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Clerk of the Superior Court
*** Electronically Filed ***
F. Smock, Deputy
2/15/2019 10:53:10 AM
Filing ID 10165962

ELLSWORTH FAMILY LAW, P.C. 1630 South Stapley Drive, Suite 200 Mesa, Arizona 85204 (480) 635-8700 Fax (480) 635-9255 E-mail – sme@ellsworthfamilylaw.com Attorneys for Petitioner Steven M. Ellsworth - SBN 012698 F. Taylor Larson - SBN 033236 5 ARIZONA SUPERIOR COURT 6 MARICOPA COUNTY 7 8 In re the Marriage of: No. FC2019-092936 9 CHARLES VALLOW, MOTION FOR ORDER TO APPEAR RE: TEMPORARY ORDERS 10 Petitioner, ELLSWORTH 11 and AMILY LAW. P.C. (Assigned to the Honorable Rodrick Coffey) 12 LORI N. VALLOW, 13 Respondent. 14

Petitioner, Charles Vallow ("Father"), respectfully requests the Court to order Respondent, Lori N. Vallow ("Mother") to appear and show cause why the following orders should not be entered, pendente lite: (1) awarding Father sole legal decision-making of the parties' minor child, namely Joshua Jaxon Vallow ("JJ"); with Father designated as the primary residential parent; (2) awarding Mother supervised parenting time with the minor child; (3) awarding Father an award of interim child support consistent with the Arizona Child Support Guidelines; (4) ordering that all payments made be payable through the Clearinghouse and, if Mother is working, via a valid wage assignment pursuant to A.R.S. § 25-504; (5) awarding Father exclusive use of the marital residence and vehicle; (6) ordering Mother to return the minor child's iPad and clothing; (7) ordering Mother to return the minor child's medication; (8) ordering Mother to return

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Father's work desktop and clothing; and (9) ordering Mother to return the \$35,000.00 she took from the parties' business account. In support thereof, Father states the following:

I. JURISDICTION.

Petitioner/Husband has filed a Petition for Dissolution of Marriage thus invoking the jurisdiction of the Court. The parties and the minor child in common are all domiciled in Maricopa County, Arizona, and this Court has jurisdiction to decide all matters pursuant to the provisions of A.R.S. § 25-401.

LEGAL DECISION-MAKING AND PARENTING TIME.

The parties have one (1) minor child in common, namely: Joshua Jaxon Vallow ("JJ") d.o.b. May 25, 2012. Father states that he should have temporary sole legal decision-making of the child, with Father designated as the primary residential parent. Father states that Mother has made recent decisions and comments that are concerning to him about whether Mother is mentally stable enough to make decisions for herself and the child.

Mother vacated the marital residence over two (2) weeks ago and has limited her communications with Father. Mother's whereabouts are currently unknown. After leaving the residence, Mother returned while Father was on a business trip in Texas and proceeded to clear out the majority of Father's possessions in the marital residence. Before cleaning out Father's possessions at the residence, Mother cancelled Father's flight home from Texas the day of the flight. Father arrived at the airport for boarding and was informed that he had cancelled the flight but it was Mother who went onto the airline account and cancelled the ticket. Father then had to buy a last minute ticket that cost him \$600.00. Upon arriving in Phoenix, Father went to the parking lot to get his truck only to find that the truck was no longer parked there because Mother had used the spare key to get the truck and remove it from the airport parking lot. Father frantically attempted to contact

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ELLSWORTH 12 Mother but it was to no avail. Father ended up taking a taxi to Mesa and then had a friend pick him up and take him the rest of the way.

Once home, Father discovered that Mother took Father's desktop computer, JJ's iPad, Father's clothes and underwear, JJ's clothes, the service dog's collar, JJ's medication among other items. JJ has special needs and has been diagnosed with Autism and ADHD. He needs his medication, service dog, and iPad with special developmental apps on a daily basis because they help maintain his routine. Mother called Father and told him that she and JJ were in a hotel for the night and that she would take JJ to school in the morning where Father could pick him up in the afternoon. Mother also told Father that she did not want anything to do with him or the children (the parties have emancipated children along with JJ) and that Father could have them because she had a more important mission to carry out. Mother also refused to return Father's truck, which forced him to rent a car and incur more unnecessary expenses. Mother finally informed Father where he could pick up the truck three (3) days later.

Since that time, Father has attempted to contact Mother numerous times regarding at least returning JJ's iPad, medication, and clothes but Mother does not respond. Mother has also never contacted Father about JJ's well-being or requested any parenting time with JJ. Father is extremely concerned that Mother would abandon JJ and take JJ's necessities without even attempting to communicate or see JJ. Father states that Mother's recent decision-making has caused emotional harm to JJ who has special needs and is unable to understand the circumstances or situation happening.

Mother has recently become infatuated and at times obsessive about near death experiences and spiritual visions. Mother has told Father that she is sealed (eternally married) to the ancient Book of Mormon prophet Moroni and that she has lived numerous lives on numerous planets prior to this current life. Mother also believes that she was

ELLSWORTH FAMILY LAW IC married to James the Just in a past life and also lived as Mary French in the 1800s who was Joseph Smith Junior's natural grandmother. Mother also informed Father that she is a translated being who cannot taste death sent by God to lead the 144,000 into the Millennium. Mother believes that she is receiving spiritual revelations and visions to help her gather and prepare those chosen to live in the New Jerusalem after the Great War as prophesied in the book of Revelations.

On January 29, 2019, during a phone conversation between the parties and after their physical separation, Mother informed Father that she was a God assigned to carry out the work of the 144,000 at Christ's second coming in July 2020 and that if Father got in her way of her mission she would murder him. The next day Father was on a business trip in Houston and during another phone conversation she kept referring to Father as "Nick Schneider" instead of Father's name. Father asked who Nick Schneider was and Mother told him that Nick was Father's real name because Nick had killed Father and taken his identity. Mother proceeded to warn Father that she would kill him upon his return home and had an angel there to help her dispose of the body. She also mentioned that she could not trust Father and that she would not only kill him but would destroy him financially. Since that conversation Mother's communications with Father have been rare and intermittent. Upon his return home, Father petitioned for and received an order of protection against Mother in Maricopa County Superior Court cause number FC2019-090521.

Father has attempted to get Mother some help but she refuses to visit a doctor because "they would discover that she is a translated being." Around the same time the order of protection was issued, Father filled out a petition with Community Bridges for a voluntary 72 hour hold and evaluation. Father told Mother when she needed to appear at Community Bridges but she never showed. Community Bridges then informed Father that

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based on the information he provided them, they would be issuing an involuntary 72 hour hold petition to Gilbert Police instructing the police department to take Mother into custody and transport her to Community Bridges if she made any contact with the police. The Gilbert Police Department report number is 19000001849. To date, Mother has not been taken to Community Bridges and Father believes the petition may have expired.

In short, Father is concerned for Mother's mental and emotional health based on these recent events and comments. Clearly, Mother is not in a clear mental state and Father is concerned that Mother would not be able to make decisions concerning JJ that would be in his best interests. Therefore, Father requests that he be awarded sole legal decision-making on a temporary basis with Father being the primary residential parent.

Father is greatly concerned that Mother may try to flee with JJ. On or about February 6, 2019, Father found out that Mother had transferred 2,000 Enterprise Rent-A-Car points out of their joint rewards account. See Exhibit A. Later that day, Father found out that Mother contacted JJ's school and asked if JJ was in class. Father is worried that Mother may be planning to use the rental car points to leave the state and potentially take JJ with her. Father also states that Mother's mental and emotional instability is not in the best interests of JJ for him to be alone with Mother. Father requests that Mother have supervised parenting time with JJ in a schedule that is in the best interest of the JJ.

CHILD SUPPORT. III.

Father states that child support should be ordered consistent with the Arizona Child Support Guidelines. Father earns an approximate gross monthly income of \$20,000.00. Mother has the ability to earn \$1,906.67 per month, which is minimum wage in Arizona. The parties have current child care costs of \$1,500.00 per month because Father has had to hire a live-in caretaker for JJ. Father covers JJ on his COBRA health insurance plan for a

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PAMILY LAW, PC.

cost of \$765.06 per month for the child only. See Exhibit B. Father further requests that the Court deviate from \$765.06 to \$0.00 per month pendente lite.

IV. EXCLUSIVE USE OF HOME AND VEHICLE.

Mother vacated the marital residence over two (2) weeks ago and has not come back to the house. Further, Father has an order of protection against Mother and the marital residence is a protected address. Therefore, Father requests that he be awarded exclusive use of the home pendente lite.

Further, Father requests he be awarded exclusive use of his Ford F-150 truck pendente lite. Mother went to the airport where the truck was parked while Father was away on business and drove the truck back to the marital residence. This occurred during the same business trip where Mother clear out the house. Father arrived back at the airport and realized he did not have a vehicle to drive home when saw the truck was no longer parked in the parking space he had left it in.

VI. RETURN OF BUSINESS FUNDS.

The parties own and operate R.I.T.E. Planning Group. On January 28, 2019, Mother accessed the community business operating account and transferred \$10,000.00 into the parties' personal joint account. Then on January 29, 2019, Mother transferred the \$10,000.00 into an unknown account at Compass Bank. That same day, Mother transferred \$19,000.00 and then \$6,000.00 from the business operating account into the personal joint account and eventually that \$25,000.00 to the same unknown account at Compass Bank. See Exhibit C. Father soon realized what Mother had done and pled with her to return the money because the business would not be able to make payroll at the end of the week if the money was not returned. Mother failed to respond and Father initiated a stop payment on the transfers. However, the bank informed Father that because Mother was a signatory on the account they could not stop payment.

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Father failed to make payroll and owes about \$22,500.00 in commission to a few of his contracted representatives in California. Father has been contacted by two (2) of the representatives and told that they will seek legal action if they do not receive the money owed. See Exhibit D. On February 11, 2019, Father was contacted by the Orange County Sheriff's Department and was informed that the representatives had filed a request for charges of theft against Mother for taking the money out of the account.

Father requests that Mother be ordered to return the full \$35,000.00 or at the very least the \$22,500.00 that is owed as commission to the business's contractors. Moher's actions have severely damaged the company's and Father's business reputation. Father is fearful of the recourse that could potentially occur if amends are not made soon.

VII. RETURN OF PERSONAL ITEMS.

Father requests that Mother be ordered to return his personal items that she took from the marital residence. Most importantly, Father would like to have his desktop computer back, which he uses for work and to provide for the family. Father works and runs the community business out of his house and the computer is used for the business. Father would also like his clothes and shoes returned. Mother took Father's business suits and shoes, which he needs for work.

Further, Father would like JJ's personal items returned. JJ's iPad has special expensive developmental apps on it that he loves and helps keep him calm. Father believes that the iPad should always go with JJ regardless of what type of parenting time schedule is ordered. JJ also needs his medication daily. After Mother took the medication with her, Father had to go and buy more, which was difficult since Mother had drained the parties' bank accounts and left Father with no money to provide for himself or JJ. Mother also has JJ's service dog's special dog collar with her and Father would like for the collar

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to stay with whoever has the dog and JJ. Not having his normal clothes and iPad has been very disruptive and created a hardship on JJ.

VIII. AFFIDAVIT OF FINANCIAL INFORMATION.

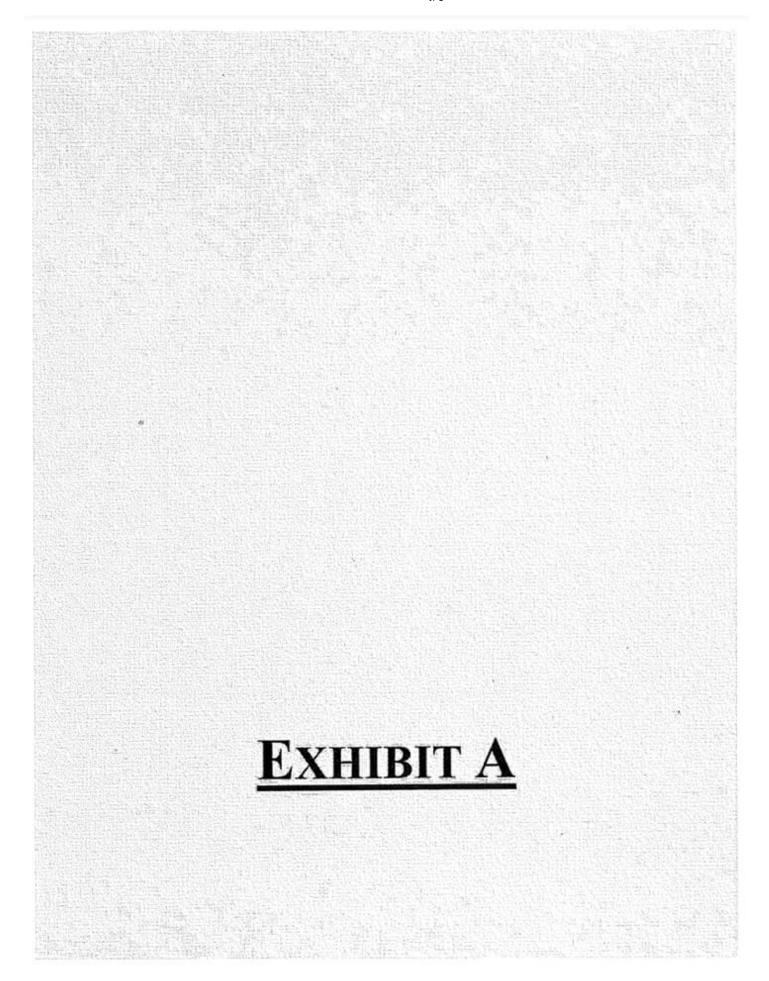
Father has prepared an Affidavit of Financial Information, which is filed concurrently herewith.

WHEREFORE, Father respectfully requests this Court order Mother to appear and show cause why the following temporary orders should not be granted:

- A. Awarding Father sole legal decision-making of the parties' minor child
 with Father designated as the primary residential parent;
- Awarding Mother supervised parenting time with the minor child every Wednesday from 4:00 p.m. to 6 p.m. and every Saturday from 10:00 a.m. to 2:00 p.m.;
- C. Awarding Father child support for the minor children in the amount of \$0.00 per month per the attached Child Support Worksheet, consistent with the Arizona Child Support Guidelines;
- Ordering that all support payments be payable through the Support Payment
 Clearinghouse via valid wage assignment pursuant to A.R.S. § 25-504;
- E. Awarding Father and children exclusive use of the marital home;
- F. Awarding Father exclusive use of the Ford F-150;
- G. Ordering Mother to return Father's personal items including, but not limited to, his laptop computer, clothes, shoes and underwear;
- Ordering Mother to return the minor child's personal items including, but not limited to, his iPad, medication, and clothing;
- Ordering Mother to return the \$35,000.00 she took from the business operating account; and

| 1 2 | J. Granting such other and further relief as the Court may deem just and proper upon a hearing on this matter. | | | | |
|----------------------------------|---|--|--|--|--|
| 3 | DATED: February 15, 2019. ELLSWORTH FAMILY LAW, P.C. | | | | |
| | DATED: February 12 , 2019. ELLES WORTH FAMILY EXW, 1.6. | | | | |
| 4 | | | | | |
| 5 | By: F. Taylor Larson | | | | |
| 6 | Attorneys for Petitioner | | | | |
| 7 | 1630 South Stapley Drive, Suite 200 Mesa, Arizona 85204 | | | | |
| 8 | (480) 635-8700 | | | | |
| 9 | | | | | |
| 10 | Electronically filed with the Court on February 15, 2019 and | | | | |
| E 2 11 | copy electronically delivered to: | | | | |
| S 12 | Honorable Rodrick Coffey MARICOPA COUNTY SUPERIOR COURT | | | | |
| ELLSWORTH FAMILY LAW.RC 11 | 222 East Javelina Avenue Mesa, Arizona 85210 | | | | |
| <u>г</u> ц 14 | Copy to be served on: | | | | |
| 15 | Lori N. Vallow | | | | |
| 16 | Respondent, Pro Per | | | | |
| 17 | & Harrison | | | | |
| 18 | S. Harring | | | | |
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Taylor Larson

From:

L. Charles Vallow <charles@riteplanninggroup.com>

Sent:

Wednesday, February 06, 2019 9:12 AM

To:

Taylor Larson

Subject:

Fwd: Your points were transferred

Begin forwarded message:

From: Enterprise Plus <enterpriseplus@enterprise.com>

Subject: Your points were transferred Date: January 28, 2019 at 6:29:32 PM MST

To: charles.vallow@gmail.com



Privacy Policy

© 2015 Enterprise Rent-A-Car, 600 Corporate Park Dr., St. Louis, MO 63105, USA

VERIFICATION

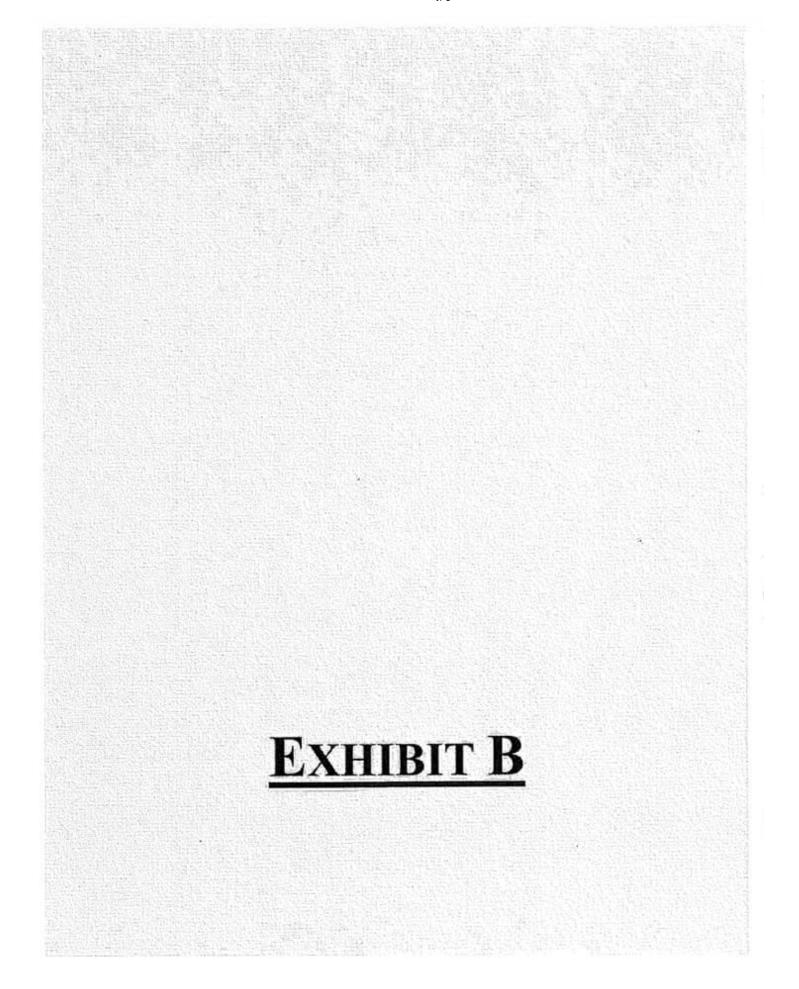
I, Charles Vallow, state that I am the Petitioner in the foregoing entitled and numbered cause; that I have read the foregoing Motion for Temporary Orders and know the contents thereof; that the matters and things stated therein are true of my own knowledge, except as to those matters therein stated upon information and belief, and as to those matters, I believe them to be true.

2/14/2019

Date

Charles Valloy

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Date: February 15, 2019

| v. | | NO. FC2 | 019 | -092936 | | |
|--|---|---------------------------------|-------|------------|--------|----------|
| CHARLES VALLOW Father / Pelitioner | | Child Supp | | Worksh | eet | |
| and) | | (cpm 1) 20 | | | 000 | |
| ; | | 5-12 | | - | _ | - |
| LORI N. VALLOW | Age: | de Fellevate de | | Antun | Grad | - |
| Mother / Respondent) | | ade Estimated: Termination D | ate: | | | 1, 2030 |
| his constitution of the second | | Minor Children: | 1 | Children | 100000 | |
| Primary Residential Parent Is (X): X Father Monthly | Mother Annually | Equal Hourly | | Father | | Mother |
| Gross Monthly Income: Father: 20,000.00 | | 11,00 | 5 | 20,000.00 | s | 1,906.67 |
| Court Ordered Spousal Maintenance (Paid) / Received | 10 | [Mandatory] | | | - | |
| Court Ordered Child Support of Other Relationships (Pa | | [Mandatory] | | | - | |
| Custodian of F: M: Other Child(ren) S | | er [Mandatory] | | | | |
| Support of Other Natural or Adopted Children Not Order | ered: | [Discretionary] | - COL | 7 | | |
| Father's Other Child[ren] Deduction Of | | | | | | |
| Mother's Other Child[ren] Deduction Of | | | | | - | |
| Adjusted Gross Income | | | \$_ | 20,000.00 | \$ | 1,906.67 |
| Combined Adjusted Gross Income | | | | \$ 21 | ,906.6 | 7_ |
| Basic Child Support Obligation For 1 Child: | | | | 5_1 | ,744.0 | 0_ |
| Additions To Child Support Obligation: | | | | | | |
| Adjustment For 0 Children Over Age 12 at | 10 % | [Discretionary] | | | 2 | |
| Medical, Dental and Vision Insurance Paid By Father: | | [Mandatory] | _ | 765,06 | | |
| Monthly Childcare Costs For 1 Child Paid By Fat | ther: | [Discretionary] | | 1,500.00 | | |
| Less: Federal Tax Credit Allowed To Custodian of | | | | (50.00) | _ | |
| Extra Education Expenses Paid By: | | [Discretionary] | | | | |
| Extraordinary (Gifted or Handicapped) Child Expenses | Paid By: | [Discretionary] | _ | | _ | |
| Total Child Support Obligation | | | | \$3 | ,959.0 | 6 |
| Each Parent's Proportionate Percentage of Combined | Income | | | 91.30% | _ | 8.70% |
| Each Parent's Proportionate Share of Total Support Ob | bligation | | \$_ | 3,614.48 | \$_ | 344.58 |
| Parenting Time Costs Adjustment For Mother | Using | [Mandatory] | | | | |
| Parenting Time Table A For 30 Da | ys At 3.1 % | | | | 20 | (54.06) |
| Total Additions To Child Support Obligation From Abov | ve Paid By Ear | ch Parent | | (2,215.06) | | |
| Preliminary Child Support Obligation | • | | \$ | 1,399.42 | \$ | 290.52 |
| Adjustment For Essentially Equal Time With Each Pare | ent | | | | - | |
| | \$ 1,906.67 | [Discretionary] | | | _ | |
| Self Support Reserve Test: Mother's Adjusted Gross Income: Less Paid Arrearages Allowed: \$ | \$ 1,900,07 | [Discretionary] | | | | |
| Less Self Support Reserve Amount: (1,525.33 |) 1,525.33 | \$ 381.33 | 1 | | - | |
| Self Support Reserve Test Not Applied (X): | | Max. C.S. | | | s | 291.00 |
| Final Child Support Obligation Payable By Mother: | | | | | | 231.00 |



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| 11:16 ✓ PREMIER PLUS CKG | ;:!! २ □ (0377) (0 | | | |
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| Online Payment 7891541110 To Ci | iti cards 01/30 | | | |
| \$161,53 | -\$250.0 | 0 | | |
| WITHDRAWAL 01/30 | E | = | | |
| \$411.53 | -\$500.0 | 0 | | |
| WITHDRAWAL 01/30 | E | = | | |
| \$911.53 | -\$25,000.0 | 0 | | |
| THE HOME DEPOT 8582 CHANDLE | R AZ 660478 | | | |
| \$25,911.53 | -\$17.73 | | | |
| FRYS FUEL 7681 CHANDLER AZ | 501910 01/30 | | | |
| \$25,929.26 | -\$33.67 | 2 | | |
| WALMART GROCERY 800-966-6546 | 5 AR 01/29 | | | |
| \$25,962.93 | -\$183.90 | 5 | | |
| Online Transfer from CHK7166 t | ransaction#: 789112 | | | |
| \$26,146.83 | \$19,000.0 | 0 | | |
| Jan 29, 2019 | | | | |
| WITHDRAWAL 01/29 | E | = | | |
| \$7,146.83 | -\$10,000.0 | 0 | | |
| VENMO* Visa Direct NY | 01/29 | | | |

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Taylor Larson

From:

L. Charles Vallow <charles@riteplanninggroup.com>

Sent:

Tuesday, February 05, 2019 4:38 PM

To: Subject: Taylor Larson Fwd: Commissions

Charles Vallow

Begin forwarded message:

From: Jonathan F Garnant <ifgarnant@icloud.com>

Date: February 5, 2019 at 4:33:31 PM MST

To: Charles Vallow <charles@riteplanninggroup.com>, "michael@riteplanninggroup.com"

<michael@riteplanninggroup.com>

Cc: "jared@riteplanninggroup.com" < jared@riteplanninggroup.com>

Subject: Commissions

Gentleman,

I need to know where the rest of my commissions are. I have received a check for \$2500 but A LOT more is outstanding. Can I get an update as to when this check is going to be coming to me?

Frankly this is taking much too long and as I discussed with Charles I will take action if this goes another month.

Let me know,

Jon

•

Jonathan F, Garnant Jr. 714-684-6431 cell

888-843-1508 private fax

CA OG22680

R.I.T.E Planning Group

www.retirex.com

1400 Kraemer Blvs., Ste 907

Placentia, Ca 92871

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