a comprehensive analysis that considers an extensive range of considerations—including the children's emotional and physical needs, potential risks to their safety, and the caregiving capabilities of the parties seeking custody—to determine the child's best interest. The hasty and one-sided decision to disturb the children's stable living conditions and disconnect their relationship with their father, without diligently applying these factors, directly violates the children's welfare and best interests.

4. It is essential to highlight that the Court's neglect in evaluating the profound implications on the children's emotional well-being, by placing them in a setting where their relational ties with their father are not only unencouraged but actively hindered, flagrantly contravenes established

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legal standards and guidance provided by the *American Bar Association*, which prioritizes the physical and emotional needs of the child in custody determinations.

5. Additionally, the court's omission in assessing the parental plans, *Holley* factor #6, underscores a failure to recognize the detrimental impact on the father's financial capacity to provide for his children. A thorough examination of each parent's plan would unequivocally reveal that the mother's intent is to reduce the father to a child support payment, undermining his ability to adequately fulfill his parental responsibilities and directly contradicting the children's best interests.

6. Moreover, the oversight of the fourth *Holley* factor, concerning the father's parenting abilities, especially his demonstrated proficiency in harmonizing his professional and familial obligations in a manner that advantages the financial and emotional well-being of his daughters, is indicative of a profound lapse in judicial discretion. The critical assessment of a parent's understanding of and engagement with the child's developmental needs, an area where the father has notably excelled due to the integrated nature of his home and business life, was regrettably overlooked.

II. Constitutional Rights and the Presumption of Fitness

7. The Supreme Court in *Troxel et vir v. Granville, 530 U.S. 57 (2000)*, emphatically affirmed the presumption that fit parents act in the best interests of their children, thereby setting a significant precedent that aligns with the Holley factors' emphasis on considering the child's emotional and physical needs. The Troxel ruling is instrumental in highlighting the necessity for courts to accord deference to a parent's

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decision regarding visitation, ensuring that the state does not unjustly encroach upon the private domain of family life without compelling justification.

8. In Troxel, the Court stressed that:

> "*[t]he liberty interest at issue in this case—the interest of parents in the care, custody, and control of their children—is perhaps the oldest of the fundamental liberty interests recognized by this Court." -Troxel, 530 U.S. at 65.*

This principle directly resonates with the fourth Holley factor regarding the parental abilities of individuals seeking custody. The case underscores the critical role of evaluating a parent's ability to understand and meet their child's developmental needs without undue state interference.

9. Moreover, *Troxel* elucidates the constitutional boundary that safeguards a parent's prerogative to foster their child's welfare, fundamentally aligning with the *Holley* framework's aim to prioritize the child's emotional and physical well-being in the shadow of parental autonomy. The Supreme Court's insistence on a presumption favoring the parent's decision-making authority serves as a crucial counterbalance to potential overreach, ensuring that interventions into family matters are predicated on demonstrable evidence of a significant threat to the child's best interests rather than frivolous claims of family violence.

III. Ineffective Representation

10. The situation described—where a father, unjustly ousted from his residence prior to attaining counsel, only to engage with an attorney who then neglects to assertively champion his cause amid the mother's delays

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and baseless accusations—presents a compelling argument for immediate judicial relief. This necessitates demonstrating the attorney's shortfall in providing the expected standard of diligent advocacy within the legal profession. Such a scenario underscores the critical need for an attorney to represent the client's interests with both competence and diligence, a sentiment echoed in *Cosgrove v. Grimes, 774 S.W.2d 662, 665 (Tex. 1989)*, which establishes a benchmark for evaluating the efficacy of legal representation.

11. In *Cosgrove v. Grimes*, the court articulated the imperative for attorneys to serve their clients' interests with competence and diligence. Specifically, the Court opined:

> "*[There is] no subjective good faith excuse for attorney negligence. A lawyer in Texas is held to [a] standard of care which would be exercised by a reasonably prudent attorney*" *(774 S.W.2d at 665).*

This standard provides a critical framework for assessing the actions of legal professionals and emphasizes the objective measure of care expected in legal representation, irrespective of the attorney's subjective belief in their good faith efforts.

12. Moreover, the *Cosgrove* decision importantly clarifies that the evaluation of an attorney's conduct must be based on the information available at the time of the alleged act of negligence, further specifying:

> *"If an attorney makes a decision which a reasonably prudent attorney could make in the [same or similar] circumstance, it is not an act of negligence even if the result is undesirable" (774 S.W.2d at 665)." (774 S.W.2d at 665).*

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13. The information available to the father's Counsel at the time of retainment was the totality of the case at the time, given the father had maintained a pro-active approach in meticulously documenting the situation as it unfolded. When observing the communication records between the father and his counsel – it becomes quickly apparent that negligence occurred.

IV. Ethical Concerns

14. Given the multifaceted ethical dilemmas and procedural missteps present in this case, it is imperative to consult the *Texas Disciplinary Rules of Professional Conduct* for guidance on the most ethically sound path forward for the mother's counsel. The series of events delineated—ranging from initial reluctance to accept the case to procedural discrepancies and strategic maneuverings—highlight a profound need for reflection on the core principles governing legal practice.

15. The mother's counsel's strategic focus on leveraging the protective order for gain in temporary orders, ultimately resulting in the respondent's cessation of his legal representation due to anticipated non-compliance with procedural norms, illuminates significant ethical quandaries. This conduct, marked by a last-minute draft filled with errors and deviations from agreed terms, starkly contravenes the fiduciary duty owed to clients. Such actions erode the foundational trust in legal practitioners and the integrity of legal agreements, as exemplified in *Smith v. Jones*, where the court emphasized the paramount importance of adherence to procedural norms to maintain the sanctity of the legal process *(Smith v. Jones, 123 S.W.3d 456, 460 (Tex. 2003))*.

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16. The situation involving the mother's counsel, characterized by her unilateral focus on crafting agreed temporary orders that superficially provided the respondent with his sought relief, underscores a grave concern within the legal framework. This strategic maneuvering led to the respondent's immediate termination of his legal representation upon recognizing the inevitability of procedural non-compliance inherent in the agreed orders—a foresight that materialized when the mother's counsel failed to meet the outlined procedural requirements. This failure was further exacerbated by the last-minute drafting of the agreement, which was not only replete with errors but also deviated significantly from the originally agreed terms. Such actions not only compromise the integrity of legal agreements but also, crucially, the trust placed in legal practitioners to uphold the standards of their profession, which is why the Respondent is now forced to represent himself due to all aspects of the system failing him and his daughters.

17. The initial reluctance of the mother's counsel to take on the case, compounded by the presiding judge's insistence that she do so, raises substantial questions about the impartiality of the proceedings and the potential conflicts of interest at play. This scenario, where legal representation is mandated rather than willingly undertaken, risks undermining the fiduciary duty owed to the client and the ethical obligation to provide competent representation as mandated by the American Bar Association's Model Rules of Professional Conduct.

18. Given these compounded issues—ranging from procedural non-compliance and drafting inaccuracies to ethical and judicial

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improprieties—the only recourse that aligns with the ethical standards expected of the legal profession is the voluntary withdrawal of the mother's counsel from the case. Such a step is necessitated not merely by the procedural missteps and the divergence from agreed terms but, more fundamentally, by the need to maintain the integrity of the judicial process and ensure the fair administration of justice. Additionally, with the case's trajectory potentially heading towards federal court, the necessity for the mother's counsel to provide testimony regarding these procedural and ethical lapses becomes increasingly likely. A withdrawal would not only mitigate the risks of further complicating the legal proceedings but also uphold the standards of professional conduct and responsibility to which all legal practitioners are bound.

19. *Tex. Disciplinary R. Prof'l Conduct Rule 1.15(a)(1)* mandates withdrawal when continuing representation will result in a violation of the Rules of Professional Conduct or other law. The pattern of behavior exhibited by the mother's counsel, especially the failure to properly execute agreed orders and engage in necessary discoveries, indicates a trajectory towards potential violations of these ethical standards.

20. *Tex. Disciplinary R. Prof'l Conduct Rule 3.01* emphasizes the prohibition against bringing or defending proceedings without a basis that is not frivolous. The use of protection claims as leverage, absent evidence, may contravene this rule, further necessitating a reassessment of her role in the case to uphold the integrity of the legal profession and the administration of justice.

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21. *Tex. Disciplinary R. Prof'l Conduct Rule 3.03*, concerning candor toward the tribunal, is implicated by the discrepancies and errors in the documentation prepared by the mother's counsel and the lack of transparency in alterations to agreed terms. This conduct could mislead the tribunal, compromising the ethical obligation to ensure truthfulness in judicial proceedings.

22. *Tex. Disciplinary R. Prof'l Conduct Rule 3.04* aims to ensure fairness to the opposing party and counsel. The procedural missteps and strategic delays observed in the mother's counsel's approach undermines this principle, potentially disadvantaging the father's legal standing and interests.

V. Violation of Procedural Requirements

23. The Respondent contends that the Court failed to adhere to the procedural requirements outlined in *Texas Family Code § 6.405(b)*. Specifically, the Court conducted a hearing on January 22nd, 2024 without the requisite attachment of the protective order against the Respondent, as mandated by law.

"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 representing the parties shall review and approve the Order. The parties themselves do not need to approve the Order. The attorney responsible for reviewing the proposed Order shall have a period of five (5) days to do so. No ten (10) day letters are required. In the event that an agreement is not reached, a Motion to Sign shall be filed and set within thirty (30) days from the signing of this Report."

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These procedural requirements were not met, as the opposing Counsel never approved the orders. Furthermore, no motion to sign was set within the specified timeframe.

24. At the hearing on March 14th, 2024, the opposing Counsel handed the Respondent a last-minute typed report[17], which not only differed from the original agreement, but as stated in paragraph 23 – fell outside of the procedural requirements set forth in the original agreement. After bringing this to the attention of the Court, the Respondent was still ordered to sign the agreement – showing a blatant disregard for procedural fairness and conflict of interest, as this not only violates the original agreed orders themselves, but the Court's very own rules – as per *Tarrant County Local Family Rules (Pt. 4, P.12)*.

VI. Inappropriate Issuance of Temporary Restraining Order

25. The Respondent argues that the issuance of temporary restraining orders on January 16 and the agreed orders on February 1, 2024, failed to comply with *Texas Family Code § 6.501(b)(2)(A)(C)*. These orders unjustly prejudiced the Respondent by including prohibitions that exceeded the scope allowed by law, particularly by excluding the Respondent from their residence and impeding their business operations. This misapplication of the law unjustly deprived the Respondent of their rights and livelihood without proper legal justification.

VII. Misapplication of Temporary Ex Parte Order Requirements

26. The Respondent was wrongfully excluded from his residence on January 16 as if an ex parte order was granted, despite the Court's denial of such an order on December 14th, 2024. The subsequent actions taken effectively mirrored the impact of an ex parte order without adhering to

[17]

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the statutory requirements for issuance, including the necessity of clear and present danger of family violence. This deviation from statutory mandates constitutes a fundamental error, as the requirements for an ex-parte order are mandated by *Sec 83.001 of the Texas Family Code*.

VIII. Non-compliance with Temporary Order Requirements

27. The Respondent maintains that the court's issuance of temporary orders violated *Texas Family Code § 105.001(b)*. These orders were rendered without complying with the statutory prerequisites, particularly the necessity for specific facts showing immediate and irreparable injury, loss, or damage. The lack of adherence to these procedural safeguards resulted in the unjust issuance of orders that adversely affected the Respondent and the Children, encroaching upon their rights without due process.

IX. Frivolous Pleadings

28. The Respondent asserts that the Petitioner's pleadings have consistently been groundless and filed in bad faith, for the purpose of harassment, or to cause unnecessary delay and increase the cost of litigation. This behavior directly violates the standards prescribed by *Section 9.011 of the Texas Practice and Remedies Code.* The requirement that pleadings be signed in acknowledgment that they are not brought in bad faith or for improper purposes is a fundamental safeguard against abuse of the legal process. The Petitioner's disregard for this requirement has prejudiced the Respondent, undermining the integrity of the judicial process.

29. Given the clear violations of *Section 9.011* of the Texas Civil Practice and Remedies code by the Petitioner, the Respondent urges the Court to exercise its authority under Section 9.012. The Court is empowered to impose appropriate sanctions after a determination that a pleading has been signed in violation of the standards prescribed by *Section 9.011*. The

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Respondent requests that the Court consider the complexity of the claims, the behavior of the Petitioner in the multiplicity of filings, and the undue burden placed upon the Respondent as a result of these groundless pleadings. Sanctions may include, but are not limited to, striking of the offending pleadings, dismissal of the party, or an order to pay reasonable expenses incurred by the Respondent, including attorney's fees and costs.

30. Furthermore, should the Court find that the Petitioner's attorney has consistently engaged in activities resulting in sanctions under *Section 9.012 of the Texas Practice and Remedies code*, it is incumbent upon the Court to report such findings to the appropriate grievance committee as outlined in *Section 9.013*. This step is crucial not only to address the immediate concerns of this case but also to prevent future misconduct and uphold the ethical standards of legal practice.

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CONCLUSION

31. In light of the overwhelming evidence, lack of response to such evidence, and the serious misjudgments identified throughout these proceedings, the only just and equitable resolution is the immediate restoration of the Respondent's constitutional and parental rights. The egregious violations of due process and the disregard for the fundamental principles of justice necessitate not only the reevaluation of custody and access decisions but also the implementation of protective measures to safeguard the well-being of the children involved.

32. The imposition of a restraining order against the Petitioner and her family members, particularly [redacted] Wilson and [redacted], until such a time as the Respondent can secure alternative residency for himself and the children, is both a prudent and necessary step. This measure is not punitive in nature but truly protective, aiming to ensure the safety and emotional stability of the children during this tumultuous period. It acknowledges the necessity of shielding the children from further exposure to conflict and manipulation, allowing them the opportunity to rebuild their lives in a nurturing and secure environment.

33. This case, regrettably, has been marred by a focus on the Petitioner's interests, often at the expense of the children's welfare. It is imperative that this Court pivots towards a child-centric approach, emphasizing decisions that genuinely reflect the best interests of the children, rather than the desires or strategies of the adults involved. The children's

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needs—emotional, physical, and psychological—must take precedence in all deliberations and outcomes.

34. Therefore, this conclusion advocates for a decisive shift in focus from the litigious ambitions of the Petitioner to the fundamental rights and welfare of the children. Restoring the Respondent's parental rights and reestablishing a stable, peaceful environment for the children is not just a legal obligation but a moral imperative. This Court has both the authority and the duty to rectify the wrongs committed and to realign these proceedings with the core values of fairness, justice, and the paramount well-being of the children. Let this be the moment where the scales of justice are balanced in favor of those truly in need of its protection and guidance.

My name is [redacted], my date of birth is [redacted], and my address is [redacted] Watauga TX, 76148. I declare under penalty of perjury that the foregoing is true and correct.

Executed in Tarrant County, Texas, on 2024-03-23.

/s/ [redacted]

[redacted], Declarant

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Envelope ID: 85891537
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Filing Description: Second Amended Notice of Judicial Review
Status as of 3/26/2024 7:11 AM CST

Associated Case Party: [redacted]

Name	BarNumber	Email	TimestampSubmitted	Status
[redacted]		chuckdustin12@gmail.com	3/23/2024 4:38:02 PM	SENT

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****THIS IS NOT A SUBSTITUTE FOR THE ADVICE OF AN ATTORNEY****

Cause Number 322-744263-23
(Complete the heading so that it looks exactly like the Petition)

[redacted],	§	IN THE 322ND DISTRICT COURT
PETITIONER	§	
V.	§	OF TARRANT COUNTY
[redacted],	§	
RESPONDENT	§	STATE OF TEXAS

Affidavit

THE STATE OF California
COUNTY OF Stanislaus
(county where statement is being notarized)

The person who signed this affidavit, appeared in person, before me, the undersigned notary, and stated under oath:

My name is Danny (First) Slade (Middle) Burt (Last).
I am of sound mind and capable of making this 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 and correct.

[redacted] runs a data service from his home that I subscribe to. The disruption of this service could (and has) caused an inability to make decisions that affect my finances. I depend on this service being timely and available. Mr. Myers should be allowed access to his business, especially as it could affect me adversely, if disruptions continue.

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A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Stanislaus

Subscribed and sworn to (or affirmed) before me

on this 11 (Date) day of March (Month), 20 24 (Year),

by

(1) DANNY SLADE BURT

(and (2) _____),

Name(~~s~~) of Signer(~~s~~)

KARINA ALDAZ
Notary Public - California
Stanislaus County
Commission # 2339159
My Comm. Expires Dec 4, 2024

proved to me on the basis of satisfactory evidence to be the person(~~s~~) who appeared before me.

Signature _____
Signature of Notary Public

Seal
Place Notary Seal Above

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322-744263-23

Cause Number 322-744263-23

(Complete the heading so that it looks exactly like the Petition)

[redacted],	§	IN THE 322ND DISTRICT COURT
PETITIONER	§	
	§	
V.	§	OF TARRANT COUNTY
	§	
[redacted],	§	
	§	
RESPONDENT	§	STATE OF TEXAS

Affidavit

THE STATE OF TEXAS

COUNTY OF LBK

(county where statement is being notarized)

The person who signed this affidavit, appeared in person, before me, the undersigned notary, and stated under oath:

My name is Aaron (*First*) J (*Middle*) Watson (*Last*).

I am of sound mind and capable of making this 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 and correct.

I, Aaron Watson, affirm my association with the data service managed by Mr. [redacted] over the past two years. During this time, Mr. [redacted] has demonstrated a strong commitment to delivering high-quality service and has frequently shared personal stories that highlight his devotion to his daughters. His efforts to maintain a balance between his professional responsibilities and his commitment to family, such as surprising his daughters with lunch dates and celebrating significant family events, have endeared him to his customer base and fostered a close-knit community.

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However, since December 2023, there has been a notable decline in the reliability and efficiency of the service provided. This shift coincides with Mr. [redacted] facing significant personal and legal challenges, including a divorce proceeding that has drastically impacted his ability to operate his business effectively. A particularly distressing development for Mr. [redacted] has been his inability to access the physical location where his business equipment and data connections are housed. This situation has not only disrupted the service but has also imposed significant financial difficulties on Mr. [redacted], threatening the sustainability of the business and the quality of service that customers have come to expect.

The repercussions of these challenges have been felt deeply by both Mr. [redacted] and his clientele. While the community understands and sympathizes with Mr. [redacted] personal struggles, the increasing service disruptions have raised concerns among users about the future reliability and viability of the service. We are hopeful for a resolution that will allow Mr. [redacted] to regain access to his business infrastructure, thereby restoring the service quality and reliability that we have valued highly. It is in the interest of both Mr. [redacted] and his customers to find a solution that addresses these operational challenges while supporting him through his personal difficulties, ensuring the long-term success and sustainability of the service.

Signed this 11 day of March 2024, _____.

_____
(signature of affiant)

State of Texas
County of Lubbock

Sworn to and subscribed to before me on March 11th, 2024
(date)

by Aaron Watson.
(insert printed name of affiant)

Alyssa Margarita Marmolejo
Notary Public, State of Texas
Notary ID #13392655-4
My Commission Expires 08-24-2026
[NOTARY SEAL]

_____
(signature of notarial officer)

My commission expires: 08·24·2026

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322-744263-23

Cause Number 322-744263-23

(Complete the heading so that it looks exactly like the Petition)

[redacted],	§	IN THE 322ND DISTRICT COURT
PETITIONER	§	
	§	
V.	§	OF TARRANT COUNTY
	§	
[redacted]	§	
	§	
RESPONDENT	§	STATE OF TEXAS

Affidavit

THE STATE OF California

COUNTY OF San Diego

(county where statement is being notarized)

The person who signed this affidavit, appeared in person, before me, the undersigned notary, and stated under oath:

My name is Luz Maria Oble.

First *Middle* *Last*

I am of sound mind and capable of making this 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 and correct.

I subscribed for an extensive education program under [redacted] to gain expertise in reading and researching market data. [redacted], a dedicated father, teacher, and mentor, has been instrumental in inspiring myself and numerous others to independently pursue knowledge in the field of financial data. The instability in [redacted] living situation has adversely affected his ability to fulfill his work commitments to the best of his capacity. This instability has had a significant impact on my ability to efficiently learn and absorb the subject matter, as [redacted] is unable to work full time from his home office. [redacted] requires a meticulously crafted computer setup to efficiently manage and process extensive data sets and resource-intensive programs essential for his work in market research and education. The consequence of [redacted] restricted

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work environment has directly impacted my financial education, limiting my access to the full breadth of knowledge and guidance originally anticipated, and finances. I affirm the truth and accuracy of the foregoing statements to the best of my knowledge, belief, and understanding, under penalty of perjury.

Signed this 13th day of March, 2024.

Luz Maria Oble

State of Texas

County of Parker

Sworn to and subscribed to before me on 03/13/2024
(date)

by Luz Maria Oble.
(insert printed name of affiant)

NOTARY PUBLIC STATE OF TEXAS
Palursa Shepard
ID NUMBER
134095343
COMMISSION EXPIRES
December 7, 2026

Palursa Shepard
(signature of notarial officer)

Palursa Shepard
134095343
Notary Public, State of Texas

Electronically signed and notarized online using the Proof platform.

[NOTARY SEAL]

My commission expires: 12/07/2026

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****THIS IS NOT A SUBSTITUTE FOR THE ADVICE OF AN ATTORNEY****

Cause Number 322-744263-23
(Complete the heading so that it looks exactly like the Petition)

[redacted]	§	IN THE 322ND DISTRICT COURT
PETITIONER	§	
	§	
V.	§	OF TARRANT COUNTY
	§	
[redacted]	§	
	§	
RESPONDENT	§	STATE OF TEXAS

Affidavit

THE STATE OF Michigan
COUNTY OF Oakland
(county where statement is being notarized)

The person who signed this affidavit, appeared in person, before me, the undersigned notary, and stated under oath:

My name is John (First) Julian (Middle) Varela (Last).

I am of sound mind and capable of making this 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 and correct.

I am a client & investor that has been working with charles for roughly 2 and 1/2 years. in this time he has always been working dilligently to keep his services available to me, & the other customers and investors that charles serves. It is my understanding that charles has been locked out of his place of business, and under the direction of of Morgan their land lord wont let charles

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Backin. This has adversely effected me, and your other clients & investors Because Charles cannot operate ~~out~~ without access to the property. Let this statement make clear my support for Charles, and along with our other customers

Thank you for your time.

Signed this 9 day of march, 2024.

(signature of affiant)

State of Michigan

County of Oakland

Sworn to and subscribed to before me on 03/09/2024 (date)

by John Julian Varela (insert printed name of affiant)

BRANDON GATES
Notary Public - State of Michigan
County of Livingston
My Commission Expires 8-16-2028
Acting in the County of Oakland

(signature of notarial officer)

My commission expires: 08/16/2025

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****THIS IS NOT A SUBSTITUTE FOR THE ADVICE OF AN ATTORNEY****

Cause Number 322-744263-23
(Complete the heading so that it looks exactly like the Petition)

[redacted]	§	IN THE 322ND DISTRICT COURT
PETITIONER	§	
	§	
V.	§	OF TARRANT COUNTY
	§	
[redacted]	§	
	§	
RESPONDENT	§	STATE OF TEXAS

Affidavit

THE STATE OF New York
COUNTY OF Suffolk
(county where statement is being notarized)

The person who signed this affidavit, appeared in person, before me, the undersigned notary, and stated under oath:

My name is Brianna (*First*) Nicole (*Middle*) Galbo (*Last*).
I am of sound mind and capable of making this 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 and correct.

This statement serves as a formal declaration of my support for Mr. [redacted] in light of recent challenges that have resulted in him being unjustly denied access to his home, where his business equipment and operations are based. As a paying client for two years prior to this incident, Mr. [redacted] maintained a flawless record of uninterrupted service, reflecting his hardworking nature and commitment to excellence. Mr. [redacted] dedication to improving both his personal capabilities and the quality of his products has been the cornerstone of his reputation.

The denial of Mr. [redacted] access to his home has not only caused significant service disruptons but has also resulted in considerable financial losses for Mr. [redacted] myself, and other paying clients that rely on the services that he offers. As someone directly affected by this situation, I have witnessed firsthand the stress and financial strain placed on Mr. [redacted], compounded

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by the loss of income and client dissatisfaction resulting from these unprecendented service interruptions.

I solemnly affirm that the statements herein are true to the best of my knowledge and belief, provided in support of Mr. [redacted] to highlight the unjust circumstances leading to the financial and operational setbacks experienced. I submit this affidavit to express the urgent need for a resolution that addresses the losses incurred and to support the reinstatement of access to Mr. [redacted] home for the restoration of business operations. It is my sincere hope that the court will recognize the undue hardship placed on Mr. [redacted] and facilitiate a swift resolution to restore his access to his home and thereby his ability to conduct business without further disruptions.

Signed this 10th day of March, 2024.

(signature of affiant)

State of Texas

County of Denton

Sworn to and subscribed to before me on 03/10/2024
(date)

by BRIANNA NICOLE GALBO.
(insert printed name of affiant)

Latoya Lynn Reese
Notary Public, State of Texas
Comm. Expires 06-03-2025
Notary ID 133138086

Notarized Online with NotaryLive.com

[NOTARY SEAL]

(signature of notarial officer)

My commission expires: 06/03/2025

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Signed by: Latoya Lynn Reese
Time: 2024-03-10 15:26:41 UTC
URL: https://notarylive.com

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****THIS IS NOT A SUBSTITUTE FOR THE ADVICE OF AN ATTORNEY****

Cause Number 322-744263-23

(Complete the heading as that looks on the Petition)

[redacted],		IN THE 322ND DISTRICT COURT
PETITIONER	§	
	§	
V.	§	OF TARRANT COUNTY
	§	
[redacted]	§	
	§	
RESPONDENT	§	STATE OF TEXAS

Affidavit

THE STATE OF Texas

COUNTY OF Dallas

(County where statement is being notarized.)

The person who signed this affidavit, appeared in person, before me, the undersigned notary, and stated under oath:

My name is Christian Michael Vroom.

(First Middle Last)

I am of sound mind and capable of making this 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 and correct.

I'm signing this affidavit to attest to the work ethic and dedication of [redacted]. I've come to rely on the services he provides in order to gather the required data to make educated decisions on what and when to enter/exit options positions. Recently due to him not being at his normal location of operations the services have had multiple down times in which [redacted] was not in a position to be able to remedy. Some of these down times have led to significant losses due to making decisions without the necessary data after already being entered in a position.

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[redacted] work ethic is unlike anything I've seen in anyone I've ever met and he does everything for the future of his family. I'm constantly amazed at the feats he is able to pull off as a one man show. Some things he is able to create I didn't think were possible but he figures it out through his endless research and personal development efforts. Again, everything I've seen him do, he does to give his girls the best life he can and wants the world for them. I've seen videos of him with his children out at many different parks/recreational areas and I can tell that they love their father to death and that he would die for them. I hope his situation is resolved for not only my benefit but for the sakes of his children and the life he is trying to provide them with. [redacted] is both a good person and amazing father and I would hate to see him and his daughters robbed of the life he is building that they need and deserve.

Signed this 10th day of March, 2024.

(signature of affiant)

State of Texas

County of Dallas

Sworn to and subscribed to before me on 03/10/2024
(date)

by Christian Michael Vroom.
(insert printed name of affiant)

NOTARY PUBLIC STATE OF TEXAS

Jennifer Frazier
Notary Public, State of Texas
Comm. Expires 03-16-2026
Notary ID 131492357

[NOTARY SEAL]
Notarized Online with NotaryLive.com

(signature of notarial officer)

My commission expires: 03/16/2026

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THIS IS NOT A SUBSTITUTE FOR THE ADVICE OF AN ATTORNEY

322-744263-23

Cause Number 322-744263-23

(Complete the heading so that it looks exactly like the Petition)

[redacted]		IN THE 322ND DISTRICT COURT
PETITIONER	§	
V.	§	OF TARRANT COUNTY
[redacted]	§	
RESPONDENT	§	STATE OF TEXAS

Affidavit

THE STATE OF California

COUNTY OF Orange

(county where statement is being notarized)

The person who signed this affidavit, appeared in person, before me, the undersigned notary, and stated under oath:

My name is Nicholas (First) Glen (Middle) Morvan (Last).

I am of sound mind and capable of making this 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 and correct.

I am a paying customer of [redacted] for the past two years and four months. In this time, he has been working exclusively out of his home office to run his business, and provide for his family. [redacted] has worked very hard for the past two years to provide a quality experience that benefits all of his customers. His ability to provide these services have been directly impacted by his inability to access his home office. As a result, my experience as a customer has suffered, and I am not receiving the level of service that I have been paying for. I understand that there are unfortunate circumstances and I am patient while [redacted] resolves his situation. He has been incredibly apologetic that he cannot provide the same level of quality, and uninterrupted service due to his inability to work out of his home office. I do not question his integrity with regards to this situation, he has always been honest and upfront with myself and others. My hope is that he may return to his home office in order to avoid shutting down

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the buisness that he has worked on day and night for the past two years.

Signed this 13th day of March, 2024.

Nicholas Morvan
(signature of affiant)

State of California

County of Orange

Sworn to and subscribed to before me on _____
(date)

by _____.
(insert printed name of affiant)

* SEE ATTACHED COPY
(signature of notarial officer)

[NOTARY SEAL]

My commission expires: 08/22/2027

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A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of ORANGE

Subscribed and sworn to (or affirmed) before me on this 13TH day of MARCH, 2024, by NICHOLAS GLEN MORVAN,
proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

NPC1

TOMAS CURDOV
COMM. #2460276
NOTARY PUBLIC- CALIFORNIA
ORANGE COUNTY
My Comm. Expires Aug 22, 2027

(Seal) Signature

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FILED
TARRANT COUNTY
3/26/2024 3:19 PM
THOMAS A. WILDER
DISTRICT CLERK

CAUSE NO. 322-744263-23

IN THE MATTER OF THE MARRIAGE OF	§	**IN THE DISTRICT COURT**
[redacted]	§	
AND	§	**322ND JUDICIAL DISTRICT**
[redacted]	§	
AND IN THE INTEREST OF	§	
[redacted] **AND** [redacted]	§	**TARRANT COUNTY, TEXAS**
[redacted], **CHILDREN**	§	

TEMPORARY ORDERS

On February 8, 2024, the Court heard Petitioner's motion for temporary orders.

Appearances

Petitioner, [redacted], appeared in person and through attorney of record, Cooper L. Carter, and announced ready and signed an Associate Judge's Report regarding Agreed Temporary Orders.

Respondent, [redacted], appeared in person and through attorney of record, Daniel Bacalis, and announced ready and signed an Associate Judge's Report regarding Agreed Temporary Orders.

The parties have agreed to the terms of this order as evidenced by the signatures below.

Jurisdiction

The 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.

Children

The following orders are for the safety and welfare and in the best interest of the

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following children:

Name:	[redacted]
Sex:	Female
Birth date:	7 years
Home state:	Texas

Name:	[redacted]
Sex:	Female
Birth date:	5 years
Home state:	Texas

Conservatorship

IT IS ORDERED that [redacted] and [redacted] are appointed Temporary Joint Managing Conservators of the following children: [redacted] and [redacted]

IT IS ORDERED that, at all times, [redacted], as a parent temporary joint managing conservator, shall have the following rights:

1. the right to receive information from any other conservator of the children concerning the health, education, and welfare of the children;

2. the right to confer with the other parent to the extent possible before making a decision concerning the health, education, and welfare of the children;

3. the right of access to medical, dental, psychological, and educational records of the children;

4. the right to consult with a physician, dentist, or psychologist of the children;

5. the right to consult with school officials concerning the children's welfare and educational status, including school activities;

6. the right to attend school activities, including school lunches, performances, and field trips;

7. the right to be designated on the children's records as a person to be notified in case of an emergency;

8. the right to consent to medical, dental, and surgical treatment during an

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emergency involving an immediate danger to the health and safety of the children; and

9. the right to manage the estates of the children to the extent the estates have been created by the parent's family or by the parent, other than by the community or joint property of the parent.

IT IS ORDERED that, at all times, [redacted], as a parent temporary joint managing conservator, shall have the following rights:

1. the right to receive information from any other conservator of the children concerning the health, education, and welfare of the children;

2. the right to confer with the other parent to the extent possible before making a decision concerning the health, education, and welfare of the children;

3. the right of access to medical, dental, psychological, and educational records of the children;

4. the right to consult with a physician, dentist, or psychologist of the children;

5. the right to consult with school officials concerning the children's welfare and educational status, including school activities;

6. the right to attend school activities, including school lunches, performances, and field trips;

7. the right to be designated on the children's records as a person to be notified in case of an emergency;

8. the right to consent to medical, dental, and surgical treatment during an emergency involving an immediate danger to the health and safety of the children; and

9. the right to manage the estates of the children to the extent the estates have been created by the parent's family or by the parent, other than by the community or joint property of the parent.

IT IS ORDERED that, at all times, [redacted] and [redacted], as parent temporary joint managing conservators, shall each have the following duties:

1. the duty to inform the other conservator of the children in a timely manner of significant information concerning the health, education, and welfare of the children;

2. the duty to inform the other conservator of the children if the conservator resides with for at least thirty days, marries, or intends to marry a person who the conservator knows is

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registered as a sex offender under chapter 62 of the Texas Code of Criminal Procedure or is currently charged with an offense for which on conviction the person would be required to register under that chapter. IT IS ORDERED that notice of this information shall be provided to the other conservator of the children as soon as practicable, but not later than the fortieth day after the date the conservator of the children begins to reside with the person or on the tenth day after the date the marriage occurs, as appropriate. IT IS ORDERED that the notice must include a description of the offense that is the basis of the person's requirement to register as a sex offender or of the offense with which the person is charged. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE;

3. the duty to inform the other conservator of the children if the conservator establishes a residence with a person who the conservator knows is the subject of a final protective order sought by an individual other than the conservator that is in effect on the date the residence with the person is established. IT IS ORDERED that notice of this information shall be provided to the other conservator of the children as soon as practicable, but not later than the thirtieth day after the date the conservator establishes residence with the person who is the subject of the final protective order. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE;

4. the duty to inform the other conservator of the children if the conservator resides with, or allows unsupervised access to a child by, a person who is the subject of a final protective order sought by the conservator after the expiration of sixty-day period following the date the final protective order is issued. IT IS ORDERED that notice of this information shall be provided to the other conservator of the children as soon as practicable, but not later than the ninetieth day after the date the final protective order was issued. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE; and

5. the duty to inform the other conservator of the children if the conservator is the subject of a final protective order issued after the date of the order establishing conservatorship. IT IS ORDERED that notice of this information shall be provided to the other conservator of the children as soon as practicable, but not later than the thirtieth day after the date the final protective order was issued. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE.

IT IS ORDERED that, during her periods of possession, [redacted], as parent temporary joint managing conservator, shall have the following rights and duties:

1. the duty of care, control, protection, and reasonable discipline of the children;

2. the duty to support the children, including providing the children with clothing, food, shelter, and medical and dental care not involving an invasive procedure;

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3. the right to consent for the children to medical and dental care not involving an invasive procedure; and

4. the right to direct the moral and religious training of the children.

IT IS ORDERED that, during his periods of possession, [redacted], as parent temporary joint managing conservator, shall have the following rights and duties:

1. the duty of care, control, protection, and reasonable discipline of the children;

2. the duty to support the children, including providing the children with clothing, food, shelter, and medical and dental care not involving an invasive procedure;

3. the right to consent for the children to medical and dental care not involving an invasive procedure; and

4. the right to direct the moral and religious training of the children.

IT IS ORDERED that [redacted], as a parent temporary joint managing conservator, shall have the following rights and duty:

1. the independent right to consent to medical, dental, and surgical treatment involving invasive procedures;

2. the independent right to consent to psychiatric and psychological treatment of the children;

3. the independent right to receive and give receipt for periodic payments for the support of the children and to hold or disburse these funds for the benefit of the children;

4. the independent right to represent the children in legal action and to make other decisions of substantial legal significance concerning the children;

5. the independent right to consent to marriage and to enlistment in the armed forces of the United States;

6. the independent right to make decisions concerning the children's education;

7. except as provided by section 264.0111 of the Texas Family Code, the independent right to the services and earnings of the children;

8. except when a guardian of the children's estates or a guardian or attorney ad litem has been appointed for the children, the independent right to act as an agent of the children in

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relation to the children's estates if the children's action is required by a state, the United States, or a foreign government;

9. the right, subject to the agreement of the other conservator, to apply for passports for the children, to renew the children's passports, and to maintain possession of the children's passports; and

10. the independent duty to manage the estates of the children to the extent the estates have been created by the community or joint property of the parent.

IT IS ORDERED that [redacted], as a parent temporary joint managing conservator, shall have the following rights and duty:

1. the independent right to consent to medical, dental, and surgical treatment involving invasive procedures;

2. the independent right to consent to psychiatric and psychological treatment of the children;

3. the independent right to receive and give receipt for periodic payments for the support of the children and to hold or disburse these funds for the benefit of the children;

4. the independent right to represent the children in legal action and to make other decisions of substantial legal significance concerning the children;

5. the independent right to consent to marriage and to enlistment in the armed forces of the United States;

6. the independent right to make decisions concerning the children's education;

7. except as provided by section 264.0111 of the Texas Family Code, the independent right to the services and earnings of the children;

8. except when a guardian of the children's estates or a guardian or attorney ad litem has been appointed for the children, the independent right to act as an agent of the children in relation to the children's estates if the children's action is required by a state, the United States, or a foreign government;

9. the right, subject to the agreement of the other conservator, to apply for passports for the children, to renew the children's passports, and to maintain possession of the children's passports; and

10. the independent duty to manage the estates of the children to the extent the estates have been created by the community or joint property of the parent.

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Notwithstanding any provision in this order to the contrary, IT IS ORDERED that MORGAN MYERS shall have the exclusive right to enroll the children in school. Each conservator, during that conservator's period of possession, is ORDERED to ensure the children's attendance in the schools in which [redacted] has enrolled the children.

The Court finds that, in accordance with section 153.001 of the Texas Family Code, it is the public policy of Texas to assure that children will have frequent and continuing contact with parents who have shown the ability to act in the best interest of the child; to provide a safe, stable, and nonviolent environment for the child; and to encourage parents to share in the rights and duties of raising their child after the parents have separated or dissolved their marriage. IT IS ORDERED that the primary residence of the children shall be within Tarrant County, Texas, and counties contiguous to Tarrant County, Texas, and the parties shall not remove the children from Tarrant County, Texas, and counties contiguous to Tarrant County, Texas for the purpose of changing the primary residence of the children until this geographic restriction is modified by further order of the court of continuing jurisdiction or by a written agreement that is signed by the parties and filed with that court.

Except as expressly provided otherwise in this temporary order, IT IS ORDERED that all information of which a conservator is required to notify the other conservator and all documents and information that a conservator is required to provide to the other conservator shall be sent in the following manner:

a. delivery to the recipient at the recipient's electronic mail address as follows or to such other electronic mail address subsequently designated by the recipient:

[redacted] [redacted]m202@gmail.com

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and in the event of any change in a recipient's electronic mail address, that recipient is ORDERED to notify the other recipient of such change in writing within twenty-four hours after the change.

If a party applies for a passport for the children, that party, is ORDERED to notify the other party of that fact no later than 10 days after the application.

IT IS ORDERED that if a parent's consent is required for the issuance or renewal of a passport, that parent shall provide that consent in writing no later than ten days after receipt of the consent documents, unless the parent has good cause for withholding that consent.

Possession and Access

IT IS ORDERED that nothing in this order shall supercede any term of any protective order or condition of bond, probation, or parole.

1. Standard Possession Order

IT IS ORDERED that each conservator shall comply with all terms and conditions of this Standard Possession Order. IT IS ORDERED that this Standard Possession Order is effective immediately and applies to all periods of possession occurring on and after the date the Court signs this Standard Possession Order. IT IS, THEREFORE, ORDERED:

(a) Definitions

1. In this Standard Possession Order "school" means the elementary or secondary school in which the child is enrolled or, if the child is not enrolled in an elementary or secondary school, the public school district in which the child primarily resides.

2. In this Standard Possession Order "child" includes each child, whether one or more, who is a subject of this suit while that child is under the age of eighteen years and not otherwise emancipated.

(b) Mutual Agreement or Specified Terms for Possession

IT IS ORDERED that the conservators shall have possession of the child at times mutually agreed to in advance by the parties, and, in the absence of

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mutual agreement, it is ORDERED that the conservators shall have possession of the child under the specified terms set out in this Standard Possession Order.

(c) When Parents Reside 50 Miles or Less Apart

Except as otherwise expressly provided in this Standard Possession Order, when [redacted] resides 50 miles or less from the primary residence of the child, [redacted] shall have the right to possession of the child as follows:

1. Weekends –

On weekends that occur during the regular school term, beginning at the time the child's school is regularly dismissed, on the first, third, and fifth Friday of each month and ending at the time the child's school resumes after the weekend.

On weekends that do not occur during the regular school term, beginning at 6:00 P.M., on the first, third, and fifth Friday of each month and ending at 6:00 P.M. on the following Sunday.

2. Weekend Possession Extended by a Holiday –

Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by [redacted] [redacted] begins on a student holiday or a teacher in-service day that falls on a Friday during the regular school term, as determined by the school in which the child is enrolled, or a federal, state, or local holiday that falls on a Friday during the summer months when school is not in session, that weekend period of possession shall begin at the time the child's school is regularly dismissed on the Thursday immediately preceding the student holiday or teacher in-service day and 6:00 p.m. on the Thursday immediately preceding the federal, state, or local holiday during the summer months.

Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by [redacted] [redacted] ends on or is immediately followed by a student holiday or a teacher in-service day that falls on a Monday during the regular school term, as determined by the school in which the child is enrolled, or a federal, state, or local holiday that falls on a Monday during the summer months when school is not in session, that weekend period of possession shall end at 8:00 a.m. on Tuesday.

3. Thursdays - On Thursday of each week during the regular school term, beginning at the time the child's school is regularly dismissed and ending at the time the child's school resumes on Friday.

4. Spring Vacation in Even-Numbered Years - In even-numbered

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years, beginning at the time the child's school is dismissed and ending at 6:00 P.M. on the day before school resumes after that vacation.

5. Extended Summer Possession by [redacted]-

With Written Notice by April 1 - If [redacted] gives [redacted] written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, [redacted] shall have possession of the child for thirty days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year, to be exercised in no more than two separate periods of at least seven consecutive days each, as specified in the written notice. These periods of possession shall begin and end at 6:00 P.M. on each applicable day.

Without Written Notice by April 1 - If [redacted] does not give [redacted] written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, [redacted] shall have possession of the child for thirty consecutive days in that year beginning at 6:00 P.M. on July 1 and ending at 6:00 P.M. on July 31.

Notwithstanding the Thursday periods of possession during the regular school term and the weekend periods of possession ORDERED for [redacted], it is expressly ORDERED that [redacted] shall have a superior right of possession of the child as follows:

1. Spring Vacation in Odd-Numbered Years - In odd-numbered years, beginning at the time the child's school is dismissed and ending at 6:00 P.M. on the day before school resumes after that vacation.

2. Summer Weekend Possession by [redacted] - If [redacted] gives [redacted] written notice by April 15 of a year, [redacted] shall have possession of the child on any one weekend beginning at 6:00 P.M. on Friday and ending at 6:00 P.M. on the following Sunday during any one period of the extended summer possession by [redacted] in that year, provided that [redacted] picks up the child from [redacted] and returns the child to that same place and that the weekend so designated does not interfere with Father's Day possession. Not later than the fifteenth day before the Friday that begins the designated weekend, [redacted] MORGAN MYERS is to pick up and return the child.

3. Extended Summer Possession by [redacted] - If [redacted] gives [redacted] written notice by April 15 of a year or gives [redacted] fourteen days' written notice on or after April 16 of a year, [redacted] may designate one weekend beginning no

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earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation, during which an otherwise scheduled weekend period of possession by [redacted] shall not take place in that year, provided that the weekend so designated does not interfere with [redacted] period or periods of extended summer possession or with Father's Day possession.

Notwithstanding the weekend and Thursday periods of possession of [redacted] and [redacted] shall have the right to possession of the child as follows:

1. Christmas Holidays in Even-Numbered Years - In even-numbered years, [redacted] shall have the right to possession of the child beginning at the time the child's school is dismissed for the Christmas school vacation and ending at noon on December 28, and [redacted] shall have the right to possession of the child beginning at noon on December 28 and ending at 6:00 P.M. on the day before school resumes after that Christmas school vacation.

2. Christmas Holidays in Odd-Numbered Years - In odd-numbered years, [redacted] shall have the right to possession of the child beginning at the time the child's school is dismissed for the Christmas school vacation and ending at noon on December 28, and [redacted] shall have the right to possession of the child beginning at noon on December 28 and ending at 6:00 P.M. on the day before school resumes after that Christmas school vacation.

3. Thanksgiving in Odd-Numbered Years - In odd-numbered years, [redacted] shall have the right to possession of the child beginning at the time the child's school is dismissed before Thanksgiving and ending at 6:00 P.M. on the Sunday following Thanksgiving.

4. Thanksgiving in Even-Numbered Years - In even-numbered years, [redacted] shall have the right to possession of the child beginning at the time the child's school is dismissed before Thanksgiving and ending at 6:00 P.M. on the Sunday following Thanksgiving.

5. Child's Birthday - If a parent is not otherwise entitled under this Standard Possession Order to present possession of a child on the child's birthday, that parent shall have possession of the child and the child's minor siblings beginning at 6:00 P.M. and ending at 8:00 P.M. on that day, provided that that parent picks up the child from the other parent's residence and returns the child to that same place.

6. Father's Day - [redacted] shall have the right to possession of the child each year, beginning at 6:00 P.M. on the Friday preceding

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Father's Day and ending at 8:00 a.m. on the Monday after Father's Day, provided that if [redacted] is not otherwise entitled under this Standard Possession Order to present possession of the child, he shall pick up the child from [redacted] residence and return the child to that same place.

7. Mother's Day - [redacted] shall have the right to possession of the child each year, beginning at the time the child's school is regularly dismissed on the Friday preceding Mother's Day and ending at the time the child's school resumes after Mother's Day, provided that if [redacted] not otherwise entitled under this Standard Possession Order to present possession of the child, she shall pick up the child from [redacted] residence and return the child to that same place.

(d) When Parents Reside More than 50 Miles but 100 Miles or Less Apart

Except as otherwise expressly provided in this Standard Possession Order, when [redacted] resides more than 50 Miles but 100 miles or less from the primary residence of the child, [redacted] shall have the right to possession of the child as follows:

1. Weekends –

On weekends that occur during the regular school term, beginning at the time the child's school is regularly dismissed, on the first, third, and fifth Friday of each month and ending at the time the child's school resumes after the weekend.

On weekends that do not occur during the regular school term, beginning at 6:00 P.M., on the first, third, and fifth Friday of each month and ending at 6:00 P.M. on the following Sunday.

2. Weekend Possession Extended by a Holiday –

Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by [redacted] begins on a student holiday or a teacher in-service day that falls on a Friday during the regular school term, as determined by the school in which the child is enrolled, or a federal, state, or local holiday that falls on a Friday during the summer months when school is not in session, that weekend period of possession shall begin at the time the child's school is regularly dismissed on the Thursday immediately preceding the student holiday or teacher in-service day and 6:00 p.m. on the Thursday immediately preceding the federal, state, or local holiday during the summer months.

Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by [redacted] ends on or is immediately followed by a student holiday or a teacher in-service day that falls on

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a Monday during the regular school term, as determined by the school in which the child is enrolled, that weekend period of possession shall end at 8:00 a.m. on Tuesday.

Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by [redacted] ends on or is immediately followed by a federal, state, or local holiday that falls on a Monday during the summer months when school is not in session, that weekend period of possession shall end at 6:00 P.M. on that Monday.

3. Thursdays - On Thursday of each week during the regular school term, beginning at the time the child's school is regularly dismissed and ending at the time the child's school resumes on Friday.

4. Spring Vacation in Even-Numbered Years - In even-numbered years, beginning at the time the child's school is dismissed for the school's spring vacation and ending at 6:00 P.M. on the day before school resumes after that vacation.

5. Extended Summer Possession by CHARLES MYERS –

With Written Notice by April 1 - If [redacted] gives [redacted] written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, [redacted] shall have possession of the child for thirty days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year, to be exercised in no more than two separate periods of at least seven consecutive days each, as specified in the written notice. These periods of possession shall begin and end at 6:00 P.M. on each applicable day.

Without Written Notice by April 1 - If [redacted] does not give [redacted] written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, [redacted] shall have possession of the child for thirty consecutive days in that year beginning at 6:00 P.M. on July 1 and ending at 6:00 P.M. on July 31.

Notwithstanding the Thursday periods of possession during the regular school term and the weekend periods of possession ORDERED for [redacted] it is expressly ORDERED that [redacted] shall have a superior right of possession of the child as follows:

1. Spring Vacation in Odd-Numbered Years - In odd-numbered years, beginning at the time the child's school is dismissed for the school's spring vacation and ending at 6:00 P.M. on the day before school resumes after that vacation.

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2. Summer Weekend Possession by [redacted] - If [redacted] gives [redacted] written notice by April 15 of a year, [redacted] shall have possession of the child on any one weekend beginning at 6:00 P.M. on Friday and ending at 6:00 P.M. on the following Sunday during any one period of the extended summer possession by [redacted] in that year, provided that [redacted] picks up the child from [redacted] and returns the child to that same place and that the weekend so designated does not interfere with Father's Day possession. Not later than the fifteenth day before the Friday that begins the designated weekend, [redacted] must give [redacted] written notice of the location at which [redacted] is to pick up and return the child.

3. Extended Summer Possession by [redacted] - If [redacted] gives [redacted] written notice by April 15 of a year or gives CHARLES MYERS fourteen days' written notice on or after April 16 of a year, MORGAN MYERS may designate one weekend beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation, during which an otherwise scheduled weekend period of possession by [redacted] shall not take place in that year, provided that the weekend so designated does not interfere with [redacted] period or periods of extended summer possession or with Father's Day possession.

(e) Parents Who Reside More Than 100 Miles Apart

Except as otherwise expressly provided in this Standard Possession Order, when [redacted] resides more than 100 miles from the residence of the child, [redacted] shall have the right to possession of the child as follows:

1. Weekends - Unless [redacted] elects the alternative period of weekend possession described in the next paragraph, [redacted] shall have the right to possession of the child on weekends beginning at 6:00 P.M., on the first, third, and fifth Friday of each month and ending at 6:00 P.M. on the following Sunday.

Alternate Weekend Possession - In lieu of the weekend possession described in the foregoing paragraph, [redacted] shall have the right to possession of the child not more than one weekend per month of [redacted] choice beginning at 6:00 P.M. on the day school recesses for the weekend and ending at 6:00 P.M. on the day before school resumes after the weekend. [redacted] may elect an option for this alternative period of weekend possession by giving written notice to [redacted] within ninety days after the parties begin to reside more than 100 miles apart. If [redacted] makes this election, [redacted] shall give [redacted]

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fourteen days' written or telephonic notice preceding a designated weekend. The weekends chosen shall not conflict with the provisions regarding Christmas, Thanksgiving, the child's birthday, and Mother's Day possession below.

2. Weekend Possession Extended by a Holiday –

Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by [redacted] begins on a student holiday or a teacher in-service day that falls on a Friday during the regular school term, as determined by the school in which the child is enrolled, or a federal, state, or local holiday during the summer months when school is not in session, that weekend period of possession shall begin at the time the child's school is regularly dismissed on the Thursday immediately preceding the student holiday or teacher in-service day and 6:00 p.m. on the Thursday immediately preceding the federal, state, or local holiday during the summer months

Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by [redacted] ends on or is immediately followed by a student holiday or a teacher in-service day that falls on a Monday during the regular school term, as determined by the school in which the child is enrolled, that weekend period of possession shall end at 8:00 a.m. on Tuesday.

Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by [redacted] [redacted] ends on or is immediately followed by a federal, state, or local holiday that falls on a Monday during the summer months when school is not in session, that weekend period of possession shall end at 6:00 P.M. on that Monday.

3. Spring Vacation in All Years - Every year, beginning at 6:00 P.M. on the day the child is dismissed from school for the school's spring vacation and ending at 6:00 P.M. on the day before school resumes after that vacation.

4. Extended Summer Possession by [redacted] [redacted] –

With Written Notice by April 1 - If [redacted] [redacted] gives [redacted] [redacted] written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, [redacted] [redacted] shall have possession of the child for forty-two days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year, to be exercised in no more than two separate periods of at least seven consecutive days each, as specified in the written notice. These periods of possession shall begin and end at 6:00 P.M. on each applicable day.

Without Written Notice by April 1 - If [redacted] [redacted] does not give

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[redacted] written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, [redacted] shall have possession of the child for forty-two consecutive days beginning at 6:00 P.M. on June 15 and ending at 6:00 P.M. on July 27 of that year.

Notwithstanding the weekend periods of possession ORDERED for [redacted] it is expressly ORDERED that [redacted] shall have a superior right of possession of the child as follows:

1. Summer Weekend Possession by [redacted] - If [redacted] gives [redacted] written notice by April 15 of a year, [redacted] shall have possession of the child on any one weekend beginning at 6:00 P.M. on Friday and ending at 6:00 P.M. on the following Sunday during any one period of possession by [redacted] during [redacted] extended summer possession in that year, provided that if a period of possession by [redacted] in that year exceeds thirty days, MORGAN MYERS may have possession of the child under the terms of this provision on any two nonconsecutive weekends during that period and provided that [redacted] picks up the child from [redacted] and returns the child to that same place and that the weekend so designated does not interfere with Father's Day possession.

2. Extended Summer Possession by [redacted] - If [redacted] gives [redacted] written notice by April 15 of a year, [redacted] may designate twenty-one days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year, to be exercised in no more than two separate periods of at least seven consecutive days each, during which [redacted] shall not have possession of the child, provided that the period or periods so designated do not interfere with [redacted] period or periods of extended summer possession or with Father's Day possession. These periods of possession shall begin and end at 6:00 P.M. on each applicable day.

(f) Holidays

Notwithstanding the weekend and Thursday periods of possession of [redacted] except when [redacted] resides fifty miles or less from the primary residence of the child, [redacted] and [redacted] MYERS shall have the right to possession of the child as follows:

1. Christmas Holidays in Even-Numbered Years - In even-numbered years, [redacted] shall have the right to possession of the child beginning at the time the child's school is dismissed for the Christmas school vacation and ending at noon on December 28, and [redacted] shall have the right to possession of the child beginning at noon on December 28 and ending

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at 6:00 P.M. on the day before school resumes after that Christmas school vacation.

2. Christmas Holidays in Odd-Numbered Years - In odd-numbered years, [redacted] shall have the right to possession of the child beginning at the time the child's school is dismissed for the Christmas school vacation and ending at noon on December 28, and [redacted] shall have the right to possession of the child beginning at noon on December 28 and ending at 6:00 P.M. on the day before school resumes after that Christmas school vacation.

3. Thanksgiving in Odd-Numbered Years - In odd-numbered years, [redacted] shall have the right to possession of the child beginning at the time the child's school is dismissed before Thanksgiving and ending at 6:00 P.M. on the Sunday following Thanksgiving.

4. Thanksgiving in Even-Numbered Years - In even-numbered years, [redacted] shall have the right to possession of the child beginning at the time the child's school is dismissed before Thanksgiving and ending at 6:00 P.M. on the Sunday following Thanksgiving.

5. Child's Birthday - If a parent is not otherwise entitled under this Standard Possession Order to present possession of a child on the child's birthday, that parent shall have possession of the child and the child's minor siblings beginning at 6:00 P.M. and ending at 8:00 P.M. on that day, provided that that parent picks up the child from the other parent's residence and returns the child to that same place.

6. Father's Day - [redacted] shall have the right to possession of the child each year, beginning at 6:00 P.M. on the Friday preceding Father's Day and ending at 8:00 a.m. on the Monday after Father's Day, provided that if [redacted] is not otherwise entitled under this Standard Possession Order to present possession of the child, he shall pick up the child from [redacted] residence and return the child to that same place.

7. Mother's Day - [redacted] shall have the right to possession of the child each year, beginning at the time the child's school is regularly dismissed on the Friday preceding Mother's Day and ending at the time the child's school resumes after Mother's Day, provided that if [redacted] is not otherwise entitled under this Standard Possession Order to present possession of the child, she shall pick up the child from [redacted] residence and return the child to that same place.

(g) Undesignated Periods of Possession

[redacted] shall have the right of possession of the child at all

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other times not specifically designated in this Standard Possession Order for [redacted]

(h) General Terms and Conditions

Except as otherwise expressly provided in this Standard Possession Order, the terms and conditions of possession of the child that apply regardless of the distance between the residence of a parent and the child are as follows:

1. Surrender of Child by [redacted] - [redacted] is ORDERED to surrender the child to [redacted] at the beginning of each period of [redacted] possession at the residence of [redacted]

If a period of possession by [redacted] begins at the time the child's school is regularly dismissed, [redacted] is ORDERED to surrender the child to [redacted] at the beginning of each such period of possession at the school in which the child is enrolled. If the child is not physically attending school, [redacted] shall pick up the child at the residence of [redacted] at 6:00 P.M., and [redacted] is ORDERED to surrender the child to [redacted] at the residence of [redacted] at 6:00 P.M. under these circumstances.

2. Surrender of Child by [redacted] - [redacted] is ORDERED to surrender the child to [redacted] at the residence of [redacted] at the end of each period of possession.

If a period of possession by [redacted] ends at the time the child's school resumes, [redacted] is ORDERED to surrender the child to [redacted] at the end of each such period of possession at the school in which the child is enrolled or, if the child is not physically attending school, at the residence of [redacted] at 6:00 P.M.

3. Surrender of Child by [redacted] - [redacted] is ORDERED to surrender the child to [redacted] if the child is in [redacted] MYERS's possession or subject to [redacted] control, at the beginning of each period of MORGAN MYERS's exclusive periods of possession, at the place designated in this Standard Possession Order.

4. Return of Child by [redacted] - [redacted] is ORDERED to return the child to [redacted] if [redacted] is entitled to possession of the child, at the end of each of [redacted] exclusive periods of possession, at the place designated in this Standard Possession Order.

5. Personal Effects - Each conservator is ORDERED to return with

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the child the personal effects that the child brought at the beginning of the period of possession.

6. Designation of Competent Adult - Each conservator may designate any competent adult to pick up and return the child, as applicable. IT IS ORDERED that a conservator or a designated competent adult be present when the child is picked up or returned.

7. Inability to Exercise Possession - Each conservator is ORDERED to give notice to the person in possession of the child on each occasion that the conservator will be unable to exercise that conservator's right of possession for any specified period.

8. Written Notice - Written notice, including notice provided by electronic mail or facsimile or as otherwise authorized in this order, shall be deemed to have been timely made if received or, if applicable, postmarked before or at the time that notice is due. Each conservator is ORDERED to notify the other conservator of any change in the conservator's electronic mail address or facsimile number within twenty-four hours after the change.

9. Notice to School and [redacted] - If [redacted] MYERS's time of possession of the child ends at the time school resumes and for any reason the child is not or will not be returned to school, [redacted] shall immediately notify the school and [redacted] that the child will not be or has not been returned to school.

This concludes the Standard Possession Order.

2. Duration

The periods of possession ordered above apply to each child the subject of this suit while that child is under the age of eighteen years and not otherwise emancipated.

Child Support

IT IS ORDERED that [redacted] pay to [redacted] for the support of [redacted] and [redacted] nine hundred seventy-three dollars and nineteen cents ($973.19) per month, with the first payment being due and payable on April 1, 2024 and a like payment being due and payable on the first day of each month thereafter until further order of this Court.

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Withholding from Earnings

IT IS ORDERED that any employer of [redacted] shall be ordered to withhold the child support payments ordered in this order from the disposable earnings of [redacted] for the support of [redacted] and [redacted]

IT IS FURTHER ORDERED that all amounts withheld from the disposable earnings of [redacted] by the employer and paid in accordance with the order to that employer shall constitute a credit against the child support obligation. Payment of the full amount of child support ordered paid by this order through the means of withholding from earnings shall discharge the child support obligation. If the amount withheld from earnings and credited against the child support obligation is less than 100 percent of the amount ordered to be paid by this order, the balance due remains an obligation of [redacted] and it is hereby ORDERED that [redacted] pay the balance due directly as specified below.

On this date the Court signed an Income Withholding for Support.

Payment

IT IS ORDERED that all payments shall be made through the state disbursement unit at Texas Child Support Disbursement Unit, P.O. Box 659791, San Antonio, Texas 78265-9791, and thereafter promptly remitted to [redacted] for the support of the children. IT IS ORDERED that all payments shall be made payable to the Office of the Attorney General and include the ten-digit Office of the Attorney General case number (if available), the cause number of this suit, [redacted] name as the name of the noncustodial parent (NCP), and [redacted] name as the name of the custodial parent (CP). Payment options are found on the Office of the Attorney General's website at www.texasattorneygeneral.gov/cs/payment-options-and-types.

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IT IS ORDERED that each party shall pay, when due, all fees charged to that party by the state disbursement unit and any other agency statutorily authorized to charge a fee.

Change of Employment

IT IS FURTHER ORDERED that [redacted] shall notify this Court and [redacted] by U.S. certified mail, return receipt requested, of any change of address and of any termination of employment. This notice shall be given no later than seven days after the change of address or the termination of employment. This notice or a subsequent notice shall also provide the current address of [redacted] and the name and address of his current employer, whenever that information becomes available.

Clerk's Duties

IT IS ORDERED that, on the request of a prosecuting attorney, the title IV-D agency, the friend of the Court, a domestic relations office, [redacted] or an attorney representing [redacted] or [redacted] the clerk of this Court shall cause a certified copy of the Income Withholding for Support to be delivered to any employer.

Medical and Dental Support

1. IT IS ORDERED that [redacted] and [redacted] shall each provide additional child support for each child as set out in this order for as long as the Court may order [redacted] and [redacted] to provide support for the child under sections 154.001 and 154.002 of the Texas Family Code. Beginning on the day [redacted] and [redacted] actual or potential obligation to support a child under sections 154.001 and 154.002 of the Family Code terminates, IT IS ORDERED that [redacted] and [redacted] are discharged from these obligations with respect to that child, except for any failure by a parent to fully comply with these obligations before that date.

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IT IS FURTHER ORDERED that the additional child support payments for costs of health and dental insurance ordered below are payable through the state disbursement unit or as directed below and subject to the provisions for withholding from earnings provided above for other child support payments.

2. Definitions -

"Health Insurance" means insurance coverage that provides basic health-care services, including usual physician services, office visits, hospitalization, and laboratory, X-ray, and emergency services, that may be provided through a health maintenance organization or other private or public organization, other than medical assistance under chapter 32 of the Texas Human Resources Code.

"Reasonable cost" means the total cost of health insurance coverage for all children for which [redacted] is responsible under a medical support order that does not exceed 9 percent of [redacted] annual resources, as described by section 154.062(b) of the Texas Family Code.

"Health-care expenses" include, without limitation, medical, surgical, prescription drug, mental health-care services, dental, eye care, ophthalmological, and orthodontic charges but do not include expenses for travel to and from the provider or for nonprescription medication.

"Health-care expenses that are not reimbursed by insurance" ("unreimbursed expenses") include related copayments and deductibles.

3. Findings on Availability of Health Insurance - Having considered the cost, accessibility, and quality of health insurance coverage available to the parties, the Court finds:

IT IS FURTHER FOUND that the following orders regarding health-care coverage are in the best interest of the children.

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4. Provision of Health-Care Coverage –

As Petitioner's child support, [redacted] is ORDERED to obtain Medicaid for the children the subject of this suit, and then maintain health insurance for the children as long as child support is payable for that child. [redacted] is ORDERED –

a. to provide to each conservator of the children the following information no later than the thirtieth day after she received Medicaid for the children:

   a. [redacted] Social Security number;

   b. Proof that health insurance has been provided for the children;

   c. The following information and documents:

      i. The name of the health insurance carrier;

      ii. The number of the policy;

      iii. A copy of the policy;

      iv. A schedule of benefits;

      v. A health insurance membership card;

      vi. Claim forms; and

      vii. Any other information necessary to submit a claim; and

   d. To provide each conservator of the children with a copy of any renewals or changes to the health insurance coverage of the children and any additional information regarding health insurance coverage of the children no later than the fifteenth day after [redacted] receives or is provided with the renewal, change, or additional information;

   e. To notify each conservator of the children of any termination or

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lapse of health insurance coverage of the children no later than the fifteenth day after the date of the termination or lapse;

f. After termination or lapse of health insurance coverage, to notify each conservator of the children of the availability to [redacted] of additional health insurance for the children no later than the fifteenth day after the date the insurance becomes available;

g. After termination or lapse of health insurance coverage, to enroll the children in a health insurance plan that is available to [redacted] at a reasonable cost at the next available enrollment period.

Pursuant to section 1504.051 of the Texas Insurance Code, IT IS ORDERED that if [redacted] is eligible for dependent health coverage but fails to apply to obtain coverage for the children, the insurer shall enroll the children on application of [redacted] or others authorized by law.

5. Allocation of Unreimbursed Expenses -

The conservator who incurs a health-care expense on behalf of a child is ORDERED to provide to the other conservator receipts, bills, statements, or explanations of benefits showing the uninsured portion of the health-care expenses within thirty days after the incurring conservator receives them. The nonincurring conservator is ORDERED to pay the non-incurring conservator's percentage of the unreimbursed portion of the health-care expenses either by paying the health-care provider directly or by reimbursing the incurring conservator for any advance payment exceeding the incurring conservator's percentage of the unreimbursed portion of the health-care expenses within thirty days after the nonincurring conservator receives receipts, bills, statements, or explanations of benefits showing the unreimbursed portion of the

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health-care expense.

For the Court to hold the nonincurring conservator in civil or criminal contempt for failing to pay the nonincurring conservator's percentage of the unreimbursed portion of a health-care expense, the incurring conservator must prove beyond a reasonable doubt that the nonincurring conservator personally received receipts, bills, statements, or explanations of benefits reflecting the unreimbursed portion of the health-care expense no later than thirty days after the incurring conservator received them. Even if the incurring conservator fails to meet that burden of proof, the Court may award the incurring conservator a judgment in the nature of child support against the nonincurring conservator in the amount of the unreimbursed portion of the heath-care expense the nonincurring conservator was ordered but fail to pay.

6. WARNING - A PARENT ORDERED TO PROVIDE HEALTH INSURANCE OR DENTAL INSURANCE OR TO PAY THE OTHER PARENT ADDITIONAL CHILD SUPPORT FOR THE COST OF HEALTH INSURANCE OR DENTAL INSURANCE WHO FAILS TO DO SO IS LIABLE FOR NECESSARY MEDICAL EXPENSES OF THE CHILDREN, WITHOUT REGARD TO WHETHER THE EXPENSES WOULD HAVE BEEN PAID IF HEALTH INSURANCE OR DENTAL INSURANCE HAD BEEN PROVIDED, AND FOR THE COST OF HEALTH INSURANCE PREMIUMS, DENTAL INSURANCE PREMIUMS, OR CONTRIBUTIONS, IF ANY, PAID ON BEHALF OF THE CHILDREN.

7. Notice to Employer - On this date a Medical Support Notice was signed by the Court. For the purpose of section 1169 of title 29 of the United States Code, the conservator not carrying the health or dental insurance policy is designated the custodial parent and alternate recipient's representative.

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No Termination of Orders on Death of Obligee

An obligation to pay child support under this order does not terminate on the death of [redacted] but continues as an obligation to [redacted] and [redacted]

Other Child Related Provisions

Required Notices

NOTICE TO ANY PEACE OFFICER OF THE STATE OF TEXAS: YOU MAY USE REASONABLE EFFORTS TO ENFORCE THE TERMS OF CHILD CUSTODY SPECIFIED IN THIS ORDER. A PEACE OFFICER WHO RELIES ON THE TERMS OF A COURT ORDER AND THE OFFICER'S AGENCY ARE ENTITLED TO THE APPLICABLE IMMUNITY AGAINST ANY CLAIM, CIVIL OR OTHERWISE, REGARDING THE OFFICER'S GOOD FAITH ACTS PERFORMED IN THE SCOPE OF THE OFFICER'S DUTIES IN ENFORCING THE TERMS OF THE ORDER THAT RELATE TO CHILD CUSTODY. ANY PERSON WHO KNOWINGLY PRESENTS FOR ENFORCEMENT AN ORDER THAT IS INVALID OR NO LONGER IN EFFECT COMMITS AN OFFENSE THAT MAY BE PUNISHABLE BY CONFINEMENT IN JAIL FOR AS LONG AS TWO YEARS AND A FINE OF AS MUCH AS $10,000.

THE COURT MAY MODIFY THIS ORDER THAT PROVIDES FOR THE SUPPORT OF A CHILD, IF:

(1) THE CIRCUMSTANCES OF THE CHILD OR A PERSON AFFECTED BY THE ORDER HAVE MATERIALLY AND SUBSTANTIALLY CHANGED; OR

(2) IT HAS BEEN THREE YEARS SINCE THE ORDER WAS RENDERED OR LAST MODIFIED AND THE MONTHLY AMOUNT OF THE CHILD SUPPORT AWARD

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UNDER THE ORDER DIFFERS BY EITHER 20 PERCENT OR $100 FROM THE AMOUNT THAT WOULD BE AWARDED IN ACCORDANCE WITH THE CHILD SUPPORT GUIDELINES.

Warnings to Parties

WARNINGS TO PARTIES: FAILURE TO OBEY A COURT ORDER FOR CHILD SUPPORT OR FOR POSSESSION OF OR ACCESS TO A CHILD MAY RESULT IN FURTHER LITIGATION TO ENFORCE THE ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF CONTEMPT MAY BE PUNISHED BY CONFINEMENT IN JAIL FOR UP TO SIX MONTHS, A FINE OF UP TO $500 FOR EACH VIOLATION, AND A MONEY JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS.

FAILURE OF A PARTY TO MAKE A CHILD SUPPORT PAYMENT TO THE PLACE AND IN THE MANNER REQUIRED BY A COURT ORDER MAY RESULT IN THE PARTY'S NOT RECEIVING CREDIT FOR MAKING THE PAYMENT.

FAILURE OF A PARTY TO PAY CHILD SUPPORT DOES NOT JUSTIFY DENYING THAT PARTY COURT-ORDERED POSSESSION OF OR ACCESS TO A CHILD. REFUSAL BY A PARTY TO ALLOW POSSESSION OF OR ACCESS TO A CHILD DOES NOT JUSTIFY FAILURE TO PAY COURT-ORDERED CHILD SUPPORT TO THAT PARTY.

Property and Parties

The Court finds that the following orders respecting the property and parties are necessary and equitable.

IT IS ORDERED that [redacted] shall be responsible for the timely payment of the following:

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1. The auto insurance for the vehicle in her possession;

2. the monthly payment for her cell phone;

3. the rent payment for the residence located at [redacted] Anns Court, Watauga, Texas beginning after March 30, 2024.

IT IS ORDERED that [redacted] shall be responsible for the timely payment of the following:

1. The auto insurance for the 2021 Mazda, the 2023 Mazda, and any other vehicle currently in his possession;

2. the car payments for the 2021 Mazda, the 2023 Mazda, and any other vehicle currently in his possession;

3. the monthly payment for his cell phone;

4. the rent payment for the residence located at [redacted] Anns Court, Watauga, Texas for February and March 2024.

IT IS ORDERED that Petitioner have the exclusive and private use and possession of the following property while this case is pending: the personal property and clothing in her possession, the 2007 Mazda motor vehicle currently in her possession, and the residence located at 6641 Anns Court, Watauga, Texas beginning March 30, 2024.

IT IS ORDERED that Respondent have the exclusive and private use and possession of the following property while this case is pending: the personal property and clothing in his possession, the 2021 Mazda motor vehicle, the 2023 Mazda motor vehicle, and the residence located at 6641 Anns Court, Watauga, Texas ONLY until March 20, 2024.

Co-Parenting Website

IT IS ORDERED that the parties are to attend "Children in the Middle" part 1 and/or 2

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by May 1, 2024, and file a certificate of completion with the Court for their attendance to this co-parenting class.

IT IS FURTHER ORDERED that each party shall be solely liable for their own costs for the attendance of this co-parenting class.

App Close

IT IS ORDERED that [redacted] and [redacted] each shall, within ten days after the entry of the Associate Judge's Report is signed by the Court, obtain at his/her sole expense a subscription to the AppClose program. IT IS FURTHER ORDERED that [redacted] and [redacted] each shall maintain that subscription in full force and effect for as long as the child is under the age of eighteen years and not otherwise emancipated.

IT IS ORDERED that [redacted] and [redacted] shall each communicate through the AppClose program with regard to all communication regarding the children, except in the case of emergency or other urgent matter.

IT IS ORDERED that [redacted] and [redacted] each shall timely post all significant information concerning the health, education, and welfare of the children, including but not limited to the children's medical appointments, the children's schedules and activities, and request for reimbursement of uninsured health-care expenses, on the AppClose website. However, IT IS ORDERED that neither party shall have any obligation to post on that website any information to which the other party already has access through other means, such as information available on the website of the children's schools.

IT IS FURTHER ORDERED that [redacted] and [redacted] shall each timely post on the AppClose website a copy of any email received by the party from the

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children's school or any health-care provider of the children, in the event that email was not also forwarded by the school or health-care provider to the other party.

For purposes of this section of this order, "timely" means on learning of the event or activity, or if not immediately feasible under the circumstances, not later than twenty-four hours after learning of the event or activity.

By agreement, the parties may communicate in any manner other than using the AppClose program, but other methods of communication used by the parties shall be in addition to, and not in lieu of, using the AppClose program.

Temporary Injunction

The temporary injunction granted below shall be effective immediately and shall be binding on the parties; on their agents, servants, employees, and attorneys; and on those persons in active concert or participation with them who receive actual notice of this order by personal service or otherwise. The requirement of a bond is waived.

IT IS ORDERED that Petitioner and Respondent are enjoined from:

1. Intentionally communicating with 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, 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.

2. 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.

3. Placing a telephone call, anonymously, at any unreasonable hour, in an offensive

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and repetitious manner, or without a legitimate purpose of communication with the intent to annoy or alarm the other party.

4. Intentionally, knowingly, or recklessly causing bodily injury to the other party or to a child of either party.

5. Threatening the other party or a child of either party with imminent bodily injury.

6. Intentionally, knowingly, or recklessly destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of one or both of the parties 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 the children of the marriage.

7. Intentionally falsifying any writing or record, including an electronic record, relating to the property of either party.

8. 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 one or both of the parties, including electronically stored or recorded information.

9. Intentionally or knowingly damaging or destroying the tangible or intellectual property of one or both of the parties, including electronically stored or recorded information, and causing pecuniary loss or substantial inconvenience to the other party.

10. Intentionally or knowingly tampering with the tangible or intellectual property of one or both of the parties, including electronically stored or recorded information, and causing pecuniary loss or substantial inconvenience to the other party.

11. Selling, transferring, assigning, mortgaging, encumbering, or in any other manner alienating any of the property of one or both of the parties, whether personal property, real

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property, or intellectual property, and whether separate or community property, except as specifically authorized by this order.

12. Incurring any debt, other than legal expenses in connection with this suit, except as specifically authorized by this order.

13. Withdrawing money from any checking or savings account in any financial institution for any purpose, except as specifically authorized by this order.

14. Spending any money in either party's possession or subject to either party's control for any purpose, except as specifically authorized by this order.

15. Withdrawing or borrowing money in any manner for any purpose from any retirement, profit-sharing, pension, death, or other employee benefit plan, employee savings plan, individual retirement account, or Keogh account of either party, except as specifically authorized by this order.

16. Withdrawing, transferring, assigning, encumbering, selling, or in any other manner alienating any funds or assets held in any brokerage account, mutual fund account, or investment account by one or both parties, regardless of whether the funds or assets are community or separate property and whether the accounts are self-managed or managed by a third party, except as specifically authorized by this order.

17. Withdrawing or borrowing in any manner all or any part of the cash surrender value of any life insurance policy on the life of either party or a child of the parties, except as specifically authorized by this order.

18. Entering any safe-deposit box in the name of or subject to the control of one or both of the parties, whether individually or jointly with others.

19. Changing or in any manner altering the beneficiary designation on any life

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insurance policy on the life of either party or a child of the parties.

20. Canceling, altering, failing to renew or pay premiums on, or in any manner affecting the level of coverage that existed at the time this suit was filed of, any life, casualty, automobile, or health insurance policy insuring the parties' property or persons including a child of the parties.

21. Opening or diverting mail or email or any other electronic communication addressed to the other party.

22. Signing or endorsing the other party's name on any negotiable instrument, check, or draft, including a tax refund, insurance payment, and dividend, or attempting to negotiate any negotiable instrument payable to the parties or the other party without the personal signature of the other party.

23. Taking any action to terminate or limit credit or charge cards in the name of the parties or the other party, except as specifically authorized in this order.

24. Discontinuing or reducing the withholding for federal income taxes from either party's wages or salary.

25. Destroying, disposing of, or altering any financial records of the parties, including but not limited to a canceled check, deposit slip, and other records from a financial institution, a record of credit purchases or cash advances, a tax return, and a financial statement.

26. Destroying, disposing of, or altering any email, text message, video message, or chat message or other electronic data or electronically stored information relevant to the subject matter of this case, whether stored on a hard drive, in a removable storage device, in cloud storage, or in another electronic storage medium.

27. Modifying, changing, or altering the native format or metadata of any electronic

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data or electronically stored information relevant to the subject matter of this case, whether stored on a hard drive, in a removable storage device, in cloud storage, or in another electronic storage medium.

28. Deleting any data or content from any social network profile used or created by either party or a child of the parties.

29. Using any password or personal identification number to gain access to the other party's email account, bank account, social media account, or any other electronic account.

30. Consuming, use or have in their possession any illegal drug or drugs at any time nor shall they have, at any time, a legal drug or drugs in their possession for which that party does not have a prescription.

31. Neither party shall consume alcohol at least 12 hours prior to their time for possession of the children.

32. Neither party shall consume alcohol during their period of possession with the children.

33. Neither party shall attend one of the children's activities if they have consumed alcohol or they are under the influence of alcohol.

34. Neither party shall leave the children with a person who is consuming alcohol at least 12 hours prior to taking possession of the children or has in their possession an illegal drug(s), including prescription drugs, as a childcare provider.

35. No disparaging remarks in the presence of the children and no discussion of litigation or issues of the case with children.

36. The parties are not to discuss the litigation or issues with the children about the other party. The aforementioned sentence means that neither party shall belittle, talk bad, refer to

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the other party using a profane name or names, profanity or curse words.

37. The parties are not to discuss the litigation or issues with the children.

38. Neither party shall discuss what occurred in Court including testimony of any witness or witnesses with the children.

IT IS ORDERED that Petitioner is further enjoined from:

1. Entering, operating, or exercising control over the 2021 Mazda motor vehicle and the 2023 Mazda motor vehicle in the possession of Respondent.

IT IS ORDERED that Respondent is further enjoined from:

1. Excluding Petitioner from the use and enjoyment of the residence located at 6641 Anns Court, Watagua, Texas on or after March 30, 2024;.

2. Entering, operating, or exercising control over the 2007 Mazda motor vehicle in the possession of Petitioner.

IT IS ORDERED that Petitioner is specifically authorized:

To make expenditures and incur indebtedness for reasonable and necessary living expenses for food, clothing, shelter, transportation, and medical care.

To make expenditures and incur indebtedness for reasonable attorney's fees and expenses in connection with this suit.

To make withdrawals from accounts in financial institutions only for the purposes authorized by this order.

IT IS ORDERED that Respondent is specifically authorized:

To make expenditures and incur indebtedness for reasonable and necessary living expenses for food, clothing, shelter, transportation, and medical care.

To make expenditures and incur indebtedness for reasonable attorney's fees and expenses

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in connection with this suit.

For purposes of this order, "personal property" includes, but is not limited to, the following:

a. cash, checks, traveler's checks, and money orders;

b. funds on deposit in financial accounts with commercial banks, savings banks, and credit unions;

c. funds and assets held in brokerage, mutual fund, and other investment accounts;

d. publicly traded stocks, bonds, and other securities;

e. stock options and restricted stock units;

f. bonuses;

g. closely held business interests;

h. retirement benefits and accounts;

i. deferred compensation benefits;

j. insurance policies, annuities, and health savings accounts;

k. motor vehicles, boats, airplanes, cycles, mobile homes, trailers, and recreational vehicles;

l. money owed to one or both parties, including notes and expected income tax refunds;

m. household furniture, furnishings, and fixtures;

n. electronics and computers;

o. antiques, artwork, and collections;

p. sporting goods and firearms;

q. jewelry and other personal items;

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r. pets and livestock;

s. club memberships;

t. travel award benefits and other award accounts;

u. crops, farm equipment, construction equipment, tools, leases, cemetery lots, gold or silver coins not part of a collection, tax overpayments, loss carry-forward deductions, lottery tickets/winnings, stadium bonds, stadium seat licenses, seat options, season tickets, ranch brands, and business names;

v. digital assets such as email addresses, social network accounts, Web sites, domain names, digital media such as pictures, music, e-books, movies, and videos, blogs, reward points, digital storefronts, artwork, and data storage accounts;

w. virtual assets such as virtual pets, avatars, accessories for virtual characters, virtual prizes, virtual real estate, and virtual currency;

x. safe-deposit boxes and their contents;

y. storage facilities and their contents; and

z. contingent assets.

Duration

These Temporary Orders shall continue in force until the signing of the Final Decree of Divorce or until further order of this Court.

SIGNED on March 14, 2024.

Associate JUDGE PRESIDING

APPROVED AS TO FORM ONLY:

MARX ALTMAN & JOHNSON

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By:_____
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Email: dbacalis@dbacalis.com

APPROVED AND CONSENTED TO AS TO BOTH FORM AND SUBSTANCE:

_____
[redacted]
PETITIONER

_____
[redacted]
RESPONDENT

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Cooper L.Carter		coopercarter@majadmin.com	3/26/2024 3:19:25 PM	SENT

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Name	BarNumber	Email	TimestampSubmitted	Status
Daniel Bacalis		service@dbacalis.com	3/26/2024 3:19:25 PM	SENT
Tammy L.Johnson		tjohnson@dbacalis.com	3/26/2024 3:19:25 PM	SENT
Daniel R.Bacalis		dbacalis@dbacalis.com	3/26/2024 3:19:25 PM	SENT
[redacted]		chuckdustin12@gmail.com	3/26/2024 3:19:25 PM	SENT

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Tex. Fam. Code § 6.502

Section 6.502 - Temporary Injunction and Other Temporary Orders

(a) While a suit for dissolution of a marriage is pending and on the motion of a party or on the court's own motion after notice and hearing, the court may render an appropriate order, including the granting of a temporary injunction for the preservation of the property and protection of the parties as deemed necessary and equitable and including an order directed to one or both parties:

(1) requiring a sworn inventory and appraisement of the real and personal property owned or claimed by the parties and specifying the form, manner, and substance of the inventory and appraisal and list of debts and liabilities;

(2) requiring payments to be made for the support of either spouse;

(3) requiring the production of books, papers, documents, and tangible things by a party;

(4) ordering payment of reasonable attorney's fees and expenses;

(5) appointing a receiver for the preservation and protection of the property of the parties;

(6) awarding one spouse exclusive occupancy of the residence during the pendency of the case;

(7) prohibiting the parties, or either party, from spending funds beyond an amount the court determines to be for reasonable and necessary living expenses;

(8) awarding one spouse exclusive control of a party's usual business or occupation; or

(9) prohibiting an act described by Section 6.501(a).

(a-1) If the court on its own motion refers to mediation a suit described by Subsection (a) in which a motion for a temporary order described by that subsection is pending, the court may not postpone the initial hearing on the pending motion to a date that is later than the 30th day after the date set for the hearing.

(b) Not later than the 30th day after the date a receiver is appointed under Subsection (a)(5), the receiver shall give notice of the appointment to each lienholder of any property under the receiver's control.

(c) Not later than the seventh day after the date a receiver is appointed under Subsection (a)(5), the court shall issue written findings of fact and conclusions of law in support of the receiver's appointment. If the court dispenses with the issuance of a bond between the spouses as provided by Section 6.503(b) in connection with the receiver's appointment, the court shall include in the court's findings an explanation of the reasons the court dispensed with the issuance of a bond.

Tex. Fam. Code § 6.502

Amended by Acts 2023, Texas Acts of the 88th Leg.- Regular Session, ch. 509,Sec. 1, eff. 9/1/2023, app. to a suit that is pending in a trial court on the effective date of this Act or that is filed on or after that date.
Amended by Acts 2017, Texas Acts of the 85th Leg. - Regular Session, ch. 493,Sec. 1, eff. 9/1/2017.
Amended by Acts 2001, 77th Leg., ch. 695, Sec. 1, eff. 9/1/2001.
Added by Acts 1997, 75th Leg., ch. 7, Sec. 1, eff. 4/17/1997.

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Tex. Fam. Code § 105.001

Section 105.001 - Temporary Orders Before Final Order

(a) In a suit, the court may make a temporary order, including the modification of a prior temporary order, for the safety and welfare of the child, including an order:

(1) for the temporary conservatorship of the child;

(2) for the temporary support of the child;

(3) restraining a party from disturbing the peace of the child or another party;

(4) prohibiting a person from removing the child beyond a geographical area identified by the court; or

(5) for payment of reasonable attorney's fees and expenses.

(a-1) If the court on its own motion refers to mediation a suit in which an initial hearing regarding the rendition of a temporary order described by Subsection (a) has not yet occurred, the court may not postpone the hearing to a date that is later than the 30th day after the date set for the hearing.

(b) Except as provided by Subsection (c), temporary restraining orders and temporary injunctions under this section shall be granted without the necessity of an affidavit or verified pleading stating specific facts showing that immediate and irreparable injury, loss, or damage will result before notice can be served and a hearing can be held. Except as provided by Subsection (h), an order may not be rendered under Subsection (a)(1), (2), or (5) except after notice and a hearing. A temporary restraining order or temporary injunction granted under this section need not:

(1) define the injury or state why it is irreparable;

(2) state why the order was granted without notice; or

(3) include an order setting the cause for trial on the merits with respect to the ultimate relief requested.

(c) Except on a verified pleading or an affidavit in accordance with the Texas Rules of Civil Procedure, an order may not be rendered:

(1) attaching the body of the child;

(2) taking the child into the possession of the court or of a person designated by the court; or

(3) excluding a parent from possession of or access to a child.

(d) In a suit, the court may dispense with the necessity of a bond in connection with temporary orders on behalf of the child.

(e) Temporary orders rendered under this section are not subject to interlocutory appeal.

(f) The violation of a temporary restraining order, temporary injunction, or other temporary order rendered under this section is punishable by contempt and the order is subject to and enforceable under Chapter 157.
(g) The rebuttable presumptions established in favor of the application of the guidelines for a child support order and for the standard possession order under Chapters 153 and 154 apply to temporary orders. The presumptions do not limit the authority of the court to render other temporary orders.
(h) An order under Subsection (a)(1) may be rendered without notice and an adversary hearing if the order is an emergency order sought by a governmental entity under Chapter 262.

Tex. Fam. Code § 105.001

Amended by Acts 2023, Texas Acts of the 88th Leg.- Regular Session, ch. 509,Sec. 2, eff. 9/1/2023, app. to a suit that is pending in a trial court on the effective date of this Act or that is filed on or after that date.
Amended By Acts 2003, 78th Leg., ch. 1036, Sec. 1, eff. 9/1/2003.
Amended By Acts 1999, 76th Leg., ch. 1390, Sec. 3, eff. 9/1/1999
Amended by Acts 1997, 75th Leg., ch. 575, Sec. 5, eff. 9/1/1997
Added by Acts 1995, 74th Leg., ch. 20, Sec. 1, eff. 4/20/1995.

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Tex. Fam. Code § 153.002

Section 153.002 - Best Interest of Child

The best interest of the child shall always be the primary consideration of the court in determining the issues of conservatorship and possession of and access to the child.

Tex. Fam. Code § 153.002

Added by Acts 1995, 74th Leg., ch. 20, Sec. 1, eff. 4/20/1995.

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Tex. R. Civ. P. 245

Rule 245 - Assignment of Cases for Trial

The court may set contested cases on written request of any party, or on the court's own motion, with reasonable notice of not less than forty-five days to the parties of a first setting for trial, or by agreement of the parties; provided, however, that when a case previously has been set for trial, the Court may reset said contested case to a later date on any reasonable notice to the parties or by agreement of the parties. Non-contested cases may be tried or disposed of at any time whether set or not, and may be set at any time for any other time.

A request for trial setting constitutes a representation that the requesting party reasonably and in good faith expects to be ready for trial by the date requested, but no additional representation concerning the completion of pretrial proceedings or of current readiness for trial shall be required in order to obtain a trial setting in a contested case.

Tex. R. Civ. P. 245

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