

MAR 02 2012 JA

At 2:10p. M.
Amalia Rodriguez-Mendoza, Clerk

D-1-FM-12-001277
COURT

NO. D-1-I

IN THE MATTER OF
THE MARRIAGE OF

B.K.
AND
W.D.

AND IN THE INTEREST OF
TWO CHILDREN

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IN THE DISTRICT COURT

345 JUDICIAL DISTRICT

TRAVIS 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. **Parties**

This suit is brought by B.K., Petitioner, who is of legal age and who resides in Travis County, Texas.

W.D., Respondent, is of legal age, and resides in Travis County, Texas.

3. **Domicile**

Petitioner has been a domiciliary of Texas for the preceding six (6) month period and a resident of this county for the preceding ninety (90) day period.

4. **Service**

No service on Respondent is necessary at this time.

5. **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.

6. **Dates of Marriage and Separation**

The parties were married in 2004, and have ceased to live together as husband and wife.

7. **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.

8. **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:

Sex: Female
Birth date: 2007

Sex: Male
Birth date: 2007

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

Information required by section 154.181(b) of the Texas Family Code will be provided to the Court.

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.

9. **Division of Community Property**

Petitioner believes Petitioner and Respondent will enter into an agreement for the division of

their estate. If such an agreement is made, Petitioner requests the Court to approve the agreement and divide their estate in a manner consistent with the agreement. If such an agreement is not made, Petitioner requests the Court to divide their estate in a manner that the Court deems just and right, as provided by law.

10. 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.

11. Post-Divorce Maintenance

Petitioner requests the Court to order that Petitioner be paid post-divorce maintenance.

12. Travis County Standing Order

A true and correct copy of the "*Travis County Standing Order Regarding Children, Property and Conduct of the Parties*" is attached to this Petition as "Exhibit A" and made a part of it for all purposes as required by the Travis County Local Rules and General Orders.

13. Attorney's Fees, Expenses, Costs, and Interest

It was necessary for Petitioner to secure the services of Bradley M. Coldwell, a licensed attorney, to prepare and prosecute this suit. To effect an equitable division of the estate of the parties and as a part of the division, and for services rendered in connection with conservatorship and support of the children, judgment for attorney's fees, expenses, and costs through trial and appeal should be granted against Respondent and in favor of Petitioner for the use and benefit of Petitioner's attorney and be ordered paid directly to Petitioner's attorney, who may enforce the judgment in the attorney's own name. Petitioner requests post-judgment interest as allowed by law.

13. 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 attorney's fees, expenses, and costs as requested above.

Petitioner prays for general relief.

Respectfully submitted,

COLDWELL | BOWES, L.L.P.
919 Congress Avenue
Suite 1200
Austin, Texas 78701
(512) 472-2040
(512) 472-2030 facsimile

By:


Bradley M. Coldwell
State Bar No. 00796378
Attorney for Petitioner

**TRAVIS COUNTY DISTRICT CLERK'S
FILE NO. 121,012
(LOCAL RULES AND GENERAL ORDERS)**

**TRAVIS COUNTY STANDING ORDER REGARDING CHILDREN, PROPERTY AND
CONDUCT OF THE PARTIES**

No party to this lawsuit has requested this order. Rather, this order is a standing order of the Travis County District Courts that applies in every divorce suit and every suit affecting the parent-child relationship filed in Travis County. The District Courts of Travis County have adopted this order because the parties and their children should be protected and their property preserved while the lawsuit is pending before the court. Therefore, it is ORDERED:

1. **NO DISRUPTION OF CHILDREN.** Both parties are ORDERED to refrain from doing the following acts concerning any children who are subjects of this case:

- 1.1 Removing the children from the State of Texas, acting directly or in concert with others, without the written agreement of both parties or an order of this Court.
- 1.2 Disrupting or withdrawing the children from the school or day-care facility where the children are presently enrolled, without the written agreement of both parents or an order of this Court.
- 1.3 Hiding or secreting the children from the other parent or changing the children's current place of abode, without the written agreement of both parents or an order of this Court.
- 1.4 Disturbing the peace of the children.

2. **CONDUCT OF THE PARTIES DURING THE CASE.** Both parties are ORDERED to refrain from doing the following acts:

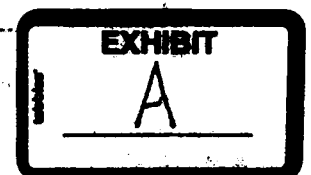
- 2.1 Using vulgar, profane, obscene, or indecent language, or a coarse or offensive manner, to communicate with the other party, whether in person, by telephone, or in writing.
- 2.2 Threatening the other party in person, by telephone, or in writing to take unlawful action against any person.
- 2.3 Placing one or more telephone calls, at an unreasonable hour, in an offensive or repetitious manner, without a legitimate purpose of communication, or anonymously.
- 2.4 Opening or diverting mail addressed to the other party.

3. **PRESERVATION OF PROPERTY AND USE OF FUNDS DURING DIVORCE CASE.** If this is a divorce case, both parties to the marriage are ORDERED to refrain from doing the following acts:

- 3.1 Destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of one or both of the parties.

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- 3.2 Misrepresenting or refusing to disclose to the other party or to the Court, on proper request, the existence, amount, or location of any property of one or both of the parties.
- 3.3 Damaging or destroying the tangible property of one or both of the parties, including any document that represents or embodies anything of value.
- 3.4 Tampering with the tangible property of one or both of the parties, including any document that represents or embodies anything of value, and causing pecuniary loss to the other party.
- 3.5 Selling, transferring, assigning, mortgaging, encumbering, or in any other manner alienating any of the property of either party, whether personal property or real estate property, and whether separate or community, except as specifically authorized by this order.
- 3.6 Incurring any indebtedness, other than legal expenses in connection with this suit, except as specifically authorized by this order.
- 3.7 Making withdrawals from any checking or savings account in any financial institution for any purpose, except as specifically authorized by this order.
- 3.8 Spending any sum of cash in either party's possession or subject to either party's control for any purpose, except as specifically authorized by this order.
- 3.9 Withdrawing or borrowing in any manner for any purpose from any retirement, profit-sharing, pension, death, or other employee benefit plan or employee savings plan or from any individual retirement account or Keogh account, except as specifically authorized by this order.
- 3.10 Signing or endorsing the other party's name on any negotiable instrument, check, or draft, such as tax refunds, insurance payments, and dividends, or attempting to negotiate any negotiable instrument payable to the other party without the personal signature of the other party.
- 3.11 Taking any action to terminate or limit credit or charge cards in the name of the other party.
- 3.12 Entering, operating, or exercising control over the motor vehicle in the possession of the other party.
- 3.13 Discontinuing or reducing the withholding for federal income taxes on wages or salary while this suit is pending.
- 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.

4. **PERSONAL AND BUSINESS RECORDS IN DIVORCE CASE.** If this is a divorce case, both parties to the marriage are ORDERED to refrain from doing the following acts:

- 4.1 Concealing or destroying any family records, property records, financial records, business records or any records of income, debts, or other obligations.
- 4.2 Falsifying any writing or record relating to the property of either party.
- 4.3 "Records" include e-mail or other digital or electronic data, whether stored on a computer hard drive, diskette or other electronic storage device.

5. **INSURANCE IN DIVORCE CASE.** If this is a divorce case, both parties to the marriage are ORDERED to refrain from doing the following acts:

- 5.1 Withdrawing or borrowing in any manner all or any part of the cash surrender value of life insurance policies on the life of either party, except as specifically authorized by this order.
- 5.2 Changing or in any manner altering the beneficiary designation on any life insurance on the life of either party or the parties' children.
- 5.3 Canceling, altering, or in any manner affecting any casualty, automobile, or health insurance policies insuring the parties' property of persons including the parties' minor children.

6. **SPECIFIC AUTHORIZATIONS IN DIVORCE CASE.** If this is a divorce case, both parties to the marriage are specifically authorized to do the following:

- 6.1 To engage in acts reasonable and necessary to the conduct of that party's usual business and occupation.
- 6.2 To make expenditures and incur indebtedness for reasonable attorney's fees and expenses in connection with this suit.
- 6.3 To make expenditures and incur indebtedness for reasonable and necessary living expenses for food, clothing, shelter, transportation and medical care.
- 6.4 To make withdrawals from accounts in financial institutions only for the purposes authorized by this order.

7. **SERVICE AND APPLICATION OF THIS ORDER.**

- 7.1 The Petitioner shall attach a copy of this order to the original petition and to each copy of the petition. At the time the petition is filed, if the Petitioner has failed to attach a copy of this order to the petition and any copy of the petition, the Clerk shall ensure that a copy of this order is attached to the petition and every copy of the petition presented.
- 7.2 This order is effective upon the filing of the original petition and shall remain in full force and effect as a temporary restraining order for fourteen days after the date of the filing of the original petition. If no party contests this order by presenting evidence at a hearing on or before fourteen days after the date of the filing of the original petition, this order shall continue in full force and effect as a temporary injunction until further order of the court. This entire order will terminate and will no longer be effective once the court signs a final order.

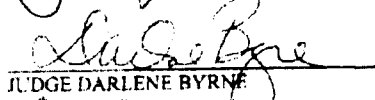
8. **EFFECT OF OTHER COURT ORDERS.** If any part of this order is different from any part of a protective order that has already been entered or is later entered, the protective order provisions prevail. Any part of this order not changed by some later order remains in full force and effect until the court signs a final decree.


9. **PARTIES ENCOURAGED TO MEDIATE.** The parties are encouraged to settle their disputes amicably without court intervention. The parties are encouraged to use alternative


dispute resolution methods, such as mediation, to resolve the conflicts that may arise in this lawsuit.


THIS TRAVIS COUNTY STANDING ORDER REGARDING CHILDREN, PROPERTY AND CONDUCT OF THE PARTIES SHALL BECOME EFFECTIVE ON JANUARY 1, 2005.


JUDGE SCOTT J. JENKINS
6th District Court


JUDGE DARLENE BYRNE
126th District Court

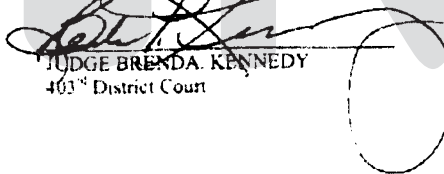

JUDGE MIKE LYNCH
167th District Court



JUDGE SUZANNE COVINGTON
201st District Court



JUDGE LORA F. LIVINGSTON
261st District Court


JUDGE BOB PERKINS
331st District Court

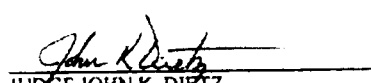

JUDGE MARGARET A. COOPER
353rd District Court


JUDGE BRENDA KENNEDY
403rd District Court


JUDGE W. JEANNE MEURER
98th District Court


JUDGE WILFORE FLOWERS
147th District Court


JUDGE PAUL DAVIS
200th District Court


JUDGE JOHN K. DIETZ
250th District Court


JUDGE JON WISSER
299th District Court


JUDGE PATRICK KEEL
345th District Court


JUDGE JULIE KOCUREK
390th District Court

CIVIL CASE INFORMATION SHEET

CAUSE NUMBER (FOR CLERK USE ONLY): PM12-1277 COURT (FOR CLERK USE ONLY): 345th

STYLED IMMO: BK + W.D + DTD: TWO 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.

1. Contact information for person completing case information sheet: Name: <u>BRADLEY COLDWELL</u> Address: <u>919 CONGRESS #1200</u> City/State/Zip: <u>AUSTIN, TX 78701</u> Signature: <u>[Signature]</u> State Bar No: <u>00746378</u>	Names of parties in case: Plaintiff(s)/Petitioner(s): <u>B.K.</u> Defendant(s)/Respondent(s): <u>W.D.</u>	Person or entity completing sheet is: <input type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____ Additional Parties in Child Support Case: Custodial Parent: _____ Non-Custodial Parent: _____ Presumed Father: _____
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2. Indicate case type, or identify the most important issue in the case (select only 1):

Civil			Family Law		
Contract <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: <input type="checkbox"/> Foreclosure <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:	Injury or Damage <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation Malpractice <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 Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: <input type="checkbox"/> Other Injury or Damage:	Real Property <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: Related to Criminal Matters <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:	Marriage Relationship <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void Divorce <input checked="" type="checkbox"/> With Children <input type="checkbox"/> No Children Other Family Law <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:	Post-judgment Actions (non-Title IV-D) <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other Title IV-D <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocals (UIFSA) <input type="checkbox"/> Support Order Parent-Child Relationship <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:	
Employment <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment:	Other Civil <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:				
Tax <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax	Probate & Mental Health Probate/Wills/Intestate Administration <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:				

3. Indicate procedure or remedy, if applicable (may select more than 1):

<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
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CAUSE NO. D-1-FM-12-001277

**IN THE MATTER OF
THE MARRIAGE OF**

**B.K.
AND
W.D.**

**AND IN THE INTEREST OF
TWO CHILDREN**

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IN THE DISTRICT COURT

345th JUDICIAL DISTRICT

TRAVIS COUNTY, TEXAS

RESPONDENT'S ORIGINAL ANSWER

W.D., Respondent, files this Original Answer to Petitioner's Original Petition for Divorce, and shows:

1. *Discovery Level*

Respondent anticipates that this case will proceed under Discovery Level 3 of Rule 190, revised Texas Rules of Civil Procedure.

2. *General Denial*

Respondent enters a general denial.

3. *Notice of Future Proceedings*

Respondent requests notice of all further proceedings herein, and Respondent requests that Petitioner prove all of the allegations in Petitioner's Original Petition for Divorce by a preponderance of the evidence.

4. *Prayer*

Respondent prays that Petitioner take nothing and that Respondent be granted all relief requested in this Original Answer.

Respondent prays for general relief.

Respectfully submitted,

AUSLEY, ALGERT, ROBERTSON & FLORES, L.L.P.

3307 Northland Drive, Suite 420

Austin, Texas 78731

Telephone: [REDACTED]

Facsimile: [REDACTED]

By: Eric A. Robertson
Eric Allen Robertson *by KAT*
State Bar No. 17054980

Attorneys for Respondent, W.D.

CERTIFICATE OF SERVICE

I hereby certify by my signature above that a copy of the foregoing instrument was served on the attorneys of record of all parties to the above cause in accordance with the Texas Rules of Civil Procedure, on March 7th, 2012.

TIMZ

MAR -2 2012 Jdy

at 5:00 P.M.
Amalia Rodriguez-Mendoza, Clerk

NO. D-1-FM-12-001277

**IN THE MATTER OF
THE MARRIAGE OF**

**B.K.
AND
W.D.**

**AND IN THE INTEREST OF
TWO CHILDREN**

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IN THE DISTRICT COURT

345th JUDICIAL DISTRICT

TRAVIS COUNTY, TEXAS

AGREED INTERIM TEMPORARY ORDERS

On March 2, 2012, the Court heard this case.

Appearances

Petitioner, B.K., has agreed to the terms of this order as evidenced by the signature of
Petitioner's attorney of record, Bradley M. Coldwell, appearing below.

Respondent, W.D., has agreed to the terms of this order as evidenced by the signature of
Respondent's attorney of record, Eric A. Robertson, appearing 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 this Court has jurisdiction of this case and of all the parties.

Best Interest of the Children

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

Sex: Female
Birth date: 2007

Sex: Male
Birth date: 2007

Interim Temporary Possession and Access - This interim possession order is for this weekend only to afford the parties and their attorneys an opportunity to reach an agreement on a more comprehensive possession and access schedule.

IT IS ORDERED that W.D. shall have possession of the children beginning at 3:30 p.m. on Saturday, March 3, 2012, and ending at 6:00 p.m. on Sunday, March 4, 2012.

IT IS ORDERED that B.K. shall deliver the children to W.D. at 4408 Long Champ Drive #20, Austin, Texas 78746 at the beginning of this period of possession, and the children shall be returned to B.K. at 3726 Hunterwood Point, Austin, Texas 78746, at the end of this period of possession.

IT IS ORDERED that either parent may designate any competent adult to pick up and return the children, as applicable. IT IS FURTHER ORDERED that a parent or a designated competent adult be present when the children are picked up or returned.

Property and Parties

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

IT IS ORDERED that B.K. shall have the exclusive and private use and possession of the following property until further agreement or order of the Court:

1. The residence located at [REDACTED];
2. The Mercedes currently in her possession.

IT IS ORDERED that W.D. shall have the exclusive and private use and possession of the following property until further agreement or order of the Court:


1. The residence located at [REDACTED] and
2. The 2009 Cadillac Escalade currently in his possession.

IT IS FURTHER ORDERED that the parties shall cooperate with one another in using the Range Rover motor vehicle currently in B.K.'s possession.

Duration

These Temporary Orders shall continue in force until further agreement of the parties or order of the Court.


SIGNED on March 2, 2012.




 JUDGE PRESIDING
 TIM SUGAK

AGREED:

COLDWELL | BOWES, L.L.P.
 919 Congress Avenue
 Suite 1200
 Austin, Texas 78701
 [REDACTED]
 [REDACTED]

By: 
 Bradley M. Coldwell
 State Bar No. 00796378
 Attorney for Petitioner, B.K.

Ausley, Algert, Robertson & Flores, L.L.P.
 Attorneys at Law
 3307 Northland Drive, Suite 420
 Austin, Texas 78731
 [REDACTED]
 [REDACTED]

By: 
 Eric Robertson
 State Bar No. 17054980
 Attorney for Respondent, W.D. *KLF*
00793286