

ER SEP 29 2010

At 12:04 P M.
Amalia Rodriguez-Mendoza, Clerk

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

IN THE MATTER OF
THE MARRIAGE OF

KRISTIN NICOLE MORGAN
AND
JOSHUA JAMES MORGAN

AND IN THE INTEREST OF
HANNAH ELIZABETH MORGAN,
A MINOR CHILD

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IN THE DISTRICT COURT

345th JUDICIAL DISTRICT

TRAVIS COUNTY, TEXAS

**AFFIDAVIT VERIFYING PETITIONER'S
REPLY IN OPPOSITION TO RESPONDENT'S MOTION FOR CONTINUANCE**

COMES NOW Petitioner JOSHUA JAMES MORGAN in this matter and submits this his Reply in Opposition to Respondent KRISTIN NICOLE MORGAN's Motion for Continuance filed in Travis County, Texas on September 27, 2010. Mr. Morgan shows the following:

1. Ms. Morgan, and her counsel, are pursuing this continuance solely for delay:
 - a. Ms. Morgan has failed and continues to fail to obey the Travis County Standing Order Regarding Children, Property, and the Conduct of Parties, at the expense of Mr. Morgan.
 - b. Part of the relief sought in the Motion for Contempt is meant to prevent additional time-sensitive suits from 3rd parties. Delaying the relief sought in the motion could make the requested relief obsolete, causing such suits to be imminent.
 - c. The result of such suits will certainly be used as a means to unjustly undermine and question returning the minor child to her home state of Texas, who was originally removed unilaterally and without permission by Ms. Morgan to Tennessee.
 - d. The motion was filed three weeks ago, and Ms. Morgan was served personally in Tennessee almost two weeks ago. Ms. Morgan's counsel waited until 3 days before the setting to notify Mr. Morgan of this Motion for Continuance.
 - e. Ms. Morgan, her counsel, or the Guardian Ad Litem did not inform Mr. Morgan of the scheduled travel date of October 22, 2010 until September 27, 2010. It is

assumed that these plans were made after Ms. Morgan was personally served with the Show Cause Order on September 20, 2010, in an attempt to delay the setting.

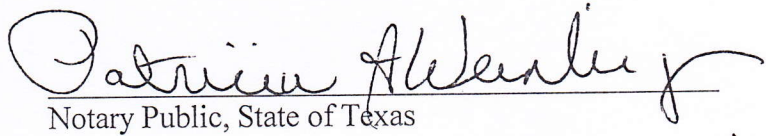
- f. Ms. Morgan has already once failed to obey court orders to appear in this case on June 23, 2010. Her counsel also failed to appear to a setting on September 7, 2010, however, he arrived 3 hours late after a courtesy call from the Judge.
 - g. Since Ms. Morgan is in Tennessee, she could have requested to the court to appear by phone, which Mr. Morgan is agreeable to.
2. Mr. Morgan is not in violation of Travis County District Court Local Rule 3.2:
- a. Ms. Morgan, and her counsel, have ignored and failed to respond to numerous phone calls and emails going back months regarding the matters at hand. The first phone call was placed to Ms. Morgan's counsel on August 6, 2010, on the date she disconnected the phone service. A letter was also sent out on August 24. Emails regarding this matter were also sent on August 18, 20, 21 and September 6.
 - b. Due to the time-sensitive nature of the motion, and the lack of responses, filing suit was the only option available to Mr. Morgan.
 - c. Mr. Morgan did not neglect to inform anyone of Ms. Morgan's counsel, as the motion itself lists WILLIAM H. ALBERTS as Ms. Morgan's attorney of record.
3. The Motion for Continuance contains obvious hearsay stated as facts. Mr. Alberts or his client have no direct knowledge for the reason Mr. Morgan declined to travel to Tennessee:
- a. Mr. Morgan did not decline to travel to Tennessee in September due to the costs, but rather for his own safety.
 - b. Ms. Morgan's family in Tennessee has made numerous death threats to Mr. Morgan.
 - c. Ms. Morgan has failed to provide any safe or reasonable method to allow Mr. Morgan to execute his visitation in Tennessee.
4. Granting the Motion for Continuance is not in the best interests of the minor child:
- a. If actions are taken too late, the house that was originally purchased by the parties in this case for the minor child will foreclose, and property (including property that belongs to the minor child) will be seized.
 - b. Additionally, both parties will be forced to pay back the \$8000 in tax credits to the Internal Revenue Service, and having parents who are even further crippled by debt will ultimately hurt the minor child.

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 responses provided in the above Affidavit Verifying Petitioner's Reply in Opposition to Respondent's Motion for Continuance are true and correct.


Joshua J. Morgan
Petitioner, Pro Se

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

