

CAUSE NO. D-1-FM-10-003133

IN THE INTEREST OF

HANNAH ELIZABETH MORGAN,

A CHILD

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IN THE DISTRICT COURT

345th JUDICIAL DISTRICT

TRAVIS COUNTY, TEXAS

Filed in The District Court
of Travis County, Texas

SEP 08 2010 TH

At 1:18 P.M.
Amalia Rodriguez-Mendoza, Clerk

PETITIONER'S MOTION FOR CONTEMPT

TO THE HONORABLE JUDGE OF SAID COURT:

The petitioner, JOSHUA J. MORGAN, files this motion for contempt against the respondent, KRISTIN N. MORGAN, and in support thereof would show the following:

I.

Respondent Kristin N. Morgan may be served with process in this contempt proceeding at 224 Lakeshore Drive, Maynardville, TN, 37807, or wherever she may be found, or to her attorney of record, William Alberts at 608 W. 12th Street, Austin, Travis County, Texas.

II.

Travis County has standing orders regarding the children, property, and the conduct of parties while a lawsuit is pending, specifically regarding the termination of utilities and other disruptive conduct. In addition, on July 9th, 2010, the court ordered that the respondent pay 40% of travel fees.

III.

Travis County Standing Order Regarding Children, Property, and the Conduct of Parties states that parties are ORDERED to refrain from:

3.14 Terminating or in any manner affecting the service of water, electricity, gas, telephone, cable television, or other contractual services, such as security, pest control, landscaping, or yard maintenance at the other party's residence or in any manner attempting to withdraw any deposits for service in connection with such services.



CLM

On the 9th day of July, 2010, the Juvenile Court for Union County, Tennessee, under the courtesy of the above-entitled and numbered cause duly rendered and caused to be entered an Order as follows:

7. That at the conclusion of the Father's co-parenting time, the Mother, or her designated agent, shall return to Texas to pick up the child and return to Tennessee, with the costs being assessed at sixty percent (60%) to the Father, and forty percent (40%) to the Mother for travel expenses

Additionally, on the 7th day of August, 2010, the Court in the above-entitled and numbered cause duly rendered and caused to be entered an Order giving the rights and duties as follows:

- 1. The right to receive information from any conservator of the child concerning the health, education and welfare of the child;**
- 2. The duty to inform the other parent in a timely manner of significant information concerning the health, education and welfare of the child;**
- 3. The right to confer with the other parent to the extent possible before making a decision concerning the health, education and welfare of the child;**
- 4. The right of access to medical, dental, psychological and educational records of the child;**

IV.

The Respondent, Kristin N. Morgan, is duty-bound to obey the commands of the Court contained in the orders. Respondent has failed and continues to fail and refuse to obey the commands of the Court in the following particulars:

1. Respondent willfully and voluntarily ordered the disconnection of utility services to the marital residence, as well as the marital phone line
 - a. Due to the fact that the only non-dead-bolted access methods to the house were electric (garage door opener) this also denied access of the property to the Petitioner, while pets were locked inside the house.
 - b. The phone line being disconnected was extremely disruptive to the communications between the Petitioner and his attorney, as well as his professional contacts, and contributed to his attorney ultimately withdrawing from the case.

2. Respondent has refused to speak directly to the Petitioner in regards to the well-being of the Child. All previous communication has been done on extremely sparse intervals and only through the Guardian Ad Litem.
3. Respondent has refused and continues to refuse to turn over medical records requested by the Child's day care and primary physician, even after numerous requests from multiple parties involved.
4. Respondent has refused to pay the 40% of travel fees as ordered by the court.
 - a. The total transportation fees were \$543.80, 40% of which comes to \$217.52
5. In a manner that goes against proper conduct of a party, Respondent has ceased to and refused to contribute to marital liabilities, and refused all requests for such:
 - a. Has not contributed to the mortgage on the marital residence, or the HOA fees, or any other maintenance related expenses.
 - b. Has not contributed to the costs related to taking care of respondent's dog.
 - c. Respondent's share of liabilities to date of filing comes to \$2,696.36
6. Respondent left the state of Tennessee to Kentucky for several days for a family funeral, and did not obey the court order requiring her to notify the Petitioner.
 - a. This caused the Petitioner to have to pay increased service fees in order to have her served with case-related documents

V.

Rule 692 of the Texas Rules of Civil Procedure sets forth the procedure for punishment for contempt of court. The rule provides that a judge may issue a show cause order requiring a person to appear on such date as may be designated and show cause why he should not be adjudged in contempt of court. On return of such show cause order, the judge shall proceed to hear proof, and if satisfied that such person has disobeyed the injunction, either directly or indirectly, may commit such person to jail without bail until he purges herself of such contempt, in such manner and form as the judge may direct.

VI.

Because Respondent Kristin N. Morgan continues to fail and refuse to obey the commands of the Court contained in the orders, Petitioner has no alternative but to institute this contempt proceeding seeking to have the respondent held in contempt of court and punished in accordance with Rule 692 of the Texas Rules of Civil Procedure.

ACCORDINGLY, the petitioner requests the following:

1. That the Respondent be ordered to appear before the Court at a designated date and time and show cause why she should not be held in contempt for violations of the above orders.
2. That upon hearing, Respondent Kristin N. Morgan be found in contempt of court and be punished in accordance with the requirements of Rule 692 of the Texas Rules of Civil Procedure until such time as she purges herself of her contempt.
3. That upon hearing, the Court issue additional orders as may be appropriate and necessary to enforce Court orders, as well as:
 - a. That Respondent be ordered to pay her share of the marital liabilities, or \$2,696.36, and continue to pay her share of marital liabilities of \$695.96 a month, until the proper assets can be liquidated.
 - b. That the Court name the Petitioner the Sole Manager of marital property in Texas, as to take actions necessary to prevent foreclosure and further loss of marital property.
4. That the Petitioner be granted such further relief to which he may be entitled.

Respectfully submitted,

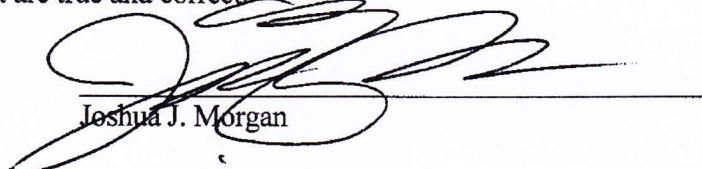


Joshua J. Morgan

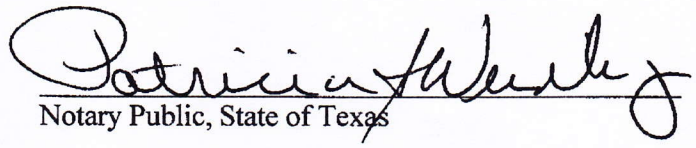
Petitioner, Pro Se
1800 Bowerton Drive
Austin, TX 78754
(512) 809-8648

VERIFICATION

BEFORE ME, the undersigned authority, on this day personally appeared Joshua J. Morgan, who, being by me duly sworn by oath, stated that the factual allegations provided in the above Petitioner's Motion for Contempt are true and correct.


Joshua J. Morgan

BEFORE me, PATRICIA A WEINBERGER Notary Public, on this day personally appeared Joshua J. Morgan, known to me to be the person whose name is subscribed to the foregoing instrument.


Notary Public, State of Texas

PATRICIA A WEINBERGER
Printed Name

My commission expires:
2-15-12

