


<input checked="" type="checkbox"/> District Court <input type="checkbox"/> Juvenile Court Mesa _____ County, Colorado Court Address: 125 N Spruce Street., Grand Junction CO 81505	MESA COUNTY COMBINED COURT STATE OF COLORADO CERTIFIED to be a full, true and correct copy of the original in my custody Date: <u>May 12 2009</u> SANDRA CASSELLHERRY Clerk of the Combined Court By: <u>[Signature]</u> Deputy 
In re: <input checked="" type="checkbox"/> The Marriage of: <input type="checkbox"/> Parental Responsibilities concerning: _____	▲ COURT USE ONLY ▲ Case Number: 07DR1064 Division 3 Courtroom
Petitioner: BRADLEY J BROPHY and Co-Petitioner/Respondent: DONNA J BROPHY	
ORDER TO ISSUE CITATION AND CITATION TO SHOW CAUSE	

To: DONNA BROPHY (Name of the other party)

The Court, having reviewed the Verified Motion and Affidavit for Citation for Contempt of Court, orders that the clerk issue a Citation to Show Cause to the party named to appear before the Court at a date and time certain.

Date: 5-5-09

[Signature]
 Judge Magistrate

CITATION TO SHOW CAUSE

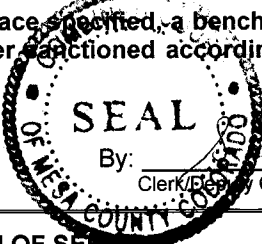
You are ordered to appear before this Court at the place, date and time listed below to show cause, if any, for the failure and refusal to comply with the Orders of this Court entered and, to vindicate the dignity of this Court, to show cause why sanctions and/or imprisonment should not be imposed.

You DONNA BROPHY (Name of the other party) are hereby ordered to appear at:

Court Location: 125 NORTH SPRUCE, GRAND JUNCTION, CO
Date: THURSDAY, JULY 2, 2009 Time: 1:30 P.M.

If you fail to appear in Court at the time, date and place specified, a bench warrant will be issued for your arrest without further notice and you may be further sanctioned according to the law for your failure to appear.

Date: May 12, 2009


SEAL
By: [Signature]
Clerk/Deputy Clerk

RETURN OF SERVICE

I hereby certify that I am over the age of 18 years, and am not an interested party herein, and that I personally served a copy of the *Verified Motion and Affidavit for Citation for Contempt of Court and Order to issue Citation and Citation to Show Cause* upon _____ (name) identified to me as the party in contempt herein, at _____ (location) on _____ (date) _____ (time) by _____ (method of service).

Signature

Subscribed and affirmed, or sworn to before me in the County of _____, State of _____, this _____ day of _____, 20_____.

My Commission Expires: _____

Notary Public/Clerk

<input checked="" type="checkbox"/> District Court <input type="checkbox"/> Juvenile Court Mesa _____ County, Colorado Court Address: 125 N Spruce St., Grand Junction CO 81505	2009 MAY -4 PM 3: 57
In re: <input checked="" type="checkbox"/> The Marriage of: <input type="checkbox"/> Parental Responsibilities concerning: Petitioner: BRADLEY J BROPHY and Co-Petitioner/Respondent: DONNA J BROPHY	▲ COURT USE ONLY ▲
Attorney or Party Without Attorney (Name and Address): Bradley C Hibberd 1525 Poplar Drive, Grand Junction CO 81505 Phone Number: 970-243-8865 E-mail: bradleychibberd@bresnan.net FAX Number: 970-424-5007 Atty. Reg. #: 31308	Case Number: 07DR1064 Division 3 Courtroom
VERIFIED MOTION AND AFFIDAVIT FOR CITATION FOR CONTEMPT OF COURT	

I, Bradley Brophy state that Donna Brophy (the other party), has failed to comply with an order of this court as follows:

1. On 01/08/2009 & 03/06/2009 (date), an Order was signed by this court ordering the other party to do the following: (Briefly summarize the Order and attach a copy of the signed Order.)
Respondent was ordered to pay \$315.23 per month in support beginning February 1, 2009 and the first day of each month thereafter. Respondent has failed to pay for the months of March, April and May.

2. As of this date, the other party owes me a total of \$ 945.69, for 3 (number of payments) payment(s) in the amount(s) of \$ 315.23 that were ordered to have been made by the following date(s): by the first of each month.

and or

Other (Identify exactly what the other party has done, or failed to do, in violation of the Order.)

3. There has not been a stay of execution or modification of the Order.
4. The other party has knowledge of the Order, has the ability to comply with the Order, and has intentionally and willfully disobeyed the Order.
5. The actions of the other party are contrary to the Order of this court.
6. I request this court to issue an order to the other party to appear before the court at a specific date and time for a hearing to show cause why there has been a failure and/or refusal to comply with the Order of this court.

Remedial Contempt.

I request this court impose the following sanctions:

- payment of my costs and reasonable attorney's fees in connection with this contempt proceeding;
- payment of a fine and/or imprisonment until the other party, who has the present ability to comply, performs the act(s) ordered;
- other (be very specific) _____

and/or

Punitive Contempt.

I request this court find that the conduct of the other party to be offensive to the authority and dignity of the court, and, to vindicate the dignity of this court, to impose a fine or fixed sentence of imprisonment, or both.

RESPECTFULLY SUBMITTED ON MAY 4, 2009:

[Handwritten Signature]
#31306

Date: MAY 4, 2009

[Handwritten Signature]
Signature of Petitioner Co-Petitioner/Respondent

Address _____

City, State, Zip Code _____

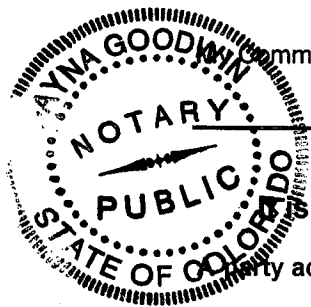
(Area Code) Home Telephone Number _____

Area Code) Work Telephone Number _____

Subscribed and affirmed, or sworn to before me in the County of Mesa, State of Colorado, this 4th day of May, 2009.

Commission Expires: 9-19-2010

[Handwritten Signature]
Notary Public/Deputy Clerk



It is important that the party accused of contempt read the following information.

Party accused of remedial contempt has the following rights:

1. The right to be represented by a lawyer.
2. The right to a hearing before a judicial officer where the court must find that you were subject to a court order, that you had knowledge of that Order, that you did not comply with the Order, that you had the ability to comply with that Order, that your refusal to comply with the Order was willful, and that you have the present ability to comply with that Order.

If you are found to be in remedial contempt of court, the court may require you to pay the other party's court costs and attorney's fees connected with the contempt hearing, to pay a fine, and/or to serve an indefinite jail sentence until you comply with the original order.

A party accused of punitive contempt has the following rights:

1. The right to be represented by a lawyer. If you cannot afford a lawyer and if a jail sentence is contemplated, you may apply for a court-appointed lawyer.
2. The right to a jury if a jail sentence in excess of 180 days is contemplated.
3. If the judge initiated the proceedings, the right to have the contempt matter heard by a different judge.
4. The right to plead guilty or not guilty to the charge of contempt.
5. The right to be presumed innocent unless and until the allegation(s) in the motion for contempt is/are proven beyond a reasonable doubt.
6. The right to confront and cross-examine all witnesses against you.
7. The right to present relevant witnesses and evidence at the hearing.
8. The right to request the court to issue subpoenas to compel witnesses to appear and give testimony.
9. The right to remain silent.
10. The right to testify on your own behalf. If you testify, you waive your right to remain silent and the other party may cross-examine you.
11. The right to make a statement on your own behalf prior to the imposition of sanctions, if you are found in contempt of court.

If the court finds that you were subject to a court order, that you had knowledge of that Order, that you had the ability to obey that Order, that you willfully failed or refused to obey that Order, and that such conduct was offensive to the authority and dignity of the court, you may be sentenced to pay a fine or serve a jail sentence.

District Court Mesa County, Colorado
125 North Spruce, Grand Junction, CO 81501

IN re:

- The MARRIAGE of:
- Parental Responsibilities Concerning

Petitioner: Bradley Brophy

and

Respondent/Co-Petitioner: Donna Brophy

FILED
 CO Mesa County District Court Dist JD
 Filing Date: Mar 6 2009 4:07PM MST
 Filing ID: 24103668
 Review Clerk: Ann Brigham

COURT USE ONLY

Case Number: 07DR1064
 Division 10 Courtroom

SUPPORT ORDER

Petitioner:	<u>GENDER</u>	<u>Date of Birth</u>	<u>Soc. Sec. No.</u>
Bradley Brophy	Male	8/13/1955	

Address of Petitioner: 3916 Hickman Rd. Palisade, CO 81526

Respondent:	<u>GENDER</u>	<u>Date of Birth</u>	<u>Soc. Sec. No.</u>
Donna Brophy	Female	3/31/1955	

Address of the Respondent: 2023 Old Mail Rd., Crossville, TN 38572

THE COURT ORDERS the Obligor, Donna Brophy, to pay support to the Obligee, Bradley Brophy, commencing 2/01/2009, and the first day of each month hereafter until modified, as follows:

Current child support.....\$ <u>315.00</u>	Total arrears and accrued interest
Current Maintenance.....\$ <u>-0-</u>	owed as of this date: \$ <u>-0-</u>
Arrearage Payment (child support) . \$ <u>-0-</u>	for child support.....\$ <u>-0-</u>
Arrearage Payment (maintenance)....\$ <u>-0-</u>	for maintenance.....\$ <u>-0-</u>

TOTAL Payment\$ 315.00

Payments shall continue until further Order of the Court or as otherwise set forth in the Decree or Support Order. Payments shall be mailed to: Family Support Registry, P.O. Box 2171, Denver, CO 80201-2171.

The child(ren) of this marriage for whom support is ordered is:

<u>Minor Child's Name</u>	<u>Date of Birth</u>	<u>Soc. Sec. No.</u>
Anthony R. Brophy	9/28/1997	

XX The Court Orders the immediate deduction of family support obligations from the income of the Obligor when she becomes employed.

XX This Order is not subject to the immediate deduction of family support obligations from the income of the Obligor because the Court finds there is good cause not to require immediate deduction because the Obligor is unemployed.

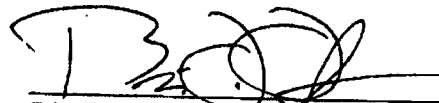
___ The Court further Orders the Obligor to provide health insurance for the children through the Obligor's employer.

___ The Court finds health insurance is not currently available to the Obligor at a reasonable cost and does not order coverage for the child(ren) at this time, but does Order the Obligor to provide it when it becomes available.

XX The Court does not Order the Obligor to provide health insurance coverage for the child(ren).

DATED this 6th day of March, 2009.

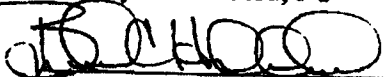
BY THE COURT:



District Court Judge Brian J. Flynn

Prepared By:

Bradley C. Hibberd, PC

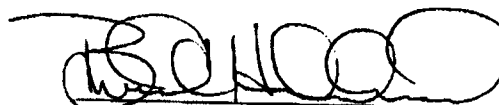


Bradley C. Hibberd, #31308

CERTIFICATE OF DELIVERY

I hereby certify that on January 15, 2009, the foregoing **SUPPORT ORDER** was filed with the Clerk of the Mesa County Combined Court, located at 125 N. Spruce St., Grand Junction, CO 81501, and a true and correct copy was *placed in the U.S. Mail, postage prepaid, and addressed as follows; or a copy was ** hand-delivered to:

*Dickie D. Lewis, Esq.
435 N. 8th Street
Grand Junction, CO 81501



Bradley C. Hibberd