

FILED
WILLIAMSON COUNTY

IN THE CHANCERY COURT FOR WILLIAMSON COUNTY, TENNESSEE

2010 JUL -2 PM 12: 55

SARA EVANS SCHELSKE (now BARKER),
Plaintiff,

)
ENTERED _____

v.

) No. 32939
)
)
)
)

CRAIG L. SCHELSKE,
Defendant.

PETITION FOR MODIFICATION OF PERMANENT PARENTING PLAN

Comes now the petitioner, Craig Schelske, "Mr. Schelske," by counsel, and moves this Honorable Court for an Order modifying the parties Permanent Parenting Plan. As grounds, petitioner states as follows:

1. That on the 24th day of July 2007, the parties entered into a Permanent Parenting Plan, "Plan."
2. That since that time, material changes in circumstances have arisen necessitating a modification. Petitioner's Proposed Parenting Plan is attached herewith as **Exhibit A**.
3. That since that time, respondent, "Mrs. Evans," has moved to Alabama making the Plan unworkable. While Mr. Schelske agreed to the move, it was solely because Mrs. Evans engaged in deception, assuring him she would maintain her residence in Tennessee and frequent it with the children for purposes of work thus facilitating a workable Plan. As she has not abided by those statements, the Plan is unworkable. This is not in the best interests of the parties' minor children, was unanticipated at the time of the divorce and removal, at the time of removal, and constitutes a material change in circumstances.
4. That since that time, Mrs. Evans has failed to facilitate a relationship between Mr. Schelske and the parties' minor children. She has constantly interrupted Mr. Schelske's co-parenting time, interrupted Mr. Schelske's activities for the children during his co-parenting time, and spoken with her children during his co-parenting time only to have them hang up and tell him he is a terrible father despite the statutory prohibition against derogatory remarks. This is not in the best interests of the parties' minor children, was unanticipated at the time of the divorce and removal, and constitutes a material change in circumstances. Additionally, it is contrary to the factors found in 36-6-404.

D

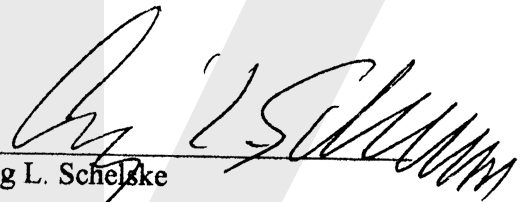
5. That since that time, Mrs. Evans' new husband has made public requests for prayer, defaming Mr. Schelske saying he is evil, and Mrs. Evans has knowledge of these actions and condones them. See **Exhibit B**. This is not in the best interests of the parties' minor children, was unanticipated at the time of the divorce and removal, and constitutes a material change in circumstances. Additionally, it is contrary to the factors found in 36-6-404.
6. That since that time, Mrs. Evans' and her new husband have berated Mr. Schelske, criticizing his rearing, and referred to Mr. Schelske's children as his children. Mrs. Evans has knowledge of these actions and condones them. See **Exhibit C**. This is not in the best interests of the parties' minor children, was unanticipated at the time of the divorce and removal, and constitutes a material change in circumstances. Additionally, it is contrary to the factors found in 36-6-404.
7. That since that time, Mrs. Evans has involved the children in the legal matters between her and Mr. Schelske and alienated the children from Mr. Schelske using the legal matters to lead them to believe their father is seeking to "take everything from" them. See **Exhibit D**. This is not in the best interests of the parties' minor children, was unanticipated at the time of the divorce and removal, and constitutes a material change in circumstances.
8. That since that time, Mrs. Evans has made Internet postings wherein she has, speaking from the parties' minor daughter's point of view, called her new husband her "dad" and discussed how wonderful her "dad" is. This is not in the best interests of the parties' minor children, was unanticipated at the time of the divorce and removal, and constitutes a material change in circumstances.
9. That since that time, Mrs. Evans has failed to inform Mr. Schelske of or waits until the last minute to inform Mr. Schelske of the children's extracurricular activities despite the statutory notice requirements. This is not in the best interests of the parties' minor children, was unanticipated at the time of the divorce and removal, and constitutes a material change in circumstances.
10. That since that time, Mrs. Evans has engaged in parental alienation, attempting to create a divide between the parties' minor children and Mr. Schelske. This is not in the best

interests of the parties' minor children, was unanticipated at the time of the divorce and removal, and constitutes a material change in circumstances.

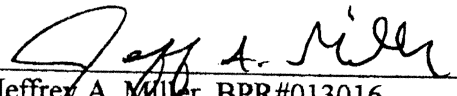
11. That Mr. Schelske has a constitutional right to equality in the care, custody and control of his minor children and the children have a constitutional right to be equally parented by their father and mother.

WHEREFORE, Mr. Schelske prays for the following:

1. That the proper process issue and be served upon Mrs. Evans and that defendants be required to appear and answer this complaint within the time required by law.
2. That Mrs. Evans be found in contempt for violating the existing parenting plan and the statutory rights of parents and punished as the court deems proper and according to law.
3. That the proposed parenting plan, submitted herewith, be adopted or, in the alternative, that the court adopt a more workable plan of co-parenting providing for equal time for the parties consistent with the constitutional rights of the parties and children.
4. For attorney's fees and discretionary costs from the necessity of this petition due to Mrs. Evans contempt and the manifest best interests of the parties' minor children.
5. For such further, other and general relief to which he may be entitled.


Craig L. Schelske

Respectfully submitted this 28th day of June 2010,

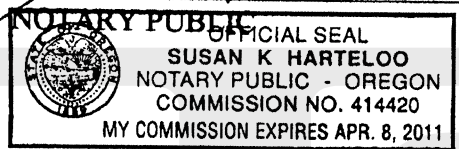

Jeffrey A. Miller, BPR#013016
Attorney for Petitioner

STATE OF ~~TENNESSEE~~)
COUNTY OF _____)

Craig L. Schelske, after being duly sworn according to law, makes oath that he has read the foregoing Petition for Modification and that the facts set forth herein are true to the best of his knowledge, information, and belief, and that this Petition is not made out of levity or by collusion with the respondent, but in sincerity and truth for the causes mentioned therein.

WITNESS MY HAND this the 28th day of June, 2010.
Craig L. Schelske
Craig L. Schelske

Sworn to and subscribed before me this the 28th day of JUNE, 2010.
Susan K. Harteloo
My Commission Expires: 4/8/2010



COST BOND

We the undersigned Principle and Surety bind ourselves for the costs of this cause not to exceed One Thousand Dollars.

Craig Schelske, Esq Attorney
Principle
Jeff A. Wiley
Surety

EXHIBIT C

FILED
HILLSPRING COUNTY
CLERK OF COURT

----- SMS Text -----

2010 JUL -2 PM 12: 56

From: 2

Sent: Jan 2, 2009 8:49 PM

ENTERED _____

Satan is controlling your thoughts and actions. You are what Jesus stood against. You would have been one of the ones that persecuted our Savior and nailed him to the Cross because of your holier than thou attitude. You are like the Pharisee of his day. Placing judgment on others and not having a forgiving heart. You can't win with me on theology or lifestyle. Your life is such evil and disobedience. You are so encompassed by the evil forces of this world. It scares me when *my kids* are with you. The evil influence. The things I have seen, the things people have told me and the things I have seen with my own mind is a man possessed by Satan. But I will cast you and Satan out of our lives and your kids lives. Away from us Satan!!!! I will be in constant prayer against you and your evilness. You have done nothing but try and destroy Sara and your kids lives because of your selfishness. Satan will not rule thru you. It is all about you and it always has been that is why you have lost everything. God has tried to send you many wake up calls over the years but u cannot humble yourself and take his discipline. Instead you and your selfish ways wants to cover up what God himself exposed about you. You want to hurt others because you are embarrassed by what was revealed by God about you. Humble yourself and quit trying to gain back anything and except (accept) it for what it is. A blessing that you were exposed. Let God teach you to be unselfish and loving toward your kids and others. Praying God's will to be done and for forgiveness to shine thru. I believe God brought me into your life to encourage you to truly develop a relationship with Him for the sake of ur kids.

Then:

----- SMS Text -----

From: 2

Sent: Jan 2, 2009 8:56 PM

Prayer warriors this as you can see is in the spiritual realm. Your prayers have always gone forth and I know you are praying as I speak to you and you are on your knees everyday praying against evil. Craig I continue to pray and understand that you are so blinded by your pride and selfishness. Prayers all over the world are going to change this and God's will be done. Lord I pray Psalms 91 over Sara and the kids. I pray that you will strike down all evil from this family. Lord your love and grace will prevail. Thank you for listening to my heart Lord. In Jesus Name I Pray. Amen and Amen!!!!

EXHIBIT C

FILED
HAMILTON COUNTY

2010 JUL -2 PM 12:55

From:
Subject: More text messages. harrasment from jay, sara pledging to tell the truth, Avery angry.
Date: March 13, 2010 10:33:08 AM EST
To: "Jeffrey A. Miller" <j om>
▶ 1 Attachment, 28.5 KB

ENTERED _____

More text messages.

Text messages between Jay Barker and Craig Schelske January 2-3, 2009.

The following messages took place following a disagreement between Sara and I over me asking her to bring some clean shirts for the girls the following AM. The kids and I had arrived in Birmingham later than planned, nearly midnight, due to a much delayed flight. Avery had a basketball game in the AM which left little time for me to shop in the AM, get the kids breakfast, and get Avery to his game on time.

Jan 2, 2009 11:33 PM Jay (using Sara's phone): "you are such a child. May God protect those kids when they are in your care. Wash clothes or buy them something clean if you are too lazy to wash their clothes. Grow up sometime in your life. JAY!"

Jan 2, 2009 11:49 PM Craig: "Well (we're) laughing our heads off gonna go find some pancakes!"

Jan 2, 2009 11:51 PM Jay: "if you can afford them. Get a life, get a job and become a real father and a real man and you might become relevant."

Jan 2, 2009 11:56 PM Craig: "U-all sound sore..."

Jan 2, 2009 11:54 PM Jay: "forget pancakes just get *my kids* some clean clothes. JAY!!!"

Jan 2, 2009 11:57 PM Jay: "you sound crazy like always. I feel like I'm always dealing with a child. Sara is asleep get our kids to bed. Goodnight.

Jan 3, 2009 12:00 AM: Jay: "you are almost 50 going on 10!"

Jan 3, 2009 12:16 AM Craig: "They are not ur kids Jay. They r Schelske's."

Jan 3, 2009 12:22 AM Jay: "only by name help us God. Andrew has a different birth father too but he is a part of the Barker bunch. God sends men into the lives of kids that need a dad."

Jan 3, 2009 12:32 AM Craig: "They r Schelske's by nature. Get some rest Jay."

Text messages between Sara Barker and Craig Schelske July 2-3, 2009.

Jul 2, 2009 11:53 PM Sara: "Craig, I apologize for saying that about bathing the kids. I want peace between us. It is best for the kids. But you have to find a way to move forward. You have to for you kids."

Jul 3, 2009 12:22 AM Craig: "I do want peace with u and I do hope for forgiveness between us."

Sara then text me something to the effect that what happened to me didn't matter anymore, that "it" was

over, that no one talked about it, and that it just didn't matter to anyone. It doesn't appear that I saved that text.

Jul 3, 2009 12:28 AM Craig: "Well it DESTROYED lives and relationships. If u rnt responsible deliver over those who r so that justice can b done and we can get on w/life."

Jul 3, 2009 12:33 AM Craig: "No its not. Believe me those representing u r laughing behind ur back. U pay em, and win or lose they get to b famous and write books and lecture. (I) will see it to the end. Do what is right Sara and do it for the sake of our children!"

Jul 3, 2009 12:45 AM Sara: "I will. I will always tell our children that the things said about you were not true."

A large, light gray watermark logo for TMZ is centered on the page. The letters are bold and stylized, with the 'T' having a wide top bar, the 'M' having rounded peaks, and the 'Z' having a thick, horizontal base.

EXHIBIT D
FILED
CLERK OF DISTRICT COURT
JULY 2 2010

2010 JUL -2 PM 12:56

ENTERED _____

Text messages between Avery Schelske and Craig Schelske following Jay Barker and Sara Barker talking extensively against me and after they had Avery read the pending lawsuit Feb 2, 2010.

Feb 2, 2010 4:04 PM Avery: "I love you 2. But I wish u wouldn't act like this. And u have 3 days to drop the law suit."

Feb 2, 2010 4:06 PM Craig: "U will be coming and we will talk some things out."

Feb 2, 2010 4:17 PM Avery: "Dad I told u we would not come EVER if you don't drop it!"

Feb 2, 2010 4:19 PM Craig: "I respect your feelings but there is much you don't understand. We will talk and you can share your feelings."

Feb 2, 2010 4:27 PM Avery: "Dad I am so full of u talking about stupid things! U r taking everything from me!!!! It is my choice to stay and I don't want to c u til u drop it."

Feb 2, 2010 4:51 PM Craig: "No son I am not. We will talk and you can express all that you want. I love you and we will ALWAYS tell each other the truth. You will be coming with me. I love you."



Text messag...oc (28.5 KB)