

2010CI-18194



NO. \_\_\_\_\_

IN THE MATTER OF  
THE MARRIAGE OF

B.R.B.  
AND  
E.M.B.

AND IN THE INTEREST OF  
Q.W.B AND C.B.B., CHILDREN

IN THE DISTRICT COURT

131st

JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

ORIGINAL PETITION FOR DIVORCE

1. *Discovery Level*

Discovery in this case is intended to be conducted under level 2 of rule 190 of the Texas Rules of Civil Procedure.

2. *Objection to Assignment of Case to Associate Judge*

Petitioner objects to the assignment of this matter to an associate judge for a trial on the merits or presiding at a jury trial.

3. *Parties*

This suit is brought by B.R.B., Petitioner.

E.M.B. is Respondent.

4. *Domicile*

Petitioner has been a domiciliary of Texas for the preceding six-month period and a resident of this county for the preceding ninety-day period.

5. *Service*

Process should be served on Respondent at the address provided to the process server.

6. *Protective Order Statement*

No protective order under title 4 of the Texas Family Code is in effect, and no application for a protective order is pending with regard to the parties to this suit.

7. *Dates of Marriage and Separation*

The parties were married on or about July 25, 1998 and ceased to live together as husband

and wife.

8. *Grounds for Divorce*

The marriage has become insupportable because of discord or conflict of personalities between Petitioner and Respondent that destroys the legitimate ends of the marriage relationship and prevents any reasonable expectation of reconciliation.

9. *Children of the Marriage*

Petitioner and Respondent are parents of the following children of this marriage who are not under the continuing jurisdiction of any other court:

Name: Q.W.B

Sex: Male

Birth date: September 8, 2000

Name: C.B.B.

Sex: Male

Birth date: January 9, 2006

There are no court-ordered conservatorships, court-ordered guardianships, or other court-ordered relationships affecting the children the subject of this suit.

No property of consequence is owned or possessed by the children the subject of this suit.

Petitioner believes that Petitioner and Respondent will enter into a written agreement containing provisions for conservatorship of, possession of, access to, and support of the children. If such an agreement is not made, Petitioner requests the Court to make orders for conservatorship of, possession of, access to, and support of the children.

10. *Pre-Marital Agreement*

Before marriage, on July 25, 1998, Petitioner and Respondent entered into a premarital agreement entitled "Pre-Nuptial Agreement," defining their rights to all their property. Petitioner requests the Court to enforce the agreement and confirm separate property and to equally divide any community property that may have come into existence under the terms of the Pre-Nuptial

Agreement.

11. *Separate Property*

Petitioner owns certain separate property that is not part of the community estate of the parties, and Petitioner requests the Court to confirm that separate property as Petitioner's separate property and estate.

12. *Prayer*

Petitioner prays that citation and notice issue as required by law and that the Court grant a divorce and all other relief requested in this petition.

Petitioner prays for general relief.

Respectfully submitted,

McCURLEY ORSINGER McCURLEY  
NELSON & DOWNING LLP  
310 S. St. Mary's, Ste. 1717  
San Antonio, Texas 78205  
Tel: (210) 225-5567  
Fax: (210) 267-7777

By: 

RICHARD R. ORSINGER  
State Bar No. 15322500  
Attorney for Petitioner

C R T  
PROCESS DEPT

FILED  
DISTRICT CLERK  
BEXAR CO. TEXAS

10 OCT 29 AM 9:36

BY *Johann P. Holman*  
REPUTY

CRT  
PROCESS DEPT

PRIVATE PROCESS

"The State of Texas"

NO. 2010-CI-18194



B R B

Plaintiff  
vs.

E M B

Defendant

( Note: Attached Document May Contain Additional Litigants. )

IN THE DISTRICT COURT

131st JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

**NOTICE**

Citation Directed to: E M B

"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 a.m. 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." Said petition was filed on the 29th day of October, 2010.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 1st DAY OF November A.D., 2010.

PETITION FOR DIVORCE

RICHARD R ORSINGER

Attorney/PETITIONER

address 310 S SAINT MARYS ST 1717  
SAN ANTONIO, TX 78205-3113



MARGARET G. MONTEMAYOR  
District Clerk of Bexar County, Texas  
Bexar County Courthouse  
San Antonio, Texas 78205

By: Monica Hernandez Deputy  
MONICA HERNANDEZ

Johnny T Merna 11/2/10

**OFFICER'S RETURN**

Came to hand \_\_\_\_\_ day of \_\_\_\_\_, A.D. \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.  
and executed (not executed) the \_\_\_\_\_ day of \_\_\_\_\_, A.D. \_\_\_\_\_, in \_\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M. by delivering to \_\_\_\_\_  
in person a true copy of this citation together with the accompanying copy of plaintiff's  
petition. Served at \_\_\_\_\_

Cause of failure to execute this citation \_\_\_\_\_

I traveled \_\_\_\_\_ miles in the execution of this citation. Fees: \_\_\_\_\_ Serving citation

\$ \_\_\_\_\_ Mileage \_\_\_\_\_ Total \$ \_\_\_\_\_

Badge/PPS # \_\_\_\_\_

County, Texas

By \_\_\_\_\_

The State of Texas

NON - PEACE OFFICER VERIFICATION

VERIFICATION OF RETURN (IF NOT SERVED BY PEACE OFFICER)

SWORN TO this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

NOTARY PUBLIC, STATE OF TEXAS



FILE COPY  
(DK002)



ORIGINAL

CAUSE NO. 2010-CI-18194

IN THE MATTER OF THE  
MARRIAGE OF

B.R.B.  
AND  
E.M.B.

AND IN THE INTEREST OF  
Q.W.B. AND C.B.B.,  
MINOR CHILDREN

§  
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§

IN THE DISTRICT COURT OF

BEXAR COUNTY, TEXAS

131<sup>ST</sup> JUDICIAL DISTRICT

**RESPONDENT'S ORIGINAL ANSWER**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES E.M.B., Respondent in the above-entitled and numbered cause, and by and through her attorney of record, hereby makes and files this her Original Answer, and would respectfully show unto the Court the following:

**1. ORIGINAL ANSWER**

1.1 E.M.B. enters a general appearance and requests that B.R.B. be required to prove the allegations contained in his Original Petition for Divorce as required by law.

**2. SEPARATE PROPERTY**

2.1 If it is determined that E.M.B. owns separate property, then E.M.B. requests that such be confirmed as her separate property and awarded to her.

**3. OBJECTION TO ASSIGNMENT OF VISITING JUDGE**

3.1 E.M.B. objects to the assignment of a retired, former, or senior judge to hear this case or any part thereof.

4. **PRAYER**

4.1 WHEREFORE, PREMISES CONSIDERED, E.M.B. prays for such relief as to which she may show herself to be justly entitled.

Respectfully submitted,

LAW OFFICES OF SAM C. BASHARA, P.C.  
111 Soledad, Suite 1800  
San Antonio, Texas, 78205  
(210) 227-1496  
(210) 227-1547 (Fax)

By: 

SAM C. BASHARA  
State Bar No. 01869000

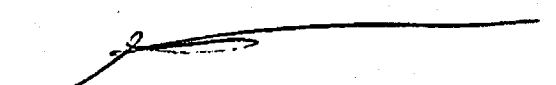
ATTORNEY FOR E.M.B.

**CERTIFICATE OF SERVICE**

I hereby certify that on the 2<sup>nd</sup> day of November, 2010, a true and correct copy of the foregoing document was forwarded to Petitioner's attorney of record, pursuant to Tex.R.Civ.P. 21a, in the manner described below:

**VIA FAX TRANSMISSION**

Mr. Richard R. Orsinger  
MCCURLEY, ORSINGER, MCCURLEY,  
NELSON & DOWNING, LLP  
310 St. Mary's Street, Ste. 1616  
San Antonio, Texas, 78205

  
SAM C. BASHARA

FILED  
DISTRICT CLERK  
BEXAR CO. TEXAS

2010 NOV -2 PM 3:50

DEPUTY

*Margaret Hernandez*

TMZ



# CIVIL CASE INFORMATION SHEET

CAUSE NUMBER (FOR COURT USE ONLY)

**2010CI-18194**

COURT (FOR

2010CI18194 -P00002

STYLED IN THE MATTER OF THE MARRIAGE OF B.R.B. AND E.M.B. AND IN THE INTEREST OF Q.W.B. AND C.B.B., CHILDREN  
(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing. This sheet, approved by the Texas Judicial Council, is intended to collect information that will be used for statistical purposes only. It neither replaces nor supplements the filings or service of pleading or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial.

<b>1. Contact information for person completing case information sheet:</b> Name: R. Porter Corrigan, II Address: 310 S. St. Mary's, Ste. 1717 City/State/Zip: San Antonio, Texas 78205 Signature: <i>R. Porter Corrigan</i> Email: <a href="mailto:porter@orsinger.com">porter@orsinger.com</a> Telephone: (210) 225-5567 Fax: (210) 267-7777 State Bar No: 24059612		<b>Names of parties in case:</b> Plaintiff(s)/Petitioner(s): B.R.B. Defendant(s)/Respondent(s): E.M.B.		<b>Person or entity completing sheet is:</b> <input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other:	
				<b>Additional Parties in Child Support Case:</b> Custodial Parent: Non-Custodial Parent: Presumed Father:	
[Attach additional page as necessary to list all parties]					
<b>2. Indicate case type, or identify the most important issue in the case (select only 1):</b>					
<b>Civil</b>			<b>Family Law</b>		
<b>Contract</b> <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: <b>Foreclosure</b> <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract:	<b>Injury or Damage</b> <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation <b>Malpractice</b> <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises <b>Product Liability</b> <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: <input type="checkbox"/> Other Injury or Damage:	<b>Real Property</b> <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: <b>Related to Criminal Matters</b> <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other:	<b>Marriage Relationship</b> <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void <b>Divorce</b> <input checked="" type="checkbox"/> With Children <input type="checkbox"/> No Children <b>Other Family Law</b> <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other:	<b>Post-judgment Actions (non-Title IV-D)</b> <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other <b>Title IV-D</b> <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocals (UIFSA) <input type="checkbox"/> Support Order <b>Parent-Child Relationship</b> <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child:	
<b>Employment</b> <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment:	<b>Other Civil</b> <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other:				
<b>Tax</b> <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax:	<b>Probate &amp; Mental Health</b> <b>Probate/Wills/Intestate Administration</b> <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other:				
<b>3. Indicate procedure or remedy, if applicable (may select more than 1):</b>					
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover	

TMZ

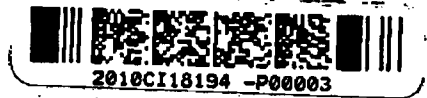
*Donna P. Johnson*  
CLERK

10 OCT 29 AM 9:36

FILED  
DISTRICT CLERK  
BEXAR CO. TEXAS

Out pps

2010CI-181



MARGARET G. MONTEMAYOR  
BEXAR COUNTY DISTRICT CLERK

2

**REQUEST FOR PROCESS**

**131st**

Cause No. \_\_\_\_\_

Style:

B.R.B. \_\_\_\_\_

vs. \_\_\_\_\_

Court \_\_\_\_\_

E.M.B. \_\_\_\_\_

Request the following process: (please check what applies)

Citation X Temp. Restraining Order \_\_\_\_\_ Temp. Protective Order \_\_\_\_\_

Notice \_\_\_\_\_ Notice on Temp Protective Order \_\_\_\_\_

Precept w/hearing \_\_\_\_\_ Precept without a hearing \_\_\_\_\_

Other: \_\_\_\_\_

**\*\*Type of document to be served:\*\***

CRT  
PROCESS DEPT

Parties to be served (PLEASE TYPE OR PRINT)

1. E.M.B. \_\_\_\_\_

Registered Agent: \_\_\_\_\_

Address \_\_\_\_\_ Type\* Private Process

2. \_\_\_\_\_

Registered Agent: \_\_\_\_\_

Address \_\_\_\_\_ Type\* \_\_\_\_\_

3. \_\_\_\_\_

Registered Agent: \_\_\_\_\_

Address \_\_\_\_\_ Type\* \_\_\_\_\_

4. \_\_\_\_\_

Registered Agent: \_\_\_\_\_

Address \_\_\_\_\_ Type\* \_\_\_\_\_

5. \_\_\_\_\_

Registered Agent: \_\_\_\_\_

Address \_\_\_\_\_ Type\* \_\_\_\_\_

\*Type: Sheriff; Constable Pct. \_\_\_\_\_; Private Process; Certified Mail; Registered Mail; Out of County; Out of State; Secretary of State; Commissioner of Insurance;

Name of Attorney/Pro se: RICHARD R. ORSINGER | Bar No.: 15322500

Address: 310 S. St. Mary's, Ste. 1717, San Antonio, Texas | Phone No.: 210-225-5567

78205

Attorney for Plaintiff X Defendant \_\_\_\_\_ Other \_\_\_\_\_

TMZ

*James P. Hinton*

10 OCT 29 AM 9:37

DISTRICT CLERK  
BEXAR CO. TEXAS

FILED