NO. 2007-CI-06213

IN THE MATTER OF § IN THE DISTRICT COURT

THE MARRIAGE OF §

§

MICHAEL KELLY TAYLOR §

AND § 408TH JUDICIAL DISTRICT

EMILY ELIZABETH TAYLOR §

§

AND IN THE INTEREST OF §

INDEPENDENCE MORGANNE §

TAYLOR, ATTICUS TANNER §

TAYLOR, LONDON RYAN §

TAYLOR, SONNET CLAIRE §

TAYLOR AND SALINAS §

MICHAEL JACK TAYLOR, §

CHILDREN § BEXAR COUNTY, TEXAS

STATE OF CALIFORNIA §

§

COUNTY OF SACRAMENTO §

**AFFIDAVIT IN SUPPORT OF MOTION FOR NEW TRIAL**

BEFORE ME, the undersigned authority, on this day personally appeared EMILY TAYLOR, who under oath stated as follows:

“My name is EMILY ELIZABETH TAYLOR. I am over eighteen (18) years of age and am legally competent to make this Affidavit, which is true and correct, is based on my personal knowledge, and is made voluntarily and not under duress.

I am the Respondent in the above-styled and numbered lawsuit, against whom Judgment was entered by this Court following a trial to the Court.

For the following reasons, justice was not served by the rendition of said Judgment:

Within a two week time frame prior to my divorce hearing I called the Bexar County's Staff Attorney's Office and requested a telephonic hearing so that I could be a part of my hearing for divorce from Michael Taylor. They granted me the right after speaking with the judge overseeing the hearing. They confirmed the number to be called was that of my parents, (916) 851-5887. I specifically requested this number so that my mother could take care of my 5 children while I was on such an important call, because they were currently still on summer break. My parents’ phone number was listed on the docket sheet for the Court on August 21, 2007.

On August 21, 2007, the court called my working home phone number and that of an old non-working cell number that was cancelled by Michael Taylor 2-3 months prior. At no time were they given those numbers by me for the hearing by telephone.

On the morning of August 21, as instructed, I waited for a telephone call from the clerk of the Court at the number I provided the clerk, and when no phone call came, I contacted the Court. I was informed that the Court had already conducted the final hearing with Mr. Taylor appearing in person and through his attorney. Upon learning that that the wrong numbers had been called, the Court continued the hearing the following day, August 22, 2007.

On August 22, 2007, I was not allowed to ask questions of Mr. Taylor and was not allowed to present my own testimony. As soon as the Court called me that morning at the beginning of the hearing, Ms. Martinez immediately began questioning me and then questioned Mr. Taylor. I never had any chance to ask Mr. Taylor any questions or testify to any matters that were not directly asked of me by the Court or Ms. Martinez.

At no time did I receive formal notice, from Ms. Martinez or anyone else, of the final hearing, scheduled for August 21, 2007. I only learned of the hearing by sheer luck because I began calling the Bexar County courts in late July in an attempt to get information about the pending divorce. I discovered in late July, after requesting information by telephone from a Bexar County court clerk, that there was a hearing set for August 21, 2007. This time frame gave me approximately three weeks between the date of discovering the hearing setting and the date of the hearing.

Had I had timely notice of the hearing, I would have had time to obtain an attorney from Rio Grande Legal Aid. The attorney I consulted with at Legal Aid could not attend the hearing and represent me only because there was not enough time to process my application before the hearing.

I never agreed to the terms contained within the Final Decree of Divorce. Mr. Taylor’s attorney, Ms. Kay Martinez, set a Motion to Sign Decree of Divorce for November 16, 2007, and informed me of the setting via email and certified mail on October 25, 2007.

On November 6, 2007, Ms. Martinez sent me an email stating that, due to an upcoming surgery, it would be difficult for her to attend the hearing on the Motion to Sign, scheduled for November 16. In the same email, Ms. Martinez informed me that she would instead present her draft of the Final Decree of Divorce to the Court the following day. The Final Decree was not presented to the Court on November 7, but was presented to the Court and signed on November 8 instead.

I received the email on November 15, 2007, after Ms. Martinez had presented the Final Decree to the Court for signature.

Because Ms. Martinez changed the date of the signing of the decree with one day notice to me, I had no opportunity to inform the Court at a hearing on the Motion to Sign of my objections and lack of consent to the Final Decree. There are many terms contained within the Final Decree that were never discussed, dictated into the record, or agreed to by me.”

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Emily Elizabeth Taylor

SWORN AND SUBSCRIBED TO before me on this \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_.

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Notary Public, State of California