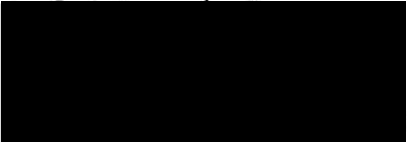


ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) Michelle McGee  FAX NO. (Optional) E-MAIL ADDRESS (Optional) ATTORNEY FOR (Name)		FOR COURT USE ONLY  <b>FILED</b> San Diego Superior Court APR 05 2010 Clerk of the Superior Court By M. Moss
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO <input checked="" type="checkbox"/> CENTRAL DIVISION, HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101 <input type="checkbox"/> CENTRAL DIVISION, FAMILY COURT, 1555 6TH AVE., SAN DIEGO, CA 92101 <input type="checkbox"/> CENTRAL DIVISION, MADGE BRADLEY, 1409 4TH AVE., SAN DIEGO, CA 92101 <input type="checkbox"/> CENTRAL DIVISION, KEARNY MESA, 8950 CLAIREMONT MESA BLVD., SAN DIEGO, CA 92123 <input type="checkbox"/> EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020 <input type="checkbox"/> EAST COUNTY DIVISION, RAMONA, 1428 MONTECITO RD., RAMONA, CA 92065 <input type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081 <input type="checkbox"/> SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910		
PLAINTIFF/PETITIONER: Michelle Modica (McGee) DEFENDANT/RESPONDENT: Ronald Shane Modica		
DECLARATION		CASE NUMBER D495935

see attached declarations

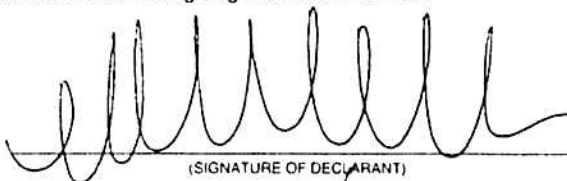
TMZ

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 4-5-10

Michelle McGee

(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)

☐ Attorney for    ☐ Plaintiff    ☒ Petitioner    ☐ Defendant  
☐ Respondent    ☐ Other (Specify):

Michelle Modica

Petitioner,

And

Ronald Shane Modica

Respondent.

I, Michelle McGee ( Modica), hereby declare as follows:

1. I am the petitioner in the above referenced case. I have personal knowledge of the facts contained in this declaration and if called upon would so testify.
2. Shane has NOT been the primary care giver of Avery Modica. It has been an equal 50/50 split as court ordered.
3. I am always "in town" on my days with Avery. VERY rarely, when I do travel for work, if it falls on my weekend, I will ask Shane to switch the weekend so Avery is not effected
4. I do NOT do drugs or take pills. I will submit at any time to a drug test.
5. I do NOT do any pornography in my home.
6. I do NOT do any webcam "sessions" from my home with my children present.
7. My son also begs not to go to his father's house when he is in my care. He says that Lauren is mean and daddy yells at him a lot.
8. The child block magnets spelling "white power" was NOT of my doing. Friends of Shane's did this and gave the picture to Shane upon HIS requested so he could use it against me in court.
9. I do NOT have a swastika tattoo on me
10. I do NOT show my children how to "nazi salute"
11. I have NOT been traveling in and out of the country for photoshoots and stripping. I went on a one week vacation to Australia
12. I have NEVER threatened to take Avery out of the country


13. I do NOT date gang members
14. I am NOT bi-polar or am supposed to be taking prescription medication
15. There is no on/off routine besides our court order custody
16. I am home with my kids every night besides Friday and Saturday nights, the nights I work
17. I NEVER take my son to school unfed or dirty and his homework is ALWAYS done every night
18. Myself or Lindsay have never had our children open beer bottles
19. Avery has NEVER been moved to different schools. He has always been in the same school since day one
20. I have NEVER threatened to take Avery out of the country. He does NOT have a passport
21. I have never moved and told Ronald
22. I do NOT have a history of domestic violence and child abuse

I believe Ronald is making all these false accusations to sway the court to allow him to move out of the county. I have tried to compromise with Ronald but he will not bend and will not agree to anything except what he wants. I believe the court ordered days should NOT be modified. We have followed the same routine since 2005. Avery is used to this routine and I believe it will cause unnecessary harm to change it.

I have no intent to ever move out of the country or take Avery anywhere outside the county. Ronald claims I move around a lot, when he has moved just as many times.

My other son, Elijah, whom I have full custody, is a straight "A" student and has received many awards for being an outstanding student. Even though he is a juvenile diabetic, he is a thriving, healthy boy exceeding his doctor's expectations.

I want what is best for my son Avery. I believe that altering his routine will cause unnecessary upset to both my boys. If Ronald moves to Riverside, he plans to change Avery's school, which will affect the bonds he has already made with his current school friends and teachers. Crown Point elementary is a great school which Avery loves. I wish to keep him in his familiar environment and continue our established custody arrangement.

Michelle McGee  
  
4-2-10