**IN THE SUPREME COURT OF THE STATE OF NEVADA**

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| GRADY BYRD,<br><br>Appellant,<br><br>vs.<br><br>CATERINA ANGELA BYRD,<br><br>Respondent. | Supreme Court Case No. 80548 |

Electronically Filed
Aug 13 2020 02:03 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

# RESPONDENT'S APPENDIX TO ANSWERING BRIEF
## VOLUME VI

Submitted By:

/s/ Jeanne F. Lambertsen

_____

ANITA A. WEBSTER, ESQ.
Nevada Bar No. 1211
JEANNE F. LAMBERTSEN, ESQ.
Nevada Bar No. 9460
6882 Edna Avenue
Las Vegas, Nevada 89146
Attorneys for Respondent
Caterina Angela Byrd

# INDEX

## CHRONOLOGICAL LISTING


| EX. | DATE | DOCUMENT | BATES NUMBER |
|---|---|---|---|
| 1. | 08/27/18 | Motion to Change Venue, Plaintiff, filed 08/27/18. | RA000001 - RA000003 |
| 2. | 10/18/18 | Financial Disclosure Form, Plaintiff, filed 10/18/18. | RA000004 - RA000011 |
| 3. | 11/27/18 | Transcript re: Motion, November 27, 2018. | RA000012 - RA000032 |
| 4. | 12/13/18 | Ex parte Motion for Continuance, Defendant, filed 12/13/18. | RA000033 - RA000035 |
| 5. | 12/18/18 | Order Granting Continuance, Defendant, filed 12/18/18. | RA000036 |
| 6. | 12/19/18 | Plaintiff's Opposition to Defendant's ex parte Motion for A Continuance of Plaintiff's Motion to Enforce the Decree of Divorce, For An Order to Show Cause, to divide a Newly Discovered Asset, to Execute QDROs and for Attorney fees and Costs and Counter motion for Attorney Fees and Costs, filed 12/19/18. | RA000037 - RA000058 |
| 7. | 12/27/18 | Notice of Entry of Order for the Order Shortening Time on Plaintiff's Motion filed 12/27/18. | RA000059 - RA000062 |
| 8. | 12/28/18 | Reply to Opposition and/or Counter motion, Defendant, filed 12/28/18. | RA000063 - RA000087 |
| 9. | 01/02/19 | Financial Disclosure Form, Defendant, with five income statements attachments, filed 01/02/19. | RA000088 - RA000100 |
| 10. | 01/15/19 | Plaintiff's Reply to Defendant's Reply to | RA000101 - |

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| | | Plaintiff's Opposition to Defendant's ex parte Motion for a Continuance of Plaintiff's Motion to Enforce the Decree of Divorce, for an Order to Show Cause, to Divide a Newly Discovered Asset, to Execute QDROs, and for Attorney's Fees and Costs and Countermotion for Attorney Fees and Costs, filed 01/15/19. | RA000126 |
| 11. | 01/15/19 | First Supplement to Exhibit Appendix, Plaintiff, in support of her Reply filed 01/15/19. | RA000127 - RA000183 |
| 12. | 1/18/19 | Defendant's Reply to Plaintiff's Reply to Defendant's Reply to Plaintiff's Opposition to defendant's Ex parte Motion for a Continuance of Plaintiff's Motion to Enforce the Decree of Divorce, For an Order to Show Cause, to Divide a Newly Discovered Asset, to Execute QDROs, and for Attorney's Fees and Costs and Counter motion for Attorney fees and Costs, filed 1/18/19. | RA000184 - RA000197 |
| 13. | 04/23/19 | Exhibit Appendix to Plaintiff's Opposition to Defendant's Motion for Reconsideration and Countermotion, Plaintiff, filed 04/23/19. | RA000198 - RA000237 |
| 14. | 04/23/19 | Plaintiff's Ex Parte Application for An Order for Defendant to Appear In Person, filed 04/23/19. | RA000238 - RA000244 |
| 15. | 04/23/19 | Exhibit Appendix to Plaintiff's Ex Parte Application For an Order For Defendant To Appear In Person, Plaintiff, filed 04/23/19. | RA000245 - RA000264 |
| 16. | 05/17/19 | Exhibit Appendix to Plaintiff's Reply to Defendant's Opposition and Countermotion, filed 05/17/19. | RA000265 - RA000322 |
| 17. | 06/17/19 | Plaintiff's Emergency Motion for an Order | RA000323 - |

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| | | to Show Cause Why the Defendant should Not Be Held In contempt of Court and for Attorney Fees and Costs, filed 06/17/19. | RA000337 |
| 18. | 09/10/19 | Plaintiff's Motion to Compel Defendant's Responses to Discovery and Request for Sanctions and Attorney Fees, filed 09/10/19. | RA000338 - RA000360 |
| 19. | 09/17/19 | Defendant's Motion for a Protective Order pursuant to NRCP 26(C) and for Attorney Fees, filed 09/17/19. | RA000361 - RA000372 |
| 20. | 09/30/19 | Exhibit Appendix to Plaintiff's Motion for Reconsideration, Summary Judgment, Joinder and to continue the Evidentiary Hearing. (Contains Defendant's responses to Plaintiff's Request for Admissions), filed 09/30/19. | RA000373 - RA000417 |
| 21. | 10/11/19 | Notice of Change in Requested Relief in Plaintiff's Motion For Reconsideration, et al, filed on 09/30/19, filed 10/11/19. | RA000418 - RA000421 |
| 22. | 10/17/19 | Minutes re: Calendar Call held on 10/17/19. | RA000422 - RA000423 |
| 23. | 10/21/19 | Exhibit 1 Plaintiff's, admitted at Evidentiary Hearing, Joint Petition for Summary Decree of Divorce. | RA000424 - RA000437 |
| 24. | 10/21/19 | Exhibit 4, Plaintiff's, admitted at Evidentiary Hearing, Notice of Entry of Order from the May 2, 2019 hearing, filed on 05/28/19. | RA000438 - RA000443 |
| 25. | 10/21/19 | Exhibit 7, Plaintiff' s, admitted at Evidentiary Hearing, Notice of Entry of Order to Show Cause, Grady to Appear On October 21, 2019, filed on 07/29/19. | RA000444 - RA000447 |
| 26. | 10/21/19 | Exhibit 8, Plaintiff's, admitted at Evidentiary Hearing, Caterina's Financial | RA000448 - RA000455 |

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| | | Disclosure Form, Amended, filed on 07/15/19. | |
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| 28. | 10/21/19 | Exhibit 10, Plaintiff's, admitted at Evidentiary Hearing, Grady's Financial Disclosure Form, filed on 06/18/19. | RA000469 - RA000478 |
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| 37. | 10/21/19 | Exhibit 22, Plaintiff's, admitted at Evidentiary Hearing: Email from Defendant to Plaintiff stating that Plaintiff is not entitled to any more money in the decree of divorce, retire pay is 3017, dated April 8, 2014. Bates13, and “this is your last warning,” and Plaintiff asking for $3000/mo., dated April 10, 2014. | RA000496 - RA000498 |

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| 38. | 10/21/19 | Exhibit 23, Plaintiff's, admitted at Evidentiary Hearing: Email from Plaintiff to Defendant, regarding Plaintiff's health insurance denial, dated July 29, 2016, to August 13, 2016. | RA000499 - RA000502 |
| 39. | 10/21/19 | Exhibit 25, Plaintiff's, admitted at Evidentiary Hearing: Email from Defendant to Plaintiff regarding Car insurance and cancer surgery, dated July 16, 2018. | RA000503 |
| 40. | 10/21/19 | Exhibit 27, Plaintiff's, admitted at Evidentiary Hearing: Defendant's retirement from Army, beneficiaries, Survivor Benefit Plan, Form DD 2656, dated March 10, 1999. | RA000504 - RA000505 |
| 41. | 10/21/19 | Exhibit 28 Plaintiff's, admitted at Evidentiary Hearing: Grady's retirement account. DFAS Retiree Account Statement, dated December 3, 2017. | RA000506 |
| 42. | 10/21/19 | Exhibit 30, Plaintiff's, admitted at Evidentiary Hearing: Tax Return for Plaintiff year 2015 (Individual). | RA000507 - RA000508 |
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| 53. | 10/21/19 | Exhibit A, Defendant's, admitted at Evidentiary Hearing: Dept. Of Army (CRSC) decision letter dated 6/20/11. Bates. | RA000536 - RA000538 |
| 54. | 10/21/19 | Exhibit B, Defendant's, admitted at Evidentiary Hearing, CRSC payment history from August 2014 - July 2015 (VA Waiver 3017.60, Retire net pay 128.40). | RA000539 |
| 55. | 10/21/19 | Exhibit C, Defendant's, admitted at Evidentiary Hearing, CRSC pay statement | RA000540 |

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| 56. | 10/21/19 | Exhibit D, Defendant's, admitted at Evidentiary Hearing, VA letter for disability benefits dated 10/16/12 (disability benefit effective 12/01/2011). | RA000541 |
| 57. | 10/21/19 | Exhibit E, Defendant's, admitted at Evidentiary Hearing, Grady's VA payment history from April 1, 2019 - May 31, 2019. | RA000542 |
| 58. | 10/21/19 | Exhibit F, Defendant's, admitted at Evidentiary Hearing, Office of Personnel Management (OPM) letter re: disability application dated 11/12/2010. | RA000543 - RA000545 |
| 59. | 10/21/19 | Exhibit G, Defendant's, admitted at Evidentiary Hearing . OPM letter dated 04/29/2018 re: FERS disability annuity adjustment. | RA000546 |
| 60. | 10/21/19 | Exhibit H, Defendant's, admitted at Evidentiary Hearing OPM Notice of Annuity adjustment re: 07/02/18 payment. | RA000547 |
| 61. | 10/21/19 | Exhibit I, Defendant's, admitted at Evidentiary Hearing, OPM Annuity statement dated March 13, 2019. | RA000548 |
| 62. | 10/21/19 | Exhibit J, Defendant's, admitted at Evidentiary Hearing: Defendant's Social Security Decision dated September 12, 2012. | RA000549 - RA000554 |
| 63. | 10/21/19 | Exhibit K, Defendant's, admitted at Evidentiary Hearing: Defendant's 2014 Social Security Benefit 2014 (Form SSA-1099). | RA000555 |
| 64. | 10/21/19 | Exhibit L, Defendant's, admitted at Evidentiary Hearing, Defendant's Social Security Benefit 2018. | RA000556 |

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| 66. | 12/05/19 | Notice of Entry of Order on Discovery Commissioner's Report and Recommendations, filed 12/05/19. | RA000594 - RA000602 |
| 67. | 03/18/20 | Plaintiff's Ex Parte Application for an Income Withholding Order, filed 03/18/20. | RA000603 - RA000615 |
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**Certificate of Service**

Pursuant to NRAP 25(c)(1)(E), I hereby certify, under penalty of perjury, that I am an employee of Webster & Associates and that on the 13th day of August, 2020, I caused to be served the foregoing document by way of NEFCR 9 Notice of Electronic Filing to the following:

Daniel W. Anderson
Mills & Anderson
Counsel for Appellant, Grady Edward Byrd

An employee of WEBSTER & ASSOCIATES

Electronically Filed
1/18/2019 4:06 PM
Steven D. Grierson
CLERK OF THE COURT

RPLY

GRADY EDWARD BYRD

5330 E. CRAIG RD.

LAS VEGAS, NV 89115

7029184712

CBSMAIL2006@YAHOO.COM

SELF-REPRESENTED

DISTRICT COURT

CLARK COUNTY, NEVADA

| | |
|---|---|
| CATERINA ANGELA BYRD | ) CASE NO: D-18-577701-Z |
| Plaintiff, | ) DEPT NO: G |
| V. | ) Oral Argument Requested: Yes |
| GRADY EDWARD BYRD | ) |
| Defendant | ) |

**Defendant's Reply to Plaintiff's Reply to Defendant's Reply to Plaintiff's Opposition to Defendant's Ex Parte Motion For a Continuance of Plaintiff's Motion to Enforce the Decree of Divorce, For an Order to Show Cause, to Divide a Newly Discovered Asset, to Execute QDROs, and for Attorney's Fees and Costs and Countermotion For Attorney Fees and Costs**

## A. Memorandum of Points and Authorities

GRADY EDWARD BYRD, in proper person, files this Reply to Plaintiff's Reply to Defendant's Reply to Plaintiff's Opposition to Defendant's Ex Parte Motion For a

Continuance of Plaintiff's Motion to Enforce the Decree of Divorce, For an Order to Show Cause, to Divide a Newly Discovered Asset, to Execute QDROs, and for Attorney's Fees and Costs and Countermotion For Attorney Fees and Costs. This Reply is made and based upon the pleadings and papers on file herein, the following Points and Authorities and upon such oral argument as the Court may allow at the time of the hearing.

REFERENCES: NRS 125.150; 137 S.Ct. 1400; NRS125.165; NRS 125.210

Dated: January 20, 2019.

By: _____

GRADY EDWARD BYRD

5330 E. CRAIG RD.

LAS VEGAS, NV 89115

**REPLY**

**B. Statement of Facts**

I do not agree with Caterina Angela Byrd's, by and through Webster and Associates (herein after "plaintiff") Reply. Additional facts that support my arguments are:

**INTRODUCTION**

Plaintiff's Reply continues the modas operandi of presenting unverifiable, hyperbolic, and libelous information designed to do nothing but distract the Court from the actual situation that this entire case is not well-grounded in fact, and is not warranted by existing law or by an argument for changing existing law. The introduction of false information, blatant lies, misinterpretation of facts, etc. into the Court Record is designed to distort the true facts from being heard. The first sentence of the Reply is a perfect example of these tactics to wit: "...Joint Petition prepared and filed by the defendant...". All evidence of record to include emails dated April 17 and 18, 2014, proves that the plaintiff was an active participant in preparing the decree. However, plaintiff continues these types of false narratives throughout this specific filing and throughout the entire case. In this reply, plaintiff commences a new tactic of citing Case Law for the actual case and not just for attorney fees. Unfortunately, instead of bringing clarity to this case, plaintiff misinterprets the information provided which continues the go to tactic of misdirection from facts.

I, as the defendant, will continue to analyze plaintiff's statements and provide clarifying, pertinent, and truthful facts to ensure the court record can reflect the actual circumstances and facts of this Case.

**REPLY TO POINTS AND AUTHORITIES**

1. Page 3. Lines 1-3. MISDIRECTION OF INFORMATION. Since there was no division of assets I was not required to close my Thrift Savings Plan and give 100% of the savings to plaintiff. So yes, I did give the money to the plaintiff.

2. Page 3. Lines 3-10. MISINTERPRETATION OF FACTS. There was no fabrication of income. The USAA Bank Certified Cash Buyer Program prepared for plaintiff and defendant on July 9, 2013 listed all of defendant's finical assets as requiring "acceptable documentation" evidence and required plaintiff and defendant to provide evidence of declared funds. Email to USAA Loan Officer dated September 6, 2013 show all financial assets of defendant which are still the same as today (minus Army Retirement Pay which was not authorized at that time). Subsequently parties signed a Uniform Residential Mortgage Application that also declared all of defendant's assets. The amounts are precise and prove that no subterfuge was practiced. Yes. I did not want plaintiff talking to anyone in the mortgage process because I believed that she would sabotage the mortgage application. To get what she wants plaintiff will misrepresent facts, omit details, and flat out lie. This case proves that this is not an unfounded indictment of her character but a true depiction of her actions. Clearly, all of this information is accurate, redundant, and in the plaintiff's possession as evidenced by her signature on all applicable documents. Only in this case could it be alleged that plaintiff doesn't understand the documents she participated in completing.

3. Page 3. Lines 14-24 through Page 4. Lines 1-12. This allegation provides me the opportunity to discuss the plaintiff's use of the word "threat". It is painfully obvious that

plaintiff does not know the difference between a "warning" and a "threat". The fact that I clarify all of my advise to plaintiff by using the word "...warning.." should suffice to have plaintiff desist using this shady tactic. Sadly, to this point in the case, that is not the situation. The information I provided to plaintiff in these warning was valid, sound, and meant to help the plaintiff understand her options. Plaintiff signed the divorce decree because she evaluated her options and selected what she decided was best course of action. Since plaintiff has legal counsel now and attorneys were discussed in our email conversation she cannot claim that she didn't know attorneys existed in 2014.

**NOTE: The false allegation entered into the Court Record that defendant stated plaintiff would not get a dime, was going to disappear, and good luck finding me is not repeated in this Reply.**

4. Page 5. Lines 13-14. FALSE STATEMENT. Plaintiff requested various documents on August 5, 2018. I emailed all requested documents to plaintiff on August 6, 2018. This proves that plaintiff statement "...he retaliated and ceased sending her money. This instant action followed." Is a complete fabrication and just another false statement entered into the record by plaintiff.

5. Page 5. Lines 15-22 through Page 9 Line 4. There is no court ordered mandate for Grady Edward Byrd to pay any funds to plaintiff. Decree page. 3. Line 2. specifically states " This is not an alimony payment and is not required." Decree page 3. No. 12. reinforces this fact when the Court ordered "Husband (DEFENDANT) and Wife

(PLAINTIFF) agree that neither party shall be required to pay spousal support to the other party.

This plain and simple language means:

- Spousal Order does not exist so it cannot unilaterally be terminated
- Lake v. Bender describes "support" and is only applicable when the Court has ordered support
- Shydler v. Shydler describes "support" and is only applicable when the Court has ordered support
- Reference Day, since there is no spousal support order there is no alimony to accrue
- Reference page 7. Line 22. This "...retaliate..." is a repeat of the false statement in number ???? Statement is repeated to make it appear as if it is a fact
- There cannot be contempt if no facet of the Order is being willfully disregarded.
- There is no Order requiring defendant to pay for any insurance for plaintiff
- Reference Edwards v. Edwards, there is no alimony or child support to change

6. Page 9. Line 4. An oversight that has been corrected with updated FDF. The amount remains $0.00 which is already listed as "NONE"

7. Page 9. Line 9-10. MISREPRESENTATION. Plaintiff is the only source mentioning income. Plaintiff and defendant lived together slightly more than 24 years. Plaintiff had a job for all or portions of 20 of those years. The past 11 years plaintiff has chose not to get a job.

8. Page 9. Line 14. I thought repetitious incantations of adjectives controlling, threatening, bullying, manipulating, and harassing were the limit of slurs that I was going to be forced to endure in this case. But now, according to plaintiff, I "hated" my then wife. First, for the Official Court Record, I do not hate Catherina Angela Byrd now, nor have I ever hated her. Second, this is the absolute perfect example of why I limited my interactions with plaintiff to email. I can only imagine the accusations that would be directed at me if I had had vocal or physical contact with plaintiff.

9. Page 9. Lines 20 through Page 11. Line 25. NRS 125.165 and NRS 125.210 rendered Shelton v. Shelton moot. In addition to the clear intention of this statute to prevent any attachment, levy, seizing, assignment, or division of Federal Disability Benefits, the State of Nevada Legislative Counsel eliminated all doubts with this clarification of NRS 125.210:

> **Section 5 of this bill provides that unless a valid premarital agreement provides otherwise, in making an award of spousal support, the court must not consider any federal disability benefits awarded to a veteran for a disability connected to his or her service in the military.**

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

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| GRADY BYRD,<br><br>Appellant,<br><br>vs.<br><br>CATERINA ANGELA BYRD,<br><br>Respondent. | Supreme Court Case No. 80548 |

# RESPONDENT'S APPENDIX TO ANSWERING BRIEF
## VOLUME VII

Submitted By:

/s/ Jeanne F. Lambertsen

_____

ANITA A. WEBSTER, ESQ.
Nevada Bar No. 1211
JEANNE F. LAMBERTSEN, ESQ.
Nevada Bar No. 9460
6882 Edna Avenue
Las Vegas, Nevada 89146
Attorneys for Respondent
Caterina Angela Byrd

Docket 80548 Document 2020-29941

# INDEX

## CHRONOLOGICAL LISTING


| EX. | DATE | DOCUMENT | BATES NUMBER |
|---|---|---|---|
| 1. | 08/27/18 | Motion to Change Venue, Plaintiff, filed 08/27/18. | RA000001 - RA000003 |
| 2. | 10/18/18 | Financial Disclosure Form, Plaintiff, filed 10/18/18. | RA000004 - RA000011 |
| 3. | 11/27/18 | Transcript re: Motion, November 27, 2018. | RA000012 - RA000032 |
| 4. | 12/13/18 | Ex parte Motion for Continuance, Defendant, filed 12/13/18. | RA000033 - RA000035 |
| 5. | 12/18/18 | Order Granting Continuance, Defendant, filed 12/18/18. | RA000036 |
| 6. | 12/19/18 | Plaintiff's Opposition to Defendant's ex parte Motion for A Continuance of Plaintiff's Motion to Enforce the Decree of Divorce, For An Order to Show Cause, to divide a Newly Discovered Asset, to Execute QDROs and for Attorney fees and Costs and Counter motion for Attorney Fees and Costs, filed 12/19/18. | RA000037 - RA000058 |
| 7. | 12/27/18 | Notice of Entry of Order for the Order Shortening Time on Plaintiff's Motion filed 12/27/18. | RA000059 - RA000062 |
| 8. | 12/28/18 | Reply to Opposition and/or Counter motion, Defendant, filed 12/28/18. | RA000063 - RA000087 |
| 9. | 01/02/19 | Financial Disclosure Form, Defendant, with five income statements attachments, filed 01/02/19. | RA000088 - RA000100 |
| 10. | 01/15/19 | Plaintiff's Reply to Defendant's Reply to | RA000101 - |

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| | | Plaintiff's Opposition to Defendant's ex parte Motion for a Continuance of Plaintiff's Motion to Enforce the Decree of Divorce, for an Order to Show Cause, to Divide a Newly Discovered Asset, to Execute QDROs, and for Attorney's Fees and Costs and Countermotion for Attorney Fees and Costs, filed 01/15/19. | RA000126 |
| 11. | 01/15/19 | First Supplement to Exhibit Appendix, Plaintiff, in support of her Reply filed 01/15/19. | RA000127 - RA000183 |
| 12. | 1/18/19 | Defendant's Reply to Plaintiff's Reply to Defendant's Reply to Plaintiff's Opposition to defendant's Ex parte Motion for a Continuance of Plaintiff's Motion to Enforce the Decree of Divorce, For an Order to Show Cause, to Divide a Newly Discovered Asset, to Execute QDROs, and for Attorney's Fees and Costs and Counter motion for Attorney fees and Costs, filed 1/18/19. | RA000184 - RA000197 |
| 13. | 04/23/19 | Exhibit Appendix to Plaintiff's Opposition to Defendant's Motion for Reconsideration and Countermotion, Plaintiff, filed 04/23/19. | RA000198 - RA000237 |
| 14. | 04/23/19 | Plaintiff's Ex Parte Application for An Order for Defendant to Appear In Person, filed 04/23/19. | RA000238 - RA000244 |
| 15. | 04/23/19 | Exhibit Appendix to Plaintiff's Ex Parte Application For an Order For Defendant To Appear In Person, Plaintiff, filed 04/23/19. | RA000245 - RA000264 |
| 16. | 05/17/19 | Exhibit Appendix to Plaintiff's Reply to Defendant's Opposition and Countermotion, filed 05/17/19. | RA000265 - RA000322 |
| 17. | 06/17/19 | Plaintiff's Emergency Motion for an Order | RA000323 - |

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| | | to Show Cause Why the Defendant should Not Be Held In contempt of Court and for Attorney Fees and Costs, filed 06/17/19. | RA000337 |
| 18. | 09/10/19 | Plaintiff's Motion to Compel Defendant's Responses to Discovery and Request for Sanctions and Attorney Fees, filed 09/10/19. | RA000338 - RA000360 |
| 19. | 09/17/19 | Defendant's Motion for a Protective Order pursuant to NRCP 26(C) and for Attorney Fees, filed 09/17/19. | RA000361 - RA000372 |
| 20. | 09/30/19 | Exhibit Appendix to Plaintiff's Motion for Reconsideration, Summary Judgment, Joinder and to continue the Evidentiary Hearing. (Contains Defendant's responses to Plaintiff's Request for Admissions), filed 09/30/19. | RA000373 - RA000417 |
| 21. | 10/11/19 | Notice of Change in Requested Relief in Plaintiff's Motion For Reconsideration, et al, filed on 09/30/19, filed 10/11/19. | RA000418 - RA000421 |
| 22. | 10/17/19 | Minutes re: Calendar Call held on 10/17/19. | RA000422 - RA000423 |
| 23. | 10/21/19 | Exhibit 1 Plaintiff's, admitted at Evidentiary Hearing, Joint Petition for Summary Decree of Divorce. | RA000424 - RA000437 |
| 24. | 10/21/19 | Exhibit 4, Plaintiff's, admitted at Evidentiary Hearing, Notice of Entry of Order from the May 2, 2019 hearing, filed on 05/28/19. | RA000438 - RA000443 |
| 25. | 10/21/19 | Exhibit 7, Plaintiff' s, admitted at Evidentiary Hearing, Notice of Entry of Order to Show Cause, Grady to Appear On October 21, 2019, filed on 07/29/19. | RA000444 - RA000447 |
| 26. | 10/21/19 | Exhibit 8, Plaintiff's, admitted at Evidentiary Hearing, Caterina's Financial | RA000448 - RA000455 |

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| | | Disclosure Form, Amended, filed on 07/15/19. | |
| 27. | 10/21/19 | Exhibit 9, Plaintiff's, admitted at Evidentiary Hearing, Grady's Financial Disclosure Form, Amended, filed 01/18/19. | RA000456 - RA000468 |
| 28. | 10/21/19 | Exhibit 10, Plaintiff's, admitted at Evidentiary Hearing, Grady's Financial Disclosure Form, filed on 06/18/19. | RA000469 - RA000478 |
| 29. | 10/21/19 | Exhibit 13, Plaintiff's, admitted at Evidentiary Hearing: Emails Bates 522-523. E-mail from Defendant to Plaintiff promising the Plaintiff that she will receive the same benefits whether he is married or not, including Survivor Benefit Plan, dated February 20, 2014 and Emails between Defendant and Plaintiff, Defendant writing it is time for a divorce and promising Plaintiff $3000 a month email dated, February 20 & 21, 2014. | RA000479 - RA000481 |
| 30. | 10/21/19 | Exhibit 14, Plaintiff's, admitted at Evidentiary Hearing: Email from Defendant to Plaintiff promising Plaintiff $3,000 a month as long as he lives, et. al, dated March 23, 2014. | RA000482 |
| 31. | 10/21/19 | Exhibit 15, Plaintiff's, admitted at Evidentiary Hearing: Email from Defendant to Plaintiff, threatening to stop communicating with her, dated March 26, 2014. | RA000483 |
| 32. | 10/21/19 | Exhibit 16, Plaintiff's, admitted at Evidentiary Hearing: Emails between Plaintiff and Defendant, re: retired pay is $3,017 a month, gives her $3,000 a month. Live poor until he dies, her monthly expenses, dated February 2014 - April 2014. | RA000484 - RA000488 |

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| 33. | 10/21/19 | Exhibit 17, Plaintiff's, admitted at Evidentiary Hearing: Emails from Defendant to Plaintiff regarding"just sign the [divorce] papers..." dated March 27, 2014. | RA000489 - RA000490 |
| 34. | 10/21/19 | Exhibit 18, Plaintiff's, admitted at Evidentiary Hearing: Emails from Defendant “the money will go into your account the first of ever month until I die.” “I’m sending you the papers. You sign or I will hire a lawyer and take you to court. You see what you get then.” “This is the statement that will go on the divorce papers”, dated April 9, 2014 and April 15, 2014. | RA000491 - RA000492 |
| 35. | 10/21/19 | Exhibit 20, Plaintiff's, admitted at Evidentiary Hearing: Email, Bates 9. Email from Plaintiff to Defendant stating that she has no idea what OPM is, and Defendant mad that she wants to see lawyer, dated March 27, 2014. | RA000493 |
| 36. | 10/21/19 | Exhibit 21, Plaintiff's, admitted at Evidentiary Hearing: Emails from Plaintiff to Defendant telling the Defendant that she is feeling very nervous and scared, dated April 8, 2014. Defendant “I will have the following statements entered on the divorce statement”. | RA000494 - RA000495 |
| 37. | 10/21/19 | Exhibit 22, Plaintiff's, admitted at Evidentiary Hearing: Email from Defendant to Plaintiff stating that Plaintiff is not entitled to any more money in the decree of divorce, retire pay is 3017, dated April 8, 2014. Bates13, and “this is your last warning,” and Plaintiff asking for $3000/mo., dated April 10, 2014. | RA000496 - RA000498 |

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| 38. | 10/21/19 | Exhibit 23, Plaintiff's, admitted at Evidentiary Hearing: Email from Plaintiff to Defendant, regarding Plaintiff's health insurance denial, dated July 29, 2016, to August 13, 2016. | RA000499 - RA000502 |
| 39. | 10/21/19 | Exhibit 25, Plaintiff's, admitted at Evidentiary Hearing: Email from Defendant to Plaintiff regarding Car insurance and cancer surgery, dated July 16, 2018. | RA000503 |
| 40. | 10/21/19 | Exhibit 27, Plaintiff's, admitted at Evidentiary Hearing: Defendant's retirement from Army, beneficiaries, Survivor Benefit Plan, Form DD 2656, dated March 10, 1999. | RA000504 - RA000505 |
| 41. | 10/21/19 | Exhibit 28 Plaintiff's, admitted at Evidentiary Hearing: Grady's retirement account. DFAS Retiree Account Statement, dated December 3, 2017. | RA000506 |
| 42. | 10/21/19 | Exhibit 30, Plaintiff's, admitted at Evidentiary Hearing: Tax Return for Plaintiff year 2015 (Individual). | RA000507 - RA000508 |
| 43. | 10/21/19 | Exhibit 31, Plaintiff's, admitted at Evidentiary Hearing:, Tax Return for Plaintiff year 2016 (Individual). | RA000509 - RA000510 |
| 44. | 10/21/19 | Exhibit 32, Plaintiff's, admitted at Evidentiary Hearing: Tax Return for Plaintiff with form W-2G attached year 2017 (Individual). | RA000511 - RA000513 |
| 45. | 10/21/19 | Exhibit 33, Plaintiff's, admitted at Evidentiary Hearing, Tax Return for Plaintiff year 2018 (Individual). | RA000514 - RA000516 |
| 46. | 10/21/19 | Exhibit 34, Plaintiff's, admitted at Evidentiary Hearing: Plaintiff's residence, USAA Mortgage Loan Statement, dated | RA000517 |

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| | | July 1, 2019. | |
| 47. | 10/21/19 | Exhibit 35, Plaintiff's, admitted at Evidentiary Hearing, Long term care statement. Long Term Care Partners letter to Plaintiff dated November 1, 2017. | RA000518 - RA000521 |
| 48. | 10/21/19 | Exhibit 36, Plaintiff's, Evidentiary Hearing, Plaintiff's Canyon Gate Master Association (HOA) billing statements, dated October 20, 2017, October 18, 2018 and May 13, 2019. | RA000522 - RA000524 |
| 49. | 10/21/19 | Exhibit 38, Plaintiff's, admitted at Evidentiary Hearing: Ms. Byrd doctor visit. Summary of visit date April 16, 2012. | RA000525 - RA000526 |
| 50. | 10/21/19 | Exhibit 42, Plaintiff's, admitted at Evidentiary Hearing: Ms. Byrd social security statement. Social Security Statement for Plaintiff, dated June 11, 2019. | RA000527 - RA000532 |
| 51. | 10/21/19 | Exhibit 63, Plaintiff's, admitted at Evidentiary Hearing: Letter to Defendant's counsel, regarding SBP, dated September 24, 2019. | RA000533 - RA000534 |
| 52. | 10/21/19 | Exhibit 64, Plaintiff's, admitted at Evidentiary Hearing, Letter from Defendant's counsel, dated September 25, 2019, responding to Plaintiff's letter dated 9/24/19. | RA000535 |
| 53. | 10/21/19 | Exhibit A, Defendant's, admitted at Evidentiary Hearing: Dept. Of Army (CRSC) decision letter dated 6/20/11. Bates. | RA000536 - RA000538 |
| 54. | 10/21/19 | Exhibit B, Defendant's, admitted at Evidentiary Hearing, CRSC payment history from August 2014 - July 2015 (VA Waiver 3017.60, Retire net pay 128.40). | RA000539 |
| 55. | 10/21/19 | Exhibit C, Defendant's, admitted at Evidentiary Hearing, CRSC pay statement | RA000540 |

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| | | dated 4/22/19. | |
| 56. | 10/21/19 | Exhibit D, Defendant's, admitted at Evidentiary Hearing, VA letter for disability benefits dated 10/16/12 (disability benefit effective 12/01/2011). | RA000541 |
| 57. | 10/21/19 | Exhibit E, Defendant's, admitted at Evidentiary Hearing, Grady's VA payment history from April 1, 2019 - May 31, 2019. | RA000542 |
| 58. | 10/21/19 | Exhibit F, Defendant's, admitted at Evidentiary Hearing, Office of Personnel Management (OPM) letter re: disability application dated 11/12/2010. | RA000543 - RA000545 |
| 59. | 10/21/19 | Exhibit G, Defendant's, admitted at Evidentiary Hearing . OPM letter dated 04/29/2018 re: FERS disability annuity adjustment. | RA000546 |
| 60. | 10/21/19 | Exhibit H, Defendant's, admitted at Evidentiary Hearing OPM Notice of Annuity adjustment re: 07/02/18 payment. | RA000547 |
| 61. | 10/21/19 | Exhibit I, Defendant's, admitted at Evidentiary Hearing, OPM Annuity statement dated March 13, 2019. | RA000548 |
| 62. | 10/21/19 | Exhibit J, Defendant's, admitted at Evidentiary Hearing: Defendant's Social Security Decision dated September 12, 2012. | RA000549 - RA000554 |
| 63. | 10/21/19 | Exhibit K, Defendant's, admitted at Evidentiary Hearing: Defendant's 2014 Social Security Benefit 2014 (Form SSA-1099). | RA000555 |
| 64. | 10/21/19 | Exhibit L, Defendant's, admitted at Evidentiary Hearing, Defendant's Social Security Benefit 2018. | RA000556 |

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| 65. | 11/25/19 | Plaintiff's Memorandum of Fees and Costs, from July 19, 2019 through the date of the Evidentiary hearing on October 21, 2019, filed 11/25/19. | RA000557 - RA000593 |
| 66. | 12/05/19 | Notice of Entry of Order on Discovery Commissioner's Report and Recommendations, filed 12/05/19. | RA000594 - RA000602 |
| 67. | 03/18/20 | Plaintiff's Ex Parte Application for an Income Withholding Order, filed 03/18/20. | RA000603 - RA000615 |
| 68. | 04/03/20 | Opposition to Plaintiff's Ex -Parte Application for Income Withholding Order, Defendant, filed 04/03/20. | RA000616 - RA000625 |
| 69. | 04/10/20 | Plaintiff's Reply to Defendant's Opposition to Plaintiff's Ex Parte Application for an Income Withholding Order, filed 04/10/20. | RA000626 - RA000655 |

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### ALPHABETICAL LISTING

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| 34. | 10/21/19 | Exhibit 18, Plaintiff's, admitted at Evidentiary Hearing: Emails from Defendant "the money will go into your account the first of ever month until I die." "I'm sending you the papers. You sign or I will hire a lawyer and take you to court. You see what you get then." "This is the statement that will go on the divorce papers", dated April 9, 2014 and April 15, 2014. | RA000491 - RA000492 |
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| 37. | 10/21/19 | Exhibit 22, Plaintiff's, admitted at Evidentiary Hearing: Email from Defendant to Plaintiff stating that Plaintiff is not entitled to any more money in the decree of divorce, retire pay is 3017, dated April 8, 2014. Bates13, and "this is your last warning," and Plaintiff asking for $3000/mo., dated April 10, 2014. | RA000496 - RA000498 |
| 38. | 10/21/19 | Exhibit 23, Plaintiff's, admitted at Evidentiary Hearing: Email from Plaintiff to Defendant, regarding Plaintiff's health insurance denial, dated July 29, 2016, to | RA000499 - RA000502 |

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| 41. | 10/21/19 | Exhibit 28 Plaintiff's, admitted at Evidentiary Hearing: Grady's retirement account. DFAS Retiree Account Statement, dated December 3, 2017. | RA000506 |
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| 52. | 10/21/19 | Exhibit 64, Plaintiff's, admitted at Evidentiary Hearing, Letter from Defendant's counsel, dated September 25, 2019, responding to Plaintiff's letter dated 9/24/19. | RA000535 |
| 9. | 01/02/19 | Financial Disclosure Form, Defendant, with five income statements attachments, filed 01/02/19. | RA000088 - RA000100 |
| 2. | 10/18/18 | Financial Disclosure Form, Plaintiff, filed 10/18/18. | RA000004 - RA000011 |
| 11. | 01/15/19 | First Supplement to Exhibit Appendix, Plaintiff, in support of her Reply filed 01/15/19. | RA000127 - RA000183 |
| 22. | 10/17/19 | Minutes re: Calendar Call held on 10/17/19. | RA000422 - RA000423 |
| 1. | 08/27/18 | Motion to Change Venue, Plaintiff, filed 08/27/18. | RA000001 - RA000003 |
| 21. | 10/11/19 | Notice of Change in Requested Relief in | RA000418 - |

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| | | Plaintiff's Motion For Reconsideration, et al, filed on 09/30/19, filed 10/11/19 | RA000421 |
| 7. | 12/27/18 | Notice of Entry of Order for the Order Shortening Time on Plaintiff's Motion filed 12/27/18. | RA000059 - RA000062 |
| 66. | 12/05/19 | Notice of Entry of Order on Discovery Commissioner's Report and Recommendations, filed 12/05/19. | RA000594 - RA000602 |
| 68. | 04/03/20 | Opposition to Plaintiff's Ex -Parte Application for Income Withholding Order, Defendant, filed 04/03/20. | RA000616 - RA000625 |
| 5. | 12/18/18 | Order Granting Continuance, Defendant, filed 12/18/18. | RA000036 |
| 17. | 06/17/19 | Plaintiff's Emergency Motion for an Order to Show Cause Why the Defendant should Not Be Held In contempt of Court and for Attorney Fees and Costs, filed 06/17/19. | RA000323 - RA000337 |
| 14. | 04/23/19 | Plaintiff's Ex Parte Application for An Order for Defendant to Appear In Person, filed 04/23/19. | RA000238 - RA000244 |
| 67. | 03/18/20 | Plaintiff's Ex Parte Application for an Income Withholding Order, filed 03/18/20. | RA000603 - RA000615 |
| 65. | 11/25/19 | Plaintiff's Memorandum of Fees and Costs, from July 19, 2019 through the date of the Evidentiary hearing on October 21, 2019, filed 11/25/19. | RA000557 - RA000593 |
| 18. | 09/10/19 | Plaintiff's Motion to Compel Defendant's Responses to Discovery and Request for Sanctions and Attorney Fees, filed 09/10/19. | RA000338 - RA000360 |
| 6. | 12/19/18 | Plaintiff's Opposition to Defendant's ex parte Motion for A Continuance of Plaintiff's Motion to Enforce the Decree of Divorce, For | RA000037 - RA000058 |

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| | | An Order to Show Cause, to divide a Newly Discovered Asset, to Execute QDROs and for Attorney fees and Costs and Counter motion for Attorney Fees and Costs, filed 12/19/18. | |
| 10. | 01/15/19 | Plaintiff's Reply to Defendant's Reply to Plaintiff's Opposition to Defendant's ex parte Motion for a Continuance of Plaintiff's Motion to Enforce the Decree of Divorce, for an Order to Show Cause, to Divide a Newly Discovered Asset, to Execute QDROs, and for Attorney's Fees and Costs and Countermotion for Attorney Fees and Costs, filed 01/15/19. | RA000101 - RA000126 |
| 69. | 04/10/20 | Plaintiff's Reply to Defendant's Opposition to Plaintiff's Ex Parte Application for an Income Withholding Order, filed 04/10/20. | RA000626 - RA000655 |
| 8. | 12/28/18 | Reply to Opposition and/or Counter motion, Defendant, filed 12/28/18. | RA000063 - RA000087 |
| 3. | 11/27/18 | Transcript re: Motion, November 27, 2018. | RA000012 - RA000032 |

**Certificate of Service**

Pursuant to NRAP 25(c)(1)(E), I hereby certify, under penalty of perjury, that I am an employee of Webster & Associates and that on the 13th day of August, 2020, I caused to be served the foregoing document by way of NEFCR 9 Notice of Electronic Filing to the following:

Daniel W. Anderson
Mills & Anderson
Counsel for Appellant, Grady Edward Byrd

An employee of WEBSTER & ASSOCIATES

10. Page 11. Lines 26. through Page 12. Line 17. Plaintiff's email dated April 18, 2014 could not be more clear on the subject of defendant's disability benefits:

> "you have army ret pay , combat pay, va pay, ss disability pay ,, and in four years full pension from OPM , and social security ."

Because plaintiff did not spell out benefits in full terms, uses the Government lay terms, and apparently did not teach her legal counsel what the basic programs are that comprise "Federal Disability Benefits" does not mean the programs were not listed. The fact that plaintiff knows the programs well enough to use lay terms confirms that she possessed intimate knowledge of the benefits. It also highlights the inability of plaintiff's team to interpret basic government documents. This is the root cause of many of the issues of this case.

Once again plaintiff is introducing false information into the Court Record. The statement that plaintiff had no idea what OPM is just a blatant lie to the Court. Defendant's email dated March 27, 2014 to plaintiff stated:

> **OPM is office of personnel management. I owe them around 45 to 48 k. When that is paid off i will get a full retirement pension of around 2k a month. That is more than 4 years from now when i am 62.**

To summarize the full circle of this attempted deceit foisted on the Court:

- March 27, 2014 email plaintiff asks what OPM means
- March 27, 2014 email defendant provides plaintiff a full explanation of OPM to include that it was the federal retirement pension due in 4 years.

- April 18, 2014 email plaintiff confirmed all defendant disability benefits to include **"...and in four years full pension from OPM..."**

- July 16, 2018 plaintiff is informed by defendant that he is coming to Las Vegas for surgery

- Four years, four months, and four days after plaintiff knew of the OPM retirement pension on October 15, 2018 plaintiff filed a Notice of Motion to reopen the final Order which included the statements that comprised the final phase of the deception:

12. LINE 18. "GRADY MAY HAVE A UNDISCLOSED RETIREMENT PLAN OR OTHER BENEFIT FROM WORKING FOR THE U.S. DEPARTMENT OF DEFENSE"

PAGE 13. LINE 12. "Caterina discovered the potential for a undivided retirement plan about August 2018,.... "

PAGE 13. LINE 21. "Caterina began to wonder if Grady has a pension or other retainment benefit from his work with the Department of Defense."

The circle will be complete when the deception is not discovered and plaintiff is awarded any disability benefits.

11. Page 12. Line 19. Through Page 14. Line 2. MISDIRECTION FROM FACTS OF CASE. A medley of unsubstantiated accusations, allegations, and slurs designed to distract from the fact that plaintiff has no evidence to support this Motion.

12. Page 14. Line 13. MISINTERPRETATION. The commonly used slur "control" aside, I have made no attempt to obtain mortgage statements. If the mortgage company thinks I made such a request I will inform the company to fix their error. Plaintiff asks a good question, "Why would he sabotage....her home to his?" The answer is I wouldn't.

13. Page 14. Line 14. through Page 17. Line 23. Repeat of previously presented opinions that were debunked are not supported by the presentation of evidence. Nowhere, other than in plaintiff's personal opinion, is there an order, suggestion, hint, etc. that defendant is responsible for any personnel or personal actions on behalf of the plaintiff after the Decree was finalized.

14. Page 17. Line 25. through Page 21. Line 17. Plaintiff is not entitled to the award of any attorney fees are costs. Plaintiff has the intent to deceive the Court to receive unauthorized disability benefits. I knew this when plaintiff began generating emails to create the appearance of an evidence trail. The deliberate characterization of defendant's efforts to comply with plaintiff's Orders as controlling, harassing, etc. etc. etc. is direct evidence that plaintiff does not want to settle the case without the Court's awarding of disability benefits to the plaintiff.

15. Page 21. Line 19. through Page 23. Line 4. Plaintiff's conclusion is nothing more than a repeat of information already submitted in previous filings. I disagree with providing plaintiff any benefits derived from service-connected awarded "Federal

Disability Benefits" There is no Order for alimony or spousal support. There is no Order for defendant to pay plaintiff's insurance costs. There is no Order for defendant to pay plaintiff's health care costs. There is no Order for defendant to manage plaintiff's personal affairs after the Decree was finalized. Plaintiff has not provided any evidence that defendant should be responsible for paying her attorney fees and costs.

16. Page 25. Lines 8 - 13. The deceit continues in this Declaration. Ample evidence has been submitted to disprove the mountain of lies of when plaintiff learned of the OPM retirement plan. Just another false Declaration.

**SUMMARY**

1. The provisions of NRS 125.150. 3. have not been met. Plaintiff's Motion submission is more than three years from the time of "discovery" of omitted disability benefits.

2. All sources of income for the defendant are Federal Disability Benefits awarded for service-connected injuries.

3. The provisions of NRS 125.165 and NRS 125.210 prohibit any attachment, levy, seizing, assignment, or division of Federal Disability Benefits and render moot any case law that upheld these practices in previous eras.

4. Divorce Decree orders that no alimony or spousal support is awarded. All case law presented by plaintiff assumes that alimony or spousal support decisions have not been made or that alimony or spousal support had been awarded. Neither of these situations apply in this case which renders them immaterial.

5. Howell v. Howell, 137 S.Ct. 1400 (2017) decision is clear that when Military Retirement Pay is waived, regardless of when it is waived, the resulting disability benefits may not be divided or otherwise "made up" through reimbursement or indemnification.

Plaintiff's team either doesn't know or understand the law. If they do know the law they are engaged in what Chief Justice Roberts described as a charade to get around the law.

6. Plaintiff is responsible for her own affairs. Blaming the defendant for her ignorance, negligence, and overall state of personnel affairs does not change the fact that there is no Order for the defendant to provide the plaintiff administrative support on an On-demand basis for an undetermined amount of time.

**CONCLUSION**

I request the following relief:

1. Based upon the overwhelming evidence of fraudulent statements submitted to the Court by plaintiff, I request that all plaintiff's Motions, Oppositions, Ex-Parte Applications, Schedule of Arrears, Attorney Fees, and any form of relief requested by plaintiff be denied.

2. Based upon the fact that information was withheld from the Court and a fraudulent entry was entered into the Court record, I request that all plaintiff's Motions, Oppositions, Ex-Parte Applications, Schedule of Arrears, Attorney Fees, and any form of relief requested by plaintiff be denied.

3. Plaintiff has not met the requirements of NRS. 125.150. 3. I request that all plaintiff's Motions, Oppositions, Ex-Parte Applications, Schedule of Arrears, Attorney Fees, and any form of relief requested by plaintiff be denied.

4. Plaintiff has not provided any evidence that contradicts the Ordered Decree which specifically states that defendant has no obligation to provide alimony or spousal support. I request that all plaintiff's Motions, Oppositions, Ex-Parte Applications, Schedule of Arrears, Attorney Fees, and any form of relief requested by plaintiff be denied.

5. Plaintiff has not provided any evidence that the Divorce Decree assigned defendant any responsibility for managing plaintiff's affairs after the Order. I request that all

plaintiff's Motions, Oppositions, Ex-Parte Applications, Schedule of Arrears, Attorney Fees, and any form of relief requested by plaintiff be denied.

6. I request that the hearing on January 23, 2019 be cancelled and the court deny plaintiff's Motions, Oppositions, Ex-Parte Applications, Schedule of Arrears, Attorney Fees, and any form of relief requested by plaintiff.

7. If this case must continue, defendant should be awarded attorney fees so that he may obtain legal representation to defend himself against the demonstrably false, misleading, and libelous accusations made against him. Also, if the court so recognizes defendant's reply, he requests reimbursement from plaintiff for all expenses related to defending himself against these spurious claims and libelous allegations.

8. Defendant requests any other relief that is just and equitable under the premises. I respectfully ask the Court to deny the opposing party's Reply and grant me the relief requested in my motion, including an award of attorney's fees if I am able to retain an attorney for this matter, and any other relief to include all Travel, Transportation, and Living Expense the Court finds appropriate.

DATED JANUARY 19, 2019.

Submitted By: _____

GRADY EDWARD BYRD

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

| | |
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| GRADY BYRD,<br><br>Appellant,<br><br>vs.<br><br>CATERINA ANGELA BYRD,<br><br>Respondent. | Supreme Court Case No. 80548 |

# RESPONDENT'S APPENDIX TO ANSWERING BRIEF
## VOLUME VIII

Submitted By:

/s/ Jeanne F. Lambertsen

_____

ANITA A. WEBSTER, ESQ.
Nevada Bar No. 1211
JEANNE F. LAMBERTSEN, ESQ.
Nevada Bar No. 9460
6882 Edna Avenue
Las Vegas, Nevada 89146
Attorneys for Respondent
Caterina Angela Byrd

Docket 80548 Document 2020-29941

# INDEX

## CHRONOLOGICAL LISTING


| EX. | DATE | DOCUMENT | BATES NUMBER |
|---|---|---|---|
| 1. | 08/27/18 | Motion to Change Venue, Plaintiff, filed 08/27/18. | RA000001 - RA000003 |
| 2. | 10/18/18 | Financial Disclosure Form, Plaintiff, filed 10/18/18. | RA000004 - RA000011 |
| 3. | 11/27/18 | Transcript re: Motion, November 27, 2018. | RA000012 - RA000032 |
| 4. | 12/13/18 | Ex parte Motion for Continuance, Defendant, filed 12/13/18. | RA000033 - RA000035 |
| 5. | 12/18/18 | Order Granting Continuance, Defendant, filed 12/18/18. | RA000036 |
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| 8. | 12/28/18 | Reply to Opposition and/or Counter motion, Defendant, filed 12/28/18. | RA000063 - RA000087 |
| 9. | 01/02/19 | Financial Disclosure Form, Defendant, with five income statements attachments, filed 01/02/19. | RA000088 - RA000100 |
| 10. | 01/15/19 | Plaintiff's Reply to Defendant's Reply to | RA000101 - |

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| | | Plaintiff's Opposition to Defendant's ex parte Motion for a Continuance of Plaintiff's Motion to Enforce the Decree of Divorce, for an Order to Show Cause, to Divide a Newly Discovered Asset, to Execute QDROs, and for Attorney's Fees and Costs and Countermotion for Attorney Fees and Costs, filed 01/15/19. | RA000126 |
| 11. | 01/15/19 | First Supplement to Exhibit Appendix, Plaintiff, in support of her Reply filed 01/15/19. | RA000127 - RA000183 |
| 12. | 1/18/19 | Defendant's Reply to Plaintiff's Reply to Defendant's Reply to Plaintiff's Opposition to defendant's Ex parte Motion for a Continuance of Plaintiff's Motion to Enforce the Decree of Divorce, For an Order to Show Cause, to Divide a Newly Discovered Asset, to Execute QDROs, and for Attorney's Fees and Costs and Counter motion for Attorney fees and Costs, filed 1/18/19. | RA000184 - RA000197 |
| 13. | 04/23/19 | Exhibit Appendix to Plaintiff's Opposition to Defendant's Motion for Reconsideration and Countermotion, Plaintiff, filed 04/23/19. | RA000198 - RA000237 |
| 14. | 04/23/19 | Plaintiff's Ex Parte Application for An Order for Defendant to Appear In Person, filed 04/23/19. | RA000238 - RA000244 |
| 15. | 04/23/19 | Exhibit Appendix to Plaintiff's Ex Parte Application For an Order For Defendant To Appear In Person, Plaintiff, filed 04/23/19. | RA000245 - RA000264 |
| 16. | 05/17/19 | Exhibit Appendix to Plaintiff's Reply to Defendant's Opposition and Countermotion, filed 05/17/19. | RA000265 - RA000322 |
| 17. | 06/17/19 | Plaintiff's Emergency Motion for an Order | RA000323 - |

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| | | to Show Cause Why the Defendant should Not Be Held In contempt of Court and for Attorney Fees and Costs, filed 06/17/19. | RA000337 |
| 18. | 09/10/19 | Plaintiff's Motion to Compel Defendant's Responses to Discovery and Request for Sanctions and Attorney Fees, filed 09/10/19. | RA000338 - RA000360 |
| 19. | 09/17/19 | Defendant's Motion for a Protective Order pursuant to NRCP 26(C) and for Attorney Fees, filed 09/17/19. | RA000361 - RA000372 |
| 20. | 09/30/19 | Exhibit Appendix to Plaintiff's Motion for Reconsideration, Summary Judgment, Joinder and to continue the Evidentiary Hearing. (Contains Defendant's responses to Plaintiff's Request for Admissions), filed 09/30/19. | RA000373 - RA000417 |
| 21. | 10/11/19 | Notice of Change in Requested Relief in Plaintiff's Motion For Reconsideration, et al, filed on 09/30/19, filed 10/11/19. | RA000418 - RA000421 |
| 22. | 10/17/19 | Minutes re: Calendar Call held on 10/17/19. | RA000422 - RA000423 |
| 23. | 10/21/19 | Exhibit 1 Plaintiff's, admitted at Evidentiary Hearing, Joint Petition for Summary Decree of Divorce. | RA000424 - RA000437 |
| 24. | 10/21/19 | Exhibit 4, Plaintiff's, admitted at Evidentiary Hearing, Notice of Entry of Order from the May 2, 2019 hearing, filed on 05/28/19. | RA000438 - RA000443 |
| 25. | 10/21/19 | Exhibit 7, Plaintiff' s, admitted at Evidentiary Hearing, Notice of Entry of Order to Show Cause, Grady to Appear On October 21, 2019, filed on 07/29/19. | RA000444 - RA000447 |
| 26. | 10/21/19 | Exhibit 8, Plaintiff's, admitted at Evidentiary Hearing, Caterina's Financial | RA000448 - RA000455 |

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| | | Disclosure Form, Amended, filed on 07/15/19. | |
| 27. | 10/21/19 | Exhibit 9, Plaintiff's, admitted at Evidentiary Hearing, Grady's Financial Disclosure Form, Amended, filed 01/18/19. | RA000456 - RA000468 |
| 28. | 10/21/19 | Exhibit 10, Plaintiff's, admitted at Evidentiary Hearing, Grady's Financial Disclosure Form, filed on 06/18/19. | RA000469 - RA000478 |
| 29. | 10/21/19 | Exhibit 13, Plaintiff's, admitted at Evidentiary Hearing: Emails Bates 522-523. E-mail from Defendant to Plaintiff promising the Plaintiff that she will receive the same benefits whether he is married or not, including Survivor Benefit Plan, dated February 20, 2014 and Emails between Defendant and Plaintiff, Defendant writing it is time for a divorce and promising Plaintiff $3000 a month email dated, February 20 & 21, 2014. | RA000479 - RA000481 |
| 30. | 10/21/19 | Exhibit 14, Plaintiff's, admitted at Evidentiary Hearing: Email from Defendant to Plaintiff promising Plaintiff $3,000 a month as long as he lives, et. al, dated March 23, 2014. | RA000482 |
| 31. | 10/21/19 | Exhibit 15, Plaintiff's, admitted at Evidentiary Hearing: Email from Defendant to Plaintiff, threatening to stop communicating with her, dated March 26, 2014. | RA000483 |
| 32. | 10/21/19 | Exhibit 16, Plaintiff's, admitted at Evidentiary Hearing: Emails between Plaintiff and Defendant, re: retired pay is $3,017 a month, gives her $3,000 a month. Live poor until he dies, her monthly expenses, dated February 2014 - April 2014. | RA000484 - RA000488 |

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| 33. | 10/21/19 | Exhibit 17, Plaintiff's, admitted at Evidentiary Hearing: Emails from Defendant to Plaintiff regarding"just sign the [divorce] papers..." dated March 27, 2014. | RA000489 - RA000490 |
| 34. | 10/21/19 | Exhibit 18, Plaintiff's, admitted at Evidentiary Hearing: Emails from Defendant “the money will go into your account the first of ever month until I die.” “I’m sending you the papers. You sign or I will hire a lawyer and take you to court. You see what you get then.” “This is the statement that will go on the divorce papers”, dated April 9, 2014 and April 15, 2014. | RA000491 - RA000492 |
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| 47. | 10/21/19 | Exhibit 35, Plaintiff's, admitted at Evidentiary Hearing, Long term care statement. Long Term Care Partners letter to Plaintiff dated November 1, 2017. | RA000518 - RA000521 |
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| 53. | 10/21/19 | Exhibit A, Defendant's, admitted at Evidentiary Hearing: Dept. Of Army (CRSC) decision letter dated 6/20/11. Bates. | RA000536 - RA000538 |
| 54. | 10/21/19 | Exhibit B, Defendant's, admitted at Evidentiary Hearing, CRSC payment history from August 2014 - July 2015 (VA Waiver 3017.60, Retire net pay 128.40). | RA000539 |
| 55. | 10/21/19 | Exhibit C, Defendant's, admitted at Evidentiary Hearing, CRSC pay statement | RA000540 |

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| | | dated 4/22/19. | |
| 56. | 10/21/19 | Exhibit D, Defendant's, admitted at Evidentiary Hearing, VA letter for disability benefits dated 10/16/12 (disability benefit effective 12/01/2011). | RA000541 |
| 57. | 10/21/19 | Exhibit E, Defendant's, admitted at Evidentiary Hearing, Grady's VA payment history from April 1, 2019 - May 31, 2019. | RA000542 |
| 58. | 10/21/19 | Exhibit F, Defendant's, admitted at Evidentiary Hearing, Office of Personnel Management (OPM) letter re: disability application dated 11/12/2010. | RA000543 - RA000545 |
| 59. | 10/21/19 | Exhibit G, Defendant's, admitted at Evidentiary Hearing . OPM letter dated 04/29/2018 re: FERS disability annuity adjustment. | RA000546 |
| 60. | 10/21/19 | Exhibit H, Defendant's, admitted at Evidentiary Hearing OPM Notice of Annuity adjustment re: 07/02/18 payment. | RA000547 |
| 61. | 10/21/19 | Exhibit I, Defendant's, admitted at Evidentiary Hearing, OPM Annuity statement dated March 13, 2019. | RA000548 |
| 62. | 10/21/19 | Exhibit J, Defendant's, admitted at Evidentiary Hearing: Defendant's Social Security Decision dated September 12, 2012. | RA000549 - RA000554 |
| 63. | 10/21/19 | Exhibit K, Defendant's, admitted at Evidentiary Hearing: Defendant's 2014 Social Security Benefit 2014 (Form SSA-1099). | RA000555 |
| 64. | 10/21/19 | Exhibit L, Defendant's, admitted at Evidentiary Hearing, Defendant's Social Security Benefit 2018. | RA000556 |

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| 65. | 11/25/19 | Plaintiff's Memorandum of Fees and Costs, from July 19, 2019 through the date of the Evidentiary hearing on October 21, 2019, filed 11/25/19. | RA000557 - RA000593 |
| 66. | 12/05/19 | Notice of Entry of Order on Discovery Commissioner's Report and Recommendations, filed 12/05/19. | RA000594 - RA000602 |
| 67. | 03/18/20 | Plaintiff's Ex Parte Application for an Income Withholding Order, filed 03/18/20. | RA000603 - RA000615 |
| 68. | 04/03/20 | Opposition to Plaintiff's Ex -Parte Application for Income Withholding Order, Defendant, filed 04/03/20. | RA000616 - RA000625 |
| 69. | 04/10/20 | Plaintiff's Reply to Defendant's Opposition to Plaintiff's Ex Parte Application for an Income Withholding Order, filed 04/10/20. | RA000626 - RA000655 |

## INDEX

### ALPHABETICAL LISTING

| EX. | DATE | DOCUMENT | BATES NUMBER |
|---|---|---|---|
| 19. | 09/17/19 | Defendant's Motion for a Protective Order pursuant to NRCP 26(C) and for Attorney Fees, filed 09/17/19. | RA000361 - RA000372 |
| 12. | 1/18/19 | Defendant's Reply to Plaintiff's Reply to Defendant's Reply to Plaintiff's Opposition to defendant's Ex parte Motion for a Continuance of Plaintiff's Motion to Enforce the Decree of Divorce, For an Order to Show Cause, to Divide a Newly Discovered Asset, to Execute QDROs, and for Attorney's Fees and Costs and Counter motion for Attorney fees and Costs, filed 1/18/19. | RA000184 - RA000197 |

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|---|---|---|---|
| 4. | 12/13/18 | Ex parte Motion for Continuance, Defendant, filed 12/13/18. | RA000033 - RA000035 |
| 53. | 10/21/19 | Exhibit A, Defendant's, admitted at Evidentiary Hearing: Dept. Of Army (CRSC) decision letter dated 6/20/11. Bates. | RA000536 - RA000538 |
| 15. | 04/23/19 | Exhibit Appendix to Plaintiff's Ex Parte Application For an Order For Defendant To Appear In Person, Plaintiff, filed 04/23/19. | RA000245 - RA000264 |
| 16. | 05/17/19 | Exhibit Appendix to Plaintiff's Reply to Defendant's Opposition and Countermotion, filed 05/17/19. | RA000265 - RA000322 |
| 20. | 09/30/19 | Exhibit Appendix to Plaintiff's Motion for Reconsideration, Summary Judgment, Joinder and to continue the Evidentiary Hearing. (Contains Defendant's responses to Plaintiff's Request for Admissions), filed 09/30/19. | RA000373 - RA000417 |
| 13. | 04/23/19 | Exhibit Appendix to Plaintiff's Opposition to Defendant's Motion for Reconsideration and Countermotion, Plaintiff, filed 04/23/19. | RA000198 - RA000237 |
| 54. | 10/21/19 | Exhibit B, Defendant's, admitted at Evidentiary Hearing, CRSC payment history from August 2014 - July 2015 (VA Waiver 3017.60, Retire net pay 128.40). | RA000539 |
| 55. | 10/21/19 | Exhibit C, Defendant's, admitted at Evidentiary Hearing, CRSC pay statement dated 4/22/19. | RA000540 |
| 56. | 10/21/19 | Exhibit D, Defendant's, admitted at Evidentiary Hearing, VA letter for disability benefits dated 10/16/12 (disability benefit effective 12/01/2011). | RA000541 |
| 57. | 10/21/19 | Exhibit E, Defendant's, admitted at Evidentiary Hearing, Grady's VA payment history from April 1, 2019 - May 31, 2019. | RA000542 |

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|---|---|---|---|
| 58. | 10/21/19 | Exhibit F, Defendant's, admitted at Evidentiary Hearing, Office of Personnel Management (OPM) letter re: disability application dated 11/12/2010. | RA000543 - RA000545 |
| 59. | 10/21/19 | Exhibit G, Defendant's, admitted at Evidentiary Hearing . OPM letter dated 04/29/2018 re: FERS disability annuity adjustment. | RA000546 |
| 60. | 10/21/19 | Exhibit H, Defendant's, admitted at Evidentiary Hearing OMP Notice of Annuity adjustment re: 07/02/18 payment. | RA000547 |
| 61. | 10/21/19 | Exhibit I, Defendant's, admitted at Evidentiary Hearing, OPM Annuity statement dated March 13, 2019. | RA000548 |
| 62. | 10/21/19 | Exhibit J, Defendant's, admitted at Evidentiary Hearing: Defendant's Social Security Decision dated September 12, 2012. | RA000549 - RA000554 |
| 63. | 10/21/19 | Exhibit K, Defendant's, admitted at Evidentiary Hearing: Defendant’s 2014 Social Security Benefit 2014 (Form SSA-1099). | RA000555 |
| 64. | 10/21/19 | Exhibit L, Defendant's, admitted at Evidentiary Hearing, Defendant’s Social Security Benefit 2018. | RA000556 |
| 23. | 10/21/19 | Exhibit 1, Plaintiff’s, admitted at Evidentiary Hearing, Joint Petition for Summary Decree of Divorce. | RA000424 - RA000437 |
| 24. | 10/21/19 | Exhibit 4, Plaintiff's, admitted at Evidentiary Hearing, Notice of Entry of Order from the May 2, 2019 hearing, filed on 05/28/19. | RA000438 - RA000443 |
| 25. | 10/21/19 | Exhibit 7, Plaintiff' s, admitted at Evidentiary Hearing, Notice of Entry of Order to Show Cause, Grady to Appear On October 21, 2019, filed on 07/29/19. | RA000444 - RA000447 |

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| 26. | 10/21/19 | Exhibit 8, Plaintiff's, admitted at Evidentiary Hearing, Caterina's Financial Disclosure Form, Amended, filed on 07/15/19. | RA000448 - RA000455 |
| 27. | 10/21/19 | Exhibit 9, Plaintiff's, admitted at Evidentiary Hearing, Grady's Financial Disclosure Form, Amended, filed 01/18/19. | RA000456 - RA000468 |
| 28. | 10/21/19 | Exhibit 10, Plaintiff's, admitted at Evidentiary Hearing, Grady's Financial Disclosure Form, filed on 06/18/19. | RA000469 - RA000478 |
| 29. | 10/21/19 | Exhibit 13, Plaintiff's, admitted at Evidentiary Hearing: Emails Bates 522-523. E-mail from Defendant to Plaintiff promising the Plaintiff that she will receive the same benefits whether he is married or not, including Survivor Benefit Plan, dated February 20, 2014 and Emails between Defendant and Plaintiff, Defendant writing it is time for a divorce and promising Plaintiff $3000 a month email dated, February 20 & 21, 2014. | RA000479 - RA000481 |
| 30. | 10/21/19 | Exhibit 14, Plaintiff's, admitted at Evidentiary Hearing: Email from Defendant to Plaintiff promising Plaintiff $3,000 a month as long as he lives, et. al, dated March 23, 2014. | RA000482 |
| 31. | 10/21/19 | Exhibit 15, Plaintiff's, admitted at Evidentiary Hearing: Email from Defendant to Plaintiff, threatening to stop communicating with her, dated March 26, 2014. | RA000483 |
| 32. | 10/21/19 | Exhibit 16, Plaintiff's, admitted at Evidentiary Hearing: Emails between Plaintiff and Defendant, re: retired pay is $3,017 a month, gives her $3,000 a month. Live poor until he dies, her monthly expenses, dated February 2014 - April 2014. | RA000484 - RA000488 |

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| 33. | 10/21/19 | Exhibit 17, Plaintiff's, admitted at Evidentiary Hearing: Emails from Defendant to Plaintiff regarding"just sign the [divorce] papers..." dated March 27, 2014. | RA000489 - RA000490 |
| 34. | 10/21/19 | Exhibit 18, Plaintiff's, admitted at Evidentiary Hearing: Emails from Defendant "the money will go into your account the first of ever month until I die." "I'm sending you the papers. You sign or I will hire a lawyer and take you to court. You see what you get then." "This is the statement that will go on the divorce papers", dated April 9, 2014 and April 15, 2014. | RA000491 - RA000492 |
| 35. | 10/21/19 | Exhibit 20, Plaintiff's, admitted at Evidentiary Hearing: Email, Bates 9. Email from Plaintiff to Defendant stating that she has no idea what OPM is, and Defendant mad that she wants to see lawyer, dated March 27, 2014. | RA000493 |
| 36. | 10/21/19 | Exhibit 21, Plaintiff's, admitted at Evidentiary Hearing: Emails from Plaintiff to Defendant telling the Defendant that she is feeling very nervous and scared, dated April 8, 2014. Defendant "I will have the following statements entered on the divorce statement". | RA000494 - RA000495 |
| 37. | 10/21/19 | Exhibit 22, Plaintiff's, admitted at Evidentiary Hearing: Email from Defendant to Plaintiff stating that Plaintiff is not entitled to any more money in the decree of divorce, retire pay is 3017, dated April 8, 2014. Bates13, and "this is your last warning," and Plaintiff asking for $3000/mo., dated April 10, 2014. | RA000496 - RA000498 |
| 38. | 10/21/19 | Exhibit 23, Plaintiff's, admitted at Evidentiary Hearing: Email from Plaintiff to Defendant, regarding Plaintiff's health insurance denial, dated July 29, 2016, to | RA000499 - RA000502 |

| | | | |
|---|---|---|---|
| | | August 13, 2016. | |
| 39. | 10/21/19 | Exhibit 25, Plaintiff's, admitted at Evidentiary Hearing: Email from Defendant to Plaintiff regarding Car insurance and cancer surgery, dated July 16, 2018. | RA000503 |
| 40. | 10/21/19 | Exhibit 27, Plaintiff's, admitted at Evidentiary Hearing: Defendant's retirement from Army, beneficiaries, Survivor Benefit Plan, Form DD 2656, dated March 10, 1999. | RA000504 - RA000505 |
| 41. | 10/21/19 | Exhibit 28 Plaintiff's, admitted at Evidentiary Hearing: Grady's retirement account. DFAS Retiree Account Statement, dated December 3, 2017. | RA000506 |
| 42. | 10/21/19 | Exhibit 30, Plaintiff's, admitted at Evidentiary Hearing: Tax Return for Plaintiff year 2015 (Individual). | RA000507 - RA000508 |
| 43. | 10/21/19 | Exhibit 31, Plaintiff's, admitted at Evidentiary Hearing:, Tax Return for Plaintiff year 2016 (Individual). | RA000509 - RA000510 |
| 44. | 10/21/19 | Exhibit 32, Plaintiff's, admitted at Evidentiary Hearing: Tax Return for Plaintiff with form W-2G attached year 2017 (Individual). | RA000511 - RA000513 |
| 45. | 10/21/19 | Exhibit 33, Plaintiff's, admitted at Evidentiary Hearing, Tax Return for Plaintiff year 2018 (Individual). | RA000514 - RA000516 |
| 46. | 10/21/19 | Exhibit 34, Plaintiff's, admitted at Evidentiary Hearing: Plaintiff's residence, USAA Mortgage Loan Statement, dated July 1, 2019. | RA000517 |
| 47. | 10/21/19 | Exhibit 35, Plaintiff's, admitted at Evidentiary Hearing, Long term care statement. Long Term Care Partners letter to | RA000518 - RA000521 |

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| | | Plaintiff dated November 1, 2017. | |
| 48. | 10/21/19 | Exhibit 36, Plaintiff's, Evidentiary Hearing, Plaintiff's Canyon Gate Master Association (HOA) billing statements, dated October 20, 2017, October 18, 2018 and May 13, 2019. | RA000522 - RA000524 |
| 49. | 10/21/19 | Exhibit 38, Plaintiff's, admitted at Evidentiary Hearing: Ms. Byrd doctor visit. Summary of visit date April 16, 2012. | RA000525 - RA000526 |
| 50. | 10/21/19 | Exhibit 42, Plaintiff's, admitted at Evidentiary Hearing: Ms. Byrd social security statement. Social Security Statement for Plaintiff, dated June 11, 2019. | RA000527 - RA000532 |
| 51. | 10/21/19 | Exhibit 63, Plaintiff's, admitted at Evidentiary Hearing: Letter to Defendant's counsel, regarding SBP, dated September 24, 2019. | RA000533 - RA000534 |
| 52. | 10/21/19 | Exhibit 64, Plaintiff's, admitted at Evidentiary Hearing, Letter from Defendant's counsel, dated September 25, 2019, responding to Plaintiff's letter dated 9/24/19. | RA000535 |
| 9. | 01/02/19 | Financial Disclosure Form, Defendant, with five income statements attachments, filed 01/02/19. | RA000088 - RA000100 |
| 2. | 10/18/18 | Financial Disclosure Form, Plaintiff, filed 10/18/18. | RA000004 - RA000011 |
| 11. | 01/15/19 | First Supplement to Exhibit Appendix, Plaintiff, in support of her Reply filed 01/15/19. | RA000127 - RA000183 |
| 22. | 10/17/19 | Minutes re: Calendar Call held on 10/17/19. | RA000422 - RA000423 |
| 1. | 08/27/18 | Motion to Change Venue, Plaintiff, filed 08/27/18. | RA000001 - RA000003 |
| 21. | 10/11/19 | Notice of Change in Requested Relief in | RA000418 - |

| | | | |
|---|---|---|---|
| | | Plaintiff's Motion For Reconsideration, et al, filed on 09/30/19, filed 10/11/19 | RA000421 |
| 7. | 12/27/18 | Notice of Entry of Order for the Order Shortening Time on Plaintiff's Motion filed 12/27/18. | RA000059 - RA000062 |
| 66. | 12/05/19 | Notice of Entry of Order on Discovery Commissioner's Report and Recommendations, filed 12/05/19. | RA000594 - RA000602 |
| 68. | 04/03/20 | Opposition to Plaintiff's Ex -Parte Application for Income Withholding Order, Defendant, filed 04/03/20. | RA000616 - RA000625 |
| 5. | 12/18/18 | Order Granting Continuance, Defendant, filed 12/18/18. | RA000036 |
| 17. | 06/17/19 | Plaintiff's Emergency Motion for an Order to Show Cause Why the Defendant should Not Be Held In contempt of Court and for Attorney Fees and Costs, filed 06/17/19. | RA000323 - RA000337 |
| 14. | 04/23/19 | Plaintiff's Ex Parte Application for An Order for Defendant to Appear In Person, filed 04/23/19. | RA000238 - RA000244 |
| 67. | 03/18/20 | Plaintiff's Ex Parte Application for an Income Withholding Order, filed 03/18/20. | RA000603 - RA000615 |
| 65. | 11/25/19 | Plaintiff's Memorandum of Fees and Costs, from July 19, 2019 through the date of the Evidentiary hearing on October 21, 2019, filed 11/25/19. | RA000557 - RA000593 |
| 18. | 09/10/19 | Plaintiff's Motion to Compel Defendant's Responses to Discovery and Request for Sanctions and Attorney Fees, filed 09/10/19. | RA000338 - RA000360 |
| 6. | 12/19/18 | Plaintiff's Opposition to Defendant's ex parte Motion for A Continuance of Plaintiff's Motion to Enforce the Decree of Divorce, For | RA000037 - RA000058 |

| | | | |
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| | | An Order to Show Cause, to divide a Newly Discovered Asset, to Execute QDROs and for Attorney fees and Costs and Counter motion for Attorney Fees and Costs, filed 12/19/18. | |
| 10. | 01/15/19 | Plaintiff's Reply to Defendant's Reply to Plaintiff's Opposition to Defendant's ex parte Motion for a Continuance of Plaintiff's Motion to Enforce the Decree of Divorce, for an Order to Show Cause, to Divide a Newly Discovered Asset, to Execute QDROs, and for Attorney's Fees and Costs and Countermotion for Attorney Fees and Costs, filed 01/15/19. | RA000101 - RA000126 |
| 69. | 04/10/20 | Plaintiff's Reply to Defendant's Opposition to Plaintiff's Ex Parte Application for an Income Withholding Order, filed 04/10/20. | RA000626 - RA000655 |
| 8. | 12/28/18 | Reply to Opposition and/or Counter motion, Defendant, filed 12/28/18. | RA000063 - RA000087 |
| 3. | 11/27/18 | Transcript re: Motion, November 27, 2018. | RA000012 - RA000032 |

**Certificate of Service**

Pursuant to NRAP 25(c)(1)(E), I hereby certify, under penalty of perjury, that I am an employee of Webster & Associates and that on the 13th day of August, 2020, I caused to be served the foregoing document by way of NEFCR 9 Notice of Electronic Filing to the following:

Daniel W. Anderson
Mills & Anderson
Counsel for Appellant, Grady Edward Byrd

An employee of WEBSTER & ASSOCIATES

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4/23/2019 3:54 PM
Steven D. Grierson
CLERK OF THE COURT

**EXHS**
**WEBSTER & ASSOCIATES**
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Nevada Bar No. 1221
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e-mail: anitawebster@embarqmail.com
e-mail: jlambertsen@embarqmail.com
Unbundled Attorney for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

| | |
|---|---|
| CATERINA ANGELA BYRD<br>Plaintiff,<br>v.<br>GRADY EDWARD BYRD<br>Defendant. | CASE NO.: D-18-577701-Z<br>DEPT NO.: G<br>**EXHIBIT APPENDIX TO PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION FOR RECONSIDERATION AND COUNTERMOTION** |

Law Offices of
WEBSTER & ASSOCIATES
6882 Edna Avenue • Las Vegas, Nevada 89146
Telephone (702) 562-2300 • Facsimile (702) 562-2303

COMES NOW, Caterina Angela Byrd, by and through her attorneys of record, Anita A. Webster, Esq., and Jeanne F. Lambertsen, Esq., of Webster & Associates, and hereby submits the following exhibits in support of her *Opposition to Defendant's Motion for Reconsideration and Countermotion*. Pursuant to EDCR 5.205(g) Exhibits may be deemed offers of proof but shall not be considered substantive evidence until admitted.

**Table of Contents:**

1. Defendant's e-mails to Plaintiff the time of divorce (some of the e-mails were previously submitted 0n 01-15-19 as Plaintiff's Exhibits 11, 12, 13, 14, 18 and 19 in support of her Motion to Enforce).

2. Defendant's Response to Plaintiff's First Request for Admissions, served March 19, 2019.

3. Mortgage statement with Defendant's address, dated December 6, 2018.

4. Health Plan of Nevada monthly statement, dated December 10, 2018.

5. Long Term Care Partners monthly premium original effective date 01/01/03.

6. Plaintiff's Social Security Statement, dated April 16, 2009.

7. Defendant's e-mail to Plaintiff about March 23, 2014 promising Plaintiff $3,000 a month as long as he lives, et. al.

8. E-mail from Defendant to Plaintiff about February 21, 2014 promising the Plaintiff that she will receive the same benefits whether he married or not, including Survivor Benefit Plan.

9. Defendant's letter to Defense Finance and Accounting Service (DFAS), dated September 20, 2018, asking DFAS to reinstate the Survivor Benefit Plan (SBP).

10. Letter from DFAS Representative dated, September 28, 2018, advising that the Defendant can volunteer to list his former spouse as beneficiary of SBP.

11. Letter to Defendant's counsel, dated April 17, 2019.

DATED this 23 day of April, 2019.

WEBSTER & ASSOCIATES

JEANNE F. LAMBERTSEN, ESQ.

Law Offices of
WEBSTER & ASSOCIATES
6882 Edna Avenue • Las Vegas, Nevada 89146
Telephone (702) 362-2300 • Facsimile (702) 362-2303

W:\Family\Byrd, Caterina\Pleadings\Drafts\Exhibit Index to Opp to Mtn for Recon.wpd

## Certificate of Service

Pursuant to NRCP 5(b), I certify that I am employed in the Law Offices of WEBSTER ASSOCIATES, and that on this 23rd day of April, 2019, I caused the above and foregoing document to be served as follows:

[X] by electronic service through the Eighth Judicial District Court's electronic filing system; and

[ ] by placing the same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;

To the Defendant listed below at the address, email address, and/or facsimile number indicated:

Byron Mills, Esq.
E-mail:attorneys@millsnv.com
Counsel for Defendant, Grady Byrd

An employee of Webster & Associates

Law Offices of
WEBSTER & ASSOCIATES
6882 Edna Avenue • Las Vegas, Nevada 89146
Telephone (702) 562-2300 • Facsimile (702) 562-2303

# EXHIBIT “1"

Caterina

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# BENEFITS (2)

**GRADY BYRD**
To Me

I will have the following statements entered on the divorce statement:

1. Caterina A. Byrd is entitled to 50% of Grady E. Byrd's United States Army Retired Pay as long as he lives.
2. Caterina A. Byrd is entitled to United States Army Survivor Benefit Plan payments after Grady E. Byrd's death.
3. Caterina A. Byrd is entitled to all other benefits to include Office of Personnel Management death benefits, United States Military Health Care, Long Term Health Insurance, and Veteran's Group Life Insurance after Grady E. Byrd's death.

**Reply, Reply All or Forward | More**

**Me**
To GRADY BYRD

I'm feeling very nervous , why are you stating that way, i don't get it. i know that army ret pay is not that high due to the combat pay , i feel that the way you word it it leaves me with 1500 if you choose to do that to me someday. Between all you're intiments you are getting , army ret pay, combat pay and Va pay, and disability pay, I know you have been taking care of me , you always been a good man . i want you to be honest with me ,

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# BENEFITS (4)

**GRADY BYRD**
To Me

I say 50% because retired pay usually goes up every year. When my retired pay go up you get more money.

My retired pay is 3017 a month after they deduct the payment for SBP. You are entitled to half of that which is 1508. You are not entitled to anymore money.

I give you 3000 a month because I think it is the right thing to do. If I was only going to give you 1500 I would not be giving you 3000 all these years.

I will always give the money to you but I do it because I want to not because anybody can make me do it. If I put everything in writing that you want I will never be able to get a loan in my own name. I will never be able to get ahead of my present life. I will have to live poor until I die.

I cannot work anymore. You can work but you refuse to work. If you want more money you must go get a job.

I will send you the papers. If you do not sign I will only pay you what I owe you and I will hire a lawyer to file the papers in court.

I will always keep my word but I am going to get my life straightened out. I am ensuring that you are taken care of for your entire life I do not understand why you are not satisfied.

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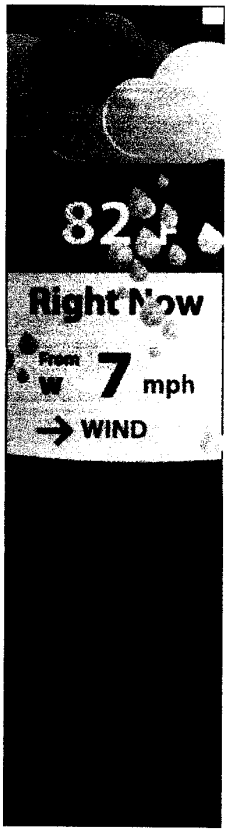




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## BENEFITS (8)

**GRADY BYRD** I say 50% because retired pay usually goes up every

**Me** It,s not that am not satisfied , but i don't understand how you wc

**Me** am the one is going to look poor, i will never be able to get a loa

**Me** why is it going to make u poor? you have equal amount of mone

**GRADY BYRD**
To Me

I have always done right by you. I can answer questions for you 100 times but you will not be satisfied. The bottom line is that I am not giving you any more than I give you now.

I have already told you I am doing a quit claim on the house. It will be part of the divorce package that the judge approves.

The money you get will go into your account the first of every month until I die. Then you will start receiving SBP and OPM payments.

You are unbelivable. You want to leave something for Joshua. I used to live in a tent so you would be okay. But I do not care anymore I just have to be done with you. I am trying to help you but my nerves are gone. Just writing these notes to you causes me great duress. I am going to try one last time.

I'm sending you the papers. You sign or I will hire a lawyer and take you to court. You see what you get then.

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RA000204

Caterina

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# BENEFITS (11)

**GRADY BYRD** I will have the following statements entered on the di

+ 9 more messages

**GRADY BYRD**
To Me

The only thing I will put in writing is what you are entitled to by law.

I will give you the extra money as long as I live.

I do not care about usaa or any of your other issues.

I cannot deal with all of your crap. I cannot take it anymore. I've tried to be kind to you but you are forcing me to be someone that I do not want to be. You have the nerve to talk to me about grass and curtains. I should just give you what I am required by law and then lets see if you are worried about grass and curtains.

This is your last warning, take the deal I'm offering or you can ask a lawyer to try and get me to put what you want in writing.

I gurantee you your lawyer will tell you that you should have taken what I was offering.

Last chance.

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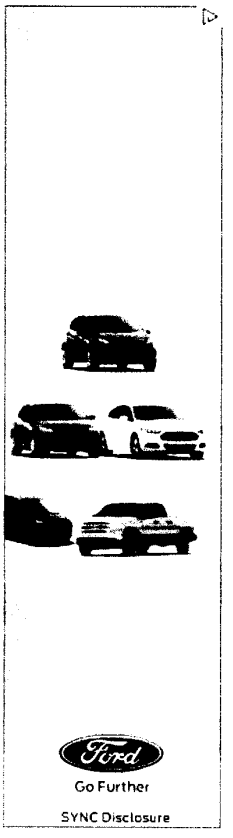
**Reply, Reply All or Forward | More**



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## Benefit Statement

**GRADY BYRD**
To Me

This is the statement that will go on the divorce papers. It is the best I will do.

You can leave everything to Joshua after you are deceased. This is an outrageous request by you. I allow this because it reminds me of the type of person you are which confirms my reasons for getting away from you.

I request the following statements be added to the papers:
1. Caterina A. Byrd is entitled to 50% of Grady E. Byrd's United States Army Retired Pay as long as he lives.
2. Caterina A. Byrd is entitled to United States Army Survivor Benefit Plan payments after Grady E. Byrd's death.
3. Caterina A. Byrd is entitled to Office of Personnel Management death benefits, United States Retired Military Health Care, Long Term Health Insurance, VYSTAR Credit Union Accidental Death Insurance, and Veteran's Group Life Insurance after Grady E. Byrd's death.
4. Grady E. Byrd will continue to pay Caterina A. Byrd 1500 dollars extra a month to assist with her home mortgage. If her financial situation changes or if the home is sold or paid off this payment may cease. This is not an alimony payment and is not required.

Reply, Reply All or Forward | More

RA000206

Caterina

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# DRAFT DIVORCE DECREE

**GRADY BYRD**
To Me

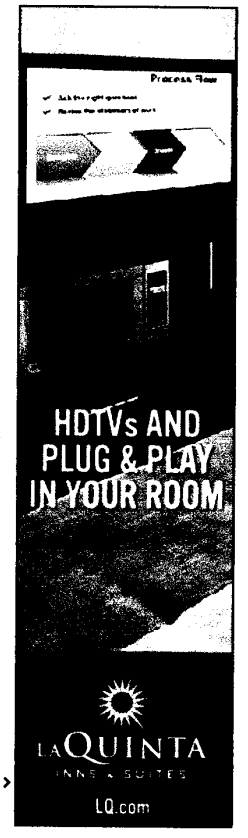
I have reviewed this document and it contains all the information that I think is supposed to be there.

I need you to review also in particular I need you to confirm the correct dates are being used, names are spelled correctly, and addresses are correct.

Just let me know and I will sign and fedex packet to you with instructions.

ORIGINAL PACKET.pdf View Download

**Reply, Reply All or Forward | More**






RA000207

# EXHIBIT “2"

ELECTRONICALLY SERVED
3/19/2019 12:49 PM

**RESP**

BYRON L. MILLS, ESQ.
State Bar #6745
MILLS & ANDERSON
703 S. 8th Street
Las Vegas, Nevada 89101
(702) 386-0030
Attorney for Defendant

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

| | | |
|---|---|---|
| CATERINA ANGELA BYRD,<br><br>Plaintiff,<br><br>vs.<br><br>GRADY EDWARD BYRD,<br><br>Defendant, | ) | CASE NO.: D-18-577701-Z<br>DEPT. NO.: G |

**DEFENDANT'S RESPONSE TO PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS**

**TO: CATERINA BYRD, Plaintiff**

**TO: ANITA WEBSTER, ESQ., attorney for Plaintiff**

Pursuant to NRCP 36, Plaintiff, by and through his attorney, BYRON L. MILLS, ESQ. of the law firm of MILLS & ANDERSON hereby responds to Plaintiff's First Set of Requests for Admissions to Plaintiff as follows:

**REQUEST NO. 1:**

Admit that on or about April 2, 2013, you sent the Plaintiff an e-mail telling the Plaintiff the following:

**DO NOT** talk to USAA for any reason about this approval process.

**DO NOT** tell USAA you are not going to talk tothem. If they try to contact you just **ignore them.** Do not answer them. Just tell me.

The last time I did this we were telling them different information and it hurt us.

I will have to **MAKE UP SOME INFORMATION ON MONEY** to get you the money that you need.

Do not tell your real estate agent anything except you are trying to get 400k.

**See Exhibit "1" attached hereto.**

**RESPONSE:** Admit.

**REQUEST NO. 2.**

Admit that on or about April 10, 2013, you sent the Plaintiff an e-mail that included "I will give you the extra money as long as I live". **See Exhibit "2" attached hereto.**

**RESPONSE:** Admit. My statement was in line with applicable law and policies at that time (USFSPA).

**REQUEST NO. 3.**

Admit that on or about April 8, 2013, you sent the Plaintiff an e-mail that included the following:

"My retired pay is 3017 a month after they deduct the payment for SBP. You are entitled to half of that which is 1508. You are not entitled to any more money. I give you 3000 a month because I think it is the right thing to do. If I was only going to give you 1500, I would not be giving you 3000 all these years. **See Exhibit "3" attached hereto.**

**RESPONSE:** Admit.

**REQUEST NO. 4.**

Admit that you informed the Plaintiff that she was entitled to the dollar amount of1,508.00 from your retirement pay.

**RESPONSE:** Admit.

**REQUEST NO. 5.** Admit that you arranged for the divorce documents to be prepared.

**RESPONSE:** Admit. The Plaintiff and I agreed that I would make the arrangements.

**REQUEST NO. 6.**

Admit that on or about March 26, 2014, you sent the Plaintiff an e-mail that included the following:

"when I die you [will] get my annuity just like sbp which will be around 50% [of] the total retirement" See Exhibit "4" attached hereto.

**RESPONSE:** Admit.

**REQUEST NO. 7.**

Admit that on or about March 26, 2014, you sent the Plaintiff an e-mail that included the following:

"When i [sic] die get 200k you pay off your house and you have all your money to spend." **See Exhibit "4" attached hereto.** **REQUEST NO. 8.**

Admit that on or about March 26, 2014, you sent the Plaintiff an e-mail that included the following:

"Just sign the papers and you get all i [sic] said you would get forever." **See Exhibit "4" attached hereto.**

**RESPONSE:** Admit.

**REQUEST NO. 9.**

Admit that at the time of divorce, about June 5, 2014, that you had no debts. **See** page 3, line 4 of the Decree of Divorce filed on or about June 5, 2014 .

**RESPONSE:** Admit.

**REQUEST NO. 10.**

Admit that from about June 2014 to August 2018, that you paid the Plaintiff $3,000.00 each month.

**RESPONSE:** Admit.

**REQUEST NO. 11.**

Admit that the $3,000.00 you paid the Plaintiff each month was paid by direct deposit into a bank account.

**RESPONSE:** Admit.

**REQUEST NO. 12.**

Admit that the $3,000.00 that you paid to the Plaintiff was the sum of $1,500.00 dollars for U.S. army retired pay as long as you live and $1,500.00 dollars extra a month to assist the Plaintiff with her homemortgage.

**RESPONSE:** Deny that it was $1,500 dollars for U.S. Army retire pay as long as I lived, but admit that it was $1,500 extra month to assist Plaintiff her home mortgage.

**REQUEST NO. 13.**

Admit that you stopped paying $3,000.00 to the Plaintiff about September 2018.

**RESPONSE:** Admit

**REQUEST NO. 14.**

Admit that you closed the joint (in your name and Plaintiff's name) checking account that had been opened for about 30 years about September 2018.

**RESPONSE:** Admit. As the account holder, I could add or remove other members as I chose.

**REQUEST NO. 15.**

Admit that you have access to the mortgage statements for the Plaintiff's home, 2120 Lookout Drive, Las Vegas, Nevada 89117. **See Exhibit "5" attached hereto.**

**RESPONSE:** Admit. I am listed on the account.

**REQUEST NO. 16.**

Admit that the Plaintiff's home, 2120 Lookout Drive, Las Vegas, Nevada 89117 is not sold or paid off.

**RESPONSE:** I don't have sufficient information in which to admit or deny.

**REQUEST NO. 17.**

Admit that you sent an e-mail to the Plaintiff on or about February 21, 2014, where you told the Plaintiff that you used to live in a tent.

**RESPONSE:** Admit.

**REQUEST NO. 18.**

Admit that you told the Plaintiff that you used to live in a tent so that the Plaintiff would feel sorry for you.

**RESPONSE:** Deny. When the Plaintiff and I first separated, I lived in a tent at the Naval Station in Key West, Florida.

**REQUEST NO. 19.**

Admit that about September 2017, you asked the Plaintiff to purchase rice, pasta, bean, towels, pillows, sheets, and blankets and mail them to you in the Philippines. **See Exhibit "7" attached hereto.**

**RESPONSE:** Admit

**REQUEST NO. 20.**

Admit that about February 16, 2015, that you instructed the Plaintiff to mail you tools and other items at an address in the Philippines. **See Exhibit "8" attached hereto.**

**RESPONSE:** Admit

**REQUEST NO. 21.**

Admit that about February 16, 2015, that you instructed the Plaintiff to use the name of "Cristina Garcia" as the sender of the box to you in the Philippines, instead of the Plaintiff's name. **See Exhibit "9" attached hereto.**

**RESPONSE:** Admit

**REQUEST NO. 22.**

Admit that the Plaintiff used her name, and not the name of Cristina Garcia, as the sender of the box to you in the Philippines. **See Exhibit "7" and "8" attached hereto.**

**RESPONSE:** Admit

**REQUEST NO. 23.**

Admit that you blocked e-mail communications from Plaintiff and her counsel in 2018 .

**RESPONSE:** Admit. However, I reinstated counsel after I was officially notified of court proceedings.

**REQUEST NO. 24.**

Admit that you used the Plaintiffs home address in 2018 to obtain a Nevada Driver's License.

**RESPONSE:** Admit. At the time, my address was in Nevada.

**REQUEST NO. 25**

Admit that you used the Plaintiffs home address in 2018 to obtain a loan for a vehicle.

**RESPONSE:** Deny. I did not use the address for the purpose of obtaining a loan.

**REQUEST NO. 26.**

Admit that you do not live at the Plaintiffs home.

**RESPONSE:** Admit.

DATED this 19th day of March, 2019.

MILLS, MILLS & ANDERSON

BYRON L. MILLS, ESQ.
Bar No. 6745
703 S. 8th Street
Las Vegas, Nevada 89101
Attorney for Plaintiff

**Read and Approved:**

GRADY BYRD
Dated: March 19 2019

# EXHIBIT “3"

Copy

# MORTGAGE LOAN STATEMENT

8950 Cypress Waters Blvd., Suite B
Coppell, TX 75019

USAA®

*Serviced by Nationstar Mortgage LLC, a subservicer for USAA*

## CONTACT INFORMATION

Member Service: 855-430-8488
Monday through Friday from 7 a.m. to 7 p.m. (CT) and Saturday from 7 a.m. to 3 p.m. (CT)
www.usaa.com

| | |
|---|---|
| Statement Date: | 12/06/2018 |
| Loan Number | 1802858512 |
| Payment Due Date: | 01/01/2019 |
| **Amount Due:** | **$1,933.07** |

*If payment is received on or after 01/12/2019, $64.66 late fee will be charged*

GRADY EDWARD BYRD
CATERINA A BYRD
5330 E CRAIG RD
LAS VEGAS, NV 89115

Property Address:
2120 LOOKOUT PT CIR
LAS VEGAS, NV 89117

*Go Paperless.* Sign in to your account to activate.

## Account Information

| | |
|---|---|
| Interest Bearing Principal Balance | $314,632.61 |
| Interest Rate | 3.750% |
| Escrow Balance | $624.36 |

The Principal Balance does not represent the payoff amount of your account and is not to be used for payoff purposes.

## Explanation of Amounts Due

| | |
|---|---|
| Principal | $637.67 |
| Interest | $983.23 |
| Escrow Amount (for Taxes & Insurance) | $312.17 |
| Optional Products and Services | $0.00 |
| Regular Monthly Payment | $1,933.07 |
| Total Fees and Charges | $0.00 |
| Overdue Payment(s) | $0.00 |
| Partial Payment (Unapplied) | $0.00 |
| Total Amount Due | $1,933.07 |

## Past Payment Breakdown

| | Payment Rec'd since 11/07/2018 | Paid Year to Date |
|---|---|---|
| Principal | $635.69 | $7,498.89 |
| Interest | $985.21 | $11,951.91 |
| Escrow (Taxes & Insurance) | $312.17 | $3,782.95 |
| Optional Insurance | $0.00 | $0.00 |
| Fees and Charges | $0.00 | $0.00 |
| Lender Paid Expenses | $0.00 | $0.00 |
| Partial Payment (Unapplied) | $0.00 | $0.00 |
| Total | $1,933.07 | $23,233.75 |

THE FOLLOWING DISCLOSURE IS MADE PURSUANT TO THE REQUIREMENTS OF THE FAIR DEBT COLLECTION PRACTICES ACT OR OTHER LAW OR REGULATION. NATIONSTAR IS SERVICING YOUR MORTGAGE LOAN ON BEHALF OF USAA AND IS CONSIDERED A DEBT COLLECTOR. THIS DOCUMENT IS AN ATTEMPT TO COLLECT A DEBT, AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. NOTE: IF YOUR OBLIGATION HAS BEEN DISCHARGED IN BANKRUPTCY, IS SUBJECT TO THE AUTOMATIC STAY OR IS PROVIDED FOR IN A CONFIRMED PLAN, THIS COMMUNICATION IS FOR REGULATORY COMPLIANCE AND/OR INFORMATIONAL PURPOSES ONLY, AND DOES NOT CONSTITUTE AN ATTEMPT TO COLLECT A DEBT OR TO IMPOSE PERSONAL LIABILITY FOR SUCH OBLIGATION.

IF YOU ARE A SUCCESSOR IN INTEREST, RECEIVED THE PROPERTY FROM A RELATIVE THROUGH DEATH, DEVISE, OR DIVORCE, AND YOU ARE NOT A BORROWER ON THE LOAN THAT HAS NOT ASSUMED OR OTHERWISE BECOME OBLIGATED ON THE DEBT, THIS COMMUNICATION IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT AN ATTEMPT TO COLLECT A DEBT FROM YOU PERSONALLY

## Transaction Activity (11/07/2018 to 12/06/2018)

| Date | Description | Total | Principal | Interest | Escrow | Other |
|---|---|---|---|---|---|---|
| 12/05/2018 | Payment | $1,933.07 | $635.69 | $985.21 | $312.17 | |

## Important Messages

(See Reverse side for Additional Critical Notices)

***Your payment is made through our automatic payment plan. This statement is for informational purposes only.***

***If you do not wish to receive paper statements, simply log into your account at www.usaa.com and alter your selection to paperless. Paperless offers convenient monthly email reminders, no lost mail, and archived online access to view or download to your personal computer.***

**This Area Intentionally Left Blank**

This statement is for informational purpose only.
Our records reflect your loan is on our automatic draft process.

# EXHIBIT “4"

HEALTH PLAN OF NEVADA
A UnitedHealthcare Company

Go Paperless
myHPNonline.com

| | |
|---|---|
| INVOICE DATE | 12/10/2018 |
| INVOICE # | 183450025059 |
| MEMBER ID | 170154465-00 |
| DUE DATE | 01/01/2019 |
| COVERAGE PERIOD: | JANUARY |
| TOTAL AMOUNT DUE | $102.97 |

Your Plan: MyHPN Silver 6/Medicaid Transition Plan - 94
Who is Covered: Subscriber Only

## At-A-Glance

| | |
|---|---|
| Previous Balance | $71.80 |
| Payment(s) Received 12/1/18 | ($71.80) |
| Balance Past Due | $0.00 |
| Monthly Premium | $102.97 |
| Retroactive Adjustments | $0.00 |
| **Total Amount Due by 01/01/2019** | **$102.97** |

## Monthly Premium Details

| | |
|---|---|
| Medical | $684.97 |
| Advance Premium Tax Credit* | ($582.00) |
| **Monthly Premium** | **$102.97** |

*The Advance Premium Tax Credit is the amount received to assist with your health insurance premium.

To learn more about your invoice see reverse side

## At Your Service.

Simple. Secure. Convenient.
⇒ View your invoice
⇒ Pay your invoice
⇒ Get a copy of your ID card
⇒ And much more!

**Automate and you'll never be late!**
Visit myHPNonline.com and sign in to the online member center.

# HOW DO I PAY?

Pay online at myHPNonline.com

Pay by phone
Call 1-877-417-2062

Pay by mail
Send remittance

If you mail in your payment, please detach and include the form below.

HEALTH PLAN OF NEVADA
A UnitedHealthcare Company
P.O. Box 18407
Las Vegas, NV 89114-8407

Please write your Group ID and Member ID on your check.

| Invoice #: | Group ID: | Member ID: |
|---|---|---|
| 183450025059 | 20001226 | 170154465-00 |

CATERINA BYRD
2120 LOOKOUT POINT CIRCLE
LAS VEGAS, NV 89117

Mail and make checks payable to:
Health Plan of Nevada
P.O. Box 749546
Los Angeles, CA 90074-9546

**Pay by January 01, 2019**

| Total Amount Due |
|---|
| $102.97 |

RA000218

# EXHIBIT “5"

The Federal Long Term Care Insurance Program

# Schedule of Benefits
# FLTCIP 1.0 Comprehensive Option

(Replaces any schedule of benefits previously issued under the program)

**Name of enrollee:** CATERINA A BYRD

**Original effective date:** 01/01/2003 [1] **Original issue age:** 38

**Effective date of this schedule of benefits:** 11/01/2017

**Monthly premium:** $128.01 **Biweekly premium:** $59.08 [2]

**Waiting period:** 90 service days

**Daily benefit amount (DBA):** $301.14

**Benefit period:** Unlimited

**Maximum lifetime benefit:** Unlimited

**Automatic compound inflation option:** Yes, 2.20% **Future purchase option:** No

| Covered services | Benefit amount |
|---|---|
| **Nursing home, assisted living facility, or hospice facility** | Up to 100% of your DBA ($301.14) per day |
| **Services provided by a formal caregiver at home** | Up to 75% of your DBA ($225.86) per day |
| **~~Services provided by an informal caregiver~~** | ~~Up to 75% of your DBA ($225.86) per day;~~ benefits for services provided by family members are limited to 365 days in your lifetime |
| **Hospice care at home** | Up to 100% of your DBA ($301.14) per day |
| **Adult day care center** | Up to 75% of your DBA ($225.86) per day |
| **Bed reservations** | Up to 100% of your DBA ($301.14) per day; benefits are limited to 30 days per calendar year |
| **Caregiver training** | Up to 100% of your DBA ($301.14) per day; benefits are limited to 7 x your DBA ($2,107.98) in your lifetime |
| **Respite services** | Up to 100% of your DBA ($301.14) per day; benefits are limited to 30 x your DBA ($9,034.20) per calendar year |

# EXHIBIT “6"

***Prevent identity theft—protect your Social Security number***

# Your Social Security Statement

**Prepared especially for Caterina A. Byrd**

April 16, 2009

*www.socialsecurity.gov*

*See inside for your personal information*

CATERINA A. BYRD
9999 W KATIE AVE UNIT 1008
LAS VEGAS NV 89147-8348

## What's inside...

Your Estimated Benefits ..... 2
Your Earnings Record ..... 3
Some Facts About Social Security ..... 4
If You Need More Information ..... 4
To Request This *Statement* In Spanish ..... 4
*(Para Solicitar Una Declaración en Español)*

## What Social Security Means To You

This *Social Security Statement* can help you plan for your financial future. It provides estimates of your Social Security benefits under current law and updates your latest reported earnings.

Please read this *Statement* carefully. If you see a mistake, please let us know. That's important because your benefits will be based on our record of your lifetime earnings. We recommend you keep a copy of your *Statement* with your financial records.

**Social Security is for people of all ages...**
We're more than a retirement program. Social Security also can provide benefits if you become disabled and help support your family after you die.

**Work to build a secure future...**
Social Security is the largest source of income for most elderly Americans today, but Social Security was never intended to be your only source of income when you retire. You also will need other savings, investments, pensions or retirement accounts to make sure you have enough money to live comfortably when you retire.

Saving and investing wisely are important not only for you and your family, but for the entire country. If you want to learn more about how and why to save, you should visit ***www.mymoney.gov***, a federal government website dedicated to teaching all Americans the basics of financial management.

**About Social Security's future...**
Social Security is a compact between generations. For decades, America has kept the promise of security for its workers and their families. Now, however, the Social Security system is facing serious financial problems, and action is needed soon to make sure the system will be sound when today's younger workers are ready for retirement.

In 2017 we will begin paying more in benefits than we collect in taxes. Without changes, by 2041 the Social Security Trust Fund will be exhausted* and there will be enough money to pay only about 78 cents for each dollar of scheduled benefits. We need to resolve these issues soon to make sure Social Security continues to provide a foundation of protection for future generations.

**Social Security on the Net...**
Visit ***www.socialsecurity.gov*** on the Internet to learn more about Social Security. You can read our publications, use the *Social Security Benefit Calculators* to calculate future benefits or use our easy online forms to apply for benefits.

Michael J. Astrue
Commissioner

* These estimates are based on the intermediate assumptions from the Social Security Trustees' Annual Report to the Congress.

# Your Estimated Benefits

***Retirement** You have earned enough credits to qualify for benefits. At your current earnings rate, if you stop working and start receiving benefits...

At age 62, your payment would be about ..... $ 186 a month

If you continue working until...

your full retirement age (67 years), your payment would be about ..... $ 265 a month

age 70, your payment would be about ..... $ 329 a month

***Disability** To get benefits if you become disabled right now, you need 24 credits of work, and 20 of these credits had to be earned in the last 10 years. Your record shows you do not have enough credits in the right time period.

***Family** If you get retirement or disability benefits, your spouse and children also may qualify for benefits.

***Survivors** You have earned enough credits for your family to receive survivors benefits. If you die this year, certain members of your family **may** qualify for the following benefits:

Your child ..... $ 366 a month

Your spouse who is caring for your child ..... $ 366 a month

Your spouse who reaches full retirement age ..... $ 488 a month

Total family benefits cannot be more than ..... $ 733 a month

Your spouse or minor child may be eligible for a special one-time death benefit of $255.

**Medicare** You have earned enough credits to qualify for Medicare at age 65. Even if you do not retire at age 65, be sure to contact Social Security three months before your 65th birthday to enroll in Medicare.

24019

***Your estimated benefits are based on current law. Congress has made changes to the law in the past and can do so at any time. The law governing benefit amounts may change because, by 2041, the payroll taxes collected will be enough to pay only about 78 percent of scheduled benefits.**

**We based your benefit estimates on these facts:**

Your date of birth (please verify your name on page 1 and this date of birth) ..... July 24, 1963

Your estimated taxable earnings per year after 2008 ..... None

Your Social Security number (only the last four digits are shown to help prevent identity theft) .....

# How Your Benefits Are Estimated

To qualify for benefits, you earn "credits" through your work — up to four each year. This year, for example, you earn one credit for each $1,090 of wages or self-employment income. When you've earned $4,360, you've earned your four credits for the year. Most people need 40 credits, earned over their working lifetime, to receive retirement benefits. For disability and survivors benefits, young people need fewer credits to be eligible.

We checked your records to see whether you have earned enough credits to qualify for benefits. If you haven't earned enough yet to qualify for any type of benefit, we can't give you a benefit estimate now. If you continue to work, we'll give you an estimate when you do qualify.

**What we assumed** — If you have enough work credits, we estimated your benefit amounts using your average earnings over your working lifetime. For 2009 and later (up to retirement age), we assumed you'll continue to work and make about the same as you did in 2007 or 2008. We also included credits we assumed you earned last year and this year.

Generally, estimates for older workers are more accurate than those for younger workers because they're based on a longer earnings history with fewer uncertainties such as earnings fluctuations and future law changes.

We can't provide your actual benefit amount until you apply for benefits. **And that amount may differ from the estimates stated above because:**

(1) Your earnings may increase or decrease in the future.

(2) After you start receiving benefits, they will be adjusted for cost-of-living increases.

(3) Your estimated benefits are based on current law. **The law governing benefit amounts may change.**

(4) Your benefit amount may be affected by **military service, railroad employment or pensions earned through work on which you did not pay Social Security tax.** Following are two specific instances. You can also visit ***www.socialsecurity.gov/mystatement*** to see whether your Social Security benefit amount will be affected.

**Windfall Elimination Provision (WEP)** — In the future, if you receive a pension from employment in which you do not pay Social Security taxes, such as some federal, state or local government work, some nonprofit organizations or foreign employment, and you also qualify for your own Social Security retirement or disability benefit, your Social Security benefit may be reduced, but not eliminated, by WEP. The amount of the reduction, if any, depends on your earnings and number of years in jobs in which you paid Social Security taxes, and the year you are age 62 or become disabled. For more information, please see *Windfall Elimination Provision* (Publication No. 05-10045) at ***www.socialsecurity.gov/WEP***.

**Government Pension Offset (GPO)** — If you receive a pension based on federal, state or local government work in which you did not pay Social Security taxes and you qualify, now or in the future, for Social Security benefits as a current or former spouse, widow or widower, you are likely to be affected by GPO. If GPO applies, your Social Security benefit will be reduced by an amount equal to two-thirds of your government pension, and could be reduced to zero. Even if your benefit is reduced to zero, you will be eligible for Medicare at age 65 on your spouse's record. To learn more, please see *Government Pension Offset* (Publication No. 05-10007) at ***www.socialsecurity.gov/GPO***.



RA000223

# Your Earnings Record

| Years You Worked | Your Taxed Social Security Earnings | Your Taxed Medicare Earnings |
|---|---|---|
| 1986 | $ 4,678 | $ 4,678 |
| 1987 | 1,093 | 1,093 |
| 1988 | 8,053 | 8,053 |
| 1989 | 17,084 | 17,084 |
| 1990 | 7,573 | 7,573 |
| 1991 | 5,140 | 5,140 |
| 1992 | 5,491 | 5,491 |
| 1993 | 1,475 | 1,475 |
| 1994 | 480 | 480 |
| 1995 | 19 | 19 |
| 1996 | 0 | 0 |
| 1997 | 3,345 | 3,345 |
| 1998 | 6,146 | 6,146 |
| 1999 | 6,581 | 6,581 |
| 2000 | 0 | 0 |
| 2001 | 0 | 0 |
| 2002 | 0 | 0 |
| 2003 | 0 | 0 |
| 2004 | 0 | 0 |
| 2005 | 0 | 0 |
| 2006 | 0 | 0 |
| 2007 | 0 | 0 |
| 2008 | Not yet recorded | |

You and your family may be eligible for valuable benefits:

When you die, your family may be eligible to receive survivors benefits.

Social Security may help you if you become disabled—even at a young age.

A young person who has worked and paid Social Security taxes in as few as two years can be eligible for disability benefits.

Social Security credits you earn move with you from job to job throughout your career.

**Total Social Security and Medicare taxes paid over your working career through the last year reported on the chart above:**

| Estimated taxes paid for Social Security: | | Estimated taxes paid for Medicare: | |
|---|---|---|---|
| You paid: | $4,095 | You paid: | $966 |
| Your employers paid: | $4,095 | Your employers paid: | $966 |

**Note: You currently pay 6.2 percent of your salary, up to $106,800, in Social Security taxes and 1.45 percent in Medicare taxes on your entire salary. Your employer also pays 6.2 percent in Social Security taxes and 1.45 percent in Medicare taxes for you. If you are self-employed, you pay the combined employee and employer amount of 12.4 percent in Social Security taxes and 2.9 percent in Medicare taxes on your net earnings.**

# Help Us Keep Your Earnings Record Accurate

You, your employer and Social Security share responsibility for the accuracy of your earnings record. Since you began working, we recorded your reported earnings under your name and Social Security number. We have updated your record each time your employer (or you, if you're self-employed) reported your earnings.

Remember, it's your earnings, not the amount of taxes you paid or the number of credits you've earned, that determine your benefit amount. When we figure that amount, we base it on your average earnings over your lifetime. If our records are wrong, you may not receive all the benefits to which you're entitled.

**Review this chart carefully** using your own records to make sure our information is correct and that we've recorded each year you worked. You're the only person who can look at the earnings chart and know whether it is complete and correct.

Some or all of your earnings from **last year** may not be shown on your *Statement*. It could be that we still were processing last year's earnings reports when your *Statement* was prepared. Your complete earnings for last year will be shown on next year's *Statement*. Note: If you worked for more than one employer during any year, or if you had both earnings and self-employment income, we combined your earnings for the year.

**There's a limit on the amount of earnings on which you pay Social Security taxes each year.** The limit increases yearly. Earnings above the limit will not appear on your earnings chart as Social Security earnings. (For Medicare taxes, the maximum earnings amount began rising in 1991. Since 1994, **all** of your earnings are taxed for Medicare.)

**Call us right away** at **1-800-772-1213** (7 a.m.–7 p.m. your local time) if any earnings for years **before last year** are shown incorrectly. Please have your W-2 or tax return for those years available. (If you live outside the U.S., follow the directions at the bottom of page 4.)





RA000224

# EXHIBIT “7"

How much is SBP after you die? and i want to leave my property to my son joshua, we both worked hard for what we have, we all made sacrifes including my son.We josh and i had no roots anywhere because of you're decisions. I want no strings attached ,i want it to me mine to do as i choose too. I have not dated or been with anyone since you walked out on me, I don't need you to tell me who is getting what i might have , i need to look out for my son. I will do whatever you want . so you want a divorce , i will give it to you. take time and fill in all the monetary info.

On Sunday, March 23, 2014 6:12 PM, GRADY BYRD <cbsmail2006@yahoo.com> wrote:
My life, health, and finances are in big trouble. I have to try and get back on track somehow.

I have no bad feelings for you and I am sorry how our marriage ended.

I recognize that I walked out on our marriage and I have done all I could to do the best I could for you.

I have kept all of my promises to you and I will continue to do so while I live and after my death.

You will receive $3000. a month as long as I live. After my death you will get SBP and all other payments you are entitled to.

I will pay the preminums on my VGLI policy but I will keep you at the benefiary. You must understand that this is important to you because that 200,000. will allow you to either pay off your house or refinance your house and have a very small payment after I die.

I hope you live to be 100 years old but if I live longer than you I want the house and property to return to me. I paid for it and I do not want someone other than you to benefit from my entire life of working.

I will not try to complete all the information in the packet. You know what you are getting so i am not worried about listing all of your property, etc.

I will file for bankrupty next month. I will be divorced from you before then so that your house, property, benefits, and credit are not affected by my actions.

I need the following information from you to complete the packet.

1. You need a witness to provide proof that you have lived in Las Vegas for more than six weeks.

**Witness for?** ○ **Husband** ○ **Wife**
**Name:**
**Street Address:**
**City:**
**State:** Select a State

# EXHIBIT “8"

Inbox (6)
Drafts (2)
Sent
Archive
Spam (14)
Trash (8)
Smart Views
Important
Unread
Starred
People
Social
Shopping
Travel
Finance
Folders
Angies List
Ann Lewis
Caterina Byrd
Cbsmail
Ebay
Edward
Grady Byrd
Grady Byrd 09
Health Care
John Fox
Joshua
Paypal
Pesce
Polar Air
Protection ONE
Quickclaimusa
Sensi
Solarquarc

# Re: Info

**GRADY BYRD** <cbsmail2006@yahoo.com> 02/20/14 at 7:21 PM

To Caterina Byrd

You get the same benefits whether we are married are not. SBP, SS, and insurance.

There is no difference.

If someone wants to attach my income the first thing they are going to do is come after your house if it is still in my name.

**From:** Caterina Byrd <caterina_byrd@yahoo.com>
**To:** GRADY BYRD <cbsmail2006@yahoo.com>
**Sent:** Friday, February 21, 2014 10:07 AM
**Subject:** Re: Info

Can't you put everything in my name , that way they can not touch what i have and i won't affect me with out getting a divorce, if we are not married i will loose lots of benefits , like SBP and i thought you were getting social security benefits and you're VA money and ret pension , I will never get married again and i don't want to be worried about money and if something wore to happen to you , at least i would get all the benefits of married spouse would get

On , Caterina Byrd <caterina_byrd@yahoo.com> wrote:
All of this info is scarring me, how much are u in debt and how all this will affecting me , and the retirement ? if somenthing happens to you , i cannot live on 3k a month ?

On Thursday, February 20, 2014 5:33 PM, GRADY BYRD <cbsmail2006@yahoo.com> wrote:
My finances are a mess. I just took out a 25k loan from USAA but it doesn't even touch the surface of what I owe.

I will be declaring bankruptcy soon. I will pay you and the 25k back so that your house is not affected.

The IRS has audited me and turned down all of my appeals. I am going to owe them a small fortune that I do not know how I am going to pay. I have a tax defense company helping me but they do not see a way out.

It is now time for a divorce. I do not want to affect your life by the things that are fixing to happen to me.

I will find an online company that does divorces for cheap.

You will keep your house, cars, property, and credit rating. I will also continue to give you at least 3k every month. I will pay your taxes so you do not have that extra bill.

I will only sign over for 50% of my retirement which is the legal obligation so that I do not get into trouble again when I finally get straightened out.

# EXHIBIT “9"

4-4

DEFENSE FINANCE AND ACCOUNTING SERVICE

U.S. MILITARY RETIRED PAY

8899 E 56TH STREET

INDIANAPOLIS, IN 46249-1200

FROM: GRADY E. BYRD - [redacted]

DATE: 20 SEPTEMBER 2018

REFERENCE: SURVIVOR BENEFIT PLAN CANCELLATION

1. ON 13 SEPTEMBER 2018 I WAS INFORMED VIA EMAIL THAT MY SBP HAD BEEN CHANGED TO NO BENEFICIARY.
2. I DID NOT REQUEST SUCH A CHANGE. THIS PLAN HAS BEEN IN EFFECT FOR ALMOST 20 YEARS.
3. THIS PLAN IS MANDATED IN MY DIVORCE DECREE.

---

I REQUEST THAT MY SBP BE REINSTATED JUST AS IT ALWAYS HAS BEEN. I DO NOT WANT MY PLAN TO SHOW ANY INTERRUPTIONS IN PAYMENTS.

I REQUEST AN EMAIL RESPONSE TO THIS ACTION.

THANK YOU,

GRADY E. BYRD

cbrmail2006@yahoo.com

# EXHIBIT “10"

Time.

Thank you for your service.

Sincerely,

DFAS-CL

***DFAS Representative***

**September 28, 2018**

Why was my sbp coverage on my ex wife cancelled? I did not request this. I did not authorize this. Restart this coverage immediately.

***BYRD, GRADY EDWARD***

**September 28, 2018**

Dear Mr. Byrd,

In response to your recent inquiry, if we received a Divorce decree and she was not awarded SBP she is removed from the program. SBP is spouse coverage. If you remarried then you can add your new spouse. If you want to keep your Former Spouse on you will have to volunteer to keep her on the SBP on form DD2656-1. If you have any other questions or concerns please contact DFAS at 1-888-332-7411 options 5-3-5.

Thank you for allowing us to assist you today with your Retired Pay Account. We are committed to providing quality service to our customers. If you have any questions or require additional information, please don't hesitate to contact us again by e-mail or by calling the number provided. Customer Service Representatives are available Monday through Friday from 8:00 a.m. to 5:00 p.m., Eastern Time.

Thank you for your service.

Sincerely,

DFAS-CL

***DFAS Representative***

# EXHIBIT “11"

ELECTRONICALLY SERVED
4/17/2019 4:32 PM

LAW OFFICE OF
WEBSTER &ASSOCIATES
A Professional Corporation

ANITA A. WEBSTER, ESQ.
Attorney, Mediator &
Collaborative Law Professional
anitawebster@embarqmail.com

JEANNE F. LAMBERTSEN, ESQ.
Attorney
jlambertsen@embarqmail.com

April 17, 2019

VIA E SERVICE ONLY
Byron L. Mills, Esq.

Re: Caterina Byrd v. Grady Byrd
D-18-577701-Z-U

Dear Byron:

This letter is being sent pursuant to EDCR 5.501 and NRS 22. 010.

This letter is in response to your letter dated April 16, 2019 which was in response to my letter dated April 5, 2019.

1. $13,500.00 past due. Mr. Byrd missed three payments of $4,500.00 each; February 15, 2019, March 15, 2019 and April 15, 2019. He is in contempt of court. There is no "stay" issued and he must comply with Court orders.

2. Survivor Benefit Plan. The parties agreement that Ms. Byrd shall receive the Survivor Benefits remains intact. Nothing has changed this agreement. Since Mr. Byrd received notice that he can voluntarily keep Ms. Caterina Byrd as the sole beneficiary of the Survivor Benefit Plan, he must do so. Further no "DOD Policy Guidelines" were attached as stated in your letter.

3. Veteran's Group Life Insurance. The value of the VGLI during divorce was $225,000.00. Attached is a Certificate of Insurance for Veterans' Group Life Insurance dated December 21, 2000. The parties were married as of this date. As such, Mr. Byrd must immediately restore Ms. Byrd's share to 100% of the $225,000.00 Veterans Group Life Insurance.

4. VyStar Credit Union Accidental Death insurance. Mr. Byrd promised Ms. Byrd this insurance. Mr. Byrd should minimally list Ms. Byrd is the beneficiary of the $1,000 "no cost coverage" that Mr. Byrd already has.



6882 Edna Avenue ● Las Vegas, Nevada 89146
(702) 562-2300 ● FAX (702) 562-2303

Further, no "e-mail and documents" were attached as stated in your letter.

5. Mr. Byrd's unauthorized use of Ms. Byrd's home address. Mr. Byrd is using Ms. Byrd's home address for personal loans (DEF159, DEF160), Chevrolet vehicle purchase (DEF172), and credit cards (DEF175). Per your letter, any such mail that comes to her home she will dispose of.

I'm looking forward to your prompt and favorable response.

Very truly yours,

Jeanne F. Lambertsen, Esq.

Enc. Certificate of Insurance VGLI
cc: Caterina Byrd
**S 4-24-19**



6882 Edna Avenue ● Las Vegas, Nevada 89146
(702) 562-2300 ● FAX (702) 562-2303

Control #: 00247830

Insurance Amount: $225,000.00

Name: GRADY BYRD

Issue Date: 12-21-2000

# Certificate of Insurance for Veterans' Group Life Insurance

## About This Certificate

This Certificate explains in general terms your rights and benefits, as the person insured for Veterans' Group Life Insurance (VGLI), under the provisions of a Group Life Insurance Policy (Group Policy) purchased from a commercial life insurance company by the Department of Veterans Affairs (VA) in accordance with the provisions of Subchapter III of Chapter 19, title 38, United States Code.

The Group Policy which provides the insurance referred to in this Certificate may be modified or terminated as may be required by any change to Subchapter III of Chapter 19, title 38, United States Code, or for any other reasons. Any such modification or termination, however, will not affect any claim arising from death before the effective date of such modification or termination.

This Certificate is not a contract of insurance. Possession of this Certificate does not guarantee coverage at point of claim. Your rights and benefits under the law and the Group Policy are dependent upon the facts in your individual case.

## About VGLI

VGLI is term insurance. It builds no cash, loan, paid up or extended insurance values. You cannot assign it to anyone. It will not affect your rights to other Veterans' benefits. The maximum amount of insurance allowed under the provisions of Subchapter III of Chapter 19, title 38, United States Code is $400,000.

Any Servicemembers' Group Life Insurance (SGLI) under which you were previously insured will have ended prior to the date your VGLI takes effect. The maximum amount of VGLI available upon enrollment is limited to the amount of SGLI in force at the time of your separation from service. You have the opportunity to increase your VGLI coverage by $25,000 on your five-year VGLI anniversary, and every five years after that, up to the legislated maximum, up to age 60. If after obtaining VGLI coverage you choose to decrease your coverage amount, you will have five years from the date of the decrease to apply for an increase up to your original amount of VGLI coverage. Evidence of good health will be required.

## Important Notice

No person may carry a combined amount of SGLI and VGLI in excess of $400,000. If you return to duty, please notify the Office of Servicemembers' Group Life Insurance immediately.

## Premiums

VGLI premiums are age-based. Your premium rate will increase according to your age and the corresponding premium rate age bracket. For more information on premiums, go to www.insurance.va.gov.

## Naming a Beneficiary

You may name a beneficiary or beneficiaries to receive the proceeds of your life insurance in the event of your death while insured. If you do not want your insurance to be paid to your survivors under the automatic payment procedure described below, you must name a beneficiary to whom the insurance is to be paid. Once VGLI becomes effective, any prior SGLI designation in effect will be considered a beneficiary for VGLI for up to sixty days, or until you designate a beneficiary for VGLI, whichever comes first.

For a beneficiary designation or change in designation to be valid, you must sign it and send it to the Office of Servicemembers' Group Life Insurance before your death. You do not need the consent of anyone to make or change a beneficiary designation.

If you name more than one beneficiary, specify the share each beneficiary is to receive. If you do not specify shares, they will share equally. A beneficiary must be alive at the time of your death to receive benefits.

## Automatic Payment Procedure

If none of your named beneficiaries survive you, your insurance will be paid in the following Order of Precedence (38 USC § 1970):

1. Your widow or widower;
2. Your child or children in equal shares, with the share of any deceased child distributed among the descendants of that child;
3. Your parents in equal shares or the entire amount to the surviving parent;
4. The duly appointed executor or administrator of your estate;
5. Your next of kin under the laws of your State of domicile at the time of your death.

## Payment to Your Beneficiary

To receive payment of your VGLI insurance, your beneficiary must make claim to the Office of Servicemembers' Group Life Insurance on form SGLV 8283 provided by that office. The form is also available at www.insurance.va.gov.

If the proceeds are to be paid in the Order of Precedence (38 USC § 1970), an otherwise eligible beneficiary may be required to submit proof of entitlement.

If your beneficiary fails to make claim within one year after your death, or if payment to your beneficiary within that period is prohibited by Federal statute or regulation, payment may be made in the Order of Precedence set forth under the "Automatic Payment Procedure" section in this certificate.

If your beneficiary fails to make claim within two years after your death, payment may be made to a claimant, who, in the judgment of the Secretary of Veterans Affairs, is equitably entitled thereto.

## Settlement Options

You can designate your beneficiary to receive payment of your insurance in a lump sum or 36 equal monthly installments. If you elect a lump sum payment, your beneficiary will be given the option of receiving the lump sum payment through the Prudential Alliance Account®, by check, or Electronic Funds Transfer (EFT). If you designate your beneficiary to receive payment in 36 installments, your beneficiary will not have the option of receiving a lump sum payment.

Alliance is not available for payments less than $5,000, payments to individuals residing outside the United States and its territories, and certain other payments. These will be paid by check.

## Lapse and Reinstatement of Insurance

Your VGLI coverage will lapse under any of the following conditions:

1. When you fail to pay any premium due before the expiration of the 60-day grace period.
2. If the Group Policy that provides the insurance referred to in this Certificate terminates.
3. If the Group Policy is amended to terminate VGLI coverage.

If your insurance ends for failure to pay your premiums, you will receive notification of the lapse and a reinstatement application. You may apply for reinstatement at any time within five years of the date of the unpaid premium.

If your reinstatement application is received within six months of the date of lapse, you need to provide evidence that you are in the same state of health on the date of reinstatement as you were on the date of lapse. If your reinstatement application is submitted more than six months after the date of lapse, you must meet good health requirements. No request for reinstatement will be honored beyond five years of the date of the unpaid premium.

## Conversion of Insurance

You have the right to convert your VGLI coverage to an individual commercial policy at any time after the issue date of VGLI.

If VGLI terminates because you again become insured for SGLI, you have the option to convert your VGLI to an individual policy. In order to convert your VGLI coverage, your VGLI premiums must be paid to the effective date of your conversion policy. To convert your coverage, contact the Office of Servicemembers' Group Life Insurance (see "Contact Information" section).

## Contact Information

Mail: Prudential Insurance Company of America
Office of Servicemembers' Group Life Insurance
P.O. Box 41618
Philadelphia, PA 19176-9913

Phone: 800-419-1473

Fax: General: 800-236-6142
Claims: 877-832-4943

E-mail: General: osgli.osgli@prudential.com
Claims: osgli.claims@prudential.com

Web: www.insurance.va.gov

The funds in an Alliance Account begin earning interest immediately and will continue to earn interest until all funds are withdrawn. Interest is accrued daily, compounded daily and credited every month. The interest rate may change and will vary over time subject to a minimum rate that will not change more than once every 90 days. You will be advised in advance of any change to the minimum interest rate via your quarterly Alliance Account statement or by calling Customer Support at (877) 255-4262.

The Bank of New York Mellon is the Administrator of the Prudential Alliance Account Settlement Option, a contractual obligation of The Prudential Insurance Company of America, located at 751 Broad Street, Newark, NJ 07102-3777. Draft clearing and processing support is provided by The Bank of New York Mellon. **Alliance Account balances are not insured by the Federal Deposit Insurance Corporation (FDIC).** The Bank of New York Mellon is not a Prudential Financial company.

Prudential

Office of Servicemembers' Group Life Insurance

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Steven D. Grierson
CLERK OF THE COURT

**EPAP**
**WEBSTER & ASSOCIATES**
ANITA A. WEBSTER, ESQ.
Nevada Bar No. 1221
JEANNE F. LAMBERTSEN, ESQ.
Nevada Bar No. 9460
6882 Edna Ave.
Las Vegas, Nevada 89146
Tel No: (702) 562-2300
Fax No: (702) 562-2303
e-mail: anitawebster@embarqmail.com
e-mail: jlambertsen@embarqmail.com
Attorney for Plaintiff, Unbundled

DISTRICT COURT

CLARK COUNTY, NEVADA

| | |
|---|---|
| CATERINA ANGELA BYRD,<br><br>Plaintiff,<br><br>v.<br><br>GRADY EDWARD BYRD,<br><br>Defendant | CASE NO.: D-18-577701-Z<br>DEPT NO.: G<br><br>Hearing Date: 05-22-19<br>Hearing Time: 9:00 a.m. |

Law Offices of
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6882 Edna Avenue • Las Vegas, Nevada 89146
Telephone (702) 562-2300 • Facsimile (702) 562-2303

**Plaintiff's Ex Parte Application**
**For An Order For Defendant to Appear In Person**

COMES NOW Plaintiff, CATERINA ANGELA BYRD, by and through her attorneys, ANITA A. WEBSTER, ESQ., and JEANNE F. LAMBERTSEN, ESQ., of the law offices of WEBSTER & ASSOCIATES, in an Unbundled Capacity, does hereby file her *Ex Parte Application For An Order For Defendant to Appear In Person* at the hearing scheduled for May 22, 2019, or such other date if the hearing is rescheduled.

///

///

This Ex Parte Application is made and based upon the pleadings and papers on file herein and the following Points and Authorities.

Dated: April 23, 2019.

**WEBSTER & ASSOCIATES**

By: _____
ANITA A. WEBSTER, ESQ.
Nevada Bar No. 1221
JEANNE LAMBERTSEN, ESQ.
Nevada Bar No. 9460
6882 Edna Ave.
Las Vegas, Nevada 89146
Attorneys for Plaintiff, Unbundled

Law Offices of
WEBSTER & ASSOCIATES
6882 Edna Avenue • Las Vegas, Nevada 89146
Telephone (702) 362-2300 • Facsimile (702) 362-2303

## POINTS AND AUTHORITIES

The parties divorced after 31 years of marriage on or about June 5, 2014. Grady has resided in the Philippines since 2008. He's 63 years old and recently married a 25-year-old girl. Caterina has resided in the martial residence awarded to her in the decree and relies on monthly support from Grady. On September 1, 2018, Grady stopped paying Caterina $3,000.00 per month for assistance with her house mortgage and for her interest in his military pay. He did this in retaliation for Caterina asking for copies of the life insurance, Survivor Benefit Plan and other assets awarded to her in the joint petition for summary decree of divorce. She is emotionally and financially destitute. These matters are the subject of the instant litigation before the court. Caterina's motion to enforce was granted at the hearing on or about January 23, 2019. A status check was set for May 2, 2019, in part to assess his compliance with Court orders. The Court

ordered that Grady appear at the hearing or a no-bail bench warrant would be issued. Grady filed a motion for reconsideration which Caterina opposes. This hearing is set for May 2, 2109. It is unknown if the Status Check hearing is going forward given the May 22, 2019, Motion hearing.

The reason that Grady should appear in person at the May 22, 2019, Motion hearing is because Grady has threatened Caterina "good luck finding me" referring to her ability to obtain any money that he owes her.

Grady is behaving as if he has no intention of returning to Las Vegas Nevada. For example, about July 2018, mail started coming to Caterina's house addressed to Grady. The mail included a letter from the DMV with Grady's Nevada Drivers License, ( Exhibit "1") a Findlay Chevrolet "congratulations" on your new 2018 Chevrolet Cruze, a letter from First Internet Bank, Visa card. Mail for his new wife's U.S. Military Health Care insurance arrived too. In correspondence to Grady's counsel dated April 5, 2019, Grady was asked to cease using her home address as his mailing address. Grady claims he is not and told her to dispose of it or return it to the sender. Caterina advised that she will oblige.

About April 15, 2019, Caterina received additional mail for Grady. The Airport Police, Los Angeles California sent a "Notice of stored vehicle" that Grady's 2018 Chevy Cruze was found at the L.A. Airport with no license plates attached. (Exhibit "2"). Another piece of mail was from Clear Choice Lien Service, Inc.(Exhibit "3"). Grady's Chevrolet Chevy is being stored by Bruffy's Del Rey Tow, Los Angeles California. Past due notices are also coming to her home

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showing that Grady is not paying his loans. (Exhibit "4"). Additionally, mail that was sent to Grady's address listed with the Court is returned. (Exhibit "5").

It is important that Grady personally appear to ascertain his understanding of the Court's orders, to enhance compliance and that communications are clear and there is no "lost in translation" problems or other communication problems.

Supreme Court Rule, Part IX-B (A) 4. Appearance by telephonic transmission equipment for civil and family court proceedings states in pertinent part:

> .....
> .....
>
> 3. Court discretion to modify rule.
>
> (a) Applicable cases. In exercising its discretion under this provision, the court should consider the general policy favoring telephonic transmission equipment.
>
> (b) Court may require personal appearances. Upon a showing of good cause either by motion of a party or upon its own motion, the court may require a party or witness to appear in person at a proceeding listed in Rule 4(1) if the court determines on a hearing-by-hearing basis that a personal appearance would materially assist in the resolution of the particular proceeding or that the quality of the telephonic transmission equipment is inadequate.
>
> 4. Need for personal appearance. If, at any time during a proceeding conducted by telephonic transmission equipment, the court determines that a personal appearance is necessary, the court may continue the matter and require a personal appearance by a party or witness.

## CONCLUSION

Caterina is respectfully requesting that the court grant her Request for an

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6882 Edna Avenue • Las Vegas, Nevada 89146
Telephone (702) 562-2300 • Facsimile (702) 562-2303

Order that the Defendant personally appear at the hearing on Defendant's Motion for Reconsideration and Plaintiff's Opposition and Contermotion scheduled for May 22, 2019 or other such date if the hearing is moved.

Dated: April 22, 2019.

**WEBSTER & ASSOCIATES**

JEANNE F. LAMBERTSEN, ESQ.
Attorney for Plaintiff
Unbundled Capacity

Law Offices of
WEBSTER & ASSOCIATES
6882 Edna Avenue • Las Vegas, Nevada 89146
Telephone (702) 562-2300 • Facsimile (702) 562-2303

## DECLARATION OF CATERINA BYRD

1. I, Caterina Byrd am the Plaintiff in the above-entitled action.

2. I have read the foregoing Ex Parte Application for Request for an Order that the Defendant personally appear at the hearing scheduled for May 22, 2019, or other such date if moved. The factual averments contained therein and incorporated herein as if set forth in full, are true and correct to the best of my knowledge, except as to those matters based on information and belief, and as to those matters, I believe them to be true.

3. Grady's untrustworthy behavior and not complying with the court orders to pay me, his fraudulently obtaining an official NV Drivers License, abandoning his personal vehicle at LAX and removing the license plates to conceal his identity as the owner of the Chevrolet Cruze vehicle and use of my home address as his official residence, which is the reason I received communications from the police as well as the company he financed the car through. I do not believe that he can be trusted to follow any of the courts rulings if not physically present.

4. Based upon the foregoing, I respectfully request an Order that the Defendant personally appear at the hearing on May 22, 2019 or other such date if the hearing is moved.

I declare under penalty of perjury in the State of Nevada that the foregoing is true and correct.

Executed this 23 day of April , 2019.

Caterina Byrd

Law Offices of
WEBSTER & ASSOCIATES
6982 Edna Avenue • Las Vegas, Nevada 89146
Telephone (702) 562-2300 • Facsimile (702) 562-2303

**Certificate of Service**

Pursuant to NRCP 5(b), I certify that I am employed in the Law Offices of WEBSTER & ASSOCIATES, and that on this 23rd day of April, 2019, I caused the above and foregoing to be served as follows:

[X] Electronic Service through the Eighth Judicial District Court's electronic filing system; and

To counsel listed below at the address, email address, and/or facsimile number indicated:

Byron Mills
Counsel for Defendant, Grady Byrd
Modonnell@millsnv.com

An employee of Webster & Associates

Law Offices of
WEBSTER & ASSOCIATES
6882 Edna Avenue • Las Vegas, Nevada 89146
Telephone (702) 562-2300 • Facsimile (702) 562-2303

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Steven D. Grierson
CLERK OF THE COURT

**EXHS**
**WEBSTER & ASSOCIATES**
ANITA A. WEBSTER, ESQ.
Nevada Bar No. 1221
JEANNE F. LAMBERTSEN, ESQ.
Nevada Bar No. 9460
6882 Edna Ave.
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Tel No: (702) 562-2300
Fax No: (702) 562-2303
e-mail: anitawebster@embarqmail.com
e-mail: jlambertsen@embarqmail.com
Unbundled Attorney for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

| | |
|---|---|
| CATERINA ANGELA BYRD<br><br>Plaintiff,<br><br>v.<br><br>GRADY EDWARD BYRD<br><br>Defendant. | CASE NO.: D-18-577701-Z<br>DEPT NO.: G<br><br>**EXHIBIT APPENDIX TO PLAINTIFF'S EX PARTE APPLICATION FOR AN ORDER FOR DEFENDANT TO APPEAR IN PERSON** |

Law Offices of
WEBSTER & ASSOCIATES
6882 Edna Avenue • Las Vegas, Nevada 89146
Telephone (702) 562-2300 • Facsimile (702) 562-2303

COMES NOW, Caterina Angela Byrd, by and through her attorneys of record, Anita A. Webster, Esq., and Jeanne F. Lambertsen, Esq., of Webster & Associates, and hereby submits the following exhibits in support of her *Ex Parte Application For An Order For Defendant to Appear In Person*. Pursuant to EDCR 5.205(g) Exhibits may be deemed offers of proof but shall not be considered substantive evidence until admitted.

**Table of Contents:**

1. Letter from the DMV with Grady's Nevada Drivers License.
2. "Notice of stored vehicle" from Los Angeles, California Airport Police, regarding Grady's 2018 Chevy Cruze that was found at the L.A. Airport with

no license plates attached.

3. Letter from Clear Choice Lien Service, Inc., regarding lien on Grady's 2018 Chevy Cruz.

4. Past due notices, showing that Grady is not paying his loans.

5. Returned mail that was sent to Grady's address listed with the Court.

DATED this 23 day of April, 2019.

WEBSTER & ASSOCIATES

JEANNE F. LAMBERTSEN, ESQ.

Law Offices of
WEBSTER & ASSOCIATES
6882 Edna Avenue • Las Vegas, Nevada 89146
Telephone (702) 562-2300 • Facsimile (702) 562-2303

## Certificate of Service

Pursuant to NRCP 5(b), I certify that I am employed in the Law Offices of WEBSTER ASSOCIATES, and that on this 23 day of April, 2019, I caused the above and foregoing document to be served as follows:

[X] by electronic service through the Eighth Judicial District Court's electronic filing system; and

[ ] by placing the same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;

To the Defendant listed below at the address, email address, and/or facsimile number indicated:

Byron Mills, Esq.
E-mail:attorneys@millsnv.com
Counsel for Defendant, Grady Byrd

An employee of Webster & Associates

Law Offices of
WEBSTER & ASSOCIATES
6882 Eighth Avenue • Las Vegas, Nevada 89146
Telephone (702) 362-2300 • Facsimile (702) 362-2303

# EXHIBIT “1"

Nevada Department of Motor Vehicles
555 Wright Way
Carson City, Nevada 89711

1332

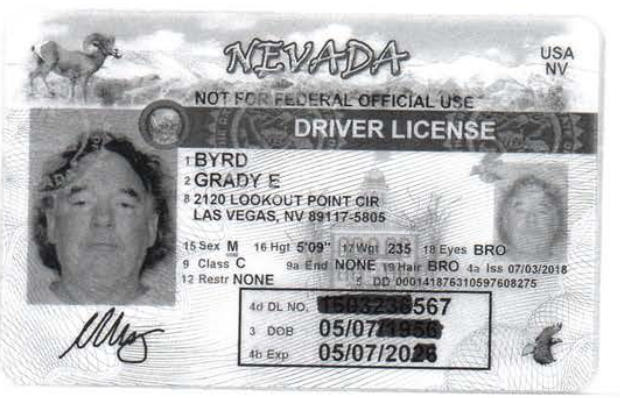
GRADY E BYRD
2120 LOOKOUT POINT CIR
LAS VEGAS NV 89117-5805

Please review the information on your new driver's license or identification card. If there are any errors, please visit your local full-service DMV office. Fees will apply to any changes.

**This card replaces all previously issued cards of the same card type. Maintain your current driver's license or identification card with your special identification card.**

If the attached driver's license, instruction permit, or identification card has been suspended, revoked, cancelled or otherwise disqualified, this card is invalid.

NRS 482.385 requires new residents to register all vehicles operated in the state of Nevada within 30 days of becoming a resident or at the time they obtain a driver's license, whichever occurs earlier.




**NRS 483.90 requires you to notify the Department within 30 days of changing your address. Sign up for a MyDMV account at *www.dmvnv.com/mydmv* and complete your address change online. You may also mail an application (Form DMV22) or complete the change at a DMV office.**

my DMV
dmvnv.com

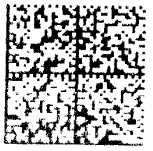
Registration Renewal • Registration Fee Estimates • Insurance Updates
Duplicate License, ID or Registration • License or ID Renewal • Driver History
Kiosk and Office Locations • Handbooks • Forms • Much More!

Personalized Online Services

***Visit us at www.dmvnv.com***

# EXHIBIT “2"

Airport Police
6320 W. 96th Street
Los Angeles, CA 90045



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GRADY BYRD
2120 LOOKOUT POINT CIR
LAS VEGAS, NV 89117

8911735805 C020

RA000251

LAXPD INC # 19-071117

# NOTICE OF STORED VEHICLE (22852 CVC)

NOTE: CHP 180 IS FURNISHED TO ALL PEACE OFFICERS BY THE CALIFORNIA HIGHWAY PATROL

| REPORTING DEPARTMENT | LOCATION CODE | DATE / TIME OF REPORT | NOTICE OF STORED VEHICLE DELIVERED PERSONALLY | FILE NO. |
|---|---|---|---|---|
| L.A Airport Police | 1943 | 4/12/19 2115 hrs | ☐ | |

| LOCATION TOWED / STOLEN FROM | ODOMETER READING | VIN CLEAR IN SVS? | DATE / TIME DISPATCH NOTIFIED | LOG NO. |
|---|---|---|---|---|
| 501 World Way (4B) | UNK | ☐ YES ☐ NO | | |
| | | LIC. CLEAR IN SVS? ☒ YES ☐ NO | | |

| YEAR | MAKE | MODEL | BODY TYPE | COLOR | LICENSE NO. | MONTH / YEAR | STATE |
|---|---|---|---|---|---|---|---|
| 18 | CHEVY | CRUZE | 4DR | Gray | NO PLATES | 9/19 | NV |

| VEHICLE IDENTIFICATION NO. | ENGINE NO. | VALUATION BY |
|---|---|---|
| 1G1BC5SM8J7219352 | | ☐ OFFICER ☐ OWNER ☐ 0-500 ☐ 501-4000 ☐ 4001+ ☐ $ |

**REGISTERED OWNER**

Brady Byrd
2120 Lookout Point Cir
Las Vegas NV 89117

☐ SAME AS R/O

**LEGAL OWNER**

Ally Financial
P.O. Box 8127
Cockeysville, MD 21030

☐ STORED ☒ IMPOUNDED ☐ RELEASED ☐ RECOVERED - VEHICLE / COMPONENT

| TOWING / STORAGE CONCERN (NAME, ADDRESS, PHONE) | STORAGE AUTHORITY / REASON |
|---|---|
| Baggys 11101 S Hindry Ave L.A CA 90045 | 22651 Lamc |

| REASON FOR STOP | AIRBAG? | DRIVEABLE? | VIN SWITCHED? |
|---|---|---|---|
| — | ☐ YES ☐ NO ☐ 1 ☒ 2 | ☐ YES ☐ NO ☐ JUNK ☒ JUNK | ☐ YES ☒ NO |

| CONDITION | YES | NO | ITEMS | YES | NO | ITEMS | YES | NO | ITEMS | YES | NO | TIRES / WHEELS | CONDITION |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| WRECKED | | ☒ | SEAT (FRONT) | ☒ | | REGISTRATION | UNK | | CAMPER | | ☒ | LEFT FRONT | FAIR |
| BURNED HULK per 431(c) CVC | | ☒ | SEAT (REAR) | ☒ | | ALT. / GENERATOR | | ☒ | VESSEL AS LOAD | | ☒ | RIGHT FRONT | ↓ |
| VANDALIZED | | ☒ | RADIO | ☒ | | BATTERY | UNK | | FIREARMS | | ☒ | LEFT REAR | |
| ENG. / TRANS. STRIP | | ☒ | TAPE DECK | | ☒ | DIFFERENTIAL | UNK | | OTHER | | ☒ | RIGHT REAR | |
| MISC. PARTS STRIP | | ☒ | TAPES | | ☒ | TRANSMISSION | UNK | | | | ☒ | SPARE | UNK |
| BODY METAL STRIP | | ☒ | OTHER RADIO | | ☒ | AUTOMATIC | ☒ | | | | ☒ | HUB CAPS | YES |
| SURGICAL STRIP per 431(b) CVC | | ☒ | IGNITION KEY | | ☒ | MANUAL | | ☒ | | | ☒ | SPECIAL WHEELS | NO |

RELEASE VEHICLE TO: ☒ R/O OR AGENT ☐ AGENCY HOLD ☐ 22850.3 CVC

GARAGE PRINCIPAL / AGENT STORING VEHICLE (SIGNATURE)

DATE / TIME

NAME OF PERSON / AGENCY AUTHORIZING RELEASE | I.D. NO. | DATE

CERTIFICATION: I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT I AM LEGALLY AUTHORIZED AND ENTITLED TO TAKE POSSESSION OF THE ABOVE DESCRIBED VEHICLE.

SIGNATURE OF PERSON AUTHORIZING RELEASE

SIGNATURE OF PERSON TAKING POSSESSION

**SEE REVERSE FOR INFORMATION**

## NOTICE OF STORED VEHICLE (22852 CVC)

CHP 180S (Rev. 6-15)

NOTE: CHP 180 IS FURNISHED TO ALL PEACE OFFICERS BY THE CALIFORNIA HIGHWAY PATROL

### A. ATTENTION VEHICLE OWNER

The vehicle identified on the reverse side, registered/owned in your name, was stored pursuant to the provisions of the California Vehicle Code (CVC) by the agency shown below.

Under the provisions of Section 22852 CVC, you have the right to a hearing to determine the validity of this storage. If you choose to contest the validity of this storage, you shall request the hearing in person, writing, or by telephone at the office identified as the Storing Agency on this form.

Your request for a hearing shall be received at the Storing Agency's office within ten (10) days from the date of this notice. If you request a hearing, it will be conducted within 48 hours of the request, excluding weekends and holidays. The vehicle storage hearing is an informal process to determine whether or not a vehicle was lawfully stored.

If the hearing determines the storage to be unlawful, the storing agency will be responsible for the towing and storage charges. Your failure to request or attend a scheduled hearing shall satisfy the Post-Storage Validity requirements of Section 22852 CVC. If you have any questions, or if this vehicle is no longer owned by you, please contact the Storing Agency shown below.

### B. CERTIFICATION

I hereby certify that notices with postage prepaid were deposited in the United States Mail, and these notices, of which this is a copy, were addressed to the person named herein.

NAME / TITLE

| LOCATION | DATE DEPOSITED |
|---|---|
| | |

### C. NOTICE TO DEPARTMENT OF JUSTICE

☐ Owner cannot be identified ☐ Owner cannot be notified

We have been unable to give notice to the owner of record as required by the Notice of Stored Vehicle (22852 CVC) and the vehicle, after 120 hours of storage, has not been returned. Send to Department of Justice, Stolen Vehicle Unit, P.O. Box 903387, Sacramento, CA 94203-3870.

## AVISO DE VEHÍCULOS ALMACENADOS (22852 CVC)

CHP 180S (Rev. 4-13)

NOTA: CHP 180 ESTA PROVEYIDO A TODOS LOS OFICIALES POR LA PATRULLA DE CAMINOS DE CALIFORNIA

### A. PROPIETARIO DEL VEHÍCULOS ATENCIÓN

El vehículo identificado en el reverso, propiedad/registrado a su nombre, se almacenó en virtud de las disposiciones del código de vehículos de California (CVC) por la agencia que se muestra a conituación.

Bajo las disposiciones de la sección 22852 CVC, usted tiene el derecho a una audiencia para determinar la validez de este almacenamiento. Si usted decide impugnar la validez de este almacenamiento, deberá solicitar la audiencia en persona, escribir, o por teléfono en la oficina, identificada como la Agencia de almacenamiento en este formulario.

Su petición para una audiencia será recibido en la oficina de la Agencia de almacenamiento dentro de diez 10 días desde la fecha de este aviso. Si usted solicita una audiencia, se realizará dentro de 48 horas de la solicitud, excluyendo los fines de semana y días feriados. La audiencia de almacenamiento del vehículo es un proceso informal para determinar si o no un vehículo legalmente fue almacenado.

Si la audiencia determina el almacenamiento a ser ilegal, la Agencia almacenamiento será responsable de los cargos de remolque y almacenaje. La imposibilidad de solicitar o asistir a una audiencia programada deberá cumplir los requisitos de la Post-Storage de sección 22852 CVC. Si usted tiene alguna pregunta, o si este vehículo ya no es propiedad de usted, póngase en contacto con la Agencia de almacenamiento se muestra a continuación.

**STORING AGENCY / AGENCIA ALMACENAMIENTO**

# EXHIBIT “3"

Clear CHOICE
Lien Service, Inc.

P.O. Box 159009 San Diego, CA 92175

SAN DIEGO
CA 920
15 APR '19
PM 3 L

Hasler
US POSTAGE

103020377 I/P

FINDLAND CHEVEROLET
2120 LOOKOUT POINT
LAS VEGAS, NV 89117

AN

89117-580520

RA000255

Clear CHOICE
Lien Service, Inc.

103020377 I/P

FINDLAND CHEVEROLET
2120 LOOKOUT POINT
LAS VEGAS, NV 89117

# NOTICE OF STORED VEHICLE AND VEHICLE BILLING INFORMATION

**VEHICLE DESCRIPTION**

| LICENSE | STATE | YEAR OF LICENSE | VEHICLE IDENTIFICATION NUMBER |
|---|---|---|---|
| NONE | | | 1G1BC5SM8J7219352 |

| MAKE | YEAR | BODY TYPE | ENGINE NUMBER (MOTORCYCLE) | DATE OF THIS NOTICE | DATE OF POSSESSION |
|---|---|---|---|---|---|
| CHE | 18 | 4D | | 4/15/2019 | 4/8/2019 |

**NOTICE OF STORED VEHICLE**

**Dear Sir or Madam:**
**Department of Motor Vehicles records (or the business named below) reflect that you have an interest in the above described vehicle as either a registered or legal owner or interested party. This notice and bill shall serve to advise you that as a result of a public agency impound, private impound or repair request, the above described vehicle is presently being stored by the following company:**

**LOCATION OF STORED VEHICLE**

BUSINESS NAME (PRINT)
BRUFFY'S DEL REY TOW

ADDRESS
11101 SOUTH HINDRY AVE

| CITY | STATE | ZIP CODE |
|---|---|---|
| LOS ANGELES | CA | 90045- |

TELEPHONE NUMBER
**(310) 395-0084**

**COMPANY STORING VEHICLE**

BUSINESS NAME (PRINT)
BRUFFY'S DEL REY TOW

ADDRESS
11101 SOUTH HINDRY AVE

| CITY | STATE | ZIP CODE |
|---|---|---|
| LOS ANGELES | CA | 90045- |

TELEPHONE NUMBER
(310) 395-0084

**BILLING INFORMATION**

**You are being billed for the following items and/or services*:**

| | |
|---|---|
| 1. Towing | $133.00 |
| 2. Storage ** | $332.00 |
| 3. Repairs | $0.00 |
| 4. Lien Fee | $100.00 |
| Total of 1 through 4 | $565.00 |

** This is the storage amount as of the date of this notice. Storage will continue to accrue to the maximum legal limits, as set forth by the California Civil Code and the California Vehicle Code, until this vehicle is redeemed. This storage amount is based upon the daily storage rate shown below:

DAILY STORAGE RATE: ..... $41.50

** This bill has been prepared on behalf of the business named above and is based upon information they have provided to us. Every attempt has been made to reflect the accurate amounts you are being charged. ANY ERRORS OR OMISSIONS IN THIS BILL DOES NOT RELIEVE YOU OF THE FULL AND TRUE AMOUNT YOU OWE.*

**VEHICLE REDEMPTION INFORMATION**

You may redeem the above described vehicle by appearing during normal business hours at the above described location. YOU WILL BE REQUIRED TO PAY STORAGE CHARGES THAT ACCRUE ON A DAILY BASIS. There may be additional fees that have been imposed that are not reflected on this bill and that you will be required to to pay to redeem this vehicle. California law (Vehicle Code Section 10652.5) states that the costs of notifying the legal owner may be charged as part of the storage fee when the motor vehicle has been stored for an indefinate period of time and notice is given no sooner than the third day of possession.

***Your failure to redeem such vehicle in a timely manner may result in a vehicle lien sale being processed.***

**ADDITIONAL MESSAGE INFORMATION**

☑ The additional message below may apply to you.
☐ There is no additional message information for this vehicle.

IF YOUR VEHICLE WAS IMPOUNDED PERSUANT TO 14602.6 VC (30 DAY HOLD) YOUR VEHICLE MAY NOT BE AVAILABLE FOR RELEASE UNTIL THE 31ST DAY. CHECK WITH THE BUSINESS DESCRIBED ABOVE OR THE IMPOUNDING AGENCY FOR RELEASE INFORMATION.

# EXHIBIT “4"

E-302970-000308

OD7-DC (4-10)

ally

PO BOX 380902
BLOOMINGTON MN 55438-0902

February 13, 2019

Grady E Byrd
2120 LOOKOUT POINT CIR
LAS VEGAS NV 89117-5805

| | | |
|---|---|---|
| RE: Account Number: | | 611927740207 |
| Due Date of Oldest Unpaid Payment: | | 01/06/2019 |
| Amount Due: | $ | 726.36 |
| Late Charges: | $ | 15.00 |
| Other Charges Due Now: | $ | 0.00 |
| Total Due Now: | $ | 741.36 |

Dear Grady E Byrd,

We have not received a response to our previous requests for payment. Your account is now two (2) payments past due as listed above. You must correct this situation immediately. We urge you to make payments to bring your account current without further delay. Unless we hear promptly from you, we will take appropriate action.

We have enclosed an envelope and the coupon to use to mail your payment. To learn about making a payment by phone or if you have any questions, please contact us at the number below Monday through Friday from 7:00 AM to 12:00 midnight EST.

Sincerely,
Ally Financial
866-443-3112

**RETURN THIS PORTION WITH YOUR PAYMENT**

ACCOUNT NUMBER : 611927740207
CUSTOMER NAME : Grady E Byrd

ally

| | | |
|---|---|---|
| AMOUNT DUE: | $ | 726.36 |
| LATE CHARGES: | $ | 15.00 |
| OTHER CHARGES DUE NOW: | $ | 0.00 |
| TOTAL DUE NOW: | $ | 741.36 |

PAYMENT PROCESSING CENTER
PO BOX 78234
PHOENIX AZ 85062-8234

TDC 01

DO NOT SEND CASH OR POST DATED CHECKS. ALL CHECKS WILL BE DEPOSITED UPON RECEIPT. MAKE CHECKS PAYABLE TO ALLY.
RETURN THIS NOTICE WITH YOUR PAYMENT TO THE ABOVE ADDRESS.

02 03 611 9277 40207 1 00074136 3 7 4

RA000258

CDGCSV70 023
PO Box 1280
Oaks PA 19456-1280
ADDRESS SERVICE REQUESTED

**GC Services Limited Partnership**

**Please call: 866-292-5264**
*Calls may be monitored or recorded*

CORRESPONDENCE AND PAYMENT MAILING ADDRESS:

**PO BOX 3026**
**HOUSTON TX 77253**

January 18, 2019

173892962
Mister. Byrd
2120 Lookout Point Cir
Las Vegas NV 89117-5805

004965 1 of 1

| YOU OWE: **USAA FEDERALSAVINGSBANK** | GC NUMBER: **830718325010018** |
|---|---|

***PLEASE DETACH AND RETURN UPPER PORTION OF STATEMENT WITH PAYMENT***

January 18, 2019

File Number: 4437359
Client Account Number: 1035616604
Balance Due: $13,399.11

Dear MISTER. BYRD,

We'd like to let you know that our client, USAA FEDERALSAVINGSBANK, has authorized us to make you a settlement offer on your account. If you pay 60% of the total amount due, our client will consider your account settled.

This is an excellent opportunity to take care of your account. If you wish to take advantage of this offer, either call our office at 866-292-5264 or mail us your payment of $8,039.47. Please make your payment payable to "USAA FEDERALSAVINGSBANK". Please note the payment must be for the exact amount stated in this letter and must be received no later than fourteen (14) days from the date of this letter or this particular offer will be null and void. Please understand our client is not obligated to renew this offer.

If you have any questions or wish to propose an alternative payment solution, please do not hesitate to contact us.

Sincerely,

Aaron Farkas
Account Representative

If you would prefer, you can make a payment on your account using a debit card by going to our website at www.gcpayonline.com or calling us at 844-338-3100. Use the following number to identify yourself when prompted: 830718325010018

**This communication is from a debt collector. This is an attempt to collect a debt. Any information obtained will be used for that purpose.**

**NOTICE: SEE REVERSE SIDE FOR IMPORTANT CONSUMER INFORMATION**

GC Services Limited Partnership – 6330 Gulfton, Houston, TX 77081

0223-31 IMG-BSL 830718325010018 49903602

RA000259

Federal and state law prohibit certain methods of debt collection, and require that we treat you fairly. If you have a complaint about the way we are collecting your debt, please visit our website at www.gcserv.com or contact the FTC online at www.ftc.gov; by phone at 1-877-FTC-HELP; or by mail at 600 Pennsylvania Ave., NW, Washington, DC 20580. If you want information about your rights when you are contacted by a debt collector, please contact the FTC online at www.ftc.gov.

PO BOX 4043
CONCORD CA 94524-4043

March 15, 2019

ADDRESS SERVICE REQUESTED

Grady E. Byrd
2120 LOOKOUT POINT CIR
LAS VEGAS NV 89117-5805

# Alltran Financial, LP

Creditor: USAA Savings Bank
Account: 4270824131651307
Alltran ID: 41271098
Account Balance: $17,882.25

## SETTLEMENT OFFER
## $8,941.14 IN 3 PAYMENTS

Our client, USAA Savings Bank, has agreed to accept $8,941.14 in 3 equal payments of $2,980.38 as settlement for monies owing on your account. This settlement is only valid if the payment schedule outlined below is met. If the payment schedule outlined below is not met, we are not obligated to renew this offer. If you need additional time to consider this offer, or cannot timely make these payments, please call KENT ST CLAIR on our toll-free number 866-582-4071 ext. 9164 to discuss.

Please mail each payment along with the corresponding payment coupon to the address shown on the coupon, and make your payment payable to USAA Savings Bank.

This communication is from a debt collector. We are required to inform you that this is an attempt to collect a debt, and any information obtained will be used for that purpose.

Sincerely,

KENT ST CLAIR
866-582-4071 ext. 9164

It's tax return time. If you are entitled to a refund, you should consider using your refund to pay your outstanding debt. Also, if you are looking for a secure and more convenient way to pay your account, you can make payments any time with your Debit Card using your mobile phone or other electronic device at www.alltranfinancialpay.com.

Office Hours (all times Central)
Monday-Thursday: 8 AM to 9 PM • Friday: 8 AM to 4 PM • Saturday: 7 AM to 11 AM

¡Traducción en español al lado reverso!

***Detach Coupon and Mail with Payment***

***Payment 1 of 3***

**Alltran ID: 41271098**
Mail Payment To:
Alltran Financial, LP
P.O. Box 722929
HOUSTON TX 77272-2929

Payment Amt - $2,980.38
Due Date - March 30, 2019
Payable to: USAA Savings Bank

***Payment 2 of 3***

**Alltran ID: 41271098**
Mail Payment To:
Alltran Financial, LP
P.O. Box 722929
HOUSTON TX 77272-2929

Payment Amt - $2,980.38
Due Date - April 29, 2019
Payable to: USAA Savings Bank

***Payment 3 of 3***

**Alltran ID: 41271098**
Mail Payment To:
Alltran Financial, LP
P.O. Box 722929
HOUSTON TX 77272-2929

Payment Amt - $2,980.38
Due Date - May 29, 2019
Payable to: USAA Savings Bank

*-067832092-*

URS00833-0315-1170115017-01931-1931

S1649270193L

RA000261

PO BOX 4043
CONCORD CA 94524-4043

15 de marzo de 2019

ADDRESS SERVICE REQUESTED

Grady E. Byrd
2120 LOOKOUT POINT CIR
LAS VEGAS NV 89117-5805

**Alltran Financial, LP**

Acreedor: USAA Savings Bank
Cuenta: 4270824131651307
Alltran ID: 41271098
Saldo de la Cuenta: $17,882.25

## OFRECIMIENTO DE LIQUIDACIÓN
$8,941.14 EN 3 PAGOS

Nuestro cliente, USAA Savings Bank, está de acuerdo en aceptar $8,941.14 en 3 pagos iguales de $2,980.38 como liquidación de la cantidad debida en su cuenta. Este ofrecimiento de liquidación es válido solo si se cumple con el plan de pagos que aparece a continuación. Si no se cumple con el plan de pagos que aparece a continuación, nosotros no estamos obligados a renovar este ofrecimiento. Si usted necesita más tiempo para considerar este ofrecimiento, o no puede hacer estos pagos a tiempo, por favor llame a KENT ST CLAIR a nuestro número gratuito (800) 354-4150 Ext. 8803 para hablar al respecto.

Por favor, envíe cada pago por correo postal, junto con el talón de pago correspondiente, a la dirección que aparece en el talón, y haga su pago a nombre de USAA Savings Bank.

Esta comunicación se la envía una agencia de cobranzas. Se nos requiere que le informemos que éste es un intento para cobrar una deuda, y cualquier información que se obtenga se usará con este propósito.

Atentamente
KENT ST CLAIR
(800) 354-4150 Ext. 8803

Es tiempo de devolución de impuestos. Si usted tiene derecho a una devolución, debería considerar utilizarla para pagar su deuda pendiente. De igual modo, si usted está buscando una forma segura y más conveniente de pagar su deuda, usted puede hacer pagos en cualquier momento con su Tarjeta de Débito usando su teléfono móvil, u otro dispositivo electrónico, en www.alltranfinancialpay.com.

Horas de Oficina (todas horas en Central)
lunes - jueves: 8 am a 9 pm • viernes: 8 am a 4 pm • sábado: 7 am a 11 am

English text on other side!

***Desprenda el cupón y envíelo junto con su pago.***

***Pago 3 de 3***

**Alltran ID: 41271098**
Envíe su pago a:
Alltran Financial, LP
P.O. Box 722929
HOUSTON TX 77272-2929

Cantidad a pagar - $2,980.38
Fecha Límite: Mayo 29, 2019

***Pago 2 de 3***

**Alltran ID: 41271098**
Envíe su pago a:
Alltran Financial, LP
P.O. Box 722929
HOUSTON TX 77272-2929

Cantidad a pagar - $2,980.38
Fecha Límite: Abril 29, 2019

***Pago 1 de 3***

**Alltran ID: 41271098**
Envíe su pago a:
Alltran Financial, LP
P.O. Box 722929
HOUSTON TX 77272-2929

Cantidad a pagar - $2,980.38
Fecha Límite: Marzo 30, 2019

*-067832092-*

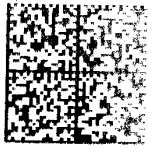
URS00833-0315-1170115017-01931-1931

S1649270L931

# EXHIBIT “5"

Webster & Associates
[illegible] Edna Avenue
[illegible] Vegas, Nevada 89146

ATTEMPTED, NOT KNOWN



PITNEY BOWES
02 4P $ 000.65⁰
0002713154 APR 05 2019
MAILED FROM ZIP CODE 89117

Grady E. Byrd
5330 E. Craig Rd.
Las Vegas, NV 89115

JAC
RTS

89145221S 0077

RA000264

Electronically Filed
5/17/2019 3:13 PM
Steven D. Grierson
CLERK OF THE COURT

**EXHS**
**WEBSTER & ASSOCIATES**
ANITA A. WEBSTER, ESQ.
Nevada Bar No. 1221
JEANNE F. LAMBERTSEN, ESQ.
Nevada Bar No. 9460
6882 Edna Ave.
Las Vegas, Nevada 89146
Tel No: (702) 562-2300
Fax No: (702) 562-2303
e-mail: anitawebster@embarqmail.com
e-mail: jlambertsen@embarqmail.com
Unbundled Attorney for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

| | |
|---|---|
| CATERINA ANGELA BYRD<br><br>Plaintiff,<br><br>v.<br><br>GRADY EDWARD BYRD<br><br>Defendant. | CASE NO.: D-18-577701-Z<br>DEPT NO.: G<br><br>**EXHIBIT APPENDIX TO PLAINTIFF'S REPLY TO DEFENDANT'S OPPOSITION AND COUNTERMOTION** |

Law Offices of
WEBSTER & ASSOCIATES
6882 Edna Avenue • Las Vegas, Nevada 89146
Telephone (702) 562-2300 • Facsimile (702) 562-2303

COMES NOW, Caterina Angela Byrd, by and through her attorneys of record, Anita A. Webster, Esq., and Jeanne F. Lambertsen, Esq., of Webster & Associates, and hereby submits the following exhibits in support of her *Reply to Defendant's Opposition and Countermotion*. Pursuant to EDCR 5.205(g) Exhibits may be deemed offers of proof but shall not be considered substantive evidence until admitted.

**Table of Contents:**

1. EDCR 5.501 letter and email dated 8/7/18 and 8/13/18;
2. Email from Caterina to Grady dated 9/4/18;
3. Grady orders Caterina to not talk to USAA loan agents;

4. Grady stating what he is putting in the divorce papers;

5. Grady's April 8, 2014, email to Caterina about signing papers;

6. Grady emails Caterina, "last warning" "last chance";

7. Grady's email to Caterina discouraging her from seeing a lawyer;

8. Grady's email to Caterina threatening to stop communicating with her;

9. Places the parties have lived during the marriage;

10. Grady's description of his two employees; Answer No. 4, pg 2, ln. 4;

11. Grady's responses to Caterina's 1st Request for Admission, No. 18;

12. Debts in collection that Grady isn't paying;

13. Certificate of insurance for Veterans Group Life Insurance dated 12/21/00;

DATED this 17th day of May, 2019.

WEBSTER & ASSOCIATES

JEANNE F. LAMBERTSEN, ESQ.

Law Offices of
WEBSTER & ASSOCIATES
6882 Edna Avenue • Las Vegas, Nevada 89146
Telephone (702) 562-2300 • Facsimile (702) 562-2303

## Certificate of Service

Pursuant to NRCP 5(b), I certify that I am employed in the Law Offices of WEBSTER ASSOCIATES, and that on this 17th day of May, 2019, I caused the above and foregoing document to be served as follows:

[X] by electronic service through the Eighth Judicial District Court's electronic filing system; and

[ ] by placing the same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;

To the Defendant listed below at the address, email address, and/or facsimile number indicated:

Byron L. Mills, Esq.
Modonnell@millsnv.com (As listed on the service list)
Counsel for Defendant, Grady Byrd

Gillian Brand
An employee of Webster & Associates

Law Offices of
WEBSTER & ASSOCIATES
6882 Edna Avenue • Las Vegas, Nevada 89146
Telephone (702) 562-2300 • Facsimile (702) 562-2303

# EXHIBIT “1"

## Jeanne Lambertsen

**From:** Jeanne Lambertsen [jlambertsen@embarqmail.com]
**Sent:** Tuesday, August 07, 2018 4:22 PM
**To:** 'cbsmail2006@yahoo.com'
**Cc:** 'Anita Webster'; 'Lillian Brand'
**Subject:** Byrd, Caterina re: documents needed

Dear Mr. Byrd-
I am sorry that you are not feeling well and undergoing medical treatment. We do wish you a speedy recovery.

We are assisting Ms. Byrd as she realizes that she does not have any of the following documents verifying and demonstrating that she is the beneficiary in the event of your passing of the following financial plans. If you do not have possession of any of the following documents, please contact the institution and ask that they e-mail you copies (and send copies to us, if possible) of the documents showing that Ms. Byrd is the designated beneficiary. Ms. Byrd has contacted the institutions below, however, because you are divorced, they will not share any information with her or provide her any documents:

1. Office of Personnel Management Death Benefits;
2. VYSTAR Credit Union Accidental Death Insurance;
3. Veteran's Group Life Insurance (VGLI);
4. United States Army Survivor Benefit Plan;
5. Federal Employees Group Life insurance (FEGLI).

In addition, please provide documents for the retirement plan or other benefits that you receive from working for the U.S. DoD as a Uniformed Services Army Civilian.
Also, we are preparing two documents that need your signature:

1. Qualified Domestic Relations Order (QDRO) so that she may receive her marital portion of the military pension as listed in the Decree of Divorce that you prepared. I understand that you are paying her directly, but the QDRO will allow her to receive her payment directly from the military by way of direct deposit, thereby allowing her to plan her finances and budget better and be more comfortable each month. The QDRO cost $800.00 and the cost should be equally shared by you and Ms. Byrd. The QDRO will be ready in 2 weeks or so..
2. Stipulation and Order changing the venue where your divorce was filed, Churchill County, to Clark County. The QDRO should be filed in the county where Ms. Byrd lives. I understand that you are currently in Clark County Nevada too. Neither of you live in Churchill County.

I would like to avoid the necessity of seeking the courts assistance. There is no need for us to request a court hearing if you can accomplish the above tasks in a timely manner. Please let me know when you could provide the above documents and be available to sign the QDRO and the Stipulation and Order. Ms. Byrd dropped off mail addressed to you, but sent to her address.

Very Truly Yours,

*Jeanne F. Lambertsen, Esq.*

Webster & Associates
6882 Edna Ave.
Las Vegas, Nevada 89146
Office 702-562-2300
Fax 702-562-2303

LAW OFFICES OF
WEBSTER & ASSOCIATES
A Professional Corporation

ANITA A. WEBSTER, ESQ.
Attorney, Mediator &
Collaborative Law Professional
anitawebster@embarqmail.com

JEANNE F. LAMBERTSEN, ESQ.
Attorney
jlambertsen@embarqmail.com

August 13, 2018

**Via Certified Mail, Regular Mail and Facsimile**
702-507-5750
Grady Byrd - hotel guest
Cannery Hotel & Casino
2121 E. Craig Rd.
North Las Vegas, Nevada 89030

Re: Byrd v. Byrd
14-10DC-0219

Dear Mr. Byrd:

I am sorry that you are not feeling well and undergoing medical treatment. We do wish you a speedy recovery.

We are assisting Ms. Byrd as she realizes that she does not have any of the following documents verifying and demonstrating that she is the beneficiary in the event of your passing of the following financial plans. If you do not have possession of any of the following documents, please contact the institution and ask that they e-mail you copies (and send copies to us, if possible) of the documents showing that Ms. Byrd is the designated beneficiary. Ms. Byrd has contacted the institutions below, however, because you are divorced, they will not share any information with her or provide her any documents:

1. Office of Personnel Management Death Benefits;
2. VYSTAR Credit Union Accidental Death Insurance;
3. Veteran's Group Life Insurance (VGLI);
4. United States Army Survivor Benefit Plan; and
5. Federal Employees Group Life insurance (FEGLI).



6882 Edna Avenue • Las Vegas, Nevada 89146
(702) 562-2300 • Fax: (702) 562-2303

In addition, please provide documents for the retirement plan or other benefits that you receive from working for the U.S. DoD as a Uniformed Services Army Civilian.

Also, we are preparing two documents that need your signature:

1. Qualified Domestic Relations Order (QDRO) so that she may receive her marital portion of the military pension as listed in the Decree of Divorce that you prepared. I understand that you are paying her directly, but the QDRO will allow her to receive her payment directly from the military by way of direct deposit, thereby allowing her to plan her finances and budget better and be more comfortable each month. The QDRO cost $800.00 and the cost should be equally shared by you and Ms. Byrd. The QDRO will be ready in 2 weeks or so..

2. Stipulation and Order changing the venue where your divorce was filed, Churchill County, to Clark County. The QDRO should be filed in the county where Ms. Byrd lives. I understand that you are currently in Clark County Nevada too. Neither of you live in Churchill County.

I would like to avoid the necessity of seeking the court's assistance. There is no need for us to request a court hearing if you can accomplish the above tasks in a timely manner. Please let me know when you could provide the above documents and be available to sign the QDRO and the Stipulation and Order. Ms. Byrd dropped off mail addressed to you, but sent to her address.

If you have any questions please feel free to call.

Very truly yours,

Jeanne F. Lambertsen, Esq.

JFL:lsb
cc: Caterina Byrd

W:\Family\Byrd, Caterina\Correspondence\Drafts\OP re contact 8.13.18.wpd

6882 Edna Avenue • Las Vegas, Nevada 89146
(702) 562-2300 • Fax: (702) 562-2303

Re: Byrd v. Byrd
14-10DC-0219

Dear Mr. Byrd:

I am sorry that you are not feeling well and undergoing medical treatment. We do wish you a speedy recovery.

We are assisting Ms. Byrd as she realizes that she does not have any of the following documents verifying and demonstrating that she is the beneficiary in the event of your passing of the following financial plans. If you do not have possession of any of the following documents, please contact the institution and ask that they e-mail you copies (and send copies to us, if possible) of the documents showing that Ms. Byrd is the designated beneficiary. Ms. Byrd has contacted the institutions below, however, because you are divorced, they will not share any information with her or provide her any documents:

1. Office of Personnel Management Death Benefits;
2. VYSTAR Credit Union Accidental Death Insurance;
3. Veteran's Group Life Insurance (VGLI);
4. United States Army Survivor Benefit Plan; and
5. Federal Employees Group Life insurance (FEGLI).

W:\Family\Byrd, Catherine\Correspondence\Drafts\OP re contact 8.13.18.wpd

6882 Edna Avenue • Las Vegas, Nevada 89146
(702) 562-2300 • Fax: (702) 562-2303

TRANSMISSION VERIFICATION REPORT

TIME : 08/13/2018 11:09
NAME : WEBSTER ASSOCIATEP
FAX : 702-562-2303
TEL : 702-562-2303
SER.# : BRCH5J323357

| | |
|---|---|
| DATE,TIME | 08/13 11:08 |
| FAX NO./NAME | 7025075750 |
| DURATION | 00:00:41 |
| PAGE(S) | 02 |
| RESULT | OK |
| MODE | STANDARD ECM |

# EXHIBIT “2"

**Jeanne Lambertsen**

**From:** Caterina Byrd [caterina_byrd@yahoo.com]
**Sent:** Tuesday, September 04, 2018 6:48 PM
**To:** cbsmail2006@yahoo com
**Subject:** Various- You probably can figure it out

Edward, I have a couple of questions that I would like you to answer if you're able to:

1) Why did you close my checking account?
2) Where are the remaining funds for the monthly payment ?
3) When will the funds be deposited and where will they be located?
4) Why do I continue to receive mail addressed to you at my home?
5) Where do you want me to send your mail?
6) When will you stop using my home address as yours?
7) If I do not hear from you, I will write on the outside of your mail "not at this address " and give them back to my postman for him to deal with "officially"

8) Have you had your surgeries yet like you told me several months ago?

Hope to from you, Edward!

Sent from my iPad

# EXHIBIT “3"

Sent from my iPad

Begin forwarded message:

**From:** GRADY BYRD <cbsmail2006@yahoo.com>
**Date:** April 2, 2013 at 7:30:08 PM PDT
**To:** Caterina Byrd <caterina_byrd@yahoo.com>
**Subject: MORTAGE**

**DO NOT** talk to USAA for any reason about this approval process.

**DO NOT** tell USAA you are not going to talk to them.

If they try to contact you just **ignore them**. Do not answer them. Just tell me.

The last time I did this we were telling them different information and it hurt us.

I will have to **MAKE UP SOME INFORMATION ON MONEY** to get you the money that you need.

Do not tell your real estate agent anything except you are trying to get 400k.

# EXHIBIT “4"

Caterina

Compose | Delete | Move | Spam | More | Collapse

Inbox
Drafts
Sent
Spam (30)
Trash (2)
› Folders
› Recent

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Resume Bucket
The Best Jobs For Women Over 40

# BENEFITS (2)

**GRADY BYRD**
To Me

I will have the following statements entered on the divorce statement:

1. Caterina A. Byrd is entitled to 50% of Grady E. Byrd's United States Army Retired Pay as long as he lives.
2. Caterina A. Byrd is entitled to United States Army Survivor Benefit Plan payments after Grady E. Byrd's death.
3. Caterina A. Byrd is entitled to all other benefits to include Office of Personnel Management death benefits, United States Military Health Care, Long Term Health Insurance, and Veteran's Group Life Insurance after Grady E. Byrd's death.

**Reply, Reply All or Forward | More**

**Me**
To GRADY BYRD

I'm feeling very nervous , why are you stating that way, i don't get it. i know that army ret pay is not that high due to the combat pay , i feel that the way you word it it leaves me with 1500 if you choose to do that to me someday. Between all you're intiments you are getting , army ret pay, combat pay and Va pay, and disability pay, I know you have been taking care of me , you always been a good man . i want you to be honest with me ,

› Show message history

**Reply, Reply All or Forward | More**

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Shop Now

-33%

Casa Seville 12" Wide Indoor -Outdoor Ceiling ...
$99.95

Shop Now



RA000278

# EXHIBIT “5"

why is it going to make u poor? you have equal amount of money with all the other disability pay, i never asked for any of that , you are already giving me three thousand a month, and that is fine , and you know all my bills so its not like am going to have a lot . How is that going to hurt you, i know you want to move foward with your life i get it. but i need to have some kind of stability also, i want to have a home and secure monthly money so i can try to come to some happiness some day, i want the house to be mine, so i can leave to my son some day, i have tried to get a job, like i told you before it's not that easy, when i needed money , when you did not have i did not asked , i just sold all my jewerly , i did not bothered you all these years while you wore getting all your pays in other , Why don't you want for me to be taking care of in legal way, just asking? how is that going to affect you, You want to be able to put 3k month in my bank for the rest of your life, what is your plans on how i would get the money, is it coming directly from the army? just confused , thats all

On , Caterina Byrd <caterina_byrd@yahoo.com> wrote:

am the one is going to look poor, i will never be able to get a loan , you already been giving me 3k month

On Wednesday, April 9, 2014 5:15 PM, Caterina Byrd <caterina_byrd@yahoo.com> wrote:

It,s not that am not satisfied , but i don't understand how you would be poor by putting in writing , you get all the other benefits from va disability and the combat pay that equals the army ret pay , their should be enough there for the both of us , you wqnt me to take your word that you will do the right thing by me, i have no idea what you may do in next few years you may get re-married and deciede not to pay me the full amount, How about the SBP was it not suppose to be the full amount of army ret pay?

What about the house ..how are you going to sign it over to me?

On Tuesday, April 8, 2014 6:33 PM, GRADY BYRD <cbsmail2006@yahoo.com> wrote:

I say 50% because retired pay usually goes up every year. When my retired pay go up you get more money.

My retired pay is 3017 a month after they deduct the payment for SBP. You are entitled to half of that which is 1508. You are not entitled to anymore money.

I give you 3000 a month because I think it is the right thing to do. If I was only going to give you 1500 I would not be giving you 3000 all these years.

I will always give the money to you but I do it because I want to not because anybody can make me do it. If I put everything in writing that you want I will never be able to get a loan in my own name. I will never be able to get ahead of my present life. I will have to live poor until I die.

I cannot work anymore. You can work but you refuse to work. If you want more money you must go get a job.

I will send you the papers. If you do not sign I will only pay you what I owe you and I will hire a lawyer to file the papers in court.

# EXHIBIT “6"

From: Caterin[redacted]o.com>

Subjer[redacted]

---

Sent from my iPad

Begin forwarded message:

**From:** GRADY BYRD <cbsmail2006@yahoo.com>
**Date:** April 10, 2014 at 2:47:23 PM PDT
**To:** Caterina Byrd <caterina_byrd@yahoo.com>
**Subject: Re: BENEFITS**
**Reply-To:** GRADY BYRD <cbsmail2006@yahoo.com>

The only thing I will put in writing is what you are entitled to by law.

I will give you the extra money as long as I live.

I do not care about usaa or any of your other issues.

I cannot deal with all of your crap. I cannot take it anymore. I've tried to be kind to you but you are forcing me to be someone that I do not want to be. You have the nerve to talk to me about grass and curtains. I should just give you what I am required by law and then lets see if you are worried about grass and curtains.

This is your last warning, take the deal I'm offering or you can ask a lawyer to try and get me to put what you want in writing.

I gurantee you your lawyer will tell you that you should have taken what I was offering.

Last chance.

---

# EXHIBIT “7"

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Nomorerack.com
Overstock Clearance - Comforter for only $36!

## DIVORCE INFORMATION (11)

**GRADY BYRD**
To Me

well why are you going to lawyer?

you think you going to get more from me?

i am talking about my credit card.

just sign the papers and you get all i said you would get forever.

tsp is about 1600 a month right now. it will go up as i get older.

you also get the beneficary for my opm retirement when i die which will be approximately 1000 a month but it will also go up when i reach 65.

when i die u get 200k. you pay off your house and you have all your money to spend.

i do not know why you think i am trying to do you wromg. this is all i have.

> Show message history

**Reply, Reply All or Forward | More**

**Me**
To GRADY BYRD

i was going there to make it easier on you you said you wanted a divorce , and no i was NOT thinking how much i can get out of you i assumed what you told me you are going to do is true. i have no idea what OPM is? why don't you want what you say you wil give me in writhing? You can also get mad and stop everything down the road . and what happens if you get sick and can not put the money in the bank , every month i would worry if you are able health wise to do the transfer... I did not realeazied that would upset you so much

> Show message history

**Reply, Reply All or Forward | More**

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Save BIG on bank-owned homes
Properties available near you
Click here
EQUAL HOUSING OPPORTUNITY



RA000284

# EXHIBIT “8"

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CreditCards.com
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DIVORCE INFORMATION (8)

13. MORE than 3000 dollars a month
14. Furcoat

This is what you want me to get:

1. Payoff 25,000 loan from USAA
2. Payoff 13,000 credit card
3. Payoff 45,000 OPM debt
4. Payoff approximately 25,000 IRS debt (final amount still pending)
5. No property, no nothing.

The first time I hear from your lawyer this is the action I will take:

1. I will stop communicating with you at all.

2. I will not communicate with your lawyer at all.

3. I will hire my own lawyer.

4. I will cease providing you any payments at all. You can take money from the TSP account money that you did not use for the down payment.

5. I will ask for a 50 50 split of all our assets.

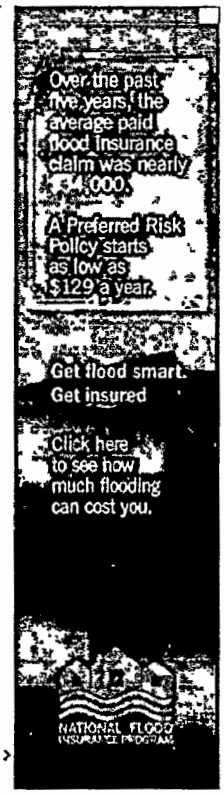
6. When divorce complete I will only pay 50% of army retirement.

You think you are going to get more from me than I am already giving you. Good luck.

I am glad you are trying to stick it to me. It reminds me of why I left you. You make it easy for me to treat you the same way you treat me.

**From:** Caterina Byrd <caterina_byrd@yahoo.com>
**To:** GRADY BYRD <cbsmail2006@yahoo.com>
**Sent:** Wednesday, March 26, 2014 8:52 AM
**Subject:** Re: DIVORCE INFORMATION

I have contacted a lawyer and i have an appt this week . i will give them ur



# EXHIBIT “9"

# * WHERE WE LIVED *

(1985-1985) Hawaii
Name Cathy + Eddie Byrd (1983-1985)
Address 94-124 ANANIA DR # 204
Ph 1-808 623-9069
Fax
MILILANI TOWN HI, 96789

(1985-1987) NC
Name Cathy + Eddie + Joshua Byrd (1985-1987)
Address 728 Roundtree DR.
Ph 1-919-868-5730
Fax
FAYETTEVILLE, NC 28303
First three years

(1987-1987) KOREA
Name Cathy + Eddie + Joshua Byrd (1987-1987)
Address
Ph
Fax
(KOREA)

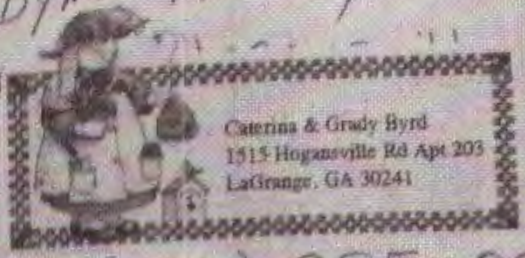
(1987-1988) Florida
Name BYRD FAMILY (1987-1988)
Address 1534 Plainfield Ave (6 months)
Ph 1-904-
Fax
Orange Park, FL 32073

(1988-1990) Florida NEW MEXICO UNF HOTEL PROGRAM
Name BYRD FAMILY (1988-1990)
Address 1516 St. Francis Dr
Ph (904) 264-8213
Fax
O.P. FL, 32073
UNF WK (904) 646-2813

(9th 1997 - 5th 1998) BYRD FAMILY (757) 722-4468
VA
23 Murray St.
FT. Monroe VA 23651

(6 1998 - 6 1999) BYRD FAMILY (706) 687-8933
Ft Benning Georgia
231 Austin Loop
FT. Benning GA, 31905

(6 1999 - 8 1999) BYRD FAMILY
La Grange Georgia




ROAD
30241
ph:(706) 885-0674

CATHY & EDDIE BYRD
724 London Way, Lithia Springs, GA 30122

AUG 9TH - 1999
JAN 7TH - 2000

(678) 945-9555

GERMANY 2000 - (JAN 7/MAY 15TH HOTEL

MARCH 15TH 2000

THE BYRD FAMILY
CMR 475 Box 586, APO AE 09036

2000-2003 (0931) 467-7341
GERMAN ADDRESS
ELSA-BRANDSTROH-STR. 34
97218 GERBRUNN

CATERINA BYRD
CMR 475 BOX 586
APO AE 09036
APO NEW YORK NY 09036

AIR ZONE 2

MARCH 2003
DEC 2007

Caterina Byrd
Frankenstraße 65
97078 Würzburg

CELL 0175-285-6794
0931 467-734

2008 – OCT 2013

9999 W KATIE AVE 3/03/08-
APT # 1008
LAS VEGAS NV 89147

OCT 2013 - PRESENT

Byrd
2120 Lookout Point Cir
Las Vegas, NV 89117-5805

# MOVED

1. HAWAII 1983-85 (2yrs)
2. NC FORT BRAG 1985-1987 (2yrs)
3. KOREA 1987 (1yr)
4. FLORIDA RENT HOUSE 1987 (6 months)
5. FLORIDA BOUGHT HOUSE 1987-90 (2½yrs)
6. HAWAII 1990-93 (3yrs)
7. VILSECK GE 1993-94 (1yr) GERMANY
8. BAUMHOLDER 1994-97 (3yrs) GERMANY
9. VIRGINIA JUNE 97 - DEC 97 (APT) 6 months
10. VIRGINA DEC 97 - JUNE 98 HOUSING 6 mon
11. FORT BENING 1998-1999 (1yr) EDDIE RETIRED
12. LA GRANGE 1999 (1 month)
13. ATLANTA JULY 99 - DEC 99 (4 month)
14. GERMANY DEC 99 - 2003 GEBRUN
15. GERMANY 2003 - 2007 DEC (FLORIDA 3 months)
16. LAS VEGAS 2008 MARCH -
~~17. LAS VEGAS~~ 2013 OCT - MY PRESENT HOME

2120 LOOKOUT POINT CIR
LAS VEGAS NV 89117

# EXHIBIT “10"

Electronically Filed
5/10/2019 10:46 AM
Steven D. Grierson
CLERK OF THE COURT

ANS

BYRON L. MILLS, ESQ.
State Bar #6745
MILLS & ANDERSON
703 S. 8th Street
Las Vegas, Nevada 89101
(702) 386-0030
Attorney for Defendant

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

| | |
|---|---|
| CATERINA ANGELA BYRD,<br><br>Plaintiff,<br><br>vs.<br><br>GRADY EDWARD BYRD,<br><br>Defendant, | CASE NO.: D-18-577701-Z<br>DEPT. NO.: G |

**DEFENDANT'S SUPPLEMENTAL ANSWERS TO PLAINTIFF'S FIRST SET OF INTERROGATORIES**

**TO: CATERINA BYRD, Plaintiff**

**TO: ANITA WEBSTER, ESQ., attorney for Plaintiff**

COMES NOW the Defendant, GRADY BYRD, by and through his attorney, BYRON L. MILLS, ESQ. of MILLS & ANDERSON and provides his supplemental answers to the Interrogatories heretofore propounded to him and hereby states, under oath, and in accordance with Rule 33 of the Nevada rules of Civil Procedure, as follows:

**INTERROGATORY NO. 4:**

Please list and describe who you pay, what service and/or product you are paying for, the address where the service and/or product is located, what month and year



Case Number: D-18-577701-Z

your payments began, how long the payments are anticipated to continue for the expense "SALARIES" that you have on your Financial Disclosure Form filed on or about January 18, 2019, page 4.

**ANSWER:** 1. I employ a house boy, Ray Manila, and housekeeper, Jhona Rodriguez. The house boy's duties include, washing cars, maintain landscaping, etc. and the housekeeper's duties include housekeeping, cooking, and child care.

2. All statements in Defendant's possession showing monthly rent, utilities, credit card bills, car loans, etc. were provided in the 16.2 Disclosure.

3. Salary will continue indefinitely.

**INTERROGATORY NO. 6:**

Please list and identify, by account number and name, address and telephone number and the dollar amount in the plan on June 1, 2014, for your Federal Employees Retirement System (FERS) plan.

**ANSWER:** **General Contact:**
E-mail: retire@opm.gov
Phone: 888-67-678
Mailing: US Office of Personnel Management
Retirement Operations Center
P.O. Box 45
Boyers, PA 16017

To Defendant's knowledge, the FERS program has no account value. It is a program funded by Federal Government. Attached to Defendant's Second 16.2 Disclosure is the FERS Annuity Statement dated March 28, 2019.

**INTERROGATORY NO. 7:**

Please list and describe the year, make, model and Vehicle Identification Numbers for each of the automobiles listed on page 6 of your Financial Disclosure Form filed on or about January 18, 2019.

**ANSWER:** 1. 2017 Ford EcoSport VIN: MPBSXXMXKSGE52964

2. 2018 Chevrolet Cruz, VIN:1G1BC5SM8J7219352

3. 2014 Hyundai Tucson, Vin # KWHIJTR1EBEU993242

In addition, refer to Defendant's 16.2 Disclosure, Bate No.'s 161-174. There is no other information available.

**INTERROGATORY NO. 8:**

Please list and identify, the account number, dollar value that will be paid upon death, and name, address and telephone number of your Office of Personnel Management death benefits.

**ANSWER:** Refer to Bate No. 133 for the Designation of Beneficiary Form dated October 31, 2018 that provides the Plaintiff is the designated beneficiary and will receive 100% of the benefits. In addition, attached to the Defendant's 16.2 Second Disclosure is the Office of Personnel Management FEGLI Coverage Statement dated May 6, 2019 that outlines benefits. Also see Bate No. 134 for the March 13, 2019 FEGLI Coverage Statement.

DATED this 10 day of May, 2019.

MILLS & ANDERSON

BYRON L. MILLS, ESQ.
Bar No. 6745
703 S. 8th Street
Las Vegas, Nevada 89101
Attorney for Defendant

**VERIFICATION**

COUNTRY OF )
) ss

**GRADY BYRD,** being first duly sworn, deposes and states as follows: That he is the Defendant in the above-entitled action; that he has read the

foregoing DEFENDANT'S SUPPLEMENTAL ANSWERS TO PLAINTIFF'S FIRST SET OF INTERROGATORIES and knows the contents thereof; that the same is true of his own knowledge, except as to those matters stated to be made upon information and belief, and as to those matters, he believes them to be true.

GRADY BYRD

SUBSCRIBED AND SWORN to before me this MAY 10 2018 of May, 2018.

ATTY. RAYMUND J.A. MERCADO
NOTARY PUBLIC FOR CITY OF DUMAGUETE & THE MUN.S
of BACONG, VALENCIA, DAUIN, ZAMBOANGUITA & SIATE
UNTIL DECEMBER 31, 2020
NOTARIAL COMMISSION NO. 2017-001
PTR NO. 2109164 / 1-3-2019
ROLL NO. 35548 / 4-29-89
IBP NO. 01108 LIFE TIME
6TH MCLE COMPLIANCE NO. 00341, 8/18/10
2ND FLR. RM BLDG. BANTAYAN, DUMAGUETE CITY

NOTARY PUBLIC in and for the County and State

# EXHIBIT “11"

ELECTRONICALLY SERVED
3/19/2019 12:49 PM

**RESP**

BYRON L. MILLS, ESQ.
State Bar #6745
MILLS & ANDERSON
703 S. 8th Street
Las Vegas, Nevada 89101
(702) 386-0030
Attorney for Defendant

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

| | | |
|---|---|---|
| CATERINA ANGELA BYRD,<br><br>Plaintiff,<br><br>vs.<br><br>GRADY EDWARD BYRD,<br><br>Defendant, | ) | CASE NO.: D-18-577701-Z<br>DEPT. NO.: G |

**DEFENDANT'S RESPONSE TO PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS**

**TO: CATERINA BYRD, Plaintiff**

**TO: ANITA WEBSTER, ESQ., attorney for Plaintiff**

Pursuant to NRCP 36, Plaintiff, by and through his attorney, BYRON L. MILLS, ESQ. of the law firm of MILLS & ANDERSON hereby responds to Plaintiff's First Set of Requests for Admissions to Plaintiff as follows:

**REQUEST NO. 1:**

Admit that on or about April 2, 2013, you sent the Plaintiff an e-mail telling the Plaintiff the following:

**DO NOT** talk to USAA for any reason about this approval process.

**DO NOT** tell USAA you are not going to talk tothem. If they try to contact you just **ignore them.** Do not answer them. Just tell me.

The last time I did this we were telling them different information and it hurt us.

I will have to **MAKE UP SOME INFORMATION ON MONEY** to get you the money that you need.

Do not tell your real estate agent anything except you are trying to get 400k.

**See Exhibit "1" attached hereto.**

**RESPONSE:** Admit.

**REQUEST NO. 2.**

Admit that on or about April 10, 2013, you sent the Plaintiff an e-mail that included "I will give you the extra money as long as I live". **See Exhibit "2" attached hereto.**

**RESPONSE:** Admit. My statement was in line with applicable law and policies at that time (USFSPA).

**REQUEST NO. 3.**

Admit that on or about April 8, 2013, you sent the Plaintiff an e-mail that included the following:

"My retired pay is 3017 a month after they deduct the payment for SBP. You are entitled to half of that which is 1508. You are not entitled to any more money. I give you 3000 a month because I think it is the right thing to do. If I was only going to give you 1500, I would not be giving you 3000 all these years. **See Exhibit "3" attached hereto.**

**RESPONSE:** Admit.

**REQUEST NO. 4.**

Admit that you informed the Plaintiff that she was entitled to the dollar amount of1,508.00 from your retirement pay.

**RESPONSE:** Admit.

**REQUEST NO. 5.** Admit that you arranged for the divorce documents to be prepared.

**RESPONSE:** Admit. The Plaintiff and I agreed that I would make the arrangements.

**REQUEST NO. 6.**

Admit that on or about March 26, 2014, you sent the Plaintiff an e-mail that included the following:

"when I die you [will] get my annuity just like sbp which will be around 50% [of] the total retirement" See Exhibit "4" attached hereto.

**RESPONSE:** Admit.

**REQUEST NO. 7.**

Admit that on or about March 26, 2014, you sent the Plaintiff an e-mail that included the following:

"When i [sic] die get 200k you pay off your house and you have all your money to spend." **See Exhibit "4" attached hereto.**

**REQUEST NO. 8.**

Admit that on or about March 26, 2014, you sent the Plaintiff an e-mail that included the following:

"Just sign the papers and you get all i [sic] said you would get forever." **See Exhibit "4" attached hereto.**

**RESPONSE:** Admit.

**REQUEST NO. 9.**

Admit that at the time of divorce, about June 5, 2014, that you had no debts. **See** page 3, line 4 of the Decree of Divorce filed on or about June 5, 2014 .

**RESPONSE:** Admit.

**REQUEST NO. 10.**

Admit that from about June 2014 to August 2018, that you paid the Plaintiff $3,000.00 each month.

**RESPONSE:** Admit.

**REQUEST NO. 11.**

Admit that the $3,000.00 you paid the Plaintiff each month was paid by direct deposit into a bank account.

**RESPONSE:** Admit.

**REQUEST NO. 12.**

Admit that the $3,000.00 that you paid to the Plaintiff was the sum of $1,500.00 dollars for U.S. army retired pay as long as you live and $1,500.00 dollars extra a month to assist the Plaintiff with her homemortgage.

**RESPONSE:** Deny that it was $1,500 dollars for U.S. Army retire pay as long as I lived, but admit that it was $1,500 extra month to assist Plaintiff her home mortgage.

**REQUEST NO. 13.**

Admit that you stopped paying $3,000.00 to the Plaintiff about September 2018.

**RESPONSE:** Admit

**REQUEST NO. 14.**

Admit that you closed the joint (in your name and Plaintiff's name) checking account that had been opened for about 30 years about September 2018.

**RESPONSE:** Admit. As the account holder, I could add or remove other members as I chose.

**REQUEST NO. 15.**

Admit that you have access to the mortgage statements for the Plaintiff's home, 2120 Lookout Drive, Las Vegas, Nevada 89117. **See Exhibit "5" attached hereto.**

**RESPONSE:** Admit. I am listed on the account.

**REQUEST NO. 16.**

Admit that the Plaintiff's home, 2120 Lookout Drive, Las Vegas, Nevada 89117 is not sold or paid off.

**RESPONSE:** I don't have sufficient information in which to admit or deny.

**REQUEST NO. 17.**

Admit that you sent an e-mail to the Plaintiff on or about February 21, 2014, where you told the Plaintiff that you used to live in a tent.

**RESPONSE:** Admit.

**REQUEST NO. 18.**

Admit that you told the Plaintiff that you used to live in a tent so that the Plaintiff would feel sorry for you.

**RESPONSE:** Deny. When the Plaintiff and I first separated, I lived in a tent at the Naval Station in Key West, Florida.

**REQUEST NO. 19.**

Admit that about September 2017, you asked the Plaintiff to purchase rice, pasta, bean, towels, pillows, sheets, and blankets and mail them to you in the Philippines. **See Exhibit "7" attached hereto.**

**RESPONSE:** Admit

**REQUEST NO. 20.**

Admit that about February 16, 2015, that you instructed the Plaintiff to mail you tools and other items at an address in the Philippines. **See Exhibit "8" attached hereto.**

**RESPONSE:** Admit

**REQUEST NO. 21.**

Admit that about February 16, 2015, that you instructed the Plaintiff to use the name of "Cristina Garcia" as the sender of the box to you in the Philippines, instead of the Plaintiff's name. **See Exhibit "9" attached hereto.**

**RESPONSE:** Admit

**REQUEST NO. 22.**

Admit that the Plaintiff used her name, and not the name of Cristina Garcia, as the sender of the box to you in the Philippines. **See Exhibit "7" and "8" attached hereto.**

**RESPONSE:** Admit

**REQUEST NO. 23.**

Admit that you blocked e-mail communications from Plaintiff and her counsel in 2018 .

**RESPONSE:** Admit. However, I reinstated counsel after I was officially notified of court proceedings.

**REQUEST NO. 24.**

Admit that you used the Plaintiffs home address in 2018 to obtain a Nevada Driver's License.

**RESPONSE:** Admit. At the time, my address was in Nevada.

**REQUEST NO. 25**

Admit that you used the Plaintiffs home address in 2018 to obtain a loan for a vehicle.

**RESPONSE:** Deny. I did not use the address for the purpose of obtaining a loan.

**REQUEST NO. 26.**

Admit that you do not live at the Plaintiffs home.

**RESPONSE:** Admit.

DATED this 19th day of March, 2019.

MILLS, MILLS & ANDERSON

BYRON L. MILLS, ESQ.
Bar No. 6745
703 S. 8th Street
Las Vegas, Nevada 89101
Attorney for Plaintiff

**Read and Approved:**

GRADY BYRD
Dated: March 19 2019

# EXHIBIT “12"

Nevada Department of Motor Vehicles
555 Wright Way
Carson City, Nevada 89711

1332

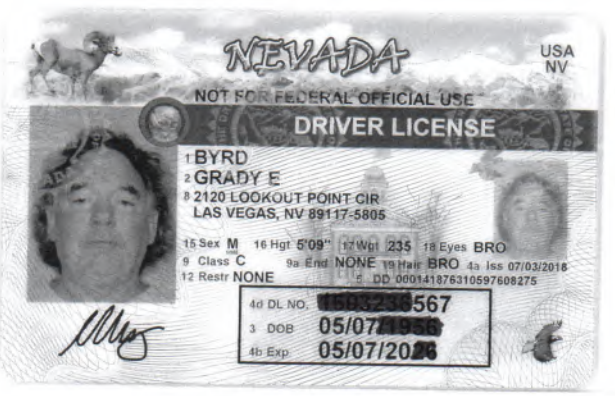
GRADY E BYRD
2120 LOOKOUT POINT CIR
LAS VEGAS NV 89117-5805

Please review the information on your new driver's license or identification card. If there are any errors, please visit your local full-service DMV office. Fees will apply to any changes.

**This card replaces all previously issued cards of the same card type. Maintain your current driver's license or identification card with your special identification card.**

If the attached driver's license, instruction permit, or identification card has been suspended, revoked, cancelled or otherwise disqualified, this card is invalid.

NRS 482.385 requires new residents to register all vehicles operated in the state of Nevada within 30 days of becoming a resident or at the time they obtain a driver's license, whichever occurs earlier.




**NRS 483.90 requires you to notify the Department within 30 days of changing your address. Sign up for a MyDMV account at *www.dmvnv.com/mydmv* and complete your address change online. You may also mail an application (Form DMV22) or complete the change at a DMV office.**

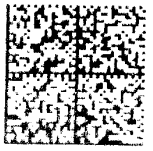
my DMV
dmvnv.com

Registration Renewal • Registration Fee Estimates • Insurance Updates
Duplicate License, ID or Registration • License or ID Renewal • Driver History
Kiosk and Office Locations • Handbooks • Forms • Much More!

Personalized Online Services

***Visit us at www.dmvnv.com***

Airport Police
6320 W. 96th Street
Los Angeles, CA 90045



U.S. POSTAGE ≫ PITNEY BOWES
ZIP 90045 $ 000.50
02 4W
0000356698 APR 09

GRADY BYRD
2120 LOOKOUT POINT CIR
LAS VEGAS, NV 89117

8911735805 C020

RA000306

LAXPD INC # 19-071117

# NOTICE OF STORED VEHICLE (22852 CVC)

NOTE: CHP 180 IS FURNISHED TO ALL PEACE OFFICERS BY THE CALIFORNIA HIGHWAY PATROL

| REPORTING DEPARTMENT | LOCATION CODE | DATE / TIME OF REPORT | NOTICE OF STORED VEHICLE DELIVERED PERSONALLY | FILE NO. |
|---|---|---|---|---|
| L.A. Airport Police | 1943 | 4/12/19 2115 hrs | ☐ | |

| LOCATION TOWED / STOLEN FROM | ODOMETER READING | VIN CLEAR IN SVS? | LIC. CLEAR IN SVS? | DATE / TIME DISPATCH NOTIFIED | LOG NO. |
|---|---|---|---|---|---|
| 501 World Way (4B) | UNK | ☒ YES ☐ NO | ☒ YES ☐ NO | | |

| YEAR | MAKE | MODEL | BODY TYPE | COLOR | LICENSE NO. | MONTH / YEAR | STATE |
|---|---|---|---|---|---|---|---|
| 19 | CHEVY | CRUZE | 4DR | GRAY | NO PLATES ☒ ONE ☐ TWO | 9/19 | NV |

VEHICLE IDENTIFICATION NO: 1G1BC5SM8J7219352

ENGINE NO:

VALUATION BY: ☐ OFFICER ☐ OWNER — ☐ 0-500 ☐ 501-4000 ☐ 4001+ ☐ $ ____

**REGISTERED OWNER**

GRADY BYRD
2120 LOOKOUT POINT CIR
LAS VEGAS, NV 89117

☐ SAME AS R/O

**LEGAL OWNER**

Ally FINANCIAL
P.O. Box 8127
COCKEYSVILLE, MD 21030

☐ STORED ☒ IMPOUNDED ☐ RELEASED ☐ RECOVERED - VEHICLE / COMPONENT

TOWING / STORAGE CONCERN *(NAME, ADDRESS, PHONE)*: BARRY'S 11101 S WINDSOR AVE L.A. CA 90045

STORAGE AUTHORITY / REASON: 89.41 LAMC

REASON FOR STOP: —

AIRBAG? ☐ YES ☐ NO ☐ 1 ☒ 2

DRIVEABLE? ☐ YES ☐ NO ☐ JUNK ☐ JUNK

VIN SWITCHED? ☐ YES ☒ NO

| CONDITION | YES | NO | ITEMS | YES | NO | ITEMS | YES | NO | ITEMS | YES | NO | TIRES / WHEELS | CONDITION |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| WRECKED | | ☒ | SEAT (FRONT) | ☒ | | REGISTRATION | UNK | | CAMPER | | ☒ | LEFT FRONT | FAIR |
| BURNED HULK per 431(c) CVC | | ☒ | SEAT (REAR) | ☒ | | ALT. / GENERATOR | | ☒ | VESSEL AS LOAD | | ☒ | RIGHT FRONT | ↓ |
| VANDALIZED | | ☒ | RADIO | ☒ | | BATTERY | UNK | | FIREARMS | | ☒ | LEFT REAR | |
| ENG. / TRANS. STRIP | | ☒ | TAPE DECK | | ☒ | DIFFERENTIAL | UNK | | OTHER | | ☒ | RIGHT REAR | |
| MISC. PARTS STRIP | | ☒ | TAPES | | ☒ | TRANSMISSION | | ☒ | | | ☒ | SPARE | UNK |
| BODY METAL STRIP | | ☒ | OTHER RADIO | | ☒ | AUTOMATIC | | ☒ | | | ☒ | HUB CAPS | YES |
| SURGICAL STRIP per 431(b) CVC | | ☒ | IGNITION KEY | | ☒ | MANUAL | | ☒ | | | ☒ | SPECIAL WHEELS | NO |

RELEASE VEHICLE TO: ☒ R/O OR AGENT ☐ AGENCY HOLD ☐ 22850.3 CVC

GARAGE PRINCIPAL / AGENT STORING VEHICLE *(SIGNATURE)*: [illegible]

DATE / TIME: 4/12/19

NAME OF PERSON / AGENCY AUTHORIZING RELEASE | I.D. NO. | DATE

CERTIFICATION: I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT I AM LEGALLY AUTHORIZED AND ENTITLED TO TAKE POSSESSION OF THE ABOVE DESCRIBED VEHICLE.

SIGNATURE OF PERSON AUTHORIZING RELEASE

SIGNATURE OF PERSON TAKING POSSESSION

**SEE REVERSE FOR INFORMATION**

## NOTICE OF STORED VEHICLE (22852 CVC)

CHP 180S (Rev. 6-15)

NOTE: CHP 180 IS FURNISHED TO ALL PEACE OFFICERS BY THE CALIFORNIA HIGHWAY PATROL

### A. ATTENTION VEHICLE OWNER

The vehicle identified on the reverse side, registered/owned in your name, was stored pursuant to the provisions of the California Vehicle Code (CVC) by the agency shown below.

Under the provisions of Section 22852 CVC, you have the right to a hearing to determine the validity of this storage. If you choose to contest the validity of this storage, you shall request the hearing in person, writing, or by telephone at the office identified as the Storing Agency on this form.

Your request for a hearing shall be received at the Storing Agency's office within ten (10) days from the date of this notice. If you request a hearing, it will be conducted within 48 hours of the request, excluding weekends and holidays. The vehicle storage hearing is an informal process to determine whether or not a vehicle was lawfully stored.

If the hearing determines the storage to be unlawful, the storing agency will be responsible for the towing and storage charges. Your failure to request or attend a scheduled hearing shall satisfy the Post-Storage Validity requirements of Section 22852 CVC. If you have any questions, or if this vehicle is no longer owned by you, please contact the Storing Agency shown below.

### B. CERTIFICATION

I hereby certify that notices with postage prepaid were deposited in the United States Mail, and these notices, of which this is a copy, were addressed to the person named herein.

NAME / TITLE

| LOCATION | DATE DEPOSITED |
|---|---|
| | |

### C. NOTICE TO DEPARTMENT OF JUSTICE

☐ Owner cannot be identified ☐ Owner cannot be notified

We have been unable to give notice to the owner of record as required by the Notice of Stored Vehicle (22852 CVC) and the vehicle, after 120 hours of storage, has not been returned. Send to Department of Justice, Stolen Vehicle Unit, P.O. Box 903387, Sacramento, CA 94203-3870.

## AVISO DE VEHÍCULOS ALMACENADOS (22852 CVC)

CHP 180S (Rev. 4-13)

NOTA: CHP 180 ESTA PROVEYIDO A TODOS LOS OFICIALES POR LA PATRULLA DE CAMINOS DE CALIFORNIA

### A. PROPIETARIO DEL VEHÍCULOS ATENCIÓN

El vehículo identificado en el reverso, propiedad/registrado a su nombre, se almacenó en virtud de las disposiciones del código de vehículos de California (CVC) por la agencia que se muestra a conituación.

Bajo las disposiciones de la sección 22852 CVC, usted tiene el derecho a una audiencia para determinar la validez de este almacenamiento. Si usted decide impugnar la validez de este almacenamiento, deberá solicitar la audiencia en persona, escribir, o por teléfono en la oficina, identificada como la Agencia de almacenamiento en este formulario.

Su petición para una audiencia será recibido en la oficina de la Agencia de almacenamiento dentro de diez 10 días desde la fecha de este aviso. Si usted solicita una audiencia, se realizará dentro de 48 horas de la solicitud, excluyendo los fines de semana y días feriados. La audiencia de almacenamiento del vehículo es un proceso informal para determinar si o no un vehículo legalmente fue almacenado.

Si la audiencia determina el almacenamiento a ser ilegal, la Agencia almacenamiento será responsable de los cargos de remolque y almacenaje. La imposibilidad de solicitar o asistir a una audiencia programada deberá cumplir los requisitos de la Post-Storage de sección 22852 CVC. Si usted tiene alguna pregunta, o si este vehículo ya no es propiedad de usted, póngase en contacto con la Agencia de almacenamiento se muestra a continuación.

**STORING AGENCY / AGENCIA ALMACENAMIENTO**

Clear CHOICE
Lien Service, Inc.

P.O. Box 159009 San Diego, CA 92175

SAN DIEGO
CA 920
15 APR '19
PM 3 L

Hasler
04/15/2019
US POSTAGE $0

103020377 I/P

FINDLAND CHEVEROLET
2120 LOOKOUT POINT
LAS VEGAS, NV 89117

AN

89117-580520

Clear CHOICE
Lien Service, Inc.

103020377 I/P

FINDLAND CHEVEROLET
2120 LOOKOUT POINT
LAS VEGAS, NV 89117

# NOTICE OF STORED VEHICLE AND VEHICLE BILLING INFORMATION

**VEHICLE DESCRIPTION**

| LICENSE | STATE | YEAR OF LICENSE | VEHICLE IDENTIFICATION NUMBER |
|---|---|---|---|
| NONE | | | 1G1BC5SM8J7219352 |

| MAKE | YEAR | BODY TYPE | ENGINE NUMBER (MOTORCYCLE) | DATE OF THIS NOTICE | DATE OF POSSESSION |
|---|---|---|---|---|---|
| CHE | 18 | 4D | | 4/15/2019 | 4/8/2019 |

**NOTICE OF STORED VEHICLE**

**Dear Sir or Madam:**
**Department of Motor Vehicles records (or the business named below) reflect that you have an interest in the above described vehicle as either a registered or legal owner or interested party. This notice and bill shall serve to advise you that as a result of a public agency impound, private impound or repair request, the above described vehicle is presently being stored by the following company:**

**LOCATION OF STORED VEHICLE**

BUSINESS NAME (PRINT): BRUFFY'S DEL REY TOW
ADDRESS: 11101 SOUTH HINDRY AVE

| CITY | STATE | ZIP CODE |
|---|---|---|
| LOS ANGELES | CA | 90045- |

TELEPHONE NUMBER: **(310) 395-0084**

**COMPANY STORING VEHICLE**

BUSINESS NAME (PRINT): BRUFFY'S DEL REY TOW
ADDRESS: 11101 SOUTH HINDRY AVE

| CITY | STATE | ZIP CODE |
|---|---|---|
| LOS ANGELES | CA | 90045- |

TELEPHONE NUMBER: (310) 395-0084

**BILLING INFORMATION**

**You are being billed for the following items and/or services*:**

| | |
|---|---|
| 1. Towing | $133.00 |
| 2. Storage ** | $332.00 |
| 3. Repairs | $0.00 |
| 4. Lien Fee | $100.00 |
| Total of 1 through 4 | $565.00 |

** This is the storage amount as of the date of this notice. Storage will continue to accrue to the maximum legal limits, as set forth by the California Civil Code and the California Vehicle Code, until this vehicle is redeemed. This storage amount is based upon the daily storage rate shown below:

DAILY STORAGE RATE: ..... $41.50

** This bill has been prepared on behalf of the business named above and is based upon information they have provided to us. Every attempt has been made to reflect the accurate amounts you are being charged. ANY ERRORS OR OMISSIONS IN THIS BILL DOES NOT RELIEVE YOU OF THE FULL AND TRUE AMOUNT YOU OWE.*

**VEHICLE REDEMPTION INFORMATION**

You may redeem the above described vehicle by appearing during normal business hours at the above described location. YOU WILL BE REQUIRED TO PAY STORAGE CHARGES THAT ACCRUE ON A DAILY BASIS. There may be additional fees that have been imposed that are not reflected on this bill and that you will be required to to pay to redeem this vehicle. California law (Vehicle Code Section 10652.5) states that the costs of notifying the legal owner may be charged as part of the storage fee when the motor vehicle has been stored for an indefinate period of time and notice is given no sooner than the third day of possession.

***Your failure to redeem such vehicle in a timely manner may result in a vehicle lien sale being processed.***

**ADDITIONAL MESSAGE INFORMATION**

☑ The additional message below may apply to you.
☐ There is no additional message information for this vehicle.

IF YOUR VEHICLE WAS IMPOUNDED PERSUANT TO 14602.6 VC (30 DAY HOLD) YOUR VEHICLE MAY NOT BE AVAILABLE FOR RELEASE UNTIL THE 31ST DAY. CHECK WITH THE BUSINESS DESCRIBED ABOVE OR THE IMPOUNDING AGENCY FOR RELEASE INFORMATION.

E-302970-000308

OD7-DC (4-10)

ally

PO BOX 380902
BLOOMINGTON MN 55438-0902

February 13, 2019

Grady E Byrd
2120 LOOKOUT POINT CIR
LAS VEGAS NV 89117-5805

| | | |
|---|---|---|
| RE: Account Number: | | 611927740207 |
| Due Date of Oldest Unpaid Payment: | | 01/06/2019 |
| Amount Due: | $ | 726.36 |
| Late Charges: | $ | 15.00 |
| Other Charges Due Now: | $ | 0.00 |
| Total Due Now: | $ | 741.36 |

Dear Grady E Byrd,

We have not received a response to our previous requests for payment. Your account is now two (2) payments past due as listed above. You must correct this situation immediately. We urge you to make payments to bring your account current without further delay. Unless we hear promptly from you, we will take appropriate action.

We have enclosed an envelope and the coupon to use to mail your payment. To learn about making a payment by phone or if you have any questions, please contact us at the number below Monday through Friday from 7:00 AM to 12:00 midnight EST.

Sincerely,
Ally Financial
866-443-3112

**RETURN THIS PORTION WITH YOUR PAYMENT**

ACCOUNT NUMBER : 611927740207
CUSTOMER NAME : Grady E Byrd

ally

| | | |
|---|---|---|
| AMOUNT DUE: | $ | 726.36 |
| LATE CHARGES: | $ | 15.00 |
| OTHER CHARGES DUE NOW: | $ | 0.00 |
| TOTAL DUE NOW: | $ | 741.36 |

PAYMENT PROCESSING CENTER
PO BOX 78234
PHOENIX AZ 85062-8234

TDC 01

DO NOT SEND CASH OR POST DATED CHECKS. ALL CHECKS WILL BE DEPOSITED UPON RECEIPT. MAKE CHECKS PAYABLE TO ALLY.
RETURN THIS NOTICE WITH YOUR PAYMENT TO THE ABOVE ADDRESS.

02 03 611 9277 40207 1 00074136 3 7 4

CDGCSV70 023
PO Box 1280
Oaks PA 19456-1280
ADDRESS SERVICE REQUESTED

January 18, 2019

173892962
Mister. Byrd
2120 Lookout Point Cir
Las Vegas NV 89117-5805

004965 1 of 1

**GC Services Limited Partnership**

**Please call: 866-292-5264**
*Calls may be monitored or recorded*

CORRESPONDENCE AND PAYMENT MAILING ADDRESS:

**PO BOX 3026**
**HOUSTON TX 77253**

| YOU OWE: **USAA FEDERALSAVINGSBANK** | GC NUMBER: **830718325010018** |
|---|---|

***PLEASE DETACH AND RETURN UPPER PORTION OF STATEMENT WITH PAYMENT***

January 18, 2019

File Number: 4437359
Client Account Number: 1035616604
Balance Due: $13,399.11

Dear MISTER. BYRD,

We'd like to let you know that our client, USAA FEDERALSAVINGSBANK, has authorized us to make you a settlement offer on your account. If you pay 60% of the total amount due, our client will consider your account settled.

This is an excellent opportunity to take care of your account. If you wish to take advantage of this offer, either call our office at 866-292-5264 or mail us your payment of $8,039.47. Please make your payment payable to "USAA FEDERALSAVINGSBANK". Please note the payment must be for the exact amount stated in this letter and must be received no later than fourteen (14) days from the date of this letter or this particular offer will be null and void. Please understand our client is not obligated to renew this offer.

If you have any questions or wish to propose an alternative payment solution, please do not hesitate to contact us.

Sincerely,

Aaron Farkas
Account Representative

If you would prefer, you can make a payment on your account using a debit card by going to our website at www.gcpayonline.com or calling us at 844-338-3100. Use the following number to identify yourself when prompted: 830718325010018

**This communication is from a debt collector. This is an attempt to collect a debt. Any information obtained will be used for that purpose.**

**NOTICE: SEE REVERSE SIDE FOR IMPORTANT CONSUMER INFORMATION**

GC Services Limited Partnership – 6330 Gulfton, Houston, TX 77081

0223-31 IMG-BSL 830718325010018 49903602

RA000312

Federal and state law prohibit certain methods of debt collection, and require that we treat you fairly. If you have a complaint about the way we are collecting your debt, please visit our website at www.gcserv.com or contact the FTC online at www.ftc.gov; by phone at 1-877-FTC-HELP; or by mail at 600 Pennsylvania Ave., NW, Washington, DC 20580. If you want information about your rights when you are contacted by a debt collector, please contact the FTC online at www.ftc.gov.

PO BOX 4043
CONCORD CA 94524-4043

March 15, 2019

ADDRESS SERVICE REQUESTED

Grady E. Byrd
2120 LOOKOUT POINT CIR
LAS VEGAS NV 89117-5805

# Alltran Financial, LP

Creditor: USAA Savings Bank
Account: 4270824131651307
Alltran ID: 41271098
Account Balance: $17,882.25

## SETTLEMENT OFFER
## $8,941.14 IN 3 PAYMENTS

Our client, USAA Savings Bank, has agreed to accept $8,941.14 in 3 equal payments of $2,980.38 as settlement for monies owing on your account. This settlement is only valid if the payment schedule outlined below is met. If the payment schedule outlined below is not met, we are not obligated to renew this offer. If you need additional time to consider this offer, or cannot timely make these payments, please call KENT ST CLAIR on our toll-free number 866-582-4071 ext. 9164 to discuss.

Please mail each payment along with the corresponding payment coupon to the address shown on the coupon, and make your payment payable to USAA Savings Bank.

This communication is from a debt collector. We are required to inform you that this is an attempt to collect a debt, and any information obtained will be used for that purpose.

Sincerely,

KENT ST CLAIR
866-582-4071 ext. 9164

It's tax return time. If you are entitled to a refund, you should consider using your refund to pay your outstanding debt. Also, if you are looking for a secure and more convenient way to pay your account, you can make payments any time with your Debit Card using your mobile phone or other electronic device at www.alltranfinancialpay.com.

Office Hours (all times Central)
Monday-Thursday: 8 AM to 9 PM • Friday: 8 AM to 4 PM • Saturday: 7 AM to 11 AM

¡Traducción en español al lado reverso!

***Detach Coupon and Mail with Payment***

***Payment 1 of 3***

**Alltran ID: 41271098**
Mail Payment To:
Alltran Financial, LP
P.O. Box 722929
HOUSTON TX 77272-2929

Payment Amt - $2,980.38
Due Date - March 30, 2019
Payable to: USAA Savings Bank

***Payment 2 of 3***

**Alltran ID: 41271098**
Mail Payment To:
Alltran Financial, LP
P.O. Box 722929
HOUSTON TX 77272-2929

Payment Amt - $2,980.38
Due Date - April 29, 2019
Payable to: USAA Savings Bank

***Payment 3 of 3***

**Alltran ID: 41271098**
Mail Payment To:
Alltran Financial, LP
P.O. Box 722929
HOUSTON TX 77272-2929

Payment Amt - $2,980.38
Due Date - May 29, 2019
Payable to: USAA Savings Bank

*-067832092-*

URS00833-0315-1170115017-01931-1931

S1649270L931

RA000314

PO BOX 4043
CONCORD CA 94524-4043

15 de marzo de 2019

ADDRESS SERVICE REQUESTED

Grady E. Byrd
2120 LOOKOUT POINT CIR
LAS VEGAS NV 89117-5805

**Alltran Financial, LP**

Acreedor: USAA Savings Bank
Cuenta: 4270824131651307
Alltran ID: 41271098
Saldo de la Cuenta: $17,882.25

## OFRECIMIENTO DE LIQUIDACIÓN
$8,941.14 EN 3 PAGOS

Nuestro cliente, USAA Savings Bank, está de acuerdo en aceptar $8,941.14 en 3 pagos iguales de $2,980.38 como liquidación de la cantidad debida en su cuenta. Este ofrecimiento de liquidación es válido solo si se cumple con el plan de pagos que aparece a continuación. Si no se cumple con el plan de pagos que aparece a continuación, nosotros no estamos obligados a renovar este ofrecimiento. Si usted necesita más tiempo para considerar este ofrecimiento, o no puede hacer estos pagos a tiempo, por favor llame a KENT ST CLAIR a nuestro número gratuito (800) 354-4150 Ext. 8803 para hablar al respecto.

Por favor, envíe cada pago por correo postal, junto con el talón de pago correspondiente, a la dirección que aparece en el talón, y haga su pago a nombre de USAA Savings Bank.

Esta comunicación se la envía una agencia de cobranzas. Se nos requiere que le informemos que éste es un intento para cobrar una deuda, y cualquier información que se obtenga se usará con este propósito.

Atentamente
KENT ST CLAIR
(800) 354-4150 Ext. 8803

Es tiempo de devolución de impuestos. Si usted tiene derecho a una devolución, debería considerar utilizarla para pagar su deuda pendiente. De igual modo, si usted está buscando una forma segura y más conveniente de pagar su deuda, usted puede hacer pagos en cualquier momento con su Tarjeta de Débito usando su teléfono móvil, u otro dispositivo electrónico, en www.alltranfinancialpay.com.

Horas de Oficina (todas horas en Central)
lunes - jueves: 8 am a 9 pm • viernes: 8 am a 4 pm • sábado: 7 am a 11 am

English text on other side!

***Desprenda el cupón y envíelo junto con su pago.***

***Pago 3 de 3***

**Alltran ID: 41271098**
Envíe su pago a:
Alltran Financial, LP
P.O. Box 722929
HOUSTON TX 77272-2929

Cantidad a pagar - $2,980.38
Fecha Límite: Mayo 29, 2019

***Pago 2 de 3***

**Alltran ID: 41271098**
Envíe su pago a:
Alltran Financial, LP
P.O. Box 722929
HOUSTON TX 77272-2929

Cantidad a pagar - $2,980.38
Fecha Límite: Abril 29, 2019

***Pago 1 de 3***

**Alltran ID: 41271098**
Envíe su pago a:
Alltran Financial, LP
P.O. Box 722929
HOUSTON TX 77272-2929

Cantidad a pagar - $2,980.38
Fecha Límite: Marzo 30, 2019

*-067832092-*

URS00833-0315-1170115017-01931-1931

S1649270L931

Webster & Associates
6[illegible] Edna Avenue
[illegible] Vegas, Nevada 89146

ATTEMPTED, NOT KNOWN

PITNEY BOWES
02 4P $ 000.65[0]
0002713154 APR 05 2019
MAILED FROM ZIP CODE 89117

Grady E. Byrd
5330 E. Craig Rd.
Las Vegas, NV 89115

JAC
RTS

89145221[illegible] 0077

RA000316

ally

P O. Box 380903
Bloomington, MN 55438-0903
(877) 845-8862

April 29, 2019

GRADY E BYRD
2120 LOOKOUT POINT CIR
LAS VEGAS, NV 891175805

## NOTICE OF OUR PLAN TO SELL PROPERTY

Subject: Account Number 611927740207

We have your vehicle (a 2018 CHEV CRUZE with VIN 1G1BC5SM8J7219352), because you broke promises in our agreement.

We will sell your vehicle at private sale sometime after May 14, 2019. A sale could include a lease.

The money that we get from the sale (after paying our costs) will reduce the amount you owe. If we get less money than you owe, you will still owe us the difference. If we get more money than you owe, you will get the extra money, unless we must pay it to someone else.

You can get the property back at any time before we sell it by paying us the full amount you owe (not just the past due payments), including our expenses. You can also get it back for less (see below). To learn the exact amount you must pay, call us at the telephone number at the top of this letter.

If you want us to explain to you in writing how we have figured the amount that you owe us, you may call us at the telephone number at the top of this letter or write us at the address at the top of this letter and request a written explanation.

If you need more information about the sale, call us at the telephone number at the top of this letter, or write us at the address at the top of this letter.

We are sending this notice to the following other people who have an interest in your vehicle or who owe money under your agreement:

None

#E-311644-00101

# EXHIBIT “13"

## Account Summary

**Control Number:** 00247830

**Name:** Grady E Byrd
Purok 2, Cangmating Sibulan Negros Oriental
Philippines

**Phone Number:** 063-9276262513

**Email:** cbsmail2006@yahoo.com

**Effective Date of Coverage:** December 21, 2000

**Member Status:** Your account is paid to date.

**Coverage Amount:** $225,000.00

**NextPayment Due Date:**

**Total Amount Due:**

| Name | Type | Share | Payment Method |
|---|---|---|---|
| Caterina Byrd | Primary | 100.00 % | Lump Sum |

**Your account summary as of 01/14/2019**

THE PRUDENTIAL INSURANE COMPANY OF AMERICA
751 BROAD ST.
NEWARK, NJ 07012 800-419-1473

## Beneficiary Information

Insured's Name Grady E Byrd

Control Number : [redacted] (ACCOUNT NUMBER)

| Beneficiary | Type | Share | Payment Option |
|---|---|---|---|
| Pinky Byrd | Primary | 11% 25,000.00 | Lump Sum |
| Caterina Byrd | Primary | 89% 200,000.00 | Lump Sum |

Beneficiary Information as of 03/14/2019

Control #: 00247830

Insurance Amount: $225,000.00

Name: GRADY BYRD

Issue Date: 12-21-2000

# Certificate of Insurance for Veterans' Group Life Insurance

## About This Certificate

This Certificate explains in general terms your rights and benefits, as the person insured for Veterans' Group Life Insurance (VGLI), under the provisions of a Group Life Insurance Policy (Group Policy) purchased from a commercial life insurance company by the Department of Veterans Affairs (VA) in accordance with the provisions of Subchapter III of Chapter 19, title 38, United States Code.

The Group Policy which provides the insurance referred to in this Certificate may be modified or terminated as may be required by any change to Subchapter III of Chapter 19, title 38, United States Code, or for any other reasons. Any such modification or termination, however, will not affect any claim arising from death before the effective date of such modification or termination.

This Certificate is not a contract of insurance. Possession of this Certificate does not guarantee coverage at point of claim. Your rights and benefits under the law and the Group Policy are dependent upon the facts in your individual case.

## About VGLI

VGLI is term insurance. It builds no cash, loan, paid up or extended insurance values. You cannot assign it to anyone. It will not affect your rights to other Veterans' benefits. The maximum amount of insurance allowed under the provisions of Subchapter III of Chapter 19, title 38, United States Code is $400,000.

Any Servicemembers' Group Life Insurance (SGLI) under which you were previously insured will have ended prior to the date your VGLI takes effect. The maximum amount of VGLI available upon enrollment is limited to the amount of SGLI in force at the time of your separation from service. You have the opportunity to increase your VGLI coverage by $25,000 on your five-year VGLI anniversary, and every five years after that, up to the legislated maximum, up to age 60. If after obtaining VGLI coverage you choose to decrease your coverage amount, you will have five years from the date of the decrease to apply for an increase up to your original amount of VGLI coverage. Evidence of good health will be required.

## Important Notice

No person may carry a combined amount of SGLI and VGLI in excess of $400,000. If you return to duty, please notify the Office of Servicemembers' Group Life Insurance immediately.

## Premiums

VGLI premiums are age-based. Your premium rate will increase according to your age and the corresponding premium rate age bracket. For more information on premiums, go to www.insurance.va.gov.

## Naming a Beneficiary

You may name a beneficiary or beneficiaries to receive the proceeds of your life insurance in the event of your death while insured. If you do not want your insurance to be paid to your survivors under the automatic payment procedure described below, you must name a beneficiary to whom the insurance is to be paid. Once VGLI becomes effective, any prior SGLI designation in effect will be considered a beneficiary for VGLI for up to sixty days, or until you designate a beneficiary for VGLI, whichever comes first.

For a beneficiary designation or change in designation to be valid, you must sign it and send it to the Office of Servicemembers' Group Life Insurance before your death. You do not need the consent of anyone to make or change a beneficiary designation.

If you name more than one beneficiary, specify the share each beneficiary is to receive. If you do not specify shares, they will share equally. A beneficiary must be alive at the time of your death to receive benefits.

## Automatic Payment Procedure

If none of your named beneficiaries survive you, your insurance will be paid in the following Order of Precedence (38 USC § 1970):

1. Your widow or widower;
2. Your child or children in equal shares, with the share of any deceased child distributed among the descendants of that child;
3. Your parents in equal shares or the entire amount to the surviving parent;
4. The duly appointed executor or administrator of your estate;
5. Your next of kin under the laws of your State of domicile at the time of your death.

## Payment to Your Beneficiary

To receive payment of your VGLI insurance, your beneficiary must make claim to the Office of Servicemembers' Group Life Insurance on form SGLV 8283 provided by that office. The form is also available at www.insurance.va.gov.

If the proceeds are to be paid in the Order of Precedence (38 USC § 1970), an otherwise eligible beneficiary may be required to submit proof of entitlement.

If your beneficiary fails to make claim within one year after your death, or if payment to your beneficiary within that period is prohibited by Federal statute or regulation, payment may be made in the Order of Precedence set forth under the "Automatic Payment Procedure" section in this certificate.

If your beneficiary fails to make claim within two years after your death, payment may be made to a claimant, who, in the judgment of the Secretary of Veterans Affairs, is equitably entitled thereto.

## Settlement Options

You can designate your beneficiary to receive payment of your insurance in a lump sum or 36 equal monthly installments. If you elect a lump sum payment, your beneficiary will be given the option of receiving the lump sum payment through the Prudential Alliance Account®, by check, or Electronic Funds Transfer (EFT). If you designate your beneficiary to receive payment in 36 installments, your beneficiary will not have the option of receiving a lump sum payment.

Alliance is not available for payments less than $5,000, payments to individuals residing outside the United States and its territories, and certain other payments. These will be paid by check.

## Lapse and Reinstatement of Insurance

Your VGLI coverage will lapse under any of the following conditions:

1. When you fail to pay any premium due before the expiration of the 60-day grace period.
2. If the Group Policy that provides the insurance referred to in this Certificate terminates.
3. If the Group Policy is amended to terminate VGLI coverage.

If your insurance ends for failure to pay your premiums, you will receive notification of the lapse and a reinstatement application. You may apply for reinstatement at any time within five years of the date of the unpaid premium.

If your reinstatement application is received within six months of the date of lapse, you need to provide evidence that you are in the same state of health on the date of reinstatement as you were on the date of lapse. If your reinstatement application is submitted more than six months after the date of lapse, you must meet good health requirements. No request for reinstatement will be honored beyond five years of the date of the unpaid premium.

## Conversion of Insurance

You have the right to convert your VGLI coverage to an individual commercial policy at any time after the issue date of VGLI.

If VGLI terminates because you again become insured for SGLI, you have the option to convert your VGLI to an individual policy. In order to convert your VGLI coverage, your VGLI premiums must be paid to the effective date of your conversion policy. To convert your coverage, contact the Office of Servicemembers' Group Life Insurance (see "Contact Information" section).

## Contact Information

Mail: Prudential Insurance Company of America
Office of Servicemembers' Group Life Insurance
P.O. Box 41618
Philadelphia, PA 19176-9913

Phone: 800-419-1473

Fax: General: 800-236-6142
Claims: 877-832-4943

E-mail: General: osgli.osgli@prudential.com
Claims: osgli.claims@prudential.com

Web: www.insurance.va.gov

The funds in an Alliance Account begin earning interest immediately and will continue to earn interest until all funds are withdrawn. Interest is accrued daily, compounded daily and credited every month. The interest rate may change and will vary over time subject to a minimum rate that will not change more than once every 90 days. You will be advised in advance of any change to the minimum interest rate via your quarterly Alliance Account statement or by calling Customer Support at (877) 255-4262.

The Bank of New York Mellon is the Administrator of the Prudential Alliance Account Settlement Option, a contractual obligation of The Prudential Insurance Company of America, located at 751 Broad Street, Newark, NJ 07102-3777. Draft clearing and processing support is provided by The Bank of New York Mellon. **Alliance Account balances are not insured by the Federal Deposit Insurance Corporation (FDIC).** The Bank of New York Mellon is not a Prudential Financial company.

Prudential

Office of Servicemembers' Group Life Insurance

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

| | |
|---|---|
| GRADY BYRD,<br><br>Appellant,<br><br>vs.<br><br>CATERINA ANGELA BYRD,<br><br>Respondent. | Supreme Court Case No. 80548 |

# RESPONDENT'S APPENDIX TO ANSWERING BRIEF
## VOLUME IX

Submitted By:

/s/ Jeanne F. Lambertsen

_____

ANITA A. WEBSTER, ESQ.
Nevada Bar No. 1211
JEANNE F. LAMBERTSEN, ESQ.
Nevada Bar No. 9460
6882 Edna Avenue
Las Vegas, Nevada 89146
Attorneys for Respondent
Caterina Angela Byrd

Docket 80548 Document 2020-29941

# INDEX

## CHRONOLOGICAL LISTING


| EX. | DATE | DOCUMENT | BATES NUMBER |
|---|---|---|---|
| 1. | 08/27/18 | Motion to Change Venue, Plaintiff, filed 08/27/18. | RA000001 - RA000003 |
| 2. | 10/18/18 | Financial Disclosure Form, Plaintiff, filed 10/18/18. | RA000004 - RA000011 |
| 3. | 11/27/18 | Transcript re: Motion, November 27, 2018. | RA000012 - RA000032 |
| 4. | 12/13/18 | Ex parte Motion for Continuance, Defendant, filed 12/13/18. | RA000033 - RA000035 |
| 5. | 12/18/18 | Order Granting Continuance, Defendant, filed 12/18/18. | RA000036 |
| 6. | 12/19/18 | Plaintiff's Opposition to Defendant's ex parte Motion for A Continuance of Plaintiff's Motion to Enforce the Decree of Divorce, For An Order to Show Cause, to divide a Newly Discovered Asset, to Execute QDROs and for Attorney fees and Costs and Counter motion for Attorney Fees and Costs, filed 12/19/18. | RA000037 - RA000058 |
| 7. | 12/27/18 | Notice of Entry of Order for the Order Shortening Time on Plaintiff's Motion filed 12/27/18. | RA000059 - RA000062 |
| 8. | 12/28/18 | Reply to Opposition and/or Counter motion, Defendant, filed 12/28/18. | RA000063 - RA000087 |
| 9. | 01/02/19 | Financial Disclosure Form, Defendant, with five income statements attachments, filed 01/02/19. | RA000088 - RA000100 |
| 10. | 01/15/19 | Plaintiff's Reply to Defendant's Reply to | RA000101 - |

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|---|---|---|---|
| | | Plaintiff's Opposition to Defendant's ex parte Motion for a Continuance of Plaintiff's Motion to Enforce the Decree of Divorce, for an Order to Show Cause, to Divide a Newly Discovered Asset, to Execute QDROs, and for Attorney's Fees and Costs and Countermotion for Attorney Fees and Costs, filed 01/15/19. | RA000126 |
| 11. | 01/15/19 | First Supplement to Exhibit Appendix, Plaintiff, in support of her Reply filed 01/15/19. | RA000127 - RA000183 |
| 12. | 1/18/19 | Defendant's Reply to Plaintiff's Reply to Defendant's Reply to Plaintiff's Opposition to defendant's Ex parte Motion for a Continuance of Plaintiff's Motion to Enforce the Decree of Divorce, For an Order to Show Cause, to Divide a Newly Discovered Asset, to Execute QDROs, and for Attorney's Fees and Costs and Counter motion for Attorney fees and Costs, filed 1/18/19. | RA000184 - RA000197 |
| 13. | 04/23/19 | Exhibit Appendix to Plaintiff's Opposition to Defendant's Motion for Reconsideration and Countermotion, Plaintiff, filed 04/23/19. | RA000198 - RA000237 |
| 14. | 04/23/19 | Plaintiff's Ex Parte Application for An Order for Defendant to Appear In Person, filed 04/23/19. | RA000238 - RA000244 |
| 15. | 04/23/19 | Exhibit Appendix to Plaintiff's Ex Parte Application For an Order For Defendant To Appear In Person, Plaintiff, filed 04/23/19. | RA000245 - RA000264 |
| 16. | 05/17/19 | Exhibit Appendix to Plaintiff's Reply to Defendant's Opposition and Countermotion, filed 05/17/19. | RA000265 - RA000322 |
| 17. | 06/17/19 | Plaintiff's Emergency Motion for an Order | RA000323 - |

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|---|---|---|---|
| | | to Show Cause Why the Defendant should Not Be Held In contempt of Court and for Attorney Fees and Costs, filed 06/17/19. | RA000337 |
| 18. | 09/10/19 | Plaintiff's Motion to Compel Defendant's Responses to Discovery and Request for Sanctions and Attorney Fees, filed 09/10/19. | RA000338 - RA000360 |
| 19. | 09/17/19 | Defendant's Motion for a Protective Order pursuant to NRCP 26(C) and for Attorney Fees, filed 09/17/19. | RA000361 - RA000372 |
| 20. | 09/30/19 | Exhibit Appendix to Plaintiff's Motion for Reconsideration, Summary Judgment, Joinder and to continue the Evidentiary Hearing. (Contains Defendant's responses to Plaintiff's Request for Admissions), filed 09/30/19. | RA000373 - RA000417 |
| 21. | 10/11/19 | Notice of Change in Requested Relief in Plaintiff's Motion For Reconsideration, et al, filed on 09/30/19, filed 10/11/19. | RA000418 - RA000421 |
| 22. | 10/17/19 | Minutes re: Calendar Call held on 10/17/19. | RA000422 - RA000423 |
| 23. | 10/21/19 | Exhibit 1 Plaintiff's, admitted at Evidentiary Hearing, Joint Petition for Summary Decree of Divorce. | RA000424 - RA000437 |
| 24. | 10/21/19 | Exhibit 4, Plaintiff's, admitted at Evidentiary Hearing, Notice of Entry of Order from the May 2, 2019 hearing, filed on 05/28/19. | RA000438 - RA000443 |
| 25. | 10/21/19 | Exhibit 7, Plaintiff' s, admitted at Evidentiary Hearing, Notice of Entry of Order to Show Cause, Grady to Appear On October 21, 2019, filed on 07/29/19. | RA000444 - RA000447 |
| 26. | 10/21/19 | Exhibit 8, Plaintiff's, admitted at Evidentiary Hearing, Caterina's Financial | RA000448 - RA000455 |

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| | | Disclosure Form, Amended, filed on 07/15/19. | |
| 27. | 10/21/19 | Exhibit 9, Plaintiff's, admitted at Evidentiary Hearing, Grady's Financial Disclosure Form, Amended, filed 01/18/19. | RA000456 - RA000468 |
| 28. | 10/21/19 | Exhibit 10, Plaintiff's, admitted at Evidentiary Hearing, Grady's Financial Disclosure Form, filed on 06/18/19. | RA000469 - RA000478 |
| 29. | 10/21/19 | Exhibit 13, Plaintiff's, admitted at Evidentiary Hearing: Emails Bates 522-523. E-mail from Defendant to Plaintiff promising the Plaintiff that she will receive the same benefits whether he is married or not, including Survivor Benefit Plan, dated February 20, 2014 and Emails between Defendant and Plaintiff, Defendant writing it is time for a divorce and promising Plaintiff $3000 a month email dated, February 20 & 21, 2014. | RA000479 - RA000481 |
| 30. | 10/21/19 | Exhibit 14, Plaintiff's, admitted at Evidentiary Hearing: Email from Defendant to Plaintiff promising Plaintiff $3,000 a month as long as he lives, et. al, dated March 23, 2014. | RA000482 |
| 31. | 10/21/19 | Exhibit 15, Plaintiff's, admitted at Evidentiary Hearing: Email from Defendant to Plaintiff, threatening to stop communicating with her, dated March 26, 2014. | RA000483 |
| 32. | 10/21/19 | Exhibit 16, Plaintiff's, admitted at Evidentiary Hearing: Emails between Plaintiff and Defendant, re: retired pay is $3,017 a month, gives her $3,000 a month. Live poor until he dies, her monthly expenses, dated February 2014 - April 2014. | RA000484 - RA000488 |

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| 33. | 10/21/19 | Exhibit 17, Plaintiff's, admitted at Evidentiary Hearing: Emails from Defendant to Plaintiff regarding"just sign the [divorce] papers..." dated March 27, 2014. | RA000489 - RA000490 |
| 34. | 10/21/19 | Exhibit 18, Plaintiff's, admitted at Evidentiary Hearing: Emails from Defendant “the money will go into your account the first of ever month until I die.” “I’m sending you the papers. You sign or I will hire a lawyer and take you to court. You see what you get then.” “This is the statement that will go on the divorce papers”, dated April 9, 2014 and April 15, 2014. | RA000491 - RA000492 |
| 35. | 10/21/19 | Exhibit 20, Plaintiff's, admitted at Evidentiary Hearing: Email, Bates 9. Email from Plaintiff to Defendant stating that she has no idea what OPM is, and Defendant mad that she wants to see lawyer, dated March 27, 2014. | RA000493 |
| 36. | 10/21/19 | Exhibit 21, Plaintiff's, admitted at Evidentiary Hearing: Emails from Plaintiff to Defendant telling the Defendant that she is feeling very nervous and scared, dated April 8, 2014. Defendant “I will have the following statements entered on the divorce statement”. | RA000494 - RA000495 |
| 37. | 10/21/19 | Exhibit 22, Plaintiff's, admitted at Evidentiary Hearing: Email from Defendant to Plaintiff stating that Plaintiff is not entitled to any more money in the decree of divorce, retire pay is 3017, dated April 8, 2014. Bates13, and “this is your last warning,” and Plaintiff asking for $3000/mo., dated April 10, 2014. | RA000496 - RA000498 |

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| 38. | 10/21/19 | Exhibit 23, Plaintiff's, admitted at Evidentiary Hearing: Email from Plaintiff to Defendant, regarding Plaintiff's health insurance denial, dated July 29, 2016, to August 13, 2016. | RA000499 - RA000502 |
| 39. | 10/21/19 | Exhibit 25, Plaintiff's, admitted at Evidentiary Hearing: Email from Defendant to Plaintiff regarding Car insurance and cancer surgery, dated July 16, 2018. | RA000503 |
| 40. | 10/21/19 | Exhibit 27, Plaintiff's, admitted at Evidentiary Hearing: Defendant's retirement from Army, beneficiaries, Survivor Benefit Plan, Form DD 2656, dated March 10, 1999. | RA000504 - RA000505 |
| 41. | 10/21/19 | Exhibit 28 Plaintiff's, admitted at Evidentiary Hearing: Grady's retirement account. DFAS Retiree Account Statement, dated December 3, 2017. | RA000506 |
| 42. | 10/21/19 | Exhibit 30, Plaintiff's, admitted at Evidentiary Hearing: Tax Return for Plaintiff year 2015 (Individual). | RA000507 - RA000508 |
| 43. | 10/21/19 | Exhibit 31, Plaintiff's, admitted at Evidentiary Hearing:, Tax Return for Plaintiff year 2016 (Individual). | RA000509 - RA000510 |
| 44. | 10/21/19 | Exhibit 32, Plaintiff's, admitted at Evidentiary Hearing: Tax Return for Plaintiff with form W-2G attached year 2017 (Individual). | RA000511 - RA000513 |
| 45. | 10/21/19 | Exhibit 33, Plaintiff's, admitted at Evidentiary Hearing, Tax Return for Plaintiff year 2018 (Individual). | RA000514 - RA000516 |
| 46. | 10/21/19 | Exhibit 34, Plaintiff's, admitted at Evidentiary Hearing: Plaintiff's residence, USAA Mortgage Loan Statement, dated | RA000517 |

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| | | July 1, 2019. | |
| 47. | 10/21/19 | Exhibit 35, Plaintiff's, admitted at Evidentiary Hearing, Long term care statement. Long Term Care Partners letter to Plaintiff dated November 1, 2017. | RA000518 - RA000521 |
| 48. | 10/21/19 | Exhibit 36, Plaintiff's, Evidentiary Hearing, Plaintiff's Canyon Gate Master Association (HOA) billing statements, dated October 20, 2017, October 18, 2018 and May 13, 2019. | RA000522 - RA000524 |
| 49. | 10/21/19 | Exhibit 38, Plaintiff's, admitted at Evidentiary Hearing: Ms. Byrd doctor visit. Summary of visit date April 16, 2012. | RA000525 - RA000526 |
| 50. | 10/21/19 | Exhibit 42, Plaintiff's, admitted at Evidentiary Hearing: Ms. Byrd social security statement. Social Security Statement for Plaintiff, dated June 11, 2019. | RA000527 - RA000532 |
| 51. | 10/21/19 | Exhibit 63, Plaintiff's, admitted at Evidentiary Hearing: Letter to Defendant's counsel, regarding SBP, dated September 24, 2019. | RA000533 - RA000534 |
| 52. | 10/21/19 | Exhibit 64, Plaintiff's, admitted at Evidentiary Hearing, Letter from Defendant's counsel, dated September 25, 2019, responding to Plaintiff's letter dated 9/24/19. | RA000535 |
| 53. | 10/21/19 | Exhibit A, Defendant's, admitted at Evidentiary Hearing: Dept. Of Army (CRSC) decision letter dated 6/20/11. Bates. | RA000536 - RA000538 |
| 54. | 10/21/19 | Exhibit B, Defendant's, admitted at Evidentiary Hearing, CRSC payment history from August 2014 - July 2015 (VA Waiver 3017.60, Retire net pay 128.40). | RA000539 |
| 55. | 10/21/19 | Exhibit C, Defendant's, admitted at Evidentiary Hearing, CRSC pay statement | RA000540 |

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| | | dated 4/22/19. | |
| 56. | 10/21/19 | Exhibit D, Defendant's, admitted at Evidentiary Hearing, VA letter for disability benefits dated 10/16/12 (disability benefit effective 12/01/2011). | RA000541 |
| 57. | 10/21/19 | Exhibit E, Defendant's, admitted at Evidentiary Hearing, Grady's VA payment history from April 1, 2019 - May 31, 2019. | RA000542 |
| 58. | 10/21/19 | Exhibit F, Defendant's, admitted at Evidentiary Hearing, Office of Personnel Management (OPM) letter re: disability application dated 11/12/2010. | RA000543 - RA000545 |
| 59. | 10/21/19 | Exhibit G, Defendant's, admitted at Evidentiary Hearing . OPM letter dated 04/29/2018 re: FERS disability annuity adjustment. | RA000546 |
| 60. | 10/21/19 | Exhibit H, Defendant's, admitted at Evidentiary Hearing OPM Notice of Annuity adjustment re: 07/02/18 payment. | RA000547 |
| 61. | 10/21/19 | Exhibit I, Defendant's, admitted at Evidentiary Hearing, OPM Annuity statement dated March 13, 2019. | RA000548 |
| 62. | 10/21/19 | Exhibit J, Defendant's, admitted at Evidentiary Hearing: Defendant's Social Security Decision dated September 12, 2012. | RA000549 - RA000554 |
| 63. | 10/21/19 | Exhibit K, Defendant's, admitted at Evidentiary Hearing: Defendant's 2014 Social Security Benefit 2014 (Form SSA-1099). | RA000555 |
| 64. | 10/21/19 | Exhibit L, Defendant's, admitted at Evidentiary Hearing, Defendant's Social Security Benefit 2018. | RA000556 |

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| 65. | 11/25/19 | Plaintiff's Memorandum of Fees and Costs, from July 19, 2019 through the date of the Evidentiary hearing on October 21, 2019, filed 11/25/19. | RA000557 - RA000593 |
| 66. | 12/05/19 | Notice of Entry of Order on Discovery Commissioner's Report and Recommendations, filed 12/05/19. | RA000594 - RA000602 |
| 67. | 03/18/20 | Plaintiff's Ex Parte Application for an Income Withholding Order, filed 03/18/20. | RA000603 - RA000615 |
| 68. | 04/03/20 | Opposition to Plaintiff's Ex -Parte Application for Income Withholding Order, Defendant, filed 04/03/20. | RA000616 - RA000625 |
| 69. | 04/10/20 | Plaintiff's Reply to Defendant's Opposition to Plaintiff's Ex Parte Application for an Income Withholding Order, filed 04/10/20. | RA000626 - RA000655 |

## INDEX

### ALPHABETICAL LISTING

| EX. | DATE | DOCUMENT | BATES NUMBER |
|---|---|---|---|
| 19. | 09/17/19 | Defendant's Motion for a Protective Order pursuant to NRCP 26(C) and for Attorney Fees, filed 09/17/19. | RA000361 - RA000372 |
| 12. | 1/18/19 | Defendant's Reply to Plaintiff's Reply to Defendant's Reply to Plaintiff's Opposition to defendant's Ex parte Motion for a Continuance of Plaintiff's Motion to Enforce the Decree of Divorce, For an Order to Show Cause, to Divide a Newly Discovered Asset, to Execute QDROs, and for Attorney's Fees and Costs and Counter motion for Attorney fees and Costs, filed 1/18/19. | RA000184 - RA000197 |

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|---|---|---|---|
| 4. | 12/13/18 | Ex parte Motion for Continuance, Defendant, filed 12/13/18. | RA000033 - RA000035 |
| 53. | 10/21/19 | Exhibit A, Defendant's, admitted at Evidentiary Hearing: Dept. Of Army (CRSC) decision letter dated 6/20/11. Bates. | RA000536 - RA000538 |
| 15. | 04/23/19 | Exhibit Appendix to Plaintiff's Ex Parte Application For an Order For Defendant To Appear In Person, Plaintiff, filed 04/23/19. | RA000245 - RA000264 |
| 16. | 05/17/19 | Exhibit Appendix to Plaintiff's Reply to Defendant's Opposition and Countermotion, filed 05/17/19. | RA000265 - RA000322 |
| 20. | 09/30/19 | Exhibit Appendix to Plaintiff's Motion for Reconsideration, Summary Judgment, Joinder and to continue the Evidentiary Hearing. (Contains Defendant's responses to Plaintiff's Request for Admissions), filed 09/30/19. | RA000373 - RA000417 |
| 13. | 04/23/19 | Exhibit Appendix to Plaintiff's Opposition to Defendant's Motion for Reconsideration and Countermotion, Plaintiff, filed 04/23/19. | RA000198 - RA000237 |
| 54. | 10/21/19 | Exhibit B, Defendant's, admitted at Evidentiary Hearing, CRSC payment history from August 2014 - July 2015 (VA Waiver 3017.60, Retire net pay 128.40). | RA000539 |
| 55. | 10/21/19 | Exhibit C, Defendant's, admitted at Evidentiary Hearing, CRSC pay statement dated 4/22/19. | RA000540 |
| 56. | 10/21/19 | Exhibit D, Defendant's, admitted at Evidentiary Hearing, VA letter for disability benefits dated 10/16/12 (disability benefit effective 12/01/2011). | RA000541 |
| 57. | 10/21/19 | Exhibit E, Defendant's, admitted at Evidentiary Hearing, Grady's VA payment history from April 1, 2019 - May 31, 2019. | RA000542 |

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| 58. | 10/21/19 | Exhibit F, Defendant's, admitted at Evidentiary Hearing, Office of Personnel Management (OPM) letter re: disability application dated 11/12/2010. | RA000543 - RA000545 |
| 59. | 10/21/19 | Exhibit G, Defendant's, admitted at Evidentiary Hearing . OPM letter dated 04/29/2018 re: FERS disability annuity adjustment. | RA000546 |
| 60. | 10/21/19 | Exhibit H, Defendant's, admitted at Evidentiary Hearing OMP Notice of Annuity adjustment re: 07/02/18 payment. | RA000547 |
| 61. | 10/21/19 | Exhibit I, Defendant's, admitted at Evidentiary Hearing, OPM Annuity statement dated March 13, 2019. | RA000548 |
| 62. | 10/21/19 | Exhibit J, Defendant's, admitted at Evidentiary Hearing: Defendant's Social Security Decision dated September 12, 2012. | RA000549 - RA000554 |
| 63. | 10/21/19 | Exhibit K, Defendant's, admitted at Evidentiary Hearing: Defendant’s 2014 Social Security Benefit 2014 (Form SSA-1099). | RA000555 |
| 64. | 10/21/19 | Exhibit L, Defendant's, admitted at Evidentiary Hearing, Defendant’s Social Security Benefit 2018. | RA000556 |
| 23. | 10/21/19 | Exhibit 1, Plaintiff’s, admitted at Evidentiary Hearing, Joint Petition for Summary Decree of Divorce. | RA000424 - RA000437 |
| 24. | 10/21/19 | Exhibit 4, Plaintiff's, admitted at Evidentiary Hearing, Notice of Entry of Order from the May 2, 2019 hearing, filed on 05/28/19. | RA000438 - RA000443 |
| 25. | 10/21/19 | Exhibit 7, Plaintiff' s, admitted at Evidentiary Hearing, Notice of Entry of Order to Show Cause, Grady to Appear On October 21, 2019, filed on 07/29/19. | RA000444 - RA000447 |

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| 26. | 10/21/19 | Exhibit 8, Plaintiff's, admitted at Evidentiary Hearing, Caterina's Financial Disclosure Form, Amended, filed on 07/15/19. | RA000448 - RA000455 |
| 27. | 10/21/19 | Exhibit 9, Plaintiff's, admitted at Evidentiary Hearing, Grady's Financial Disclosure Form, Amended, filed 01/18/19. | RA000456 - RA000468 |
| 28. | 10/21/19 | Exhibit 10, Plaintiff's, admitted at Evidentiary Hearing, Grady's Financial Disclosure Form, filed on 06/18/19. | RA000469 - RA000478 |
| 29. | 10/21/19 | Exhibit 13, Plaintiff's, admitted at Evidentiary Hearing: Emails Bates 522-523. E-mail from Defendant to Plaintiff promising the Plaintiff that she will receive the same benefits whether he is married or not, including Survivor Benefit Plan, dated February 20, 2014 and Emails between Defendant and Plaintiff, Defendant writing it is time for a divorce and promising Plaintiff $3000 a month email dated, February 20 & 21, 2014. | RA000479 - RA000481 |
| 30. | 10/21/19 | Exhibit 14, Plaintiff's, admitted at Evidentiary Hearing: Email from Defendant to Plaintiff promising Plaintiff $3,000 a month as long as he lives, et. al, dated March 23, 2014. | RA000482 |
| 31. | 10/21/19 | Exhibit 15, Plaintiff's, admitted at Evidentiary Hearing: Email from Defendant to Plaintiff, threatening to stop communicating with her, dated March 26, 2014. | RA000483 |
| 32. | 10/21/19 | Exhibit 16, Plaintiff's, admitted at Evidentiary Hearing: Emails between Plaintiff and Defendant, re: retired pay is $3,017 a month, gives her $3,000 a month. Live poor until he dies, her monthly expenses, dated February 2014 - April 2014. | RA000484 - RA000488 |

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| 33. | 10/21/19 | Exhibit 17, Plaintiff's, admitted at Evidentiary Hearing: Emails from Defendant to Plaintiff regarding"just sign the [divorce] papers..." dated March 27, 2014. | RA000489 - RA000490 |
| 34. | 10/21/19 | Exhibit 18, Plaintiff's, admitted at Evidentiary Hearing: Emails from Defendant "the money will go into your account the first of ever month until I die." "I'm sending you the papers. You sign or I will hire a lawyer and take you to court. You see what you get then." "This is the statement that will go on the divorce papers", dated April 9, 2014 and April 15, 2014. | RA000491 - RA000492 |
| 35. | 10/21/19 | Exhibit 20, Plaintiff's, admitted at Evidentiary Hearing: Email, Bates 9. Email from Plaintiff to Defendant stating that she has no idea what OPM is, and Defendant mad that she wants to see lawyer, dated March 27, 2014. | RA000493 |
| 36. | 10/21/19 | Exhibit 21, Plaintiff's, admitted at Evidentiary Hearing: Emails from Plaintiff to Defendant telling the Defendant that she is feeling very nervous and scared, dated April 8, 2014. Defendant "I will have the following statements entered on the divorce statement". | RA000494 - RA000495 |
| 37. | 10/21/19 | Exhibit 22, Plaintiff's, admitted at Evidentiary Hearing: Email from Defendant to Plaintiff stating that Plaintiff is not entitled to any more money in the decree of divorce, retire pay is 3017, dated April 8, 2014. Bates13, and "this is your last warning," and Plaintiff asking for $3000/mo., dated April 10, 2014. | RA000496 - RA000498 |
| 38. | 10/21/19 | Exhibit 23, Plaintiff's, admitted at Evidentiary Hearing: Email from Plaintiff to Defendant, regarding Plaintiff's health insurance denial, dated July 29, 2016, to | RA000499 - RA000502 |

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| | | August 13, 2016. | |
| 39. | 10/21/19 | Exhibit 25, Plaintiff's, admitted at Evidentiary Hearing: Email from Defendant to Plaintiff regarding Car insurance and cancer surgery, dated July 16, 2018. | RA000503 |
| 40. | 10/21/19 | Exhibit 27, Plaintiff's, admitted at Evidentiary Hearing: Defendant's retirement from Army, beneficiaries, Survivor Benefit Plan, Form DD 2656, dated March 10, 1999. | RA000504 - RA000505 |
| 41. | 10/21/19 | Exhibit 28 Plaintiff's, admitted at Evidentiary Hearing: Grady's retirement account. DFAS Retiree Account Statement, dated December 3, 2017. | RA000506 |
| 42. | 10/21/19 | Exhibit 30, Plaintiff's, admitted at Evidentiary Hearing: Tax Return for Plaintiff year 2015 (Individual). | RA000507 - RA000508 |
| 43. | 10/21/19 | Exhibit 31, Plaintiff's, admitted at Evidentiary Hearing:, Tax Return for Plaintiff year 2016 (Individual). | RA000509 - RA000510 |
| 44. | 10/21/19 | Exhibit 32, Plaintiff's, admitted at Evidentiary Hearing: Tax Return for Plaintiff with form W-2G attached year 2017 (Individual). | RA000511 - RA000513 |
| 45. | 10/21/19 | Exhibit 33, Plaintiff's, admitted at Evidentiary Hearing, Tax Return for Plaintiff year 2018 (Individual). | RA000514 - RA000516 |
| 46. | 10/21/19 | Exhibit 34, Plaintiff's, admitted at Evidentiary Hearing: Plaintiff's residence, USAA Mortgage Loan Statement, dated July 1, 2019. | RA000517 |
| 47. | 10/21/19 | Exhibit 35, Plaintiff's, admitted at Evidentiary Hearing, Long term care statement. Long Term Care Partners letter to | RA000518 - RA000521 |

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| | | Plaintiff dated November 1, 2017. | |
| 48. | 10/21/19 | Exhibit 36, Plaintiff's, Evidentiary Hearing, Plaintiff's Canyon Gate Master Association (HOA) billing statements, dated October 20, 2017, October 18, 2018 and May 13, 2019. | RA000522 - RA000524 |
| 49. | 10/21/19 | Exhibit 38, Plaintiff's, admitted at Evidentiary Hearing: Ms. Byrd doctor visit. Summary of visit date April 16, 2012. | RA000525 - RA000526 |
| 50. | 10/21/19 | Exhibit 42, Plaintiff's, admitted at Evidentiary Hearing: Ms. Byrd social security statement. Social Security Statement for Plaintiff, dated June 11, 2019. | RA000527 - RA000532 |
| 51. | 10/21/19 | Exhibit 63, Plaintiff's, admitted at Evidentiary Hearing: Letter to Defendant's counsel, regarding SBP, dated September 24, 2019. | RA000533 - RA000534 |
| 52. | 10/21/19 | Exhibit 64, Plaintiff's, admitted at Evidentiary Hearing, Letter from Defendant's counsel, dated September 25, 2019, responding to Plaintiff's letter dated 9/24/19. | RA000535 |
| 9. | 01/02/19 | Financial Disclosure Form, Defendant, with five income statements attachments, filed 01/02/19. | RA000088 - RA000100 |
| 2. | 10/18/18 | Financial Disclosure Form, Plaintiff, filed 10/18/18. | RA000004 - RA000011 |
| 11. | 01/15/19 | First Supplement to Exhibit Appendix, Plaintiff, in support of her Reply filed 01/15/19. | RA000127 - RA000183 |
| 22. | 10/17/19 | Minutes re: Calendar Call held on 10/17/19. | RA000422 - RA000423 |
| 1. | 08/27/18 | Motion to Change Venue, Plaintiff, filed 08/27/18. | RA000001 - RA000003 |
| 21. | 10/11/19 | Notice of Change in Requested Relief in | RA000418 - |

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| | | Plaintiff's Motion For Reconsideration, et al, filed on 09/30/19, filed 10/11/19 | RA000421 |
| 7. | 12/27/18 | Notice of Entry of Order for the Order Shortening Time on Plaintiff's Motion filed 12/27/18. | RA000059 - RA000062 |
| 66. | 12/05/19 | Notice of Entry of Order on Discovery Commissioner's Report and Recommendations, filed 12/05/19. | RA000594 - RA000602 |
| 68. | 04/03/20 | Opposition to Plaintiff's Ex -Parte Application for Income Withholding Order, Defendant, filed 04/03/20. | RA000616 - RA000625 |
| 5. | 12/18/18 | Order Granting Continuance, Defendant, filed 12/18/18. | RA000036 |
| 17. | 06/17/19 | Plaintiff's Emergency Motion for an Order to Show Cause Why the Defendant should Not Be Held In contempt of Court and for Attorney Fees and Costs, filed 06/17/19. | RA000323 - RA000337 |
| 14. | 04/23/19 | Plaintiff's Ex Parte Application for An Order for Defendant to Appear In Person, filed 04/23/19. | RA000238 - RA000244 |
| 67. | 03/18/20 | Plaintiff's Ex Parte Application for an Income Withholding Order, filed 03/18/20. | RA000603 - RA000615 |
| 65. | 11/25/19 | Plaintiff's Memorandum of Fees and Costs, from July 19, 2019 through the date of the Evidentiary hearing on October 21, 2019, filed 11/25/19. | RA000557 - RA000593 |
| 18. | 09/10/19 | Plaintiff's Motion to Compel Defendant's Responses to Discovery and Request for Sanctions and Attorney Fees, filed 09/10/19. | RA000338 - RA000360 |
| 6. | 12/19/18 | Plaintiff's Opposition to Defendant's ex parte Motion for A Continuance of Plaintiff's Motion to Enforce the Decree of Divorce, For | RA000037 - RA000058 |

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| | | An Order to Show Cause, to divide a Newly Discovered Asset, to Execute QDROs and for Attorney fees and Costs and Counter motion for Attorney Fees and Costs, filed 12/19/18. | |
| 10. | 01/15/19 | Plaintiff's Reply to Defendant's Reply to Plaintiff's Opposition to Defendant's ex parte Motion for a Continuance of Plaintiff's Motion to Enforce the Decree of Divorce, for an Order to Show Cause, to Divide a Newly Discovered Asset, to Execute QDROs, and for Attorney's Fees and Costs and Countermotion for Attorney Fees and Costs, filed 01/15/19. | RA000101 - RA000126 |
| 69. | 04/10/20 | Plaintiff's Reply to Defendant's Opposition to Plaintiff's Ex Parte Application for an Income Withholding Order, filed 04/10/20. | RA000626 - RA000655 |
| 8. | 12/28/18 | Reply to Opposition and/or Counter motion, Defendant, filed 12/28/18. | RA000063 - RA000087 |
| 3. | 11/27/18 | Transcript re: Motion, November 27, 2018. | RA000012 - RA000032 |

**Certificate of Service**

Pursuant to NRAP 25(c)(1)(E), I hereby certify, under penalty of perjury, that I am an employee of Webster & Associates and that on the 13th day of August, 2020, I caused to be served the foregoing document by way of NEFCR 9 Notice of Electronic Filing to the following:

Daniel W. Anderson
Mills & Anderson
Counsel for Appellant, Grady Edward Byrd

An employee of WEBSTER & ASSOCIATES

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Steven D. Grierson
CLERK OF THE COURT

**MOSC**
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Attorney for Plaintiff, Unbundled

DISTRICT COURT
CLARK COUNTY, NEVADA

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| CATERINA ANGELA BYRD<br><br>Plaintiff,<br><br>v.<br><br>GRADY EDWARD BYRD<br><br>Defendant. | CASE NO.: D-18-577701-Z<br>DEPT NO.: G<br><br>Oral Argument Requested: Yes |

**NOTICE: YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS MOTION WITH THE CLERK OF THE COURT AND TO PROVIDE THE UNDERSIGNED WITH A COPY OF YOUR RESPONSE WITHIN TEN (10) DAYS OF YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN TEN (10) DAYS OF YOUR RECEIPT OF THIS MOTION MAY RESULT IN THE REQUESTED RELIEF BEING GRANTED BY THE COURT WITHOUT HEARING PRIOR TO THE SCHEDULED HEARING DATE.**

**Plaintiff's Emergency Motion for an Order to Show Cause Why the Defendant Should Not Be Held In Contempt of Court and For Attorney Fees and Costs**

Plaintiff, CATERINA ANGELA BYRD, by and through her attorneys, ANITA A. WEBSTER, ESQ., and JEANNE F. LAMBERTSEN, ESQ., of the law offices of WEBSTER & ASSOCIATES, does hereby move this Honorable Court for an

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Order to Show Cause why the Defendant, Grady Byrd, Should Not Be Held In Contempt of Court, and for Attorney's Fees and Costs.

This Motion is made and based upon the pleadings and papers on file herein, the following Points and Authorities and upon such oral argument as the Court may allow at the time of the hearing.

Caterina respectfully requests the following relief:

1. For an Order to Show Cause why Grady Should Not Be Held In Contempt of Court for Failing to Comply with the Court's Order from the January 23, 2019 Hearing, filed on or about April 5, 2019, and pay to Caterina the ongoing $3,000.00 per month payments by February 15, 2019, by March 15, 2019, by April 15, 2019 and by May 15, 2019;
2. For an Order to Show Cause why Grady Should Not Be Held In Contempt of Court for Failing to Comply with the Court's Order from the May 22, 2019 Hearing and pay to Caterina $3,000.00 by June 1, 2019;
3. For an Order to Show Cause why Grady Should Not Be Held In Contempt of Court for Failing to Comply with the Court's Order from the May 22, 2019 Hearing and pay to Caterina $5,000.00 as for attorney fees within 14 days of the hearing, i.e., by June 6, 2019;
4. For sanctions of $500.00 for each payment that he refused to pay;
5. For an order that the Defendant, Grady Byrd, personally appear at the hearing on this Motion;
6. For Attorney's Fees and Costs; and
7. For any further orders that the court deems just and equitable under the

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premises.

Dated: June 17th, 2019.

WEBSTER & ASSOCIATES

By: _____

ANITA A. WEBSTER, ESQ.
Nevada Bar No. 1221
JEANNE LAMBERTSEN, ESQ.
Nevada Bar No. 9460
6882 Edna Ave.
Las Vegas, Nevada 89146
Attorneys for Plaintiff, unbundled

## POINTS AND AUTHORITIES

### Factual Background

The parties were married for 31 years, divorcing on June 5, 2014, by way of a Joint Petition that Grady arranged to have prepared. The last time they resided together was in 2008 in Las Vegas, Nevada. Caterina was about 19 years old when the parties met and married shortly thereafter. During marriage, Grady was in the U. S. Army. After retiring from the U.S. Army in 1999as a E-9 Commander Sargeant Major, he worked for the Department of Defense. He retired from the Department of Defense as a GS-14.

Caterina has a high school education. English is her 2nd language. Grady took care of all financial matters, especially all things military. During the marriage, Caterina supported Grady as he earned two Masters Degrees, a "War College" degree, an FEMA certification education and furthered his career. She moved approximately 16 times from 1983 - 2008 as a military & DOD wife. She had part time jobs in between move at minimum wages The last time she worked

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was between 2004- 2006 as a nail manicurist and her income barely covered her expenses. Grady reassured her that he was advancing his career so he could take care of her. She relies on the $3,000.00 per month that Grady pays her. After his death, she will rely on the military Survivor Benefit Plan and Life Insurance that Grady gave her in the divorce. She is 55 years old, single, and remains in the marital residence.

Grady earns more than $116,000.00 annually. Grady is 63, lives in the Philippines, married a 25-year old girl, and is trying to eliminate his financial obligations to Caterina and others. On September 1, 2018, he stopped paying Caterina $3,000.00 per month. He's refused to follow two court orders to pay Caterina.

**Grady refused to pay Caterina the ongoing $3,000.00/month + $1,500/month for arrears starting 02/01/19**

At the January 23, 2019 hearing on Caterina's motion to enforce the decree of divorce, Grady was ordered to continue to pay Caterina $3,000 per month and an additional $1,500.00 per month for a total payment of $4,500.00 per month, starting on February 1, 2019.[1] He was also ordered to personally appear at the May 2, 2019 status check hearing or a no-bail bench warrant would be issued. Caterina's bank account was placed on the record. Caterina also provided Grady a voided check in open court to set up automatic deposits. Grady failed to make the deposits. There is no "stay" of the court's orders. A letter was sent to Grady

[1]The additional $1,500.00/month was for arrears for non-payment of $3,000/month from 09/01/18- 01/10/19 plus $7,000.00 in attorney fees awarded to Caterina.

on February 19, 2019, April 5, 2019, and April 17, 2019, requesting the deposits. Grady refused.

On April 8, 2019, Grady filed a motion for reconsideration. On April 23, 2019, Caterina filed an opposition and countermotion. Her countermotion included a request for an Order to Show Cause regarding Grady's failure to pay her the $3,000 per month ongoing payment plus $1,500 per month for arrears starting February 1, 2019.[2] Also on April 23, 2019, Caterina filed a request for an Order that Grady appear in person at the May 22, 2019, hearing. Grady has threatened Caterina, "good luck finding me" referring to her ability to obtain any money that he owes her. As evidence of his intent to refuse to comply with financial obligations, recently he eliminated more than $51,721.00 in debt listed on his FDF. He falsely used Caterina's address in Las Vegas to obtain a Nevada Drivers License on July 3, 2018, purchased a new Chevy Cruz, stopped paying the car loan to Ally Financial, removed the license plates & abandoned the Chevy Cruz at the Los Angeles Airport, (it was towed about April 2019, accrued storage fees, and was repossessed by Ally Financial), Grady stopped paying USAA Federal Savings Bank loan for $13,399.11 and stopped paying his USAA Savings Bank loan for $17,882.25.

**Grady did not attend the May 2, 2019 or May 22, 2019 hearings**

Grady did not appear in person at the May 2, 2019, status check hearing, claiming a medical issue. However, no medical excuse was provided prior to the May 2, 2019, hearing. At the May 2, 2019, hearing, he was ordered to appear in

[2]April 23, 2019 Opposition & Countermotion, pg. 31, ln. 24 to pg. 32, ln. 20.

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person at the May 22, 2019, motion hearing. He did not appear at the May 22, 2019, hearing. This court allowed Grady to appear through his counsel. Caterina placed on the record that she believed his refusal to appear in person is more related to his ongoing refusal to comply with court orders, the no-bail bench warrant for his arrest, and dodging the debt collectors seeking the $51,721.00 that he owes. This court ordered him to appear at the evidentiary hearing. Caterina is asking for an order that he appear at the hearing on this instant motion.

**Grady refused to pay Caterina $3,000.00 per month starting 06/01/19 and $5,000.00 in attorney fees on 06/05/19**

On May 22, 2019, this court found that Grady could not cease paying Caterina $1,500.00 per month in mortgage assistance unless he proved one of the conditions required for termination of the payment occurred. This court also found that Grady could not cease paying Caterina the $1,500.00 that he had been paying her for her interest in his military pay pending the evidentiary hearing. He was ordered to continue the $3,000.00 monthly payments starting on June 1, 2019. He was also ordered to provide Caterina $5,000.00 in attorney fees by June 6, 2019. Caterina did not receive either payment.

Plaintiff's counsel sent Defendant's counsel an e-mail on June 3, 2019, and another e-mail on June 5, 2019, advising that Grady failed to make his $3,000.00 June 1, 2019 payment. Counsel had an EDCR 5.501 telephone conference on June 10, 2019. Grady's failure to pay $3,000.00/month as ordered and the $5,000.00 as order was discussed. Grady is refusing to pay Caterina any money.

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Caterina is relying on friends, family, and credit cards to make ends meet. She is emotionally devastated and having trouble coping with this litigation and Grady's belligerent, intentional, and willful acts of disobedience. Grady should be found in Contempt of court, sanctioned and Caterina should receive an award of attorney fees.

NRS 22.010 Acts or omissions constituting contempts. The following acts or omissions shall be deemed contempts:

1. Disorderly, contemptuous or insolent behavior toward the judge while the judge is holding court, or engaged in judicial duties at chambers, or toward masters or arbitrators while sitting on a reference or arbitration, or other judicial proceeding.

2. A breach of the peace, boisterous conduct or violent disturbance in the presence of the court, or in its immediate vicinity, tending to interrupt the due course of the trial or other judicial proceeding.

3. Disobedience or resistance to any lawful writ, order, rule or process issued by the court or judge at chambers.

4. Disobedience of a subpoena duly served, or refusing to be sworn or answer as a witness.

5. Rescuing any person or property in the custody of an officer by virtue of an order or process of such court or judge at chambers.

6. Disobedience of the order or direction of the court made pending the trial of an action, in speaking to or in the presence of a juror concerning an action in which the juror has been impaneled to determine, or in any manner approaching or interfering with such juror with the intent to influence the verdict.

7. Abusing the process or proceedings of the court or falsely pretending to act under the authority of an order or process of the court.

NRS 22.100 Penalty for contempt.

1. Upon the answer and evidence taken, the court or judge or jury, as the case may be, shall determine whether the person proceeded against is guilty of the contempt charged.

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2. Except as otherwise provided in NRS 22.110, if a person is found guilty of contempt, a fine may be imposed on the person not exceeding $500 or the person may be imprisoned not exceeding 25 days, or both.

3. In addition to the penalties provided in subsection 2, if a person is found guilty of contempt pursuant to subsection 3 of NRS 22.010, the court may require the person to pay to the party seeking to enforce the writ, order, rule or process the reasonable expenses, including, without limitation, attorney's fees, incurred by the party as a result of the contempt.

**Grady is in Contempt of Court And Owes Caterina $3,000.00/month from February 1, 2019 to the present date**

At the May 22, 2019 hearing, this court deferred the issue of *arrears* on the $3,000 that Grady has not paid Caterina since September 1, 2018 until the evidentiary hearing.[3] However, the issue of Grady's contempt for failing to pay the *ongoing* $3,000 per month as ordered at the January 23, 2019 hearing was not expressly addressed.

This court found that deeming the $1,500.00 per month payment for Caterina's mortgage assistance as alimony was incorrect. However, this court found that Grady cannot unilaterally terminate the $1,500.00 monthly payment to Caterina without first proving her financial situation changed, her home was sold or paid off. Likewise, this court found that Grady cannot unilaterally stop paying Caterina $1,500.00 for her interest in his military pay under contract principles. This court ordered Grady to continue both of these payments, totaling $3,000 per month, pending the evidentiary hearing.

Not only is Grady in contempt of court for failing to pay Caterina $3,000.00

[3]The $4,500 that Grady was ordered to pay Caterina starting on February 1, 2019 is the sum of the $3,000 per month ongoing monthly payments plus $1,500 towards arrears on these payments (from September 1, 2018 to the January 1, 2019) and $7,000 in attorney fees.

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per month starting June 1, 2019 as ordered at the May 22, ,2019 hearing, but Grady should *also* be found in contempt of court for failing to pay Caterina $3,000 per month for the time period of February 1, 2019, to May 2019 as ordered at the January 23, 2019 hearing.

**Caterina is Entitled to An Award of Attorney's Fees**

Grady is in Contempt of Court for failing to pay Caterina as described herein. His behavior is causing her to borrow money from family and friends, increase credit card debt and increased attorney fees. She is also suffering emotionally with the ongoing litigation. Conversely, Grady has a steady stream of income that is in excess of $116,000.00 annually. Upon information and belief, Grady's household may be receiving additional income from the federal government due to his marriage to his new wife, Pinky Byrd. Further, he recently stopped paying $51,721.00 in debt listed on his FDF.

NRS 125.040:

1. In any suit for divorce the court may, in its discretion, upon application by either party and notice to the other party, require either party to pay moneys necessary to assist the other party in accomplishing one or more of the following:

(a) To provide temporary maintenance for the other party;
(b) To provide temporary support for children of the parties; or
(c) To enable the other party to carry on or defend such suit.

2. The court may make any order affecting property of the parties, or either of them, which it may deem necessary or desirable to accomplish the purposes of this section. Such orders shall be made by the court only after taking into consideration the financial situation of each of the parties.

NRS 18.010(2): a) When the prevailing party has not recovered more than $20,000; or (b) Without regard to the recovery sought, when the court finds that the claim, counterclaim, cross-claim or third-party complaint or defense of the opposing party was brought or maintained without reasonable ground or to harass the prevailing party. The court shall liberally construe the provisions

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of this paragraph in favor of awarding attorney's fees in all appropriate situations. It is the intent of the Legislature that the court award attorney's fees pursuant to this paragraph and impose sanctions pursuant to Rule 11 of the Nevada Rules of Civil Procedure in all appropriate situations to punish for and deter frivolous or vexatious claims and defenses because such claims and defenses overburden limited judicial resources, hinder the timely resolution of meritorious claims and increase the costs of engaging in business and providing professional services to the public.

NRS 22.100 Penalty for contempt.

1. Upon the answer and evidence taken, the court or judge or jury, as the case may be, shall determine whether the person proceeded against is guilty of the contempt charged.
2. Except as otherwise provided in NRS 22.110, if a person is found guilty of contempt, a fine may be imposed on the person not exceeding $500 or the person may be imprisoned not exceeding 25 days, or both.
3. In addition to the penalties provided in subsection 2, if a person is found guilty of contempt pursuant to subsection 3 of NRS 22.010, the court may require the person to pay to the party seeking to enforce the writ, order, rule or process the reasonable expenses, including, without limitation, attorney's fees, incurred by the party as a result of the contempt.

Sargeant v. Sargeant, 88 Nev. 223, 227, 495 P.2d 618, 621 (1972). Equal footing so don't have to liquidate savings. The Nevada Supreme Court held that the district court did not abuse its discretion in awarding approximately $50,000.00 in attorney fees to the wife in a divorce proceeding. The Court noted that without the district court's assistance, the wife would have been required to liquidate her savings and jeopardize her financial future in order to meet her adversary in court on an equal basis.

In Griffith v. Gonzales-Alpizar, 132 Nev. Adv. Op. 38 (May 26, 2016) the Appellate Court held that: Pursuant to NRS 125.040 the court can award attorney's fees from the start of the action through the appeal.

Wright v. Osburn, 114 Nev. 1367, 970 P.2d 1071 (1998). Disparity in income is a factor to be considered in awarding attorney fees.

Hornwood v. Smith Food King, attorney fees to prevailing party if that party succeeds on a significant number of issues. This court has held that "[a] plaintiff may be considered the prevailing party for attorney's fee purposes if it succeeds on any significant issue in litigation which achieves some of the benefit is sought in bringing the suit." Hornwood v. Smith's Food King, 105 Nev. 188, 192, 772 P.2d 1284 (1989) (quoting Women's Federal S & L

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Ass'n. v. Nevada Nat. Bank, 623 F.Supp. 469, 470 (D.Nev.1985).

Awards of attorney fees are within the sound discretion of the Court. *See* Love v. Love, 959 P.2d 523, 114 Nev. 572 (1998), Fletcher v. Fletcher, 89 Nev. 540, 542-43, 516 P.2d. 103,104 (1973), Leeming v. Leeming, 87 Nev. 530, 532, 490 P.2d 342, 343 (1971), and Halbrook v. Halbrook, 114, Nev. 1455, 971 P.2d 1262 (1998).

Pursuant to Brunzell v. Golden Gate Nat'l Bank, 85 Nev. 345 (1969), the Court should take into consideration the following factors when determining an award of attorney's fees. (1) The qualities of the advocate(s): Ms. Webster has been practicing law for 33 years and Ms. Lambertsen has been practicing law for 14 years; the law firm's practice is dedicated to family law. (2) The character and difficulty of the work performed: The intricacy, importance, time and skill required to prepare this Motion for an Order to Show Cause is moderate to high. (3) The work actually performed by the attorneys and legal assistants: Approximately 4 hours were spent by counsel and legal assistants in fees. This does not include any responsive pleadings, attendance at the hearing or preparation of orders therefrom (4) The result obtained is unknown but the Motion for an Order to Show Cause demonstrates Grady's, contempt, lack of cooperation and continuing control of Caterina.

Dated: June 17th, 2019.

**WEBSTER & ASSOCIATES**

JEANNE F. LAMBERTSEN, ESQ.
Attorney for Plaintiff, Unbundled

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**DECLARATION OF CATERINA BYRD**

1. I, Caterina Byrd am the Plaintiff in the above-entitled action.

2. I have read the foregoing Motion for an Order to Show Cause why the Defendant, Grady Byrd, Should Not be Held In Contempt of Court, and the factual averments contained therein are true and correct to the best of my knowledge, except as to those matters based on information and belief, and as to those matters, I believe them to be true. Those factual averments contained in the preceding are incorporated herein as if set forth in full.

3. That I had been receiving payments of $3,000.00 per month from the Defendant, Grady Byrd since before the filing of the Joint Petition for Summary Decree of Divorce on June 5, 2014. Around the time of divorce, in emails to me, Grady promised me that I would receive the $3,000.00 per month. These payments ceased September 1, 2018. My last payment was August 2018.

4. That on September 4, 2018, I learned that the checking account that Grady Byrd had deposited my monthly payment into was closed. It was a joint checking account that had been established for 31 years. At the hearing on January 23, 2019, I gave Grady Byrd my Bank of America routing number and account number so that he could make deposits into my account.

5. That I did not receive a deposit of $4,500.00 from Grady Byrd on or before February 15, 2019; I did not receive a deposit of $4,500.00 from Grady Byrd on or before March 15, 2019; I did not receive a deposit of $4,500.00 from Grady Byrd on or before April 15, 2019, and I did not receive a deposit of $4,500.00 from Grady

Byrd on or before May 15, 2019 as ordered at the January 23, 2019 hearing.

6. That I did not receive $3,000.00 on June 1, 2019, as ordered at the May 22, 2019 hearing;

7. That I did not receive $5,000.00 on June 5, 2019, as ordered at the May 22, 2019 hearing for attorney fees. Grady was to pay $5,000.00 for attorney fees within 2 weeks of the hearing, which is June 5, 2019.

8. That I have not received any money from Grady since August 2018. I am struggling to pay my bills and living expenses. I have had to borrow money from my friends, family and took in a roommate to help pay expenses. I fear that I may lose my house because paying the mortgage is financially difficult.

9. Based upon the foregoing, I respectfully request that this Court grant the relief requested by me in this Emergency Motion.

I declare under penalty of perjury in the State of Nevada that the foregoing is true and correct.

Executed this 17 day of June, 2019.

CATERINA BYRD

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**Certificate of Service**

Pursuant to NRCP 5(b), I certify that I am employed in the Law Offices of WEBSTER & ASSOCIATES, and that on this 17th day of June, 2019, I caused the above and foregoing to be served as follows:

[X] Electronic Service

To the Defendant listed below at the address, email address, and/or facsimile number indicated:

Byron L. Mills, Esq.
attorneys@millsnv.com

Lilian Brand
An employee of Webster & Associates

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MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

CATERINA ANGELA BYRD
Plaintiff/Petitioner

v.

GRADY EDWARD BYRD
Defendant/Respondent

Case No. D-18-577701-Z

Dept. G

**MOTION/OPPOSITION FEE INFORMATION SHEET**

**Notice:** Motions and Oppositions filed after entry of a final order issued pursuant to NRS 125, 125B or 125C are subject to the reopen filing fee of $25, unless specifically excluded by NRS 19.0312. Additionally, Motions and Oppositions filed in cases initiated by joint petition may be subject to an additional filing fee of $129 or $57 in accordance with Senate Bill 388 of the 2015 Legislative Session.

**Step 1.** Select either the $25 or $0 filing fee in the box below.

☐ **$25** The Motion/Opposition being filed with this form is subject to the $25 reopen fee.

-OR-

☑ **$0** The Motion/Opposition being filed with this form is not subject to the $25 reopen fee because:

- ☐ The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered.
- ☐ The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order.
- ☐ The Motion/Opposition is for reconsideration or for a new trial, and is being filed within 10 days after a final judgment or decree was entered. The final order was entered on _____.
- ☑ Other Excluded Motion (must specify) No Final Order.

**Step 2.** Select the $0, $129 or $57 filing fee in the box below.

☑ **$0** The Motion/Opposition being filed with this form is not subject to the $129 or the $57 fee because:

- ☐ The Motion/Opposition is being filed in a case that was not initiated by joint petition.
- ☑ The party filing the Motion/Opposition previously paid a fee of $129 or $57.

-OR-

☐ **$129** The Motion being filed with this form is subject to the $129 fee because it is a motion to modify, adjust or enforce a final order.

-OR-

☐ **$57** The Motion/Opposition being filing with this form is subject to the $57 fee because it is an opposition to a motion to modify, adjust or enforce a final order, or it is a motion and the opposing party has already paid a fee of $129.

**Step 3.** Add the filing fees from Step 1 and Step 2.

The total filing fee for the motion/opposition I am filing with this form is:
☑**$0** ☐**$25** ☐**$57** ☐**$82** ☐**$129** ☐**$154**

Party filing Motion/Opposition: JEANNE F. LAMBERTSEN Date 6/17/19

Signature of Party or Preparer: _____

Electronically Filed
9/10/2019 10:23 AM
Steven D. Grierson
CLERK OF THE COURT

**MCOM**
**WEBSTER & ASSOCIATES**
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Attorney for Defendant

DISTRICT COURT

CLARK COUNTY, NEVADA

| | |
|---|---|
| CATERINA ANGELA BYRD<br><br>Plaintiff,<br><br>v.<br><br>GRADY EDWARD BYRD<br><br>Defendant. | CASE NO.: D-18-577701-Z<br>DEPT NO.: G<br><br>ORAL ARGUMENT REQUESTED |

**Plaintiff's Motion to Compel Defendant's Responses to Discovery and Request for Sanctions and Attorney Fees**

COMES NOW, Plaintiff, CATERINA ANGELA BYRD, by and through her attorneys, Anita A. Webster, Esq., and Jeanne F. Lambertsen, Esq., of Webster & Associates and hereby moves this Honorable court to Compel Defendant, GRADY EDWARD BYRD'S Responses to Discovery, and Request for Sanctions and Attorney Fees.

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This Motion is based upon the following Memorandum of Points and Authorities, the Declaration of Jeanne F. Lambertsen, Esq., and all papers and pleadings on file herein, and any oral arguments which may be allowed by the Court.

Dated this 10th day of September, 2019.

**WEBSTER & ASSOCIATES**

By: _____
ANITA A. WEBSTER, ESQ.
Nevada Bar No. 1221
JEANNE F. LAMBERTSEN, ESQ.
Nevada Bar No. 9460
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## FACTUAL BACKGROUND

Plaintiff, CATERINA BYRD and Defendant, GRADY BYRD (hereinafter "Grady) were married for 31 years, divorcing on June 5, 2014, by way of a Joint Petition that Grady arranged to have prepared. During the marriage, Grady was in the U. S. Army. He retired from the U.S. Army in 1999, and went to work for the Department of Defense. Grady retired from the Department of Defense. He earns more than $116,000.00 annually, earned two master degrees and became a high ranking officer. Grady is 63, lives in the Philippines, married a 25-year old girl, has two household servants and is trying to eliminate his financial obligations to Caterina.

Caterina supported Grady as he furthered his education and career. She moved approximately 16 times as a military wife, which prevented her from advancing beyond her high school education, holding a job, gaining work skills,

or to put down roots or have any lasting friends. Caterina relied on Grady's promises to take care of her. She is 55 years old, single, and remains in the marital residence. Her expenses are more than $3,745 a month. Four months before Grady announced that he wanted a divorce, the parties purchase a house in Las Vegas. She was awarded the marital residence and the mortgage is over $1900 per month. She depends on the $3,000.00 per month that Grady deposited directly into her bank account.

The Decree of Divorce states:

*"Grady E. Byrd will continue to pay Caterina A. Byrd 1500 dollars extra a month to assist with her home mortgage. If her financial situation changes or if the home is sold or paid off this payment may cease. This is not an alimony payment and is not required."* ($1,500 of the $3,000 total)

"*Caterina A. Byrd is entitled to 50% of Grady E. Byrd's United States Army Retired Pay as long as he lives.*" ($1500 of the $3,000 total)

After his death, she will rely on the military Survivor Benefit Plan (SBP) and Life Insurance that Grady gave her in the divorce.

Grady left Caterina financially destitute when, on September 1, 2018, he stopped paying her $3,000.00 per month, and listed his new wife as the beneficiary of the military SBP. Grady did this in part because he said that the $1,500 for the mortgage "wasn't required" , and he no longer has to pay her the $1500 monthly despite the fact that he has been disabled for years and had been paying her this money for years. Further, he retaliated against Caterina for asking Grady for copies of the various life insurance plans, SBP plan, and retirement plans that Grady gave her in the divorce. He refused to respond to her

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e-mails and letters asking for documents. He admits that he blocked Caterina's and the undersigned counsel's e-mails. Caterina had to borrow money and took in a roommate to make ends meet. Caterina's emotional health has suffered under the tremendous financial stress Grady has caused. Her roommate has moved out, her credit card bills are mounting and the money that she has borrowed from family is increasing.

A Non-Jury Trial in this divorce is scheduled for October 21, 2019. Discovery closes October 7, 2019. Additionally, an Order to Show Cause Why Grady Should Not be Held in Contempt of Court was granted due to the fact that Grady is refusing to pay her $3,000.00 per month + $5000 in attorney fees pending the Non-Jury Trial. Caterina is seeking documents, sanctions, and attorney fees from Grady.

**Brief Procedural History**

Caterina complied with EDCR 5.501 efforts to resolve this matter without seeking the Court's assistance back in about August 2018. Grady refused. Grady even refused to Stipulate to move the case from Churchill County Nevada, where neither party ever lived, to Clark County Nevada, thereby incurring additional cost and fees for Caterina.

On October 16, 2018, Caterina filed her motion to enforce the Decree of Divorce. The hearing was set for November 27, 2018. On November 16, 2018, Grady filed a letter asking for a continuance to retain an attorney. His letter mentioned **that he had surgery in Las Vegas in September 2018** and **three follow-up examinations**, that he returned to the Philippines and that he would be in Las Vegas on December 4, 2018, **for surgery follow up appointment and**

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**another medical condition follow up appointment on December 19, 2018**. Caterina appeared at the November 27, 2018 hearing; Grady did not. The court continued the hearing until December 18, 2018, when Grady would be in town.

On December 13, 2018, Grady filed an Ex Parte motion for a continuance of the December 18, 2018 hearing. Grady claimed, among other things, that he is **recovering from his September 2018 surgery**, and that **he needs time to heal from surgery**. On December 18, 2018, an order was filed granting a continuance of the December 18, 2018, hearing until February 5, 2019. On December 19, 2018, Caterina filed an opposition to Grady's motion for a continuance and application for an order shortening time because she was financially destitute. The hearing was shortened to January 23, 2019.

At the January 23, 2019 (Kathy Hardcastle presiding) hearing, both parties were present. Grady was found to have wrongfully terminated the $1,500.00 monthly payments to Caterina to assist her with her home mortgage on September 1, 2018, and that these payments are alimony and that he had a contractual obligation to continue the other $1,500.00 monthly payments to Caterina as and for her interest in his military income. A status check hearing was set for May 2, 2019, on Grady's compliance to continue to make these payments and payments on the arrears. A "no bail bench warrant" would be issued if he failed to comply. Grady filed a Motion for Reconsideration. In the meantime, he refused to pay Caterina, despite the fact that no "stay" was issued on Judge Hardcastle's order. Caterina's emotional stress and financial hardship climbed higher.

At the May 2, 2019, Status Check Hearing (Judge Bixler presiding), the

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Court noted that it was not pleased with Grady's absence, ordered him to be present at his motion for reconsideration hearing on May 22, 2019, and his request for a telephonic appearance was denied.

At the May 22, 2019, hearing on Grady's motion for reconsideration and Caterina's opposition & countermotion, Grady was not present, Judge Forsberg ordered:

> IT IS HEREBY FURTHER ORDERED that the Defendant's Motion to for Reconsideration of the Court's order filed about April 5, 2019 is granted in part and denied in part (VT 10:39:07). The payment of $1,500 to Plaintiff shall not be designated as alimony. However, the $1,500 is part of the property distribution with specific terms as to when the payment is to end. The Defendant shall continue to pay the $1,500 payment to Plaintiff to assist her with her house payment until such time as he can prove her financial situation changed, the house has been sold or paid off.
>
> IT IS FURTHER ORDERED that this matter is set for an Evidentiary Hearing to determine what the agreement was between the parties relating to payment of retirement/disability pay and whether the parties formed a contract obligating Defendant to pay a portion of his disability pay to the Plaintiff. Pending the Evidentiary Hearing, Defendant is to continue to pay the additional $1,500 payment related to military retirement pay.
>
> IT IS FURTHER ORDERED that the Defendant must be present for the Evidentiary Hearing. (VT 10:25:20, 10:40:04).
>
> IT IS FURTHER ORDERED that the above mentioned $3,000 payment from the Defendant to the Plaintiff shall be made by June 1, 2019 and continue each month until further order of this Court. Any issue related to potential arrears is deferred until the Evidentiary Hearing.
>
> IT IS FURTHER ORDERED that the Plaintiff's Countermotion issue regarding the $225,000 Veterans Group life insurance is deferred until trial (VT 10:32:54). Plaintiff argues that she receives the full $225,000 and

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Defendant argues that the Plaintiff only receives $200,000. The Court will be looking to see if the Defendant is paying extra or an additional fee for the additional $25,000 life insurance. That the decree of divorce does not list a dollar amount, rather, it states that the Plaintiff is entitled to the life insurance. (VT 10:35:11).

IT IS FURTHER ORDERED that the issue of attorney's fees is deferred until the Evidentiary Hearing. However, the Plaintiff is awarded interim attorney fees in the amount of $5,000 and Defendant is ordered to pay those fees within two weeks of this hearing. If the Court determines that the Defendant should have been paying the $1,500 per month and he just changed his mind and did not pay, it will consider an award of attorney fees to the Plaintiff.

IT IS FURTHER ORDERED that if the Defendant fails to pay the amounts as ordered, then Plaintiff's counsel may file an Emergency Motion for Contempt.

IT IS FURTHER ORDERED that if needed, the Plaintiff's counsel may file a Contempt Motion for Discovery.

IT IS FURTHER ORDERED that the Plaintiff's Countermotion is granted in part. The Defendant shall complete the paperwork needed so that the Plaintiff is the beneficiary of the Defendant's military Survivor Benefit Plan within 30 days of this date. That the Defendant had an agreement in the decree of divorce that the Plaintiff would get the Survivor Benefit that he did something against the decree by placing his new wife on the Survivor Benefit Plan and the court wants this rectified. (VT 10:31:45)

IT IS FURTHER ORDERED that the following dates were set by the Court:

1. Calendar Call- October 17, 2019 at 11:00 a.m.
2. Trial- October 21, 2019 at 9:00 a.m.

The Defendant's presence at the Calendar Call will not be required, but he must be in attendance for the trial.

Grady filed a May 4, 2019 **medical note written on a prescription pad stating that he could not attend the May 2, 2019 hearing and May 22, 2019**

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**due to a medical condition**. Due to the financial hardship and emotional distress that Grady is causing her, Caterina wanted the Non-Jury Trial as soon as possible. A date in August 2019 was offered by the Court. However, Grady's counsel requested a later date because **Grady is receiving medical care in August 2019**. The Non-Jury Trial was then scheduled for October 21, 2019.

Grady failed to pay Caterina as ordered above, and her Motion for an Order to Show Cause was Granted at the July 18, 2019 hearing. The order from this hearing filed on August 9, 2019 states:

> IT IS HEREBY ORDERED that Plaintiff's Order to Show Cause is granted. Defendant shall show cause as why he should not be held in Contempt of Court for his blatant disregard of the Court's Orders. The Order to Show Cause shall be set for October 21, 2019, at 9:00 a.m., to be heard at the time of the Evidentiary Hearing. If counsel can determine the bank where the annuity originates, or any other source of money for the Defendant, counsel may obtain a garnishment for the totality of the arrears in the amount of $11,000.00 ($3,000.00 due June 2019, $3,000.00 due July 2019 and $5,000.00 attorney fees due June 6, 2019) collectible by any lawful means. In the alternative, the issue shall be deferred to the time of Trial.
>
> IT IS FURTHER ORDERED that Plaintiff's requests for arrears from September 1, 2018 to May 31, 2019 (9 months x $3,000 = $27,000.00) and sanctions is deferred until the Non-Jury Trial October 21, 2019;
>
> IT IS FURTHER ORDERED that additional attorney fees are awarded in favor of Plaintiff against Defendant in the amount of $1,500.00, collectible by any lawful means.

Grady has failed to comply with court orders. At the July 18, 2019, hearing, he informed the Court that he intends to not comply with court orders until after the Evidentiary Hearing.

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Grady is also failing to provide responses to Caterina's discovery requests. Unfortunately, without documents from Grady, Caterina is unable to adequately prepare for the Evidentiary Hearing. Caterina is seeking an order that Grady produce the requested responses forthwith, that the discovery deadline be extended only for her, to confirm that is objections are waived, that Grady is sanctioned to the fullest extent possible, and pay her attorney fees.

**Declaration of Jeanne F. Lambertsen, Esq., in Support of Defendant's Motion to Compel Discovery and Request for Sanctions and Attorney Fees**

I, Jeanne F. Lambertsen, Esq., hereby declare and say:

That I am knowledgeable about all matters set forth in this Declaration, except where stated upon information and belief, and in those instances I believe them to be true.

1. I am an attorney at law, duly licensed to practice law in the State of Nevada, and that I am an Associate Attorney with the Law Firm of Webster and Associates, counsel of record for the Plaintiff, Caterina Byrd (hereinafter "Caterina") in this action against the Defendant, Grady Byrd (hereinafter "Grady").
2. On June 17, 2019, Caterina served her Fourth Requests for Production of Documents to Grady. **Exhibit "1"** His responses were due on or before July 19, 2019. No responses were received.
3. On July 19, 2019, Caterina's counsel called Grady's counsel, but there was no answer. Then, an e-mail was sent to Grady's counsel with an attached copy of the Plaintiff's Fourth Requests for

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Production of Documents. The e-mail requested a return phone call on Monday, July 22, 2019. **Exhibit "2"** .

4. On Tuesday, July 23, 2019, having received no response from Grady, Caterina served an EDCR 5.602 letter seeking an EDCR 5.602 conference. **Exhibit "3"**.

5. An EDCR 5.602 telephone conference was held on July 29, 2019. During the July 29, 2019 telephone conference, Grady's counsel asserted that the bank and financial documents did not have to be provided because they were not relevant to the issue of forming a contract. I replied that Caterina's request for bank and financial records was permissible under NRCP 26, such as her claim that a contract was formed due to payments being made out of Grady's accounts, and that discovery need not be admissible in evidence to be discoverable. Grady was given until August 2, 2019 to provide his responses to Caterina's First Requests for Production of Documents. The EDCR 5.602 telephone conference was memorialized in an email to counsel dated July 30, 2019. **Exhibit "4"**.

6. On July 30, 2019, Caterina's counsel received an e-mail from Grady's counsel stating that Grady will produce his bank account statements, but is limiting his production of medical records only to those records which support his claim that he cannot travel from the Philippines to Nevada because Grady believes that medical records from January 1, 2018, to the date of production are not relevant. The undersigned

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counsel responded that his responses are due August 2, 2019, that his objections are waived because he passed the July 19, 2019 deadline and that the entirety of his medical records must be produced because Caterina is entitled to documents which support her defense of Grady's claims. **Exhibit "5"**.

7. Grady's responses to Caterina's Fourth Requests for Production of Documents were received on August 8, 2019, **Exhibit "6"** and August 13, 2019 **Exhibit "7"**. This was nearly two weeks past the granted extension. Further, Grady's responses were deficient.

8. An EDCR 5.602 telephone conference was held on August 29, 2019. Grady's deficient responses were discussed. Grady's counsel was not aware of any additional documents that Grady had provided their firm since August 13, 2019, but wanted until September 3, 2019 to check the record and respond. The undersigned counsel gave notice that without a production of the requested documents, that a motion to compel production would be filed. **Exhibit "8"**.

9. Additional documents were received on September 3, 2019. However, Grady's responses to Caterina's Fourth Requests for Production of Documents remain deficient. The instant Motion followed. Caterina's counsel will also need to file a response to Grady's pleadings, prepare for the hearing on the Motion to Compel, attend the Motion to Compel hearing and draft an Order from the instant Motion hearing. Caterina therefore requests fees of not less

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than $3,500 and requests the opportunity to submit a Memorandum of Fees and Costs.

Dated this 10 day of September ____, 2019.

JEANNE F. LAMBERTSEN, ESQ.

**Memorandum of Points and Authorities**

NRCP 26 in pertinent part states:

> (a) Discovery Methods. At any time after the filing of a joint case conference report, or not sooner than 14 days after a party has filed a separate case conference report, or upon order by the court or discovery commissioner, any party who has complied with Rule 16.1(a)(1), 16.2, or 16.205 may obtain discovery by any means permitted by these rules.
>
> (b) Discovery Scope and Limits.
>
> (1) Scope. Unless otherwise limited by order of the court in accordance with these rules, the scope of discovery is as follows: Parties may obtain discovery regarding any nonprivileged matter **that is relevant to any party's *claims or defenses*** and proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, **the parties' relative access to relevant information**, the parties' resources, **the importance of the discovery in resolving the issues**, and whether the burden or expense of the proposed discovery outweighs its likely benefit. Information within this scope of **discovery need not be admissible in evidence to be discoverable.**

[emphasis added].

NRCP Rule 37 in pertinent part states:

> (a) Motion for an Order Compelling Disclosure or Discovery.
>
> (1) In General. On notice to other parties and all affected persons, a party may move for an order compelling disclosure or discovery. The motion must

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include a certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make disclosure or discovery in an effort to obtain it without court action.

(2) Appropriate Court. A motion for an order to a party must be made in the court where the action is pending. A motion for an order to a nonparty must be made in the court where the discovery is or will be taken.

(3) Specific Motions.

(A) To Compel Disclosure. If a party fails to make a disclosure required by Rule 16.1(a), 16.2(d), or 16.205(d), any other party may move to compel disclosure and for appropriate sanctions.

(B) To Compel a Discovery Response. A party seeking discovery may move for an order compelling an answer, designation, production, or inspection. This motion may be made if:

(i) a deponent fails to answer a question asked under Rule 30 or 31;

(ii) a corporation or other entity fails to make a designation under Rule 30(b)(6) or 31(a)(4);

(iii) a party fails to answer an interrogatory submitted under Rule 33; or

(iv) a party fails to produce documents or fails to respond that inspection will be permitted — or fails to permit inspection — as requested under Rule 34.

(C) Related to a Deposition. When taking an oral deposition, the party asking a question may complete or adjourn the examination before moving for an order.

(4) Evasive or Incomplete Disclosure, Answer, or Response. For purposes of Rule 37(a), an evasive or incomplete disclosure, answer, or response must be treated as a failure to disclose, answer, or respond. A party's production of documents that is not in compliance with Rule 34(b)(2)(E)(i) may also be treated as a failure to produce documents.

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(5) Payment of Expenses.

(A) If the Motion Is Granted (or Disclosure or Discovery Is Provided After Filing). If the motion is granted — or if the disclosure or requested discovery is provided after the motion was filed — the court must, after giving an opportunity to be heard, require the party or deponent whose conduct necessitated the motion, the party or attorney advising that conduct, or both to pay the movant's reasonable expenses incurred in making the motion, including attorney fees. But the court must not order this payment if:

(i) the movant filed the motion before attempting in good faith to obtain the disclosure or discovery without court action;

(ii) the opposing party's nondisclosure, response, or objection was substantially justified; or

(iii) other circumstances make an award of expenses unjust.

(B) If the Motion Is Denied. If the motion is denied, the court may issue any protective order authorized under Rule 26(c) and must, after giving an opportunity to be heard, require the movant, the attorney filing the motion, or both to pay the party or deponent who opposed the motion its reasonable expenses incurred in opposing the motion, including attorney fees. But the court must not order this payment if the motion was substantially justified or other circumstances make an award of expenses unjust.

(C) If the Motion Is Granted in Part and Denied in Part. If the motion is granted in part and denied in part, the court may issue any protective order authorized under Rule 26(c) and may, after giving an opportunity to be heard, apportion the reasonable expenses for the motion.

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## Argument

### 1. Grady's Bank Account Records and Medical Records Must be Produced

Grady must provide his bank and financial institution documents and medical record documents pursuant to NRCP 26. They are:

1. Relevant to Caterina's *claims or defenses;*
2. Caterina has no access to this relevant information;
3. Caterina does not have the resources to obtain these documents;
4. These documents are important in resolving the issues; and
5. Information within this scope of discovery need not be admissible in evidence to be discoverable.

#### i. Grady's Bank Records

The bank and financial documents are relevant to multiple issues in this case. For example, as to the formation and performance of a contract between the parties in regard to the $3,000 monthly payments that Grady paid Caterina. Further, Grady claims that Caterina is not entitled to the extra $25,000 on the Veterans Group Life Insurance because he made payments on this after the divorce; Caterina's claim for arrears money that Grady owes her back to September 1, 2018; the NRS 22.010 contempt of court sanction claim Caterina has because Grady failed to comply with court orders and pay her $3,000.00 per month starting June 1, 2019; and he failed to pay Caterina $5,000 to prepare for trial and failed to pay Caterina $1,500.00 awarded to Caterina at the July 18, 2019 hearing. The bank and financial documents may also lead to the discovery

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of admissible evidence. They must be produced.

**REQUEST NO. 30**

Please produce all bank statements and all checks or check book registers showing monies deposited, withdrawn or otherwise transferred by you for your BDO accounts, 7899 Makati Ave., Makati City 0726 Phillippines seen on attached **Exhibit "1"** from June 1, 2014 to present date.

**Grady's Response:** DEF 333 Grady's typed list of his banks with handwritten notes about a car loan account. DEF 334 -335; Bank identified, "Savings Account Enquiry" account number 00667006767312 where selected postings to this savings account from April 10th (year not identified) to August 9th (year not identified) are listed. **Exhibit "9"**.

**Deficiency:** Non-responsive to the request. Car loan statements are not the bank statements requested. BDO Bank statements from June 1, 2014 to present date are missing. BDO (Banco De Oro is the largest bank in the Phillippines, full service bank. **Exhibit "10"**. Grady can go into any of the multiple branches and ask for his records.

**REQUEST NO. 31**

Please produce all bank statements and all checks or check book registers showing monies deposited, withdrawn or otherwise transferred by you for your Eastwest accounts, 5th avenue, Ft. Bonifacio, Manila Phillippines seen on attached **Exhibit "1"** from June 1, 2014 to present date.

**Grady's Response:** No documents produced. Grady claims that he does not have records for this account because it is an account to make car payments.

**Deficiency:** Non-responsive to the request. Car loan statements are not the bank statements requested. Further, no evidence that this account is solely for a car loan were provided. Eastwest Bank statements from June 1, 2014 to present date are missing. Grady can go into the banks, call or write and ask for his records.

**REQUEST NO. 32**

Please produce all bank statements and all checks or check book registers showing monies deposited, withdrawn or otherwise transferred by you for all your Vystar Credit Union accounts, P.O. Box 45085, Jacksonville, FL seen on attached **Exhibit "1"** from June 1, 2014 to present date.

**Grady's Response:** January 2018 - December, no April or August 2018 statements. January 2019 - May. This account is jointly held with Caterina and she can obtain statements for the years requested. No other discovery supplemental response was received, but on September 3, 2019, Grady produced 16.2 documents: account number is not listed and there is what

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appears to be Grady's handwriting on the top of DEF 384 **Exhibit "11"** for dates August 24, 2017- August 29, 2019. For account ending xxxx76, he produced October 2018 - August 2019.

**Deficiency**: Non responsive.

1. For Vystar account ending xxx6134, missing years 2014, 2015, 2016 and 2017. For year 2018, missing April 20918 and August 2018 statements.

2. For account ending xxx10(last 2 digits blacked out by Grady), 2014, 2015, 2016, 2017, 2018 and 2019 missing.

3. Parties have a joint account ending xxx4813, but this joint account is different from the 2nd Vystar account listed in Exhibit "1" in Plaintiff's 4th Request to Produce Documents in Grady's name.

4. DEF 384 - 398 do not list the bank name, the account numbers, the account holders and appears to be a fabricated document that could have altered the actual activity of the account. **Exhibit "12"** is an example of Vystar account ending xxx6134 that was provided by Grady on August 6, 2019. He needs to produce all his Vystar accounts in this fashion were authenticity is better assessed.

5. Grady failed to timely respond to Caterina's Request for Production of Documents. His documents were due July 19, 2019 and he did not even try to obtain them until August 24, 2019. **Exhibit "13".**

**REQUEST NO. 33**

Please produce all bank statements and all checks or check book registers showing monies deposited, withdrawn or otherwise transferred by you for all your First Internet accounts, P.O. Box 6080, Fishers, IN seen on attached **Exhibit "1"** from June 1, 2014 to present date.

**Grady's Response:** This account is closed and Grady has no access to the site.

**Deficiency:** Non-responsive. Grady must call or write the bank branch and request records for June 1, 2014 to present date. Grady failed to provide proof that this account is closed as of June 1, 2014. This may be the bank account that is seen on Grady's Federal Income Tax Returns where he has his refunds deposited for at least tax years 2014 - 2017.

**REQUEST NO. 34**

Please produce all bank statements and all checks or check book registers showing monies deposited, withdrawn or otherwise transferred by you for all your USAA accounts, 9800 Fredericksburg Rd., San Antonio, TX seen on attached **Exhibit "1"** from June 1, 2014 to present date.

**Grady's Response:** This account is closed and Grady has no access to the site.

**Deficiency:** Non-responsive. Grady must call or write the bank branch and

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request records for June 1, 2014 to present date. Grady failed to provide proof that this account is closed as of June 1, 2014.

**REQUEST NO. 35**

Please produce all bank statements and all checks or check book registers showing monies deposited, withdrawn or otherwise transferred by you for all your Armed Forces Bank accounts, P.O. Box 26458, Kansas City, MO 64196 seen on attached **Exhibit "1"** from June 1, 2014 to present date.

**Grady's Response:** Armed Forces Bank, joint with Pinky Nobel Byrd, accounts ending xxx25 and xxxx94 for March - May 2019 and "There are no other statements available and as noted in DEF 331". No other discovery supplemental response was received, but on September 3, 2019, Grady produced 16.2 documents: account ending xxx25 and xxxx94 for August 2019. For account ending xxxx76, he produced October 2018 - August 2019.

**Deficiency:** Non-responsive.

1. June 1, 2014- December 2014, 2014, 2016, 2017, 2018 and January 1, 2019 - February 28, 2019, June 2019, July 2019 are missing for accounts ending xxx25 and xxxx94.

2. Failed to produce the 3rd bank account statement ending xxx00 (last 2 digits blacked out by Grady). Further, DEF 331, attached as **Exhibit "14"**, does not list any bank name and the savings account listed is xxx0094". Grady failed to provide proof that this account is closed as of June 1, 2014.

3. June 1, 2014 - September 2018 are missing for account ending xxxx76.

**REQUEST NO. 36**

Please produce all bank statements evidencing checking accounts, savings accounts, money market accounts, trust accounts, certificates of deposit and all checks or check book registers showing monies deposited, withdrawn or otherwise transferred by you which you are or have been a joint owner or in which you possess, or have possessed, a legal or beneficial interest, whether now closed or now active, with Pinky Byrd also known as Pinky Noble and/or Ashley Mae Noble from June 1, 2014 to the date of your response to this request.

**Grady's Response:** None exist.

**Deficiency:** Non-responsive and false. Armed Forces Bank accounts are held jointly with Pinky Nobel Byrd, accounts ending xxx25 and xxxx94. As such, there could be other accounts.

ii. **Grady's Medical Records**

The medical record documents are relevant to a number of issues in this case. In fact, this entire case was initiated about August 2018, when Grady

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informed Caterina that he was in Las Vegas being treated at the Veterans Hospital for a severe illness. This caused Caterina to worry about Grady dying and also realize that she did not have records about the assets awarded to her in the Decree of Divorce, such as the life insurances and military Survivor Benefit Plan. **Exhibit "15".**

The medical records are also relevant to Grady's claims of disability, disability benefits, his travel to Nevada for medical treatment since the inception of this action, and his excuses for his non-appearance at hearings in this matter. Grady has dragged this case out since the beginning, including filing requests to continue the hearings due to his medical condition(s) and not allowing the Non Jury Trial to be scheduled in August 2019, but October 21, 2019, instead, due to medical condition(s). Grady's medical records do not need to be admissible in evidence to be discoverable. Grady must produce his medical records.

**REQUEST NO. 38**.
Please provide copies of all of your medical records, letters, medical certificates, medical notes, e-mails, test results, laboratory results, from all of your medical providers, including but not limited to doctors, physical assistants, nurses, therapists, hospitals, diagnostic centers in the United States, Philippines and any other country that you received any form of medical care, testing or treatment, including but not limited to Roy Diamond M. Arco, MD, Silliman Medical Center, Veterans Administration Medical Center, VA Southern Nevada Healthcare System and any other medical provider from January 1, 2018 through and including the date of your response to this request.

**Grady's Response to Request No. 38**: His response was a single sheet of paper that Grady accessed on-line listing the appointments that Grady had or cancelled at 2 facilities between January 17, 2019 and September 17, 2019 and a two other sheets of paper that he printed on-line; one stating that the following list is his appointment summary and the second sheet of paper stats that this is from his VA medical record.

**Deficiency**: Caterina's discovery request was served on June 17, 2019. Grady's response was not received until September 3, 2019 and is deficient. Grady had

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ample opportunity and time to request his records from his health care providers, yet he blatantly disregarded Caterina's request. Interestingly, Grady "cancelled" his doctor appointments on April 5, 2019 through the veterans administration, yet provided this court a "medical certificate" dated May 9, 2019 from Dr. Arco stating that Grady cannot travel by plane. Grady used this note as his excuse for not attending the Status Check hearing with Judge Bixler or the May 22, 2019 hearing with Judge Forsberg. **Exhibit "16"**.

**2. Grady Waived his Objections**

When Grady failed to timely respond to the discovery, he had waived all objections. No request for an extension of time was received prior to Grady's deadline to respond, July 19, 2019. In fact, Grady never intended to provide the bank records and medical records because he thought they were not relevant. This court should order that Grady's objections to Plaintiff's Fourth Request to Produce Documents are waived pursuant to NRCP 37.

**3. Caterina Should be Awarded Attorney Fees**

Grady should be sanctioned and attorney fees awarded to Caterina. The aforementioned efforts to resolve Grady's late and then deficient responses to obtain information that may lead to admissible evidence, demonstrate Caterina's NRCP 37 certification of diligence, good faith, and continued efforts to resolve this matter without the necessity of seeking the Court's assistance.

Exhausting all efforts to resolve Grady's deficient document production, Caterina submits this instant Motion. Given Grady's failure to respond to Discovery and the prejudice it will cause Caterina in that Caterina will have to prepare for trial without the benefit of essential information from Grady, it is requested that this court issue an NRCP 37 sanction in the form of striking Defendant's Answer and allowing a default. Blanco v. Blanco, 129 Nev. Adv. Op.

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77, 311 P. 3d 1170 (2013). In the alternative, Caterina requests that if the Grady fails to adequately respond to Discovery, that Grady not be given the opportunity to submit documents, testify, call witnesses and argue issues related to information addressed in those documents he has failed to produce, such as claim for attorney fees, his claim for a equal division of community property and any other claims he seeks to further when he has failed to answer discovery responses related to those claims. Caterina further requests attorney fees and costs in the amount of not less than $3,500, along with the order striking Defendant's Answer and prohibiting Grady from introducing any exhibits, witnesses or testimony at the time of the trial and/or prove up hearing.

## CONCLUSION

Grady Byrd failed to provide adequate responses to Caterina's Fourth Request for Production of Documents. Grady's failure to provide Discovery responses has been prejudicial to Caterina who will have to prepare for trial without essential information from Grady, while Grady advances claims, having failed to provide documentation substantiating those claims.

Given Grady Byrd's level of non-cooperation and non-participation, it is respectfully requested that the court grant the relief requested herein above.

Dated this 10 day of September _____, 2019.

WEBSTER & ASSOCIATES

JEANNE F. LAMBERTSEN, ESQ.

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## Certificate of Service

Pursuant to NRCP 5(b), I certify that I am employed in the Law Offices of WEBSTER & ASSOCIATES, and that on this 10th day of September, 2019, I caused the above and foregoing document to be served as follows:

[X] by mandatory electronic service through the Eighth Judicial District Court's electronic filing system;

[ ] by placing the same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;

[ ] pursuant to EDCR 7.26 to be sent via facsimile, by duly executed consent for service by electronic means;

[ ] by hand-delivery with signed Receipt of Copy.

To the attorney(s)/person(s) listed below at the address, email address, and/or facsimile number indicated below:

Byron Mills, Esq.
Modonnell@millsnv.com
Counsel for Defendant

Tara L. Miller

An employee of Webster & Associates

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MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

CATERINA ANGELA BYRD
Plaintiff/Petitioner

v.

GRADY EDWARD BYRD
Defendant/Respondent

Case No. D-18-577701-Z

Dept. G

**MOTION/OPPOSITION FEE INFORMATION SHEET**

**Notice:** Motions and Oppositions filed after entry of a final order issued pursuant to NRS 125, 125B or 125C are subject to the reopen filing fee of $25, unless specifically excluded by NRS 19.0312. Additionally, Motions and Oppositions filed in cases initiated by joint petition may be subject to an additional filing fee of $129 or $57 in accordance with Senate Bill 388 of the 2015 Legislative Session.

**Step 1.** Select either the $25 or $0 filing fee in the box below.

☐ **$25** The Motion/Opposition being filed with this form is subject to the $25 reopen fee.

-OR-

☑ **$0** The Motion/Opposition being filed with this form is not subject to the $25 reopen fee because:

- ☐ The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered.
- ☐ The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order.
- ☐ The Motion/Opposition is for reconsideration or for a new trial, and is being filed within 10 days after a final judgment or decree was entered. The final order was entered on _____.
- ☑ Other Excluded Motion (must specify) No Final Order.

**Step 2.** Select the $0, $129 or $57 filing fee in the box below.

☑ **$0** The Motion/Opposition being filed with this form is not subject to the $129 or the $57 fee because:

- ☐ The Motion/Opposition is being filed in a case that was not initiated by joint petition.
- ☑ The party filing the Motion/Opposition previously paid a fee of $129 or $57.

-OR-

☐ **$129** The Motion being filed with this form is subject to the $129 fee because it is a motion to modify, adjust or enforce a final order.

-OR-

☐ **$57** The Motion/Opposition being filing with this form is subject to the $57 fee because it is an opposition to a motion to modify, adjust or enforce a final order, or it is a motion and the opposing party has already paid a fee of $129.

**Step 3.** Add the filing fees from Step 1 and Step 2.

The total filing fee for the motion/opposition I am filing with this form is:
☑**$0** ☐**$25** ☐**$57** ☐**$82** ☐**$129** ☐**$154**

Party filing Motion/Opposition: JEANNE F. LAMBERTSEN Date 9/10/19

Signature of Party or Preparer

Electronically Filed
9/12/2019 7:36 AM
Steven D. Grierson
CLERK OF THE COURT

MOT
BYRON L. MILLS, ESQ.
Nevada Bar #6745
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Attorney for Defendant
attorneys@millsnv.com

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

| | |
|---|---|
| CATERINA ANGELA BYRD,<br><br>Plaintiff,<br><br>vs.<br><br>GRADY EDWARD BYRD,<br><br>Defendant. | CASE NO.: D-18-757701-Z<br>DEPT. NO.: G<br><br>DATE OF HEARING:<br>TIME OF HEARING: |

**NOTICE: YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS MOTION WITH THE CLERK OF THE COURT AND TO PROVIDE THE UNDER-SIGNED WITH A COPY OF YOUR RESPONSE WITHIN TEN (10) DAYS OF YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN TEN (10) DAYS OF YOUR RECEIPT OF THIS MOTION MAY RESULT IN THE REQUESTED RELIEF BEING GRANTED BY THE COURT WITHOUT HEARING PRIOR TO THE SCHEDULED HEARING DATE**

**ORAL ARGUMENT REQUESTED: YES XXX_____ NO _____**

**DEFENDANT'S MOTION FOR PROTECTIVE ORDER PURSUANT TO NRCP 26(C) AND FOR ATTORNEY'S FEES.**



Case Number: D-18-577701-Z

COMES NOW the Defendant, GRADY EDWARD BYRD, by and through his attorney, BYRON L. MILLS, ESQ., of the law firm of MILLS & ANDERSON, and hereby moves this Court for the following:

1. A protective order prohibiting discovery requests related to the Defendant's financial and medical records for any time period after entry of the Decree of Divorce on June 5, 2014.
2. For attorney's fees and costs associated with this motion.

DATED this 11th day of Sept., 2019.

MILLS & ANDERSON

BYRON L. MILLS, ESQ.
Nevada Bar #6745
703 S. 8th Street
Las Vegas NV 89101
Attorney for Defendant

**NOTICE OF MOTION**

**TO: CATERINA ANGELA BYRD,** the above-named Plaintiff;

**TO: ANITA WEBSTER, ESQ., her attorney of record;**

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the undersigned will bring the foregoing **MOTION FOR PROTECTIVE ORDER AND FOR ATTORNEY'S FEES** filed in the above-captioned matter on for hearing in the above-entitled Court on the _____ day of _____, 2019, at the hour of _____ o'clock __m., in Department No. ____, /Discovery

Commissioner or as soon thereafter as counsel may be heard. You are required to attend if you wish to attend if you wish to oppose said Motions.

DATED this 11th day of Sept 2019.

MILLS & ANDERSON

BYRON L. MILLS, ESQ.
Bar No. 6745
703 S. 8th Street
Las Vegas, Nevada 89101
Attorney for Defendant

## POINTS AND AUTHORITIES

## I

## STATEMENT OF FACTS

The Defendant GRADY EDWARD BYRD (hereinafter "Grady") and CATERINA ANGELA BYRD (hereinafter "Caterina") were divorced by Decree of Divorce dated June 5, 2014. This is a post-decree action instituted by Caterina in October 2018 when she filed a motion to enforce the decree after Grady stopped paying her the sum of approximately $3,000 per month based on the explicit language of the Decree.

The parties were last before the Court on May 22, 2019, when the Court made the following orders regarding the outstanding issues in the case:

> **THE COURT FURTHER FINDS** that the parties may have an enforceable agreement as to the military pay. The question in this case is two-fold,
> 1. Were the parties agreeing to the payment being the entirety of the payments because that is what he made for the years? In *Shelton v. Shelton*, 119 Nev. 492 (Nev. 2003) it states, although states can't divide as community property, states are not preempted from orders that are Res Judicata or from enforcing contracts or from reconsidering Decrees, even when disability pay is involved. On Page 2. #1 of the Decree of Divorce, it states:

"Caterina Byrd is entitled to 50% of Grady' Byrd's United States Army Retired Pay as long he lives." (Decree page 2 #1)."
The question becomes two-fold:
1. Was it $1,500 and then Grady reduced it by disability, which has been found to be inappropriate pursuant to Gemma v. Gemma? In that case, it cites that you cannot reduce the amount you owe your spouse by now claiming it is disability.
2. Did Grady agree to this payment by his own action or by a statement that retired pay includes disability pay?
The Court is going to set an Evidentiary Hearing to determine 1) what was the agreement of the parties, 2) if Grady was paying the amount all along, was that the agreement.

See Order of the Court filed 6/26/19, page 3.

As such, the issues the Court set for hearing on October 21, 2019 are:

1. Whether or not the parties formed a contract guaranteeing that Grady would pay a specific sum of money to Caterina in the parties' summary decree of divorce or whether they simply agreed that Caterina would receive 50% of the disposable retired pay;
2. What amount of arrears Grady will owe at the time of hearing; and
3. Whether Grady should be held in contempt of court for his failure to pay the Court ordered $3,000 per month pending the outcome of the evidentiary hearing. This portion of the October 21 hearing is a result of Caterina filing a motion for contempt following the May 22 hearing.

In relation to the foregoing issues, the following facts are undisputed.

1. Grady has not paid any money toward the $3,000 obligation since just before Caterina filed her motion.
2. Grady has income sufficient to cover the obligation.

In preparation for the hearing, Caterina has propounded discovery, much of which is not relevant to the questions for the Court, nor is it reasonably calculated to lead to the discovery of admissible evidence. Grady has responded to most of the

discovery; however, Caterina's most recent requests are wholly unnecessary and not geared to provide or lead to any evidence that could be used at the time of trial in support of Caterina's position on the issues at hand.

Specifically, Caterina's 4th request for production of documents seeks financial records from Grady for the time period beginning June 1, 2014 to the date of the request from several different financial institutions. Additionally, Caterina is seeking records from the same time period from Grady's wife and daughter. Caterina also requested Grady's medical records. Grady produced a portion of the records that were available to him, but he was unable to obtain records for the entire period.

Caterina then served a 5th request for production of documents, this time making a general request which overlapped the previous request as follows:

> Please produce any and all documents and/or statements evidencing checking accounts, savings accounts, money market accounts, trust accounts, certificates of deposit, (and all checks or checkbook registers showing money is deposited, withdrawn or otherwise transferred by you), to which you are, or have been a joint or separate owner, or in which you possess (or have possessed) a legal or beneficial interest, whether now closed or now active, from June 1, 2014, to the present date that have not already been provided in response to Plaintiff's 4th request to produce documents. This request encompasses all financial institution accounts, wherever located, including but not limited to the checking account listed on your US individual tax returns for years 2014-2017 where your refund is to be deposited, First Internet Bank of Indiana, Bancnet bank Philippines, Armed Forces Bank Access Checking Account ending xxxx859.

The foregoing request essentially seeks all of Grady's financial account information of any kind from the period beginning ***immediately after*** the divorce decree was filed to the present date, a time span of over 5 years. The request is not only overbroad and unduly burdensome, there is zero chance that the request will lead to the discovery of admissible evidence for the October 21, 2019 hearing.

The primary issue before the Court on October 21, 2019 is whether the parties' agreement in the Summary Decree of Divorce that Caterina was to receive 50% of Grady's army retired pay, was actually an agreement for Grady to pay the specific amount of $1,500 per month as a property settlement, regardless of the source of the funds. This is an important distinction because Grady's retired pay at the time of the Divorce was approximately $120, but Grady voluntarily paid Caterina approximately $1,500 for many months following the decree. As more fully set forth below, since the decree was filed on June 5, 2014, most if not all of the evidence of the meaning of a contract formed and included in the decree would necessarily have arisen prior to the formal entry of the decree on June 5, 2014. Therefore, discovery requests for financial information arising in the 5 years following the entry of the decree are not reasonably calculated to reveal evidence having any bearing on the meaning of the contract as it existed on June 5, 2014.

## II

## ARGUMENT

### A. This Court Should Order Issue a Protective Order Preventing Caterina from Seeking Financial Information from Grady or His Family for Any Time After the Entry of the Decree and Prohibiting Caterina From Requesting Grady's Medical Records.

NRCP 26 sets the scope of authorized discover as follows:

> (b) **Discovery Scope and Limits.**
>
> (1) **Scope.** Unless otherwise limited by order of the court in accordance with these rules, the scope of discovery is as follows: Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claims or defenses and proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit. Information within this scope of discovery need not be admissible in evidence to be discoverable.

The sole issue upon which discovery is needed is whether the provision in the Decree for Grady to pay 50% of his army retired pay means exactly that or something different than what was stated. There is no dispute that the contract existed as is evidenced by the plain language of the Decree. The question that the Court has posed is what exactly was intended by the provision in the decree requiring Grady to pay Caterina "50% of his disposable military pay". Grady maintains that the meaning of the term in the Decree is clear and unambiguous, as "retired pay" has a very specific meaning under federal law. However, the Court believes that the parties may have meant something different than was specifically stated and opened up the discovery process to allow the parties to obtain and present evidence on that issue. The Court has therefore made this case solely about the interpretation of a specific term in the Decree, and the scope of that inquiry is dictated by the case below:

> "The purpose of contract interpretation is to determine the parties' intent when they entered into the contract," Century Sur. Co. v. Casino W., Inc., 130 Nev. 395, 398, 329 P.3d 614, 616 (2014), and "[t]raditional rules of contract interpretation are employed to accomplish that result." Davis v. Beling, 128 Nev. 301, 321, 278 P.3d 501, 515 (2012) (internal quotation marks omitted). First, this court "focus[es] . . . on whether the language of the contract is clear and unambiguous; if it is, the contract will be enforced as written." Id. An ambiguous contract is susceptible to more than one reasonable interpretation. Anvui, LLC v. G.L. Dragon, LLC, 123 Nev. 212, 215, 163 P.3d 405, 407 (2007). Once ambiguity is established, "parol evidence is admissible . . . to clarify ambiguous terms so long as the evidence does not contradict the terms of the written agreement." Ringle v. Bruton, 120 Nev. 82, 91, 86 P.3d 1032, 1037 (2004).

*Pella Grp. LLC v. Paris Las Vegas Operating Co.* (Nev. App., 2017).

The foregoing case illustrates that if the Court determines an ambiguity in the contract exists, "parol evidence", evidence outside the four corners of the decree, is admissible to clarify those ambiguous terms. Thus far, Caterina's counsel has failed

to articulate what possible unknown parol evidence regarding the meaning of the phrase "50% of Grady's army retired pay", could possibly be found in Grady's financial records for the 5 years following the entry of the Decree. While it is possible to wildly speculate that such information might be contained in these financial records, counsel has been unable to articulate what the information might be.

In addition to being irrelevant, the scope of the information sought is clearly not proportional to the issue before the Court, and the burden and cost of obtaining such information far outweighs its likely benefit. In fact, there is no reasonable possibility that the sought-after documents will yield any benefit to Caterina. She has been unable to articulate what possible information could be found related to the meaning of a contract formed in 2014, in financial records unrelated to the contract for the five years following its formation.

Grady has already provided financial information indicating how much income he receives from all sources, including his army retired pay. It is undisputed that Grady had been paying a total of $3,000 per month to Caterina: $1,500 for what the Court has determined was community property distribution, and an additional voluntary payment of $1,500, which is the subject of the October 21 hearing. It is also undisputed that Grady chose to stop paying just before Caterina filed her motion. It is inconceivable what other financial information could have any bearing on the Court's interpretation of the phrase "50% of Grady's army retired pay".

NRCP 26(c) authorizes this Court to issue protective orders as follows:

> (c) Protective Orders.
>
> (1) In General. A party or any person from whom discovery is sought may move for a protective order in the court where the action is pending — or as an alternative on matters relating to an out-of-state deposition, in the court for the judicial district where the deposition will be taken. The motion must include a certification that the movant has in good faith conferred or attempted to confer with other affected parties in an effort to resolve the dispute without court action. The court

may, for good cause, issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following:

(A) forbidding the disclosure or discovery;

...

(D) forbidding inquiry into certain matters, or limiting the scope of disclosure or discovery to certain matters;

...

Attached hereto is the certificate of good faith of Byron L. Mills, Esq., indicating that the undersigned attempted in good faith to resolve this matter with Caterina's counsel. However, Caterina's counsel refused to acknowledge that the discovery she propounded was not calculated to lead to the discovery of admissible evidence. Instead, Caterina's counsel insists that the discovery "could" lead to admissible evidence, but she has yet to articulate how this might occur. This Court may therefore grant Grady's request for a protective order. As explained above, good cause exists to grant a protective order because Caterina seeks irrelevant information of a scope wholly disproportional to the issue before the Court. There is exactly zero reasonable possibility that Caterina's request will yield any useful information or lead to the subsequent discovery of such information.

**B. This Court Should Award Attorney's Fees to Grady Pursuant to NRCP 37(a)(5).**

NRCP 26(c) directs that awards of attorney's fees relating to motions for protective orders are to be governed by NRCP 37(a)(5), which states in pertinent part:

(5) Payment of Expenses; Protective Orders.

(A) If the Motion Is Granted (or Disclosure or Discovery Is Provided After Filing). If the motion is granted — or if the disclosure or requested discovery is provided after the motion was filed — the court must, after giving an opportunity to be heard, require the party or deponent whose conduct necessitated the motion, the party or attorney

advising that conduct, or both to pay the movant's reasonable expenses incurred in making the motion, including attorney fees.

NRCP 37(a)(5).

Pursuant to this statute, the Court must award attorney's fees to the prevailing party in a discovery dispute, provided that the prevailing party made a good faith effort to resolve the dispute prior to hearing. In the instant case, Grady's counsel attempted in good faith to resolve this issue. He has requested that Caterina articulate, even in general terms, what possible information might be discovered as result of their most recent discovery request. Thus far, no such explanation has been received. This demonstrates the undersigned's good faith effort. The Court should therefore award Grady with attorney's fees and costs associated with the instant motion in the amount of $2,000.00.

## III

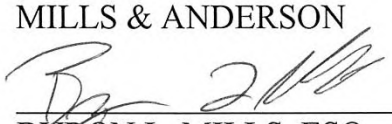
## CONCLUSION

WHEREFORE, based on the above and foregoing, Defendant respectfully requests

1. A protective order prohibiting discovery requests related to the Defendant's financial and medical records for any time period after entry of the Decree of Divorce on June 5, 2014.
2. For attorney's fees and costs associated with this motion.

DATED this 11th day of Sept. 2019.

MILLS & ANDERSON



BYRON L. MILLS, ESQ.
Nevada Bar #6745
703 S. 8th Street
Las Vegas NV 89101
Attorney for Defendant

## CERTIFCATE OF GOOD FAITH

I, BYRON L. MILLS, ESQ., hereby certify that I am an attorney with the law firm of MILLS & ANDERSON, and I am an attorney duly licensed to practice law in the State of Nevada. The law firm of MILLS & ANDERSON is the attorney of record for Defendant, GRADY EDWARD BYRD, in the above-entitled matter.

On August 28, 2019, I conducted a discovery conference with opposing counsel regarding my objection to producing documents related to my client's medical and financial records for the period of time between June 2014 to present. Opposing counsel was unable to articulate to me how those records would lead to the discovery of admissible evidence or relevant to the issues currently before the Court. Furthermore, the scope of the requests were wholly disproportional to likelihood of deriving any benefit based on the potential information contained in the records.

As such, I respectfully request that this Court grant a protective order as more fully set forth above.

DATED this 11th day of Sept, 2019.

BYRON L. MILLS

MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

Caterina Byrd
Plaintiff/Petitioner

v.

Grady Byrd
Defendant/Respondent

Case No. D 1875701-Z

Dept. G

**MOTION/OPPOSITION FEE INFORMATION SHEET**

**Notice:** Motions and Oppositions filed after entry of a final order issued pursuant to NRS 125, 125B or 125C are subject to the reopen filing fee of $25, unless specifically excluded by NRS 19.0312. Additionally, Motions and Oppositions filed in cases initiated by joint petition may be subject to an additional filing fee of $129 or $57 in accordance with Senate Bill 388 of the 2015 Legislative Session.

**Step 1.** Select either the $25 or $0 filing fee in the box below.

☐ **$25** The Motion/Opposition being filed with this form is subject to the $25 reopen fee.

-OR-

☑ **$0** The Motion/Opposition being filed with this form is not subject to the $25 reopen fee because:

- ☐ The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered.
- ☐ The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order.
- ☐ The Motion/Opposition is for reconsideration or for a new trial, and is being filed within 10 days after a final judgment or decree was entered. The final order was entered on _____.
- ☐ Other Excluded Motion (must specify) Previously PAID.

**Step 2.** Select the $0, $129 or $57 filing fee in the box below.

☑ **$0** The Motion/Opposition being filed with this form is not subject to the $129 or the $57 fee because:

- ☐ The Motion/Opposition is being filed in a case that was not initiated by joint petition.
- ☐ The party filing the Motion/Opposition previously paid a fee of $129 or $57.

-OR-

☐ **$129** The Motion being filed with this form is subject to the $129 fee because it is a motion to modify, adjust or enforce a final order.

-OR-

☐ **$57** The Motion/Opposition being filing with this form is subject to the $57 fee because it is an opposition to a motion to modify, adjust or enforce a final order, or it is a motion and the opposing party has already paid a fee of $129.

**Step 3.** Add the filing fees from Step 1 and Step 2.

The total filing fee for the motion/opposition I am filing with this form is:

☑ **$0** ☐ **$25** ☐ **$57** ☐ **$82** ☐ **$129** ☐ **$154**

Party filing Motion/Opposition: Grady Byrd Date 9/12/15

Signature of Party or Preparer /S/ Byron Mills

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

| | |
|---|---|
| GRADY BYRD,<br><br>Appellant,<br><br>vs.<br><br>CATERINA ANGELA BYRD,<br><br>Respondent. | Supreme Court Case No. 80548 |

# RESPONDENT'S APPENDIX TO ANSWERING BRIEF
## VOLUME X

Submitted By:

/s/ Jeanne F. Lambertsen

_____

ANITA A. WEBSTER, ESQ.
Nevada Bar No. 1211
JEANNE F. LAMBERTSEN, ESQ.
Nevada Bar No. 9460
6882 Edna Avenue
Las Vegas, Nevada 89146
Attorneys for Respondent
Caterina Angela Byrd

Docket 80548 Document 2020-29941

# INDEX

## CHRONOLOGICAL LISTING


| EX. | DATE | DOCUMENT | BATES NUMBER |
|---|---|---|---|
| 1. | 08/27/18 | Motion to Change Venue, Plaintiff, filed 08/27/18. | RA000001 - RA000003 |
| 2. | 10/18/18 | Financial Disclosure Form, Plaintiff, filed 10/18/18. | RA000004 - RA000011 |
| 3. | 11/27/18 | Transcript re: Motion, November 27, 2018. | RA000012 - RA000032 |
| 4. | 12/13/18 | Ex parte Motion for Continuance, Defendant, filed 12/13/18. | RA000033 - RA000035 |
| 5. | 12/18/18 | Order Granting Continuance, Defendant, filed 12/18/18. | RA000036 |
| 6. | 12/19/18 | Plaintiff's Opposition to Defendant's ex parte Motion for A Continuance of Plaintiff's Motion to Enforce the Decree of Divorce, For An Order to Show Cause, to divide a Newly Discovered Asset, to Execute QDROs and for Attorney fees and Costs and Counter motion for Attorney Fees and Costs, filed 12/19/18. | RA000037 - RA000058 |
| 7. | 12/27/18 | Notice of Entry of Order for the Order Shortening Time on Plaintiff's Motion filed 12/27/18. | RA000059 - RA000062 |
| 8. | 12/28/18 | Reply to Opposition and/or Counter motion, Defendant, filed 12/28/18. | RA000063 - RA000087 |
| 9. | 01/02/19 | Financial Disclosure Form, Defendant, with five income statements attachments, filed 01/02/19. | RA000088 - RA000100 |
| 10. | 01/15/19 | Plaintiff's Reply to Defendant's Reply to | RA000101 - |

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| | | Plaintiff's Opposition to Defendant's ex parte Motion for a Continuance of Plaintiff's Motion to Enforce the Decree of Divorce, for an Order to Show Cause, to Divide a Newly Discovered Asset, to Execute QDROs, and for Attorney's Fees and Costs and Countermotion for Attorney Fees and Costs, filed 01/15/19. | RA000126 |
| 11. | 01/15/19 | First Supplement to Exhibit Appendix, Plaintiff, in support of her Reply filed 01/15/19. | RA000127 - RA000183 |
| 12. | 1/18/19 | Defendant's Reply to Plaintiff's Reply to Defendant's Reply to Plaintiff's Opposition to defendant's Ex parte Motion for a Continuance of Plaintiff's Motion to Enforce the Decree of Divorce, For an Order to Show Cause, to Divide a Newly Discovered Asset, to Execute QDROs, and for Attorney's Fees and Costs and Counter motion for Attorney fees and Costs, filed 1/18/19. | RA000184 - RA000197 |
| 13. | 04/23/19 | Exhibit Appendix to Plaintiff's Opposition to Defendant's Motion for Reconsideration and Countermotion, Plaintiff, filed 04/23/19. | RA000198 - RA000237 |
| 14. | 04/23/19 | Plaintiff's Ex Parte Application for An Order for Defendant to Appear In Person, filed 04/23/19. | RA000238 - RA000244 |
| 15. | 04/23/19 | Exhibit Appendix to Plaintiff's Ex Parte Application For an Order For Defendant To Appear In Person, Plaintiff, filed 04/23/19. | RA000245 - RA000264 |
| 16. | 05/17/19 | Exhibit Appendix to Plaintiff's Reply to Defendant's Opposition and Countermotion, filed 05/17/19. | RA000265 - RA000322 |
| 17. | 06/17/19 | Plaintiff's Emergency Motion for an Order | RA000323 - |

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|---|---|---|---|
| | | to Show Cause Why the Defendant should Not Be Held In contempt of Court and for Attorney Fees and Costs, filed 06/17/19. | RA000337 |
| 18. | 09/10/19 | Plaintiff's Motion to Compel Defendant's Responses to Discovery and Request for Sanctions and Attorney Fees, filed 09/10/19. | RA000338 - RA000360 |
| 19. | 09/17/19 | Defendant's Motion for a Protective Order pursuant to NRCP 26(C) and for Attorney Fees, filed 09/17/19. | RA000361 - RA000372 |
| 20. | 09/30/19 | Exhibit Appendix to Plaintiff's Motion for Reconsideration, Summary Judgment, Joinder and to continue the Evidentiary Hearing. (Contains Defendant's responses to Plaintiff's Request for Admissions), filed 09/30/19. | RA000373 - RA000417 |
| 21. | 10/11/19 | Notice of Change in Requested Relief in Plaintiff's Motion For Reconsideration, et al, filed on 09/30/19, filed 10/11/19. | RA000418 - RA000421 |
| 22. | 10/17/19 | Minutes re: Calendar Call held on 10/17/19. | RA000422 - RA000423 |
| 23. | 10/21/19 | Exhibit 1 Plaintiff's, admitted at Evidentiary Hearing, Joint Petition for Summary Decree of Divorce. | RA000424 - RA000437 |
| 24. | 10/21/19 | Exhibit 4, Plaintiff's, admitted at Evidentiary Hearing, Notice of Entry of Order from the May 2, 2019 hearing, filed on 05/28/19. | RA000438 - RA000443 |
| 25. | 10/21/19 | Exhibit 7, Plaintiff' s, admitted at Evidentiary Hearing, Notice of Entry of Order to Show Cause, Grady to Appear On October 21, 2019, filed on 07/29/19. | RA000444 - RA000447 |
| 26. | 10/21/19 | Exhibit 8, Plaintiff's, admitted at Evidentiary Hearing, Caterina's Financial | RA000448 - RA000455 |

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| | | Disclosure Form, Amended, filed on 07/15/19. | |
| 27. | 10/21/19 | Exhibit 9, Plaintiff's, admitted at Evidentiary Hearing, Grady's Financial Disclosure Form, Amended, filed 01/18/19. | RA000456 - RA000468 |
| 28. | 10/21/19 | Exhibit 10, Plaintiff's, admitted at Evidentiary Hearing, Grady's Financial Disclosure Form, filed on 06/18/19. | RA000469 - RA000478 |
| 29. | 10/21/19 | Exhibit 13, Plaintiff's, admitted at Evidentiary Hearing: Emails Bates 522-523. E-mail from Defendant to Plaintiff promising the Plaintiff that she will receive the same benefits whether he is married or not, including Survivor Benefit Plan, dated February 20, 2014 and Emails between Defendant and Plaintiff, Defendant writing it is time for a divorce and promising Plaintiff $3000 a month email dated, February 20 & 21, 2014. | RA000479 - RA000481 |
| 30. | 10/21/19 | Exhibit 14, Plaintiff's, admitted at Evidentiary Hearing: Email from Defendant to Plaintiff promising Plaintiff $3,000 a month as long as he lives, et. al, dated March 23, 2014. | RA000482 |
| 31. | 10/21/19 | Exhibit 15, Plaintiff's, admitted at Evidentiary Hearing: Email from Defendant to Plaintiff, threatening to stop communicating with her, dated March 26, 2014. | RA000483 |
| 32. | 10/21/19 | Exhibit 16, Plaintiff's, admitted at Evidentiary Hearing: Emails between Plaintiff and Defendant, re: retired pay is $3,017 a month, gives her $3,000 a month. Live poor until he dies, her monthly expenses, dated February 2014 - April 2014. | RA000484 - RA000488 |

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| 33. | 10/21/19 | Exhibit 17, Plaintiff's, admitted at Evidentiary Hearing: Emails from Defendant to Plaintiff regarding"just sign the [divorce] papers..." dated March 27, 2014. | RA000489 - RA000490 |
| 34. | 10/21/19 | Exhibit 18, Plaintiff's, admitted at Evidentiary Hearing: Emails from Defendant “the money will go into your account the first of ever month until I die.” “I’m sending you the papers. You sign or I will hire a lawyer and take you to court. You see what you get then.” “This is the statement that will go on the divorce papers”, dated April 9, 2014 and April 15, 2014. | RA000491 - RA000492 |
| 35. | 10/21/19 | Exhibit 20, Plaintiff's, admitted at Evidentiary Hearing: Email, Bates 9. Email from Plaintiff to Defendant stating that she has no idea what OPM is, and Defendant mad that she wants to see lawyer, dated March 27, 2014. | RA000493 |
| 36. | 10/21/19 | Exhibit 21, Plaintiff's, admitted at Evidentiary Hearing: Emails from Plaintiff to Defendant telling the Defendant that she is feeling very nervous and scared, dated April 8, 2014. Defendant “I will have the following statements entered on the divorce statement”. | RA000494 - RA000495 |
| 37. | 10/21/19 | Exhibit 22, Plaintiff's, admitted at Evidentiary Hearing: Email from Defendant to Plaintiff stating that Plaintiff is not entitled to any more money in the decree of divorce, retire pay is 3017, dated April 8, 2014. Bates13, and “this is your last warning,” and Plaintiff asking for $3000/mo., dated April 10, 2014. | RA000496 - RA000498 |

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| 38. | 10/21/19 | Exhibit 23, Plaintiff's, admitted at Evidentiary Hearing: Email from Plaintiff to Defendant, regarding Plaintiff's health insurance denial, dated July 29, 2016, to August 13, 2016. | RA000499 - RA000502 |
| 39. | 10/21/19 | Exhibit 25, Plaintiff's, admitted at Evidentiary Hearing: Email from Defendant to Plaintiff regarding Car insurance and cancer surgery, dated July 16, 2018. | RA000503 |
| 40. | 10/21/19 | Exhibit 27, Plaintiff's, admitted at Evidentiary Hearing: Defendant's retirement from Army, beneficiaries, Survivor Benefit Plan, Form DD 2656, dated March 10, 1999. | RA000504 - RA000505 |
| 41. | 10/21/19 | Exhibit 28 Plaintiff's, admitted at Evidentiary Hearing: Grady's retirement account. DFAS Retiree Account Statement, dated December 3, 2017. | RA000506 |
| 42. | 10/21/19 | Exhibit 30, Plaintiff's, admitted at Evidentiary Hearing: Tax Return for Plaintiff year 2015 (Individual). | RA000507 - RA000508 |
| 43. | 10/21/19 | Exhibit 31, Plaintiff's, admitted at Evidentiary Hearing:, Tax Return for Plaintiff year 2016 (Individual). | RA000509 - RA000510 |
| 44. | 10/21/19 | Exhibit 32, Plaintiff's, admitted at Evidentiary Hearing: Tax Return for Plaintiff with form W-2G attached year 2017 (Individual). | RA000511 - RA000513 |
| 45. | 10/21/19 | Exhibit 33, Plaintiff's, admitted at Evidentiary Hearing, Tax Return for Plaintiff year 2018 (Individual). | RA000514 - RA000516 |
| 46. | 10/21/19 | Exhibit 34, Plaintiff's, admitted at Evidentiary Hearing: Plaintiff's residence, USAA Mortgage Loan Statement, dated | RA000517 |

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| | | July 1, 2019. | |
| 47. | 10/21/19 | Exhibit 35, Plaintiff's, admitted at Evidentiary Hearing, Long term care statement. Long Term Care Partners letter to Plaintiff dated November 1, 2017. | RA000518 - RA000521 |
| 48. | 10/21/19 | Exhibit 36, Plaintiff's, Evidentiary Hearing, Plaintiff's Canyon Gate Master Association (HOA) billing statements, dated October 20, 2017, October 18, 2018 and May 13, 2019. | RA000522 - RA000524 |
| 49. | 10/21/19 | Exhibit 38, Plaintiff's, admitted at Evidentiary Hearing: Ms. Byrd doctor visit. Summary of visit date April 16, 2012. | RA000525 - RA000526 |
| 50. | 10/21/19 | Exhibit 42, Plaintiff's, admitted at Evidentiary Hearing: Ms. Byrd social security statement. Social Security Statement for Plaintiff, dated June 11, 2019. | RA000527 - RA000532 |
| 51. | 10/21/19 | Exhibit 63, Plaintiff's, admitted at Evidentiary Hearing: Letter to Defendant's counsel, regarding SBP, dated September 24, 2019. | RA000533 - RA000534 |
| 52. | 10/21/19 | Exhibit 64, Plaintiff's, admitted at Evidentiary Hearing, Letter from Defendant's counsel, dated September 25, 2019, responding to Plaintiff's letter dated 9/24/19. | RA000535 |
| 53. | 10/21/19 | Exhibit A, Defendant's, admitted at Evidentiary Hearing: Dept. Of Army (CRSC) decision letter dated 6/20/11. Bates. | RA000536 - RA000538 |
| 54. | 10/21/19 | Exhibit B, Defendant's, admitted at Evidentiary Hearing, CRSC payment history from August 2014 - July 2015 (VA Waiver 3017.60, Retire net pay 128.40). | RA000539 |
| 55. | 10/21/19 | Exhibit C, Defendant's, admitted at Evidentiary Hearing, CRSC pay statement | RA000540 |

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| | | dated 4/22/19. | |
| 56. | 10/21/19 | Exhibit D, Defendant's, admitted at Evidentiary Hearing, VA letter for disability benefits dated 10/16/12 (disability benefit effective 12/01/2011). | RA000541 |
| 57. | 10/21/19 | Exhibit E, Defendant's, admitted at Evidentiary Hearing, Grady's VA payment history from April 1, 2019 - May 31, 2019. | RA000542 |
| 58. | 10/21/19 | Exhibit F, Defendant's, admitted at Evidentiary Hearing, Office of Personnel Management (OPM) letter re: disability application dated 11/12/2010. | RA000543 - RA000545 |
| 59. | 10/21/19 | Exhibit G, Defendant's, admitted at Evidentiary Hearing . OPM letter dated 04/29/2018 re: FERS disability annuity adjustment. | RA000546 |
| 60. | 10/21/19 | Exhibit H, Defendant's, admitted at Evidentiary Hearing OPM Notice of Annuity adjustment re: 07/02/18 payment. | RA000547 |
| 61. | 10/21/19 | Exhibit I, Defendant's, admitted at Evidentiary Hearing, OPM Annuity statement dated March 13, 2019. | RA000548 |
| 62. | 10/21/19 | Exhibit J, Defendant's, admitted at Evidentiary Hearing: Defendant's Social Security Decision dated September 12, 2012. | RA000549 - RA000554 |
| 63. | 10/21/19 | Exhibit K, Defendant's, admitted at Evidentiary Hearing: Defendant's 2014 Social Security Benefit 2014 (Form SSA-1099). | RA000555 |
| 64. | 10/21/19 | Exhibit L, Defendant's, admitted at Evidentiary Hearing, Defendant's Social Security Benefit 2018. | RA000556 |

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| 65. | 11/25/19 | Plaintiff's Memorandum of Fees and Costs, from July 19, 2019 through the date of the Evidentiary hearing on October 21, 2019, filed 11/25/19. | RA000557 - RA000593 |
| 66. | 12/05/19 | Notice of Entry of Order on Discovery Commissioner's Report and Recommendations, filed 12/05/19. | RA000594 - RA000602 |
| 67. | 03/18/20 | Plaintiff's Ex Parte Application for an Income Withholding Order, filed 03/18/20. | RA000603 - RA000615 |
| 68. | 04/03/20 | Opposition to Plaintiff's Ex -Parte Application for Income Withholding Order, Defendant, filed 04/03/20. | RA000616 - RA000625 |
| 69. | 04/10/20 | Plaintiff's Reply to Defendant's Opposition to Plaintiff's Ex Parte Application for an Income Withholding Order, filed 04/10/20. | RA000626 - RA000655 |

## INDEX

### ALPHABETICAL LISTING

| EX. | DATE | DOCUMENT | BATES NUMBER |
|---|---|---|---|
| 19. | 09/17/19 | Defendant's Motion for a Protective Order pursuant to NRCP 26(C) and for Attorney Fees, filed 09/17/19. | RA000361 - RA000372 |
| 12. | 1/18/19 | Defendant's Reply to Plaintiff's Reply to Defendant's Reply to Plaintiff's Opposition to defendant's Ex parte Motion for a Continuance of Plaintiff's Motion to Enforce the Decree of Divorce, For an Order to Show Cause, to Divide a Newly Discovered Asset, to Execute QDROs, and for Attorney's Fees and Costs and Counter motion for Attorney fees and Costs, filed 1/18/19. | RA000184 - RA000197 |

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| 4. | 12/13/18 | Ex parte Motion for Continuance, Defendant, filed 12/13/18. | RA000033 - RA000035 |
| 53. | 10/21/19 | Exhibit A, Defendant's, admitted at Evidentiary Hearing: Dept. Of Army (CRSC) decision letter dated 6/20/11. Bates. | RA000536 - RA000538 |
| 15. | 04/23/19 | Exhibit Appendix to Plaintiff's Ex Parte Application For an Order For Defendant To Appear In Person, Plaintiff, filed 04/23/19. | RA000245 - RA000264 |
| 16. | 05/17/19 | Exhibit Appendix to Plaintiff's Reply to Defendant's Opposition and Countermotion, filed 05/17/19. | RA000265 - RA000322 |
| 20. | 09/30/19 | Exhibit Appendix to Plaintiff's Motion for Reconsideration, Summary Judgment, Joinder and to continue the Evidentiary Hearing. (Contains Defendant's responses to Plaintiff's Request for Admissions), filed 09/30/19. | RA000373 - RA000417 |
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| 55. | 10/21/19 | Exhibit C, Defendant's, admitted at Evidentiary Hearing, CRSC pay statement dated 4/22/19. | RA000540 |
| 56. | 10/21/19 | Exhibit D, Defendant's, admitted at Evidentiary Hearing, VA letter for disability benefits dated 10/16/12 (disability benefit effective 12/01/2011). | RA000541 |
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| 23. | 10/21/19 | Exhibit 1, Plaintiff’s, admitted at Evidentiary Hearing, Joint Petition for Summary Decree of Divorce. | RA000424 - RA000437 |
| 24. | 10/21/19 | Exhibit 4, Plaintiff's, admitted at Evidentiary Hearing, Notice of Entry of Order from the May 2, 2019 hearing, filed on 05/28/19. | RA000438 - RA000443 |
| 25. | 10/21/19 | Exhibit 7, Plaintiff' s, admitted at Evidentiary Hearing, Notice of Entry of Order to Show Cause, Grady to Appear On October 21, 2019, filed on 07/29/19. | RA000444 - RA000447 |

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| 26. | 10/21/19 | Exhibit 8, Plaintiff's, admitted at Evidentiary Hearing, Caterina's Financial Disclosure Form, Amended, filed on 07/15/19. | RA000448 - RA000455 |
| 27. | 10/21/19 | Exhibit 9, Plaintiff's, admitted at Evidentiary Hearing, Grady's Financial Disclosure Form, Amended, filed 01/18/19. | RA000456 - RA000468 |
| 28. | 10/21/19 | Exhibit 10, Plaintiff's, admitted at Evidentiary Hearing, Grady's Financial Disclosure Form, filed on 06/18/19. | RA000469 - RA000478 |
| 29. | 10/21/19 | Exhibit 13, Plaintiff's, admitted at Evidentiary Hearing: Emails Bates 522-523. E-mail from Defendant to Plaintiff promising the Plaintiff that she will receive the same benefits whether he is married or not, including Survivor Benefit Plan, dated February 20, 2014 and Emails between Defendant and Plaintiff, Defendant writing it is time for a divorce and promising Plaintiff $3000 a month email dated, February 20 & 21, 2014. | RA000479 - RA000481 |
| 30. | 10/21/19 | Exhibit 14, Plaintiff's, admitted at Evidentiary Hearing: Email from Defendant to Plaintiff promising Plaintiff $3,000 a month as long as he lives, et. al, dated March 23, 2014. | RA000482 |
| 31. | 10/21/19 | Exhibit 15, Plaintiff's, admitted at Evidentiary Hearing: Email from Defendant to Plaintiff, threatening to stop communicating with her, dated March 26, 2014. | RA000483 |
| 32. | 10/21/19 | Exhibit 16, Plaintiff's, admitted at Evidentiary Hearing: Emails between Plaintiff and Defendant, re: retired pay is $3,017 a month, gives her $3,000 a month. Live poor until he dies, her monthly expenses, dated February 2014 - April 2014. | RA000484 - RA000488 |

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| 33. | 10/21/19 | Exhibit 17, Plaintiff's, admitted at Evidentiary Hearing: Emails from Defendant to Plaintiff regarding"just sign the [divorce] papers..." dated March 27, 2014. | RA000489 - RA000490 |
| 34. | 10/21/19 | Exhibit 18, Plaintiff's, admitted at Evidentiary Hearing: Emails from Defendant "the money will go into your account the first of ever month until I die." "I'm sending you the papers. You sign or I will hire a lawyer and take you to court. You see what you get then." "This is the statement that will go on the divorce papers", dated April 9, 2014 and April 15, 2014. | RA000491 - RA000492 |
| 35. | 10/21/19 | Exhibit 20, Plaintiff's, admitted at Evidentiary Hearing: Email, Bates 9. Email from Plaintiff to Defendant stating that she has no idea what OPM is, and Defendant mad that she wants to see lawyer, dated March 27, 2014. | RA000493 |
| 36. | 10/21/19 | Exhibit 21, Plaintiff's, admitted at Evidentiary Hearing: Emails from Plaintiff to Defendant telling the Defendant that she is feeling very nervous and scared, dated April 8, 2014. Defendant "I will have the following statements entered on the divorce statement". | RA000494 - RA000495 |
| 37. | 10/21/19 | Exhibit 22, Plaintiff's, admitted at Evidentiary Hearing: Email from Defendant to Plaintiff stating that Plaintiff is not entitled to any more money in the decree of divorce, retire pay is 3017, dated April 8, 2014. Bates13, and "this is your last warning," and Plaintiff asking for $3000/mo., dated April 10, 2014. | RA000496 - RA000498 |
| 38. | 10/21/19 | Exhibit 23, Plaintiff's, admitted at Evidentiary Hearing: Email from Plaintiff to Defendant, regarding Plaintiff's health insurance denial, dated July 29, 2016, to | RA000499 - RA000502 |

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| | | August 13, 2016. | |
| 39. | 10/21/19 | Exhibit 25, Plaintiff's, admitted at Evidentiary Hearing: Email from Defendant to Plaintiff regarding Car insurance and cancer surgery, dated July 16, 2018. | RA000503 |
| 40. | 10/21/19 | Exhibit 27, Plaintiff's, admitted at Evidentiary Hearing: Defendant's retirement from Army, beneficiaries, Survivor Benefit Plan, Form DD 2656, dated March 10, 1999. | RA000504 - RA000505 |
| 41. | 10/21/19 | Exhibit 28 Plaintiff's, admitted at Evidentiary Hearing: Grady's retirement account. DFAS Retiree Account Statement, dated December 3, 2017. | RA000506 |
| 42. | 10/21/19 | Exhibit 30, Plaintiff's, admitted at Evidentiary Hearing: Tax Return for Plaintiff year 2015 (Individual). | RA000507 - RA000508 |
| 43. | 10/21/19 | Exhibit 31, Plaintiff's, admitted at Evidentiary Hearing:, Tax Return for Plaintiff year 2016 (Individual). | RA000509 - RA000510 |
| 44. | 10/21/19 | Exhibit 32, Plaintiff's, admitted at Evidentiary Hearing: Tax Return for Plaintiff with form W-2G attached year 2017 (Individual). | RA000511 - RA000513 |
| 45. | 10/21/19 | Exhibit 33, Plaintiff's, admitted at Evidentiary Hearing, Tax Return for Plaintiff year 2018 (Individual). | RA000514 - RA000516 |
| 46. | 10/21/19 | Exhibit 34, Plaintiff's, admitted at Evidentiary Hearing: Plaintiff's residence, USAA Mortgage Loan Statement, dated July 1, 2019. | RA000517 |
| 47. | 10/21/19 | Exhibit 35, Plaintiff's, admitted at Evidentiary Hearing, Long term care statement. Long Term Care Partners letter to | RA000518 - RA000521 |

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| | | Plaintiff dated November 1, 2017. | |
| 48. | 10/21/19 | Exhibit 36, Plaintiff's, Evidentiary Hearing, Plaintiff's Canyon Gate Master Association (HOA) billing statements, dated October 20, 2017, October 18, 2018 and May 13, 2019. | RA000522 - RA000524 |
| 49. | 10/21/19 | Exhibit 38, Plaintiff's, admitted at Evidentiary Hearing: Ms. Byrd doctor visit. Summary of visit date April 16, 2012. | RA000525 - RA000526 |
| 50. | 10/21/19 | Exhibit 42, Plaintiff's, admitted at Evidentiary Hearing: Ms. Byrd social security statement. Social Security Statement for Plaintiff, dated June 11, 2019. | RA000527 - RA000532 |
| 51. | 10/21/19 | Exhibit 63, Plaintiff's, admitted at Evidentiary Hearing: Letter to Defendant's counsel, regarding SBP, dated September 24, 2019. | RA000533 - RA000534 |
| 52. | 10/21/19 | Exhibit 64, Plaintiff's, admitted at Evidentiary Hearing, Letter from Defendant's counsel, dated September 25, 2019, responding to Plaintiff's letter dated 9/24/19. | RA000535 |
| 9. | 01/02/19 | Financial Disclosure Form, Defendant, with five income statements attachments, filed 01/02/19. | RA000088 - RA000100 |
| 2. | 10/18/18 | Financial Disclosure Form, Plaintiff, filed 10/18/18. | RA000004 - RA000011 |
| 11. | 01/15/19 | First Supplement to Exhibit Appendix, Plaintiff, in support of her Reply filed 01/15/19. | RA000127 - RA000183 |
| 22. | 10/17/19 | Minutes re: Calendar Call held on 10/17/19. | RA000422 - RA000423 |
| 1. | 08/27/18 | Motion to Change Venue, Plaintiff, filed 08/27/18. | RA000001 - RA000003 |
| 21. | 10/11/19 | Notice of Change in Requested Relief in | RA000418 - |

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| | | Plaintiff's Motion For Reconsideration, et al, filed on 09/30/19, filed 10/11/19 | RA000421 |
| 7. | 12/27/18 | Notice of Entry of Order for the Order Shortening Time on Plaintiff's Motion filed 12/27/18. | RA000059 - RA000062 |
| 66. | 12/05/19 | Notice of Entry of Order on Discovery Commissioner's Report and Recommendations, filed 12/05/19. | RA000594 - RA000602 |
| 68. | 04/03/20 | Opposition to Plaintiff's Ex -Parte Application for Income Withholding Order, Defendant, filed 04/03/20. | RA000616 - RA000625 |
| 5. | 12/18/18 | Order Granting Continuance, Defendant, filed 12/18/18. | RA000036 |
| 17. | 06/17/19 | Plaintiff's Emergency Motion for an Order to Show Cause Why the Defendant should Not Be Held In contempt of Court and for Attorney Fees and Costs, filed 06/17/19. | RA000323 - RA000337 |
| 14. | 04/23/19 | Plaintiff's Ex Parte Application for An Order for Defendant to Appear In Person, filed 04/23/19. | RA000238 - RA000244 |
| 67. | 03/18/20 | Plaintiff's Ex Parte Application for an Income Withholding Order, filed 03/18/20. | RA000603 - RA000615 |
| 65. | 11/25/19 | Plaintiff's Memorandum of Fees and Costs, from July 19, 2019 through the date of the Evidentiary hearing on October 21, 2019, filed 11/25/19. | RA000557 - RA000593 |
| 18. | 09/10/19 | Plaintiff's Motion to Compel Defendant's Responses to Discovery and Request for Sanctions and Attorney Fees, filed 09/10/19. | RA000338 - RA000360 |
| 6. | 12/19/18 | Plaintiff's Opposition to Defendant's ex parte Motion for A Continuance of Plaintiff's Motion to Enforce the Decree of Divorce, For | RA000037 - RA000058 |

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| | | An Order to Show Cause, to divide a Newly Discovered Asset, to Execute QDROs and for Attorney fees and Costs and Counter motion for Attorney Fees and Costs, filed 12/19/18. | |
| 10. | 01/15/19 | Plaintiff's Reply to Defendant's Reply to Plaintiff's Opposition to Defendant's ex parte Motion for a Continuance of Plaintiff's Motion to Enforce the Decree of Divorce, for an Order to Show Cause, to Divide a Newly Discovered Asset, to Execute QDROs, and for Attorney's Fees and Costs and Countermotion for Attorney Fees and Costs, filed 01/15/19. | RA000101 - RA000126 |
| 69. | 04/10/20 | Plaintiff's Reply to Defendant's Opposition to Plaintiff's Ex Parte Application for an Income Withholding Order, filed 04/10/20. | RA000626 - RA000655 |
| 8. | 12/28/18 | Reply to Opposition and/or Counter motion, Defendant, filed 12/28/18. | RA000063 - RA000087 |
| 3. | 11/27/18 | Transcript re: Motion, November 27, 2018. | RA000012 - RA000032 |

**Certificate of Service**

Pursuant to NRAP 25(c)(1)(E), I hereby certify, under penalty of perjury, that I am an employee of Webster & Associates and that on the 13th day of August, 2020, I caused to be served the foregoing document by way of NEFCR 9 Notice of Electronic Filing to the following:

Daniel W. Anderson
Mills & Anderson
Counsel for Appellant, Grady Edward Byrd

An employee of WEBSTER & ASSOCIATES

Electronically Filed
9/30/2019 3:23 PM
Steven D. Grierson
CLERK OF THE COURT

**EXHS**
**WEBSTER & ASSOCIATES**
ANITA A. WEBSTER, ESQ.
Nevada Bar No. 1221
JEANNE F. LAMBERTSEN, ESQ.
Nevada Bar No. 9460
6882 Edna Ave.
Las Vegas, Nevada 89146
Tel No: (702) 562-2300
Fax No: (702) 562-2303
e-mail: anitawebster@embarqmail.com
e-mail: jlambertsen@embarqmail.com
Attorney for Plaintiff, unbundled

DISTRICT COURT

CLARK COUNTY, NEVADA

| | |
|---|---|
| CATERINA ANGELA BYRD<br><br>Plaintiff,<br><br>v.<br><br>GRADY EDWARD BYRD<br><br>Defendant. | CASE NO.: D-18-577701-Z<br>DEPT NO.: G |

Law Offices of
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Telephone (702) 562-2300 • Facsimile (702) 562-2303

**EXHIBIT APPENDIX TO PLAINTIFF'S MOTION FOR RECONSIDERATION, SUMMARY JUDGMENT, JOINDER AND TO CONTINUE THE EVIDENTIARY HEARING**

COMES NOW, Caterina Angela Byrd, by and through her attorneys of record, Anita A. Webster, Esq., and Jeanne F. Lambertsen, Esq., of Webster & Associates, and hereby submits the following exhibits in support of her *Exhibit Appendix to Plaintiff's Motion for Reconsideration, Summary Judgment, Joinder and to Continue the Evidentiary Hearing*. Pursuant to EDCR 5.205(g) Exhibits may be deemed offers of proof but shall not be considered substantive evidence until admitted.

///

**Table of Contents:**

1. Plaintiff's Request for Admissions to Defendant served March 5, 2019;
2. Defendant's Response to Plaintiff's First Request for Admissions served March 19, 2019;
3. Grady's Veteran's monthly payments dated August 2014 through July 2015;
4. Correspondence to Grady's counsel requesting that Grady's wife sign the consent, dated September 24, 2019; and
5. Correspondence from Grady's counsel denying the request for Grady's wife to sign the consent, dated September 25, 2019.

DATED this 30 day of September, 2019.

WEBSTER & ASSOCIATES

JEANNE F. LAMBERTSEN, ESQ.

Law Offices of
WEBSTER & ASSOCIATES
6882 Edna Avenue • Las Vegas, Nevada 89146
Telephone (702) 562-2300 • Facsimile (702) 562-2303

## Certificate of Service

Pursuant to NRCP 5(b), I certify that I am employed in the Law Offices of WEBSTER ASSOCIATES, and that on this 30th day of September, 2019, I caused the above and foregoing document to be served as follows:

[X] by electronic service through the Eighth Judicial District Court's electronic filing system; and

[ ] by placing the same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;

To the Defendant listed below at the address, email address, and/or facsimile number indicated:

Byron L. Mills, Esq.
Modonnell@millsnv.com
Counsel for Defendant, Grady Byrd

Jillian Brand
An employee of Webster & Associates

Law Offices of
WEBSTER & ASSOCIATES
6882 Edna Avenue • Las Vegas, Nevada 89146
Telephone (702) 562-2300 • Facsimile (702) 562-2303

# EXHIBIT “1"

**RFA**
**WEBSTER & ASSOCIATES**
ANITA A. WEBSTER, ESQ.
Nevada Bar No. 1221
JEANNE F. LAMBERTSEN, ESQ.
Nevada Bar No. 9460
6882 Edna Ave.
Las Vegas, Nevada 89146
Tel No: (702) 562-2300
Fax No: (702) 562-2303
e-mail: anitawebster@embarqmail.com
e-mail: jlambertsen@embarqmail.com
Attorney for Plaintiff, unbundled

DISTRICT COURT

CLARK COUNTY, NEVADA

| | |
|---|---|
| CATERINA ANGELA BYRD<br><br>Plaintiff,<br><br>v.<br><br>GRADY EDWARD BYRD<br><br>Defendant. | CASE NO.: D-18-577701-Z<br>DEPT NO.: G |

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Telephone (702) 562-2300 • Facsimile (702) 562-2303

**Plaintiff's Request for Admissions to Defendant**

TO: GRADY EDWARD BYRD, Defendant; and

TO: BYRON L. MILLS, ESQ., his attorney:

Under the authority of Rule 36 of the Nevada Rules of Civil Procedure, Plaintiff by and through WEBSTER & ASSOCIATES, requests that Defendant, within thirty (30) days after service of this Request for Admissions, to admit the following statements or opinions of fact, or of the application of law to fact. Plaintiff requests that Defendant admit that the following facts are true:

## PRELIMINARY STATEMENT

The following preliminary statement and definitions apply to each of the Requests for Admission set forth hereinafter and are deemed to be incorporated herein:

## I.

## DEFINITIONS

A. "Person" names any individual, corporation, partnership, association, business trust, municipality, or any other organization or entity.

B. "Document' or "documents" means any kind of written or graphic manner, however produced or reproduced, or in any kind or description, whether sent or received or neither, including originals, copies, and drafts, including both sides thereof, and including, but not limited to, papers, books, letters, photographs, objects, tangible things, correspondence, telegrams, cables, telex messages, memoranda, notes, notations, work, papers, transcripts (including trial and deposition transcripts), pleadings, minutes, reports and recordings of telephone or other conversations of interviews or of conferences or other meetings, affidavits, statements, summaries, opinions, reports, studies, analyses, evaluations, contracts, agreements, journals, statistical records, desk calendars, appointment books, diaries, lists, tabulations, sound recordings, computer printouts, data processing input and output, microfilms, computer discs or other memory elements, and all other records kept by electronic, photographic, or mechanical means, and things similar to any of the foregoing, including texts and emails, however denominated by you.

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For the purpose of this Request, the phrase "tangible thing" means any material inanimate object or living organism other than human and also includes any human being or part thereof displaying relevant information communicable in any manner other than the verbal testimony of that human being.

C. The term "you" or 'your" means yourself and all other persons acting or purporting to act on your behalf.

D. The term "and" means and/or and the term "or" means and/or.

## II.

## INSTRUCTIONS

A. Claim of Privilege. If any document is withheld under claim of privilege, please identify the document for which there is a claim of privilege as follows:

A full description thereof, including without limitation:

a. The date it bears;

b. The name of each person who prepared it or participated in any way in its preparation;

c. The name of each person who signed it;

d. The name of each person to whom it or a copy of it was addressed;

e. The name of each person who presently has custody of it or a copy of it;

f. Its subject matter and its substance; and

g. What basis there is for this claim of privilege.

///

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Telephone (702) 562-2300 • Facsimile (702) 562-2303

**REQUEST NO. 1.**

Admit that on or about April 2, 2013, you sent the Plaintiff an e-mail telling the Plaintiff the following:

> **DO NOT** talk to USAA for any reason about this approval process.
> **DO NOT** tell USAA you are not going to talk to them.
> If they try to contact you just **ignore them**. Do not answer them. Just tell me.
> The last time I did this we were telling them different information and it hurt us.
> I will have to **MAKE UP SOME INFORMATION ON MONEY** to get you the money that you need.
> Do not tell your real estate agent anything except you are trying to get 400k .
>
> **See Exhibit "1" attached hereto.**

**REQUEST NO. 2.**

Admit that on or about April 10, 2013, you sent the Plaintiff an e-mail that included "I will give you the extra money as long as I live". **See Exhibit "2" attached hereto.**

**REQUEST NO. 3.**

Admit that on or about April 8, 2013, you sent the Plaintiff an e-mail that included the following:

> "My retired pay is 3017 a month after they deduct the payment for SBP. You are entitled to half of that which is 1508. You are not entitled to anymore money. I give you 3000 a month because I think it is the right thing to do. If I was only going to give you 1500 I would not be giving you 3000 all these years. **See Exhibit "3" attached hereto.**

**REQUEST NO. 4.**

Admit that you informed the Plaintiff that she was entitled to the dollar amount of $1,508.00 from your retirement pay.

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**REQUEST NO. 5.**

Admit that you arranged for the divorce documents to be prepared.

**REQUEST NO. 6.**

Admit that on or about March 26, 2014, you sent the Plaintiff an e-mail that included the following:

"when I die you [will] get my annuity just like sbp which will be around 50% [of] the total retirement" **See Exhibit "4" attached hereto.**

**REQUEST NO. 7.**

Admit that on or about March 26, 2014, you sent the Plaintiff an e-mail that included the following:

"When i [sic] die get 200k you pay off your house and you have all your money to spend." **See Exhibit "4" attached hereto.**

**REQUEST NO. 8.**

Admit that on or about March 26, 2014, you sent the Plaintiff an e-mail that included the following:

"Just sign the papers and you get all i [sic] said you would get forever." **See Exhibit "4" attached hereto.**

**REQUEST NO. 9.**

Admit that at the time of divorce, about June 5, 2014, that you had no debts. **See** page 3, line 4 of the Decree of Divorce filed on or about June 5, 2014 .

**REQUEST NO. 10.**

Admit that from about June 2014 to August 2018, that you paid the Plaintiff $3,000.00 each month.

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**REQUEST NO. 11.**

Admit that the $3,000.00 you paid the Plaintiff each month was paid by direct deposit into a bank account.

**REQUEST NO. 12.**

Admit that the $3,000.00 that you paid to the plaintiff was the sum of $1,500.00 dollars for U.S. army retired pay as long as you live and $1,500.00 dollars extra a month to assist the Plaintiff with her home mortgage.

**REQUEST NO. 13.**

Admit that you stopped paying $3,000.00 to the Plaintiff about September 2018.

**REQUEST NO. 14.**

Admit that you closed the joint (in your name and Plaintiff's name) checking account that had been opened for about 30 years about September 2018.

**REQUEST NO. 15.**

Admit that you have access to the mortgage statements for the Plaintiff's home, 2120 Lookout Drive, Las Vegas, Nevada 89117. **See Exhibit "5" attached hereto.**

**REQUEST NO. 16.**

Admit that the Plaintiff's home, 2120 Lookout Drive, Las Vegas, Nevada 89117 is not sold or paid off.

**REQUEST NO. 17.**

Admit that you sent an e-mail to the Plaintiff on or about February 21, 2014, where you told the Plaintiff that you used to live in a tent. **See Exhibit "6" attached hereto.**

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**REQUEST NO. 18.**

Admit that you told the Plaintiff that you used to live in a tent so that the Plaintiff would feel sorry for you.

**REQUEST NO. 19.**

Admit that about September 2017, you asked the Plaintiff to purchase rice, pasta, bean, towels, pillows, sheets, and blankets and mail them to you in the Philippines. **See Exhibit "7" attached hereto.**

**REQUEST NO. 20.**

Admit that about February 16, 2015, that you instructed the Plaintiff to mail you tools and other items at an address in the Philippines. **See Exhibit "8" attached hereto.**

**REQUEST NO. 21.**

Admit that about February 16, 2015, that you instructed the Plaintiff to use the name of "Cristina Garcia" as the sender of the box to you in the Phillippines, instead of the Plaintiff's name. **See Exhibit "9" attached hereto.**

**REQUEST NO. 22.**

Admit that the Plaintiff used her name, and not the name of Cristina Garcia, as the sender of the box to you in the Phillippines. **See Exhibit "7" and "8" attached hereto.**

**REQUEST NO. 23.**

Admit that you blocked e-mail communications from Plaintiff and her counsel in 2018.

**REQUEST NO. 24.**

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Admit that you used the Plaintiff's home address in 2018 to obtain a Nevada Drivers License.

**REQUEST NO. 25**

Admit that you used the Plaintiff's home address in 2018 to obtain a loan for a vehicle.

**REQUEST NO. 26.**

Admit that you do not live at the Plaintiff's home.

DATED this 4th day of March, 2019.

**WEBSTER & ASSOCIATES**

ANITA A. WEBSTER, ESQ.
Nevada Bar No. 1221
JEANNE F. LAMBERTSEN, ESQ.
Nevada Bar No. 9460
6882 Edna Avenue
Las Vegas, Nevada 89146
Attorneys for Plaintiff, Unbundled

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**Certificate of Service**

Pursuant to NRCP 5(b), I certify that I am employed in the Law Offices of WEBSTER ASSOCIATES, and that on this 5th day of March, 2019, I caused the above and foregoing document entitled Plaintiff's Request for Admissions to Defendant, to be served as follows:

[ x ] pursuant to EDCR 8.05(a), EDCR 8.05(f) NRCP (b)(2)(D) and Administrative Order 14-2 Captioned "In the Administrative Matter of Mandatory Electronic Service in the Eighth Judicial District Court." by mandatory electronic service through the Eighth Judicial District Court's electronic filing system;

[ ] by placing the same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;

[ ] pursuant to EDCR 7.26 to be sent via facsimile, by duly executed consent for service by electronic means;

[ ] by hand-delivery with signed Receipt of Copy.

To the party listed below at the address, email address, and/or facsimile number indicated below:

Byron Mills, Esq.

An employee of Webster & Associates

# EXHIBIT “1"

---

Sent from my iPad

Begin forwarded message:

**From:** GRADY BYRD <cbsmail2006@yahoo.com>
**Date:** April 2, 2013 at 7:30:08 PM PDT
**To:** Caterina Byrd <caterina_byrd@yahoo.com>
**Subject: MORTAGE**

**DO NOT** talk to USAA for any reason about this approval process.

**DO NOT** tell USAA you are not going to talk to them.

If they try to contact you just **ignore them**. Do not answer them. Just tell me.

The last time I did this we were telling them different information and it hurt us.

I will have to **MAKE UP SOME INFORMATION ON MONEY** to get you the money that you need.

Do not tell your real estate agent anything except you are trying to get 400k.

# EXHIBIT “2"

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Sent from my iPad

Begin forwarded message:

**From:** GRADY BYRD <cbsmail2006@yahoo.com>
**Date:** April 10, 2014 at 2:47:23 PM PDT
**To:** Caterina Byrd <caterina_byrd@yahoo.com>
**Subject: Re: BENEFITS**
**Reply-To:** GRADY BYRD <cbsmail2006@yahoo.com>

The only thing I will put in writing is what you are entitled to by law.

I will give you the extra money as long as I live.

I do not care about usaa or any of your other issues.

I cannot deal with all of your crap. I cannot take it anymore. I've tried to be kind to you but you are forcing me to be someone that I do not want to be. You have the nerve to talk to me about grass and curtains. I should just give you what I am required by law and then lets see if you are worried about grass and curtains.

This is your last warning, take the deal I'm offering or you can ask a lawyer to try and get me to put what you want in writing.

I gurantee you your lawyer will tell you that you should have taken what I was offering.

Last chance.

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# EXHIBIT “3"

why is it going to make u poor? you have equal amount of money with all the other disability pay, i never asked for any of that , you are already giving me three thousand a month, and that is fine , and you know all my bills so its not like am going to have a lot . How is that going to hurt you, i know you want to move foward with your life i get it. but i need to have some kind of stability also, i want to have a home and secure monthly money so i can try to come to some happiness some day, i want the house to be mine, so i can leave to my son some day, i have tried to get a job, like i told you before it's not that easy, when i needed money , when you did not have i did not asked , i just sold all my jewerly , i did not bothered you all these years while you wore getting all your pays in other , Why don't you want for me to be taking care of in legal way, just asking? how is that going to affect you, You want to be able to put 3k month in my bank for the rest of your life, what is your plans on how i would get the money, is it coming directly from the army? just confused , thats all

On , Caterina Byrd <caterina_byrd@yahoo.com> wrote:

am the one is going to look poor, i will never be able to get a loan , you already been giving me 3k month

On Wednesday, April 9, 2014 5:15 PM, Caterina Byrd <caterina_byrd@yahoo.com> wrote:

It,s not that am not satisfied , but i don't understand how you would be poor by putting in writing , you get all the other benefits from va disability and the combat pay that equals the army ret pay , their should be enough there for the both of us , you wqnt me to take your word that you will do the right thing by me, i have no idea what you may do in next few years you may get re-married and deciede not to pay me the full amount, How about the SBP was it not suppose to be the full amount of army ret pay?

What about the house ..how are you going to sign it over to me?

On Tuesday, April 8, 2014 6:33 PM, GRADY BYRD <cbsmail2006@yahoo.com> wrote:

I say 50% because retired pay usually goes up every year. When my retired pay go up you get more money.

My retired pay is 3017 a month after they deduct the payment for SBP. You are entitled to half of that which is 1508. You are not entitled to anymore money.

I give you 3000 a month because I think it is the right thing to do. If I was only going to give you 1500 I would not be giving you 3000 all these years.

I will always give the money to you but I do it because I want to not because anybody can make me do it. If I put everything in writing that you want I will never be able to get a loan in my own name. I will never be able to get ahead of my present life. I will have to live poor until I die.

I cannot work anymore. You can work but you refuse to work. If you want more money you must go get a job.

I will send you the papers. If you do not sign I will only pay you what I owe you and I will hire a lawyer to file the papers in court.

# EXHIBIT “4"

Home Mail Tumblr News Sports Finance Entertainment Lifestyle Answers Groups Upgrade your browser with the best of Yahoo »

All | Caterina Byrd, search your mailbox Search Mail Search Web Home Caterina

Byrd RE Pay Re ROLLIN( Addendum Fwd statem Fwd Loan Property Re DIVORC

Compose Archive Move Delete Spam More

Add Gmail, Outlook, AOL and more

Inbox (9)
Drafts (2)
Sent
Archive
Spam (25)
Trash

Smart Views
Important
Unread
Starred
People
Social
Shopping
Travel
Finance

Folders
Angies List
Ann Lewis
Caterina Byrd
Cbsmail
Ebay
Edward
Grady Byrd
Grady Byrd 09
Health Care
John Fox
Joshua
Paypal
Pesce
Polar Air
Protection ONE
Quickclaimusa
Sensi
Solarguard

Re: DIVORCE INFORMATION

**GRADY BYRD** <cbsmail2006@yahoo.com> 03/27/14 at 2:31 PM
To: Caterina Byrd

I get mad because I give you money to live on and you going to take the money I give you to hire a lawyer.

I have already put all this in writing but you never s back the info I needed to complete the packet so I cou send the whole thing to you.

You need to give me the info for the witness addvatit then I will complete the packet and send it to you.

I will then send the packet to the online firm and onl pay 400. for everything.

I will do the direct deposit for your account I just n thought it was important. I have never been late on a payment in six years.

OPM is office of personnel management. I owe them aro 45 to 48 k. When that is paid off i will get a full retirement pension of around 2k a month. That is more than 4 years from now when i am 62. When I die you wi get my annuity just like sbp which will be around 50% the total retirement. That is already in writing on t divorce packet.

---

**From:** Caterina Byrd <caterina_byrd@yahoo.com>
**To:** GRADY BYRD <cbsmail2006@yahoo.com>
**Sent:** Thursday, March 27, 2014 11:21 PM
**Subject:** Re: DIVORCE INFORMATION

i was going there to make it easier on you you said you wanted a divorce , and no I NOT thinking how much I can get out of you i assumed what you told me you are goin do is true. i have no idea what OPM is? why don't you want what you say you wil give writhing? You can also get mad and stop everything down the road . and what happ you get sick and can not put the money in the bank , every month i would worry if yo able health wise to do the transfer... I did not realeazied that would upset you so much

On Wednesday, March 26, 2014 8:14 PM, GRADY BYRD <cbsmail2006@yahoo.com wrote:

~~I will WHY are you going to lawyer?~~

you think you going to get more from me?

i am talking about my credit card.

just sign the papers and you get all i said you would get forever.

tsp is about 1600 a month right now. it will go up as i get older.

you also get the beneficary for my opm retirement when i die which will be approximately 100 month but it will also go up when i reach 65.

when i die u get 200k. you pay off your house and you have all your money to spend.

Child Allergy Symptoms
Search now

# EXHIBIT “5"

Copy

# MORTGAGE LOAN STATEMENT

8950 Cypress Waters Blvd., Suite B
Coppell, TX 75019

USAA®

*Serviced by Nationstar Mortgage LLC, a subservicer for USAA*

**CONTACT INFORMATION**

Member Service: 855-430-9489
Monday through Friday from 7 a.m. to 7 p.m. (CT) and Saturday from 7 a.m. to 3 p.m. (CT)
www.usaa.com

| | |
|---|---|
| Statement Date: | 12/06/2018 |
| Loan Number | 58512 |
| Payment Due Date: | 01/01/2019 |
| **Amount Due:** | **$1,933.07** |

*If payment is received on or after 01/07/2019, $64.66 late fee will be charged*

GRADY EDWARD BYRD
CATERINA A BYRD
5330 E CRAIG RD
LAS VEGAS, NV 89115

Property Address:
2120 LOOKOUT PT CIR
LAS VEGAS, NV 89117

*Go Paperless.* Sign in to your account to activate.

## Account Information

| | |
|---|---|
| Interest Bearing Principal Balance | $314,632.61 |
| Interest Rate | 3.750% |
| Escrow Balance | $624.36 |

The Principal Balance does not represent the payoff amount of your account and is not to be used for payoff purposes.

## Explanation of Amounts Due

| | |
|---|---|
| Principal | $637.67 |
| Interest | $903.23 |
| Escrow Amount (for Taxes & Insurance) | $312.17 |
| Optional Products and Services | $0.00 |
| **Regular Monthly Payment** | **$1,933.07** |
| Total Fees and Charges | $0.00 |
| Overdue Payment(s) | $0.00 |
| Partial Payment (Unapplied) | $0.00 |
| **Total Amount Due** | **$1,933.07** |

## Past Payment Breakdown

| | Payment Rec'd since 11/07/2018 | Paid Year to Date |
|---|---|---|
| Principal | $635.69 | $7,498.89 |
| Interest | $985.21 | $11,951.91 |
| Escrow (Taxes & Insurance) | $312.17 | $3,782.95 |
| Optional Insurance | $0.00 | $0.00 |
| Fees and Charges | $0.00 | $0.00 |
| Lender Paid Expenses | $0.00 | $0.00 |
| Partial Payment (Unapplied) | $0.00 | $0.00 |
| **Total** | **$1,933.07** | **$23,233.75** |

THE FOLLOWING DISCLOSURE IS MADE PURSUANT TO THE REQUIREMENTS OF THE FAIR DEBT COLLECTION PRACTICES ACT OR OTHER LAW OR REGULATION. NATIONSTAR IS SERVICING YOUR MORTGAGE LOAN ON BEHALF OF USAA AND IS CONSIDERED A DEBT COLLECTOR. THIS DOCUMENT IS AN ATTEMPT TO COLLECT A DEBT, AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. NOTE: IF YOUR OBLIGATION HAS BEEN DISCHARGED IN BANKRUPTCY, IS SUBJECT TO THE AUTOMATIC STAY OR IS PROVIDED FOR IN A CONFIRMED PLAN, THIS COMMUNICATION IS FOR REGULATORY COMPLIANCE AND/OR INFORMATIONAL PURPOSES ONLY, AND DOES NOT CONSTITUTE AN ATTEMPT TO COLLECT A DEBT OR TO IMPOSE PERSONAL LIABILITY FOR SUCH OBLIGATION.

IF YOU ARE A SUCCESSOR IN INTEREST (RECEIVED THE PROPERTY FROM A RELATIVE THROUGH DEATH, DEVISE OR DIVORCE) AND YOU ARE NOT A BORROWER ON THE LOAN(S) THAT HAS NOT ASSUMED OR OTHERWISE BECOME OBLIGATED ON THE DEBT, THIS COMMUNICATION IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT AN ATTEMPT TO COLLECT A DEBT FROM YOU PERSONALLY.

## Transaction Activity (11/07/2018 to 12/06/2018)

| Date | Description | Total | Principal | Interest | Escrow | Other |
|---|---|---|---|---|---|---|
| 12/05/2018 | Payment | $1,933.07 | $635.69 | $985.21 | $312.17 | |

## Important Messages

(See Reverse side for Additional Critical Notices)

***Your payment is made through our automatic payment plan. This statement is for informational purposes only.***

***If you do not wish to receive paper statements, simply log into your account at www.usaa.com and alter your selection to paperless. Paperless offers convenient monthly email reminders, no lost mail, and archived online access to view or download to your personal computer.***

**This Area Intentionally Left Blank**

This statement is for informational purpose only.
Our records reflect your loan is on our automatic draft process.

# EXHIBIT “6"

Home Mail Tumblr News Sports Finance Entertainment Lifestyle Answers Groups Mobile Upgrade your browser with the best of Yahoo »

All | Caterina Byrd, search your mailbox Search Mail Search Web Home Caterina

Fwd: Box Fwd: statement Fwd: AD&D INSURAN Re: Box Re: Box Re: Info

Compose Archive Move Delete Spam More

Add Gmail, Outlook, AOL and more

Inbox (4)
Drafts (2)
Sent
Archive
Spam
Trash

Smart Views
Unread
Starred
People
Social
Shopping
Travel
Finance

Folders
Angies List
Ann Lewis
Catenna Byrd
Cbsmail
Ebay
Edward
Grady Byrd
Grady Byrd 09
Health Care
John Fox
Joshua
Paypal
Pesce
Polar Air
Protection ONE
Quickclaimusa
Sensi
Solarguard

Re: Info

**GRADY BYRD** <cbsmail2006@yahoo.com> 02/21/14 at 4:22 AM
To: Caterina Byrd

Just so you know I used to live in a tent. I am better now and i am not going to go back to living in a tent.

---

**From:** Caterina Byrd <caterina_byrd@yahoo.com>
**To:** GRADY BYRD <cbsmail2006@yahoo.com>
**Sent:** Friday, February 21, 2014 12:31 PM
**Subject:** Re: Info

just so you know 3k a month , i have enouf to pay bill and nothing much to live on, i needed to get dental work that i put off , and not to mentionened all the money i spent on the moving that the ace world wide charged me , then i paid $1,300 to get my stuff from florida , i will not have enough to do much of anything, i will worried if anything would go wrong with the house or car how i would be able to pay for it I know you have been telling me to get a job, i don't to be around people and act as if am happy , the fact is i have been in treatment for mental illness , for major depression , i have been on heavy meds and seen a shrink twice a month i hate my life my doctors are hoping with the purchase of my house and getting all my belongins would help me feel better , i cannot handle mentally to much, i have been in treatment for several years now.

On Thursday, February 20, 2014 7:21 PM, GRADY BYRD <cbsmail2006@yahoo.com> wrote
You get the same benefits whether we are married are not. SBP, SS, and insurance.

There is no difference.

If someone wants to attach my income the first thing they are going to do is come after your house if it is still in my name.

---

**From:** Caterina Byrd <caterina_byrd@yahoo.com>
**To:** GRADY BYRD <cbsmail2006@yahoo.com>
**Sent:** Friday, February 21, 2014 10:07 AM
**Subject:** Re: Info

Can't you put everything in my name , that way they can not touch what i have and i won't affect me with out getting a divorce, if we are not married i will loose lots of benefits , like SBP and i thought you were getting social security benefits and you're VA money and ret pension , I will never get married again and i don't want to be worried about money and if something wore to happen to you , at least i would get all the benefits of married spouse would get

On , Caterina Byrd <caterina_byrd@yahoo.com> wrote:
All of this info is scarring me, how much are u in debt and how all this will affecting me , and the retirement ? if somenthing happens to you , i cannot live on 3k a month ?

On Thursday, February 20, 2014 5:33 PM, GRADY BYRD <cbsmail2006@yahoo.com> wrote
My finances are a mess. I just took out a 25k loan from USAA but it doesn't even touch the surface of what I owe.

I will be declaring bankruptcy soon. I will pay you and the 25k back so that your house is not affected.

The IRS has audited me and turned down all of my appeals. I am going to owe them a small fortune that I do not know how I am going to pay I have

GRADY BYRD
cbsmail2006@yahoo.co...
Search emails

Important Security Information
search now

# EXHIBIT “7"

THE REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
**BUREAU OF CUSTOMS**

# INFORMATION SHEET

For Consolidated shipments of "Balikbayan Boxes" Revised BOC Form No. BB-IS-001

*To be filled out by MCEI*

**MBL/MAWB Number:**
**Tracking Number:** 1Z0072772033

**INSTRUCTIONS:** You must check one type of availment only. You may only avail of the Balikbayan Box Privilege, if you are a Qualified Filipino While Abroad

**TYPE OF AVAILMENT**

- ☑ Balikbayan Box Privilege — ○ 1st Time ○ 2nd Time ○ 3rd Time
- ☐ De Minimis Value
- ☐ None

**TYPE OF SENDER**

- ☐ Qualified Filipinos While Abroad (QFWA)
- ☐ Non-Qualified Filipinos While Abroad (NQFWA)
- ☐ OFW
- ☐ Individual ☐ Partnership
- ☐ Resident Filipino
- ☐ Sole Prop (DTI) ☐ Corporation
- ☑ Non-Resident Filipino

## A. SENDER INFORMATION

| | |
|---|---|
| **Complete Name*** *(Family name, First Name, Middle Name, Suffix)*: CATERINA BYRD | **Business Name** (Only for Sole Prop., Partnership, Corporation) |
| **Contact Number/s:** * 904-294-7374 | **Email Address, if any:** |
| **Philippine Passport Number: (For QFWAs Only)*** | **Date Issued (mm/dd/yyyy): (For QFWAs Only)*** |
| **Expiry Date (mm/dd/yyyy): (For QFWAs Only)*** | **Place Issued: (For QFWAs Only)*** |
| **Complete Current Address Abroad:** * 2120 Lookout Point Cir Las Vegas | **Complete Address in the Philippines:** * NV 89117 |

**Total Value of all Contents of each Balikbayan Box for this shipment (in Philippine Peso):** * $ 300.00

## B. CONSIGNEE/RECIPIENT

**Complete Name** * *(Family name, First Name, Middle Name, Suffix)*: GRADY BYRD

| | |
|---|---|
| **Contact Number/s:** * PINKY NOBLE | **Email Address, if any:** |

**Complete Philippine Address:** PUROK 2, CANGMATING SIBULAN, NEGRO ORIENTAL PHILIPPINES 6201

**Relationship to Sender (by affinity or consanguinity):** *(Check one (1) box only)*

☒ Ex Spouse ☐ Child ☐ Parent ☐ Sibling ☐ Sibling of Parent ☐ 1st Cousin ☐ Niece/Nephew ☐ Grandparent
☐ Sibling of Grandparent ☐ Grand Niece/Nephew ☐ Grandchild ☐ Great Grandchild ☐ Great Grandparent

## C. PACKING LIST *(itemized description of goods)**:

(Please declare separately new and old goods. Use additional sheets if necessary and each additional sheet should also be signed by the Sender) Box ___ of ___

| Quantity | Unit of Measure | Description of Goods | Please mark √ New | Please mark √ Used | Actual or Estimated Value (Philippine Peso) |
|---|---|---|---|---|---|
| 12 | | Clothes | | ✓ | |
| 2 | | Shoes | | ✓ | |
| 10 | | Memorabillia | | ✓ | |
| 1 | | Pillows | | ✓ | |
| 2 | | Towels | | ✓ | |
| 1 | | Sheets | | ✓ | |
| 2 | | Blanket | | ✓ | |
| 5 | | Frames | | | |
| 12 | | Beans | ✓ | | |
| 4 | | Rice/Pasta | ✓ | | |
| | | | | | |
| | | | | | |
| | | TOTAL VALUE | | | Php $ 300.00 |

*WARNING: Offenses that may result to the forfeiture of the goods, including imposition of penalties and criminal prosecution of the offender:*
1 Sending of PROHIBITED or RESTRICTED GOODS, 2 Sending of REGULATED GOODS in excess of the allowable limits without the necessary import permit,
3 Making of any false or misleading statements to a Custom Officer

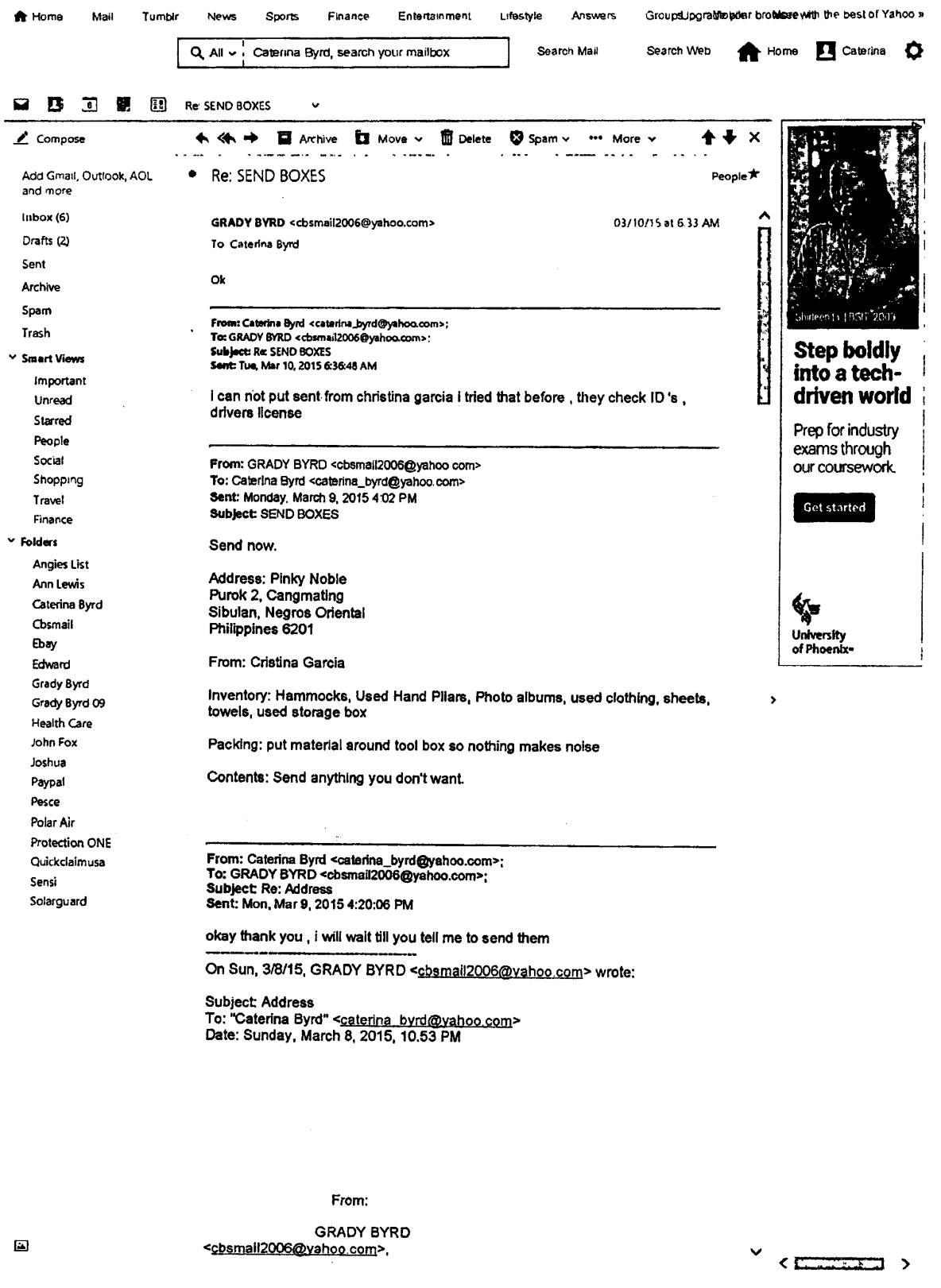
**Declaration**

I declare, under the penalties of falsification, that this Information Sheet has been made in good faith and to the best of my knowledge and belief, is true and correct pursuant to the provisions of the Customs Modernization and Tariff Act of the Philippines and its implementing rules and regulations.

CATERINA BYRD
**Sender Signature over Printed Name**
**Date Accomplished:** 09/12/2017 (mm/dd/yyyy)

RA000399

# EXHIBIT “8"



Home Mail Tumblr News Sports Finance Entertainment Lifestyle Answers Groups Upgrade your browser with the best of Yahoo »

All | Caterina Byrd, search your mailbox | Search Mail | Search Web | Home | Caterina

Re: SEND BOXES

Compose | Archive | Move | Delete | Spam | More

Add Gmail, Outlook, AOL and more

Inbox (6)
Drafts (2)
Sent
Archive
Spam
Trash

Smart Views
Important
Unread
Starred
People
Social
Shopping
Travel
Finance

Folders
Angies List
Ann Lewis
Caterina Byrd
Cbsmail
Ebay
Edward
Grady Byrd
Grady Byrd 09
Health Care
John Fox
Joshua
Paypal
Pesce
Polar Air
Protection ONE
Quickclaimusa
Sensi
Solarguard

Re: SEND BOXES

People

**GRADY BYRD** <cbsmail2006@yahoo.com> 03/10/15 at 6:33 AM

To: Caterina Byrd

Ok

---

**From:** Caterina Byrd <caterina_byrd@yahoo.com>;
**To:** GRADY BYRD <cbsmail2006@yahoo.com>;
**Subject:** Re: SEND BOXES
**Sent:** Tue, Mar 10, 2015 6:36:48 AM

I can not put sent from christina garcia i tried that before , they check ID 's , drivers license

---

**From:** GRADY BYRD <cbsmail2006@yahoo.com>
**To:** Caterina Byrd <caterina_byrd@yahoo.com>
**Sent:** Monday, March 9, 2015 4:02 PM
**Subject:** SEND BOXES

Send now.

Address: Pinky Noble
Purok 2, Cangmating
Sibulan, Negros Oriental
Philippines 6201

From: Cristina Garcia

Inventory: Hammocks, Used Hand Pliars, Photo albums, used clothing, sheets, towels, used storage box

Packing: put material around tool box so nothing makes noise

Contents: Send anything you don't want.

---

**From:** Caterina Byrd <caterina_byrd@yahoo.com>;
**To:** GRADY BYRD <cbsmail2006@yahoo.com>;
**Subject:** Re: Address
**Sent:** Mon, Mar 9, 2015 4:20:06 PM

okay thank you , i will wait till you tell me to send them

---

On Sun, 3/8/15, GRADY BYRD <cbsmail2006@yahoo.com> wrote:

Subject: Address
To: "Caterina Byrd" <caterina_byrd@yahoo.com>
Date: Sunday, March 8, 2015, 10:53 PM

From:

GRADY BYRD
<cbsmail2006@yahoo.com>,

Step boldly into a tech-driven world

Prep for industry exams through our coursework.

Get started

University of Phoenix

# EXHIBIT “9"

Home Mail Tumblr News Sports Finance Entertainment Lifestyle Answers Groups Upgrade your browser with the best of Yahoo »

All Caterina Byrd, search your mailbox Search Mail Search Web Home Caterina

Fw: Property

Compose Archive Move Delete Spam More

Add Gmail Outlook, AOL and more

Inbox (6)
Drafts (2)
Sent
Archive
Spam
Trash

Smart Views
Important
Unread
Starred
People
Social
Shopping
Travel
Finance

Folders
Angies List
Ann Lewis
Caterina Byrd
Cbsmail
Ebay
Edward
Grady Byrd
Grady Byrd 09
Health Care
John Fox
Joshua
Paypal
Pesce
Polar Air
Protection ONE
Quickclaimusa
Sensi
Solarguard

# Fw: Property

People

**GRADY BYRD** <cbsmail2006@yahoo.com> 02/18/15 at 7:20 AM

To: Caterina Byrd

The stuff from Walmart should arrive by the 26th.

I ordered the wrong shoes from crocs. Can u just return them. It will save me some money. U do not have to pay anything

---

**From:** GRADY BYRD <cbsmail2006@yahoo.com>;
**To:** GRADY BYRD <cbsmail2006@yahoo.com>,
**Subject:** Re: Property
**Sent:** Wed, Feb 18, 2015 6:46:29 AM

The stuff from Walmart should arrive by 26

---

**From:** GRADY BYRD <cbsmail2006@yahoo.com>;
**To:** Caterina Byrd <caterina_byrd@yahoo.com>,
**Subject:** Re: Property
**Sent:** Mon, Feb 16, 2015 3:44:29 AM

Can you send to

PINKY NOBLE
PUROK 2, CANGMATING
SIBULAN, NEGROS ORIENTAL
PHILIPPINE 6201

Use the name Cristina Garcia on the sender name so that hopefully they won't check for customs.

Make sure you state used clothes, family pictures, etc on inventory list.

I put money in your account.

I send some stuff from walmart to your house so wait for a few days.

---

**From:** Caterina Byrd <caterina_byrd@yahoo.com>
**To:** GRADY BYRD <cbsmail2006@yahoo.com>
**Sent:** Friday, February 13, 2015 1:42 AM
**Subject:** Re: Property

yes , they will pick up the box

---

**From:** Caterina Byrd <caterina_byrd@yahoo.com>
**To:** GRADY BYRD <cbsmail2006@yahoo.com>
**Sent:** Saturday, January 31, 2015 8:30 AM
**Subject:** Re: Property

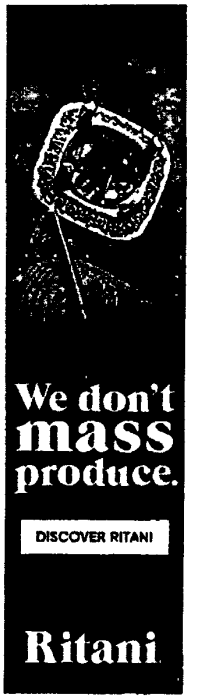
okay i will call them , and yes tools are in box

---

**From:** GRADY BYRD <cbsmail2006@yahoo.com>
**To:** Caterina Byrd <caterina_byrd@yahoo.com>
**Sent:** Friday, January 30, 2015 9:38 PM
**Subject:** Re: Property

call them they bring box and pickup after it is packed. call them and double check for me

r the tools still in toolbox?



# EXHIBIT “2"

ELECTRONICALLY SERVED
3/19/2019 12:49 PM

**RESP**

BYRON L. MILLS, ESQ.
State Bar #6745
MILLS & ANDERSON
703 S. 8th Street
Las Vegas, Nevada 89101
(702) 386-0030
Attorney for Defendant

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

| | | |
|---|---|---|
| CATERINA ANGELA BYRD,<br><br>Plaintiff,<br><br>vs.<br><br>GRADY EDWARD BYRD,<br><br>Defendant, | ) | CASE NO.: D-18-577701-Z<br>DEPT. NO.: G |

**DEFENDANT'S RESPONSE TO PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS**

**TO: CATERINA BYRD, Plaintiff**

**TO: ANITA WEBSTER, ESQ., attorney for Plaintiff**

Pursuant to NRCP 36, Plaintiff, by and through his attorney, BYRON L. MILLS, ESQ. of the law firm of MILLS & ANDERSON hereby responds to Plaintiff's First Set of Requests for Admissions to Plaintiff as follows:

**REQUEST NO. 1:**

Admit that on or about April 2, 2013, you sent the Plaintiff an e-mail telling the Plaintiff the following:

**DO NOT** talk to USAA for any reason about this approval process.

**DO NOT** tell USAA you are not going to talk tothem. If they try to contact you just **ignore them.** Do not answer them. Just tell me.

The last time I did this we were telling them different information and it hurt us.

I will have to **MAKE UP SOME INFORMATION ON MONEY** to get you the money that you need.

Do not tell your real estate agent anything except you are trying to get 400k.

**See Exhibit "1" attached hereto.**

**RESPONSE:** Admit.

**REQUEST NO. 2.**

Admit that on or about April 10, 2013, you sent the Plaintiff an e-mail that included "I will give you the extra money as long as I live". **See Exhibit "2" attached hereto.**

**RESPONSE:** Admit. My statement was in line with applicable law and policies at that time (USFSPA).

**REQUEST NO. 3.**

Admit that on or about April 8, 2013, you sent the Plaintiff an e-mail that included the following:

"My retired pay is 3017 a month after they deduct the payment for SBP. You are entitled to half of that which is 1508. You are not entitled to any more money. I give you 3000 a month because I think it is the right thing to do. If I was only going to give you 1500, I would not be giving you 3000 all these years. **See Exhibit "3" attached hereto.**

**RESPONSE:** Admit.

**REQUEST NO. 4.**

Admit that you informed the Plaintiff that she was entitled to the dollar amount of1,508.00 from your retirement pay.

**RESPONSE:** Admit.

**REQUEST NO. 5.** Admit that you arranged for the divorce documents to be prepared.

**RESPONSE:** Admit. The Plaintiff and I agreed that I would make the arrangements.

**REQUEST NO. 6.**

Admit that on or about March 26, 2014, you sent the Plaintiff an e-mail that included the following:

"when I die you [will] get my annuity just like sbp which will be around 50% [of] the total retirement" See Exhibit "4" attached hereto.

**RESPONSE:** Admit.

**REQUEST NO. 7.**

Admit that on or about March 26, 2014, you sent the Plaintiff an e-mail that included the following:

"When i [sic] die get 200k you pay off your house and you have all your money to spend." **See Exhibit "4" attached hereto.**

**REQUEST NO. 8.**

Admit that on or about March 26, 2014, you sent the Plaintiff an e-mail that included the following:

"Just sign the papers and you get all i [sic] said you would get forever." **See Exhibit "4" attached hereto.**

**RESPONSE:** Admit.

**REQUEST NO. 9.**

Admit that at the time of divorce, about June 5, 2014, that you had no debts. **See** page 3, line 4 of the Decree of Divorce filed on or about June 5, 2014 .

**RESPONSE:** Admit.

**REQUEST NO. 10.**

Admit that from about June 2014 to August 2018, that you paid the Plaintiff $3,000.00 each month.

**RESPONSE:** Admit.

**REQUEST NO. 11.**

Admit that the $3,000.00 you paid the Plaintiff each month was paid by direct deposit into a bank account.

**RESPONSE:** Admit.

**REQUEST NO. 12.**

Admit that the $3,000.00 that you paid to the Plaintiff was the sum of $1,500.00 dollars for U.S. army retired pay as long as you live and $1,500.00 dollars extra a month to assist the Plaintiff with her homemortgage.

**RESPONSE:** Deny that it was $1,500 dollars for U.S. Army retire pay as long as I lived, but admit that it was $1,500 extra month to assist Plaintiff her home mortgage.

**REQUEST NO. 13.**

Admit that you stopped paying $3,000.00 to the Plaintiff about September 2018.

**RESPONSE:** Admit

**REQUEST NO. 14.**

Admit that you closed the joint (in your name and Plaintiff's name) checking account that had been opened for about 30 years about September 2018.

**RESPONSE:** Admit. As the account holder, I could add or remove other members as I chose.

**REQUEST NO. 15.**

Admit that you have access to the mortgage statements for the Plaintiff's home, 2120 Lookout Drive, Las Vegas, Nevada 89117. **See Exhibit "5" attached hereto.**

**RESPONSE:** Admit. I am listed on the account.

**REQUEST NO. 16.**

Admit that the Plaintiff's home, 2120 Lookout Drive, Las Vegas, Nevada 89117 is not sold or paid off.

**RESPONSE:** I don't have sufficient information in which to admit or deny.

**REQUEST NO. 17.**

Admit that you sent an e-mail to the Plaintiff on or about February 21, 2014, where you told the Plaintiff that you used to live in a tent.

**RESPONSE:** Admit.

**REQUEST NO. 18.**

Admit that you told the Plaintiff that you used to live in a tent so that the Plaintiff would feel sorry for you.

**RESPONSE:** Deny. When the Plaintiff and I first separated, I lived in a tent at the Naval Station in Key West, Florida.

**REQUEST NO. 19.**

Admit that about September 2017, you asked the Plaintiff to purchase rice, pasta, bean, towels, pillows, sheets, and blankets and mail them to you in the Philippines. **See Exhibit "7" attached hereto.**

**RESPONSE:** Admit

**REQUEST NO. 20.**

Admit that about February 16, 2015, that you instructed the Plaintiff to mail you tools and other items at an address in the Philippines. **See Exhibit "8" attached hereto.**

**RESPONSE:** Admit

**REQUEST NO. 21.**

Admit that about February 16, 2015, that you instructed the Plaintiff to use the name of "Cristina Garcia" as the sender of the box to you in the Philippines, instead of the Plaintiff's name. **See Exhibit "9" attached hereto.**

**RESPONSE:** Admit

**REQUEST NO. 22.**

Admit that the Plaintiff used her name, and not the name of Cristina Garcia, as the sender of the box to you in the Philippines. **See Exhibit "7" and "8" attached hereto.**

**RESPONSE:** Admit

**REQUEST NO. 23.**

Admit that you blocked e-mail communications from Plaintiff and her counsel in 2018 .

**RESPONSE:** Admit. However, I reinstated counsel after I was officially notified of court proceedings.

**REQUEST NO. 24.**

Admit that you used the Plaintiffs home address in 2018 to obtain a Nevada Driver's License.

**RESPONSE:** Admit. At the time, my address was in Nevada.

**REQUEST NO. 25**

Admit that you used the Plaintiffs home address in 2018 to obtain a loan for a vehicle.

**RESPONSE:** Deny. I did not use the address for the purpose of obtaining a loan.

**REQUEST NO. 26.**

Admit that you do not live at the Plaintiffs home.

**RESPONSE:** Admit.

DATED this 19th day of March, 2019.

MILLS, MILLS & ANDERSON

BYRON L. MILLS, ESQ.
Bar No. 6745
703 S. 8th Street
Las Vegas, Nevada 89101
Attorney for Plaintiff

**Read and Approved:**

GRADY BYRD
Dated: March 19 2019

# EXHIBIT “3"

VETSNET
Audit Error Worksheets (AEWs)

CRSC/CRDP AEW-VETSNET Award Appropriate Payment Due

VA FILE NUMBER: [redacted] STUB NAME: GRADY E BYRD RO NUMBER: 358 DATE: DECEMBER 03, 2015

| Entitlement Month | Gross Retired Pay | VA Waiver | Retired Net Pay | CRSC or CRDP | CRSC or CRDP % | CRSC or CRDP Award | CRSC or CRDP Paid | VA Award | VA Paid | VA Withheld | Total Dual Payment Due | Due From Retirement Pay | Due From VA |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| AUG-14 | 3,146.00 | 3,017.60 | 128.40 | CRSC | 60 | 3,017.60 | 3,007.60 | 3,017.60 | 2,858.24 | 159.36 | 169.36 | 10.00 | 159.36 |
| SEP-14 | 3,146.00 | 3,017.60 | 128.40 | CRSC | 60 | 3,017.60 | 3,007.60 | 3,017.60 | 2,858.24 | 159.36 | 169.36 | 10.00 | 159.36 |
| OCT-14 | 3,146.00 | 3,017.60 | 128.40 | CRSC | 60 | 3,017.60 | 3,007.60 | 3,017.60 | 2,858.24 | 159.36 | 169.36 | 10.00 | 159.36 |
| NOV-14 | 3,146.00 | 3,017.60 | 128.40 | CRSC | 60 | 3,017.60 | 3,007.60 | 3,017.60 | 2,858.24 | 159.36 | 169.36 | 10.00 | 159.36 |
| DEC-14 | 3,199.00 | 3,068.90 | 130.10 | CRSC | 60 | 3,068.90 | 3,058.90 | 3,068.90 | 2,906.83 | 162.07 | 172.07 | 10.00 | 162.07 |
| JAN-15 | 3,199.00 | 3,068.90 | 130.10 | CRSC | 60 | 3,068.90 | 3,058.90 | 3,068.90 | 2,906.83 | 162.07 | 172.07 | 10.00 | 162.07 |
| FEB-15 | 3,199.00 | 2,906.83 | 292.17 | CRSC | 60 | 3,068.90 | 2,896.83 | 3,068.90 | 2,906.83 | 162.07 | 172.07 | 10.00 | 162.07 |
| MAR-15 | 3,199.00 | 2,906.83 | 292.17 | CRSC | 60 | 3,068.90 | 2,896.83 | 3,068.90 | 2,906.83 | 162.07 | 172.07 | 10.00 | 162.07 |
| APR-15 | 3,199.00 | 2,906.83 | 292.17 | CRSC | 60 | 3,068.90 | 2,896.83 | 3,068.90 | 2,906.83 | 162.07 | 172.07 | 10.00 | 162.07 |
| MAY-15 | 3,199.00 | 2,906.83 | 292.17 | CRSC | 60 | 3,068.90 | 2,896.83 | 3,068.90 | 2,906.83 | 162.07 | 172.07 | 10.00 | 162.07 |
| JUN-15 | 3,199.00 | 2,906.83 | 292.17 | CRSC | 60 | 3,068.90 | 2,896.83 | 3,068.90 | 2,906.83 | 162.07 | 172.07 | 10.00 | 162.07 |
| JUL-15 | 3,199.00 | 2,906.83 | 292.17 | CRSC | 60 | 3,068.90 | 2,896.83 | 3,068.90 | 2,906.83 | 162.07 | 172.07 | 10.00 | 162.07 |

RA000412

# EXHIBIT “4"

ELECTRONICALLY SERVED
9/24/2019 11:21 AM

LAW OFFICES OF
**WEBSTER & ASSOCIATES**
A Professional Corporation

**ANITA A. WEBSTER, ESQ.**
Attorney, Mediator &
Collaborative Law Professional
anitawebster@embarqmail.com

**JEANNE F. LAMBERTSEN, ESQ.**
Attorney
jlambertsen@embarqmail.com

September 24, 2019

**Via Eservice and Email**
Byron L. Mills, Esq.

Re: Caterina Byrd v. Grady Byrd
D-18-577701-Z

Dear Byron:

This letter is a follow up to the telephone message that I left with your secretary on September 20, 2019 and the e-mail that I sent to you on September 20, 2019 regarding Grady Byrd's wife, Pinky Byrd, signing a consent to release her interest in the military Survivor Benefit Plan. I have not heard back from you.

Pinky Byrd's consent is needed to reinstate Caterina as the beneficiary. This is in furtherance of what the Judge ordered to get Caterina back on as the beneficiary. As you recall, pursuant to the Order of May 22, 2019 (filed on June 26, 2019), Grady was to have 30 days in which to complete the paperwork needed so that Caterina is listed as the beneficiary of Grady's Survivor Benefit Plan. Please see page 5, line 28 and page 6, lines 1-5.

Accordingly, please forward the enclosed Survivor Benefit Plan (SBP) Release by Current Spouse to Grady so that his wife, Pinky, can execute the same. As you can imagine, we are concerned about Grady's health and thus, time is of the essence. Please return a copy to our office no later than Friday, September 27, 2019, to avoid the necessity of a motion. Please forward the original once you are in receipt of the same.

Very truly yours,

Jeanne F. Lambertsen, Esq.

Enc. Release
cc: Caterina Byrd
**S: 9/30/19**

W:\Family\Byrd, Caterina\Correspondence\Drafts\OC re SBP Release 9.24.19.wpd

6882 Edna Avenue • Las Vegas, Nevada 89146
(702) 562-2300 • Fax: (702) 562-2303

**SURVIVOR BENEFIT PLAN (SBP) RELEASE BY CURRENT SPOUSE**

I, PINKY N. BYRD am executing this document as the current spouse of GRADY BYRD, -0049.

I hereby agree to the allocation of the Survivor Benefit Plan (SBP) coverage to CATERINA BYRD, the former spouse of GRADY BYRD. She is the rightful beneficiary. I release any and all right, title or interest in this benefit.

I agree to cooperate in signing any additional documents to effectuate the terms of this release.

_____ _____
PINKY N. BYRD DATE

County of _____
State of _____

I certify that the following person personally appeared before me this day. I have seen satisfactory evidence of her identity by a current state or federal identification with the principal's photograph in the form of a _____. The principal acknowledged to me the voluntary signature above for the purpose stated therein and in the capacity indicated: PINKY N. BYRD, as principal.

_____ _____
Signature of Notary Public DATE

# EXHIBIT “5"

MILLS & ANDERSON
LAW GROUP

**VIA E-MAIL**

September 25, 2019

Jeanne Lambertsen, Esq.
Webster & Associates
6882 Edna Avenue
Las Vegas, NV 89146

RE: Byrd v. Byrd

Dear Ms. Lambertsen:

I am responding to your letter of September 24, 2019, regarding the SBP. Mr. Byrd has discussed this matter with his wife, Pinky, and they are not in agreement to have Pinky consent to release the SBP benefits.

Regards,

***/S/ BYRON L. MILLS***

BYRON L. MILLS, ESQ.

BYRON L. MILLS
DANIEL W. ANDERSON

703 South 8th Street
Las Vegas, Nevada 89101

Tel: 702.386.0030
Email: attorneys@millsnv.com

Electronically Filed
10/11/2019 5:04 PM
Steven D. Grierson
CLERK OF THE COURT

**NOTC**
**WEBSTER & ASSOCIATES**
ANITA A. WEBSTER, ESQ.
Nevada Bar No. 1221
JEANNE F. LAMBERTSEN, ESQ.
Nevada Bar No. 9460
6882 Edna Ave.
Las Vegas, Nevada 89146
Tel No: (702) 562-2300
Fax No: (702) 562-2303
e-mail: anitawebster@embarqmail.com
e-mail: jlambertsen@embarqmail.com
Attorney for Caterina Byrd, unbundled

DISTRICT COURT

CLARK COUNTY, NEVADA

| | |
|---|---|
| CATERINA ANGELA BYRD,<br><br>Plaintiff,<br><br>v.<br><br>GRADY EDWARD BYRD,<br><br>Defendant. | CASE NO.: D-18-577701-Z<br>DEPT NO.: G<br><br>**NOTICE OF CHANGE IN REQUESTED RELIEF IN PLAINTIFF'S MOTION FOR RECONSIDERATION, ET. AL. FILED ON 09/30/2019** |

TO: GRADY EDWARD BYRD; and

TO: BYRON L. MILLS, ESQ, his attorney:

COMES NOW, Plaintiff, CATERINA A. BYRD, by and through her counsel of record, ANITA A. WEBSTER, Esq., and JEANNE F. LAMBERTSEN, Esq., of the law firm of WEBSTER AND ASSOCIATES in an unbundled capacity, and hereby gives notice of the following withdrawal of certain requested relief contained in *Plaintiff's Motion for Reconsideration, Motion for Summary Judgment, Motion for Joinder and Motion to Continue the Evidentiary Hearing,* filed on September 30, 2019, and set for hearing on an Order Shortening Time on October 21, 2019, at 9:00 a.m.

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6882 Edna Avenue • Las Vegas, Nevada 89146
Telephone (702) 562-2300 • Facsimile (702) 562-2303

1. That said Motion contained the following requested relief, among other requests, that the Court:

1...

2...

3...

4...

5. Continue the Calendar Call, Evidentiary Hearing and related deadlines;

6. Continue the Plaintiff's Motion to Compel Production of Discovery and Defendant's Motion for a Protective Order scheduled to be heard on October 11, 2019, without prejudice and with the ability to be re-noticed at a later date;

7...

8...

2. The Plaintiff's Motion to Compel Production of Discovery and Defendant's Motion for a Protective Order scheduled to be heard on October 11, 2019, was heard and a Discovery Commissioner Report and Recommendation is forthcoming. As such, the Plaintiff withdraws her request that the hearing before the Discovery Commissioner on October 11, 2019, be continued and re-noticed at a later date;

3. That the Plaintiff desires adjudication of her requested relief without delay. As such, the Plaintiff withdraws her request that the Calendar Call, Evidentiary Hearing and related deadlines be continued;

4. That pursuant to the Senior Judge Calender, Senior Judge K.

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6882 Edna Avenue • Las Vegas, Nevada 89146
Telephone (702) 562-2300 • Facsimile (702) 562-2303

Hardcastle is scheduled to preside in Department G on the dates of the Calendar Call on October 17, 2019, the Trial on October 21, 2019, and the aforementioned Plaintiff's Motion filed on September 30, 2019, and that the Plaintiff has no objection to Senior Judge K. Hardcastle presiding. As such, the Plaintiff withdraws her request that the Calendar Call, Evidentiary Hearing and related deadlines be continued;

5. That all of the other requested relief in Plaintiff's Motion for Reconsideration, Motion for Summary Judgment, Motion for Joinder and Motion to Continue the Evidentiary Hearing filed on September 30, 2019, and set for hearing on an Order Shortening Time to October 21, 2019, remain;

6. That the Plaintiff's Motion for Reconsideration, Motion for Summary Judgment, Motion for Joinder and Motion to Continue the Evidentiary Hearing filed on September 30, 2019, and set for hearing on an Order Shortening Time to October 21, 2019, was duly served and no opposition has been filed as of this date; and

7. That this Notice is made in good faith and for no other purpose.

DATED this 11 day of October, 2019.

ANITA A. WEBSTER, ESQ.
Nevada Bar No. 1221
JEANNE F. LAMBERTSEN, ESQ.
Nevada Bar No. 9460
Attorneys for Plaintiff, unbundled

Law Offices of
WEBSTER & ASSOCIATES
6982 Edna Avenue • Las Vegas, Nevada 89146
Telephone (702) 562-2800 • Facsimile (702) 562-2803

## Certificate of Service

Pursuant to NRCP 5(b), I certify that I am employed in the Law Offices of WEBSTER & ASSOCIATES, and that on this 11th day of October, 2019, I caused the above and foregoing to be served as follows:

[X] by mandatory electronic service through the Eighth Judicial District Court's electronic filing system

To the Defendant listed below at the address, email address, and/or facsimile number indicated:

Byron L. Mills, Esq.
Modonnell@millsnv.com
Counsel for Defendant

An employee of Webster & Associates

Law Offices of
WEBSTER & ASSOCIATES
6882 Edna Avenue • Las Vegas, Nevada 89146
Telephone (702) 362-2300 • Facsimile (702) 362-2303

D-18-577701-Z In the Matter of the Joint Petition for Divorce of:
Caterina Byrd and Grady E Byrd

October 17, 2019 10:00 AM Calendar Call

HEARD BY: Hardcastle, Kathy COURTROOM: Courtroom 09

COURT CLERK: Pott, Victoria

PARTIES PRESENT:

**Caterina Byrd, Petitioner, Present**

**Jeanne F. Lambertsen, Attorney, Present**

**Jeanne F. Lambertsen, Attorney, Unbundled Attorney, Present**

**Grady E Byrd, Petitioner, Not Present**

**Byron Mills, Attorney, Not Present**

**Anita A Webster, ESQ, Attorney, Unbundled Attorney, Not Present**

**JOURNAL ENTRIES**

Anita Webster, Esq., present as co-counsel for Plaintiff. Gregory Mills, Esq., present on behalf of Attorney Byron Mills for Petitioner Grady Byrd (Defendant).

Upon Court's inquiry, Ms. Lambertsen confirmed Defendant has not been paying the monthly amount he was ordered to pay.

Court noted, Defendant left the country a long time ago with no intent to come back.

COURT ORDERED, the Evidentiary Hearing on 10/21/19 at 9:00 AM shall go forward without Defendant's appearance. Plaintiff shall be prepared to request appropriate sanctions, and the Court will issue its decision at that time.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**



Notice: Journal Entries are prepared by the courtroom clerk and are not the official record of the Court.

Oct 21, 2019 9:00AM Non-Jury Trial
Courtroom 09 Hardcastle, Kathy

Oct 21, 2019 9:00AM Hearing
Courtroom 09 Hardcastle, Kathy

Oct 21, 2019 9:00AM Motion
Courtroom 09 Hardcastle, Kathy

Oct 21, 2019 9:00AM Opposition & Countermotion
Courtroom 09 Hardcastle, Kathy

Oct 21, 2019 9:00AM Motion
Courtroom 09 Hardcastle, Kathy

Oct 21, 2019 9:00AM Opposition & Countermotion
Courtroom 09 Hardcastle, Kathy

Nov 01, 2019 1:30PM Status Check
Courtroom 15 Fic, Holly



Notice: Journal Entries are prepared by the courtroom clerk and are not the official record of the Court.

ORIGINAL

D-18-577701-Z
DEPT: G

Case No. 14-1000-0219

Department No. 1

FILED
2014 JUN -4 PM 2:21
SUE SEVON
COURT CLERK
BY _____ DEPUTY

**IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

**IN AND FOR THE COUNTY OF CHURCHILL**

GRADY EDWARD BYRD and
CATERINA ANGELA BYRD,

Petitioners.
_____/

**JOINT PETITION FOR SUMMARY DIVORCE**

[NRS 125.182]

TO: THE HONORABLE JUDGE OF THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CHURCHILL

Petitioners, GRADY EDWARD BYRD and CATERINA ANGELA BYRD, file their Joint Petition for Summary Divorce, pursuant to NRS 125.182, as follows:

I.

Petitioner CATERINA ANGELA BYRD is now and has been, for more than six weeks preceding the commencement of this action, a bona fide resident of the State of Nevada, having been continually physically present in said State for a period in excess of six weeks prior to the filing of this action, with the intention of making the State of Nevada a home for an indefinite period of time and is a resident of Las Vegas, Nevada.

II.

Petitioner GRADY EDWARD BYRD's address is Psc Box Rcv, FPO, AP 96517. Petitioner CATERINA ANGELA BYRD's address is 2120 Lookout Point Circle, Las Vegas, Nevada 89117.

III.

Petitioners were married on September 10, 1983, in Hawaii, and ever since that date have been and are now Husband and Wife.

IV.

There are no minor children or adopted minor children the issue of the marriage

V.

The petitioners waive their rights to written notice of entry of the Decree of Divorce and further waive their rights to appeal, obtain a new trial, and to request Findings of Fact and Conclusions of Law.

VI.

The cause for divorce is the parties are incompatible in marriage.

VII.

Petitioners declare under oath that as of the date of the filing of this petition, every condition set forth in Section 125.181 of the Nevada Revised Statutes has been met.

VIII.

CATERINA ANGELA BYRD does not elect or require to have her maiden or former name restored.

IX.

Petitioners have entered into a Marital Settlement Agreement, attached as Exhibit A, setting forth spousal support, division of community property and assumption of liabilities of the community.

WHEREFORE, Petitioners pray for relief as follows:

1. For a Decree of Divorce, final and absolute in form, force and effect, dissolving the marriage of petitioners and restoring each of them to the status of an unmarried person.

2. That the written Marital Settlement Agreement, attached as Exhibit A, settling all community property rights, community obligations, spousal support and confirmation of separate property, incorporated by reference, be merged into the Judgment and Decree of Divorce.

///

///

///

///

3. For such other and further relief as the Court may deem just and proper.

4. The undersigned certify that this document does not contain the social security number of any person.

DATED this 15 day of MAY, 2014.

By: _____
GRADY EDWARD BYRD
Psc Box Rcv
FPO, AP 96517
Telephone: (904) 779-2170
Petitioner

By _____
CATERINA ANGELA BYRD
2120 Lookout Point Circle
Las Vegas, NV 89117
Telephone: (904) 294-7374
Petitioner

VERIFICATION

STATE OF Republic of the Philippines )
City of Dumaguete
COUNTY OF ) ss

I, GRADY EDWARD BYRD, being first duly sworn, depose and state under penalty of perjury, as follows:

1. I am one of the petitioners in the foregoing action and I am the spouse of the petitioner CATERINA ANGELA BYRD.

2. I have read the foregoing Joint Petition for Summary Divorce, and each and every of the allegations set forth herein are true. I know the contents of the Petition and all matters set forth therein are true to the best of my present knowledge, information and belief. As to any matters stated therein based upon information and belief, I believe them to be true.

By: _____
GRADY EDWARD BYRD

SUBSCRIBED and SWORN to before me this 31st day of May, 2014, by GRADY EDWARD BYRD.

NOTARY PUBLIC

ATTY. JESUS RAMON M. QUEVENCO
COMMISSION No. 2013-017
NOTARY PUBLIC FOR DUMAGUETE CITY
UNTIL DECEMBER 31, 2014
ROLL No. 57755 ADMITTED: APRIL 29, 2010
IBP No. 09226 (LIFETIME)
PTR No. 602430A; 01/03/14; DUMAGUETE CITY
MCLE COMPLIANCE IV-0020495 5/27/2013

## VERIFICATION

STATE OF NEVADA )
)ss.
COUNTY OF CLARK )

I, CATERINA ANGELA BYRD, being first duly sworn, depose and state under penalty of perjury, as follows:

1. I am one of the petitioners in the foregoing action and I am the spouse of the petitioner GRADY EDWARD BYRD.

2. I have read the foregoing Joint Petition for Summary Divorce, and each and every of the allegations set forth herein are true. I know the contents of the Petition and all matters set forth therein are true to the best of my present knowledge, information and belief. As to any matters stated therein based upon information and belief, I believe them to be true.

By: _____
CATERINA ANGELA BYRD

SUBSCRIBED and SWORN to before me
this 25 day of April, 2014, by
CATERINA ANGELA BYRD.

_____
NOTARY PUBLIC

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
J. LANCE DOMINGCIL
No: 13-9433-1
My Appointment Expires Aug. 6, 2016

ACKNOWLEDGMENT

STATE OF AP. )
Republic of the Phil.
COUNTY OF ) ss.
City of Dumaguete

On May 15, 2014, personally appeared before me, a notary public, GRADY EDWARD BYRD, personally known (or proved) to me to be the person whose name is subscribed to the above instrument who acknowledged that he/she executed the instrument.

ATTY. JESUS RAMON M. QUEVENCO
COMMISSION No. 2013-017
NOTARY PUBLIC FOR DUMAGUETE CITY
UNTIL DECEMBER 31, 2014
ROLL No. 57755 ADMITTED: APRIL 29, 2010
IBP No. 09226 (LIFETIME)
PTR No. 6024908A/01/03/14; DUMAGUETE CITY
MCLE COMPLIANCE IV-0020495 5/27/2013

NOTARY PUBLIC

My Commission Expires:

ACKNOWLEDGMENT

STATE OF NEVADA )
)ss.
COUNTY OF CLARK )

On April 25th, 2014, personally appeared before me, a notary public, CATERINA ANGELA BYRD, personally known (or proved) to me to be the person whose name is subscribed to the above instrument who acknowledged that he/she executed the instrument.

NOTARY PUBLIC

My Commission Expires: 08/06/2016

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
J LANCE DOMINGOIL
No: 12-8435-1
My Appointment Expires Aug. 6, 2016

**EXHIBIT A**

**MARITAL SETTLEMENT AGREEMENT**

THIS AGREEMENT is made by and between GRADY EDWARD BYRD, hereinafter referred to as "Husband", and CATERINA ANGELA BYRD, hereinafter referred to as "Wife".

**WITNESSETH:**

WHEREAS, Husband and Wife were married on September 10, 1983, in Hawaii, and ever since such date, have been and are presently Husband and Wife; and,

WHEREAS, certain irreconcilable differences have arisen between Husband and Wife which have caused the irremediable breakdown of the marriage, as the result of which the parties have decided to separate and hereinafter permanently live apart; and,

WHEREAS, there are no minor children or adopted minor children of the parties' marriage; and,

WHEREAS, the parties wish to incorporate in a single document two (2) severable marital settlement agreements, one concerning the marital and community property rights and obligations of the parties, and another concerning matters of spousal support, all of which are made in consideration of and to be submitted to a Court for approval and to be merged and incorporated in a final Decree of Divorce, if and when the same shall be obtained by the parties, terminating and dissolving their marital relationship.

The purpose of this Marital Settlement Agreement is to make final and complete settlement of all rights and obligations between Husband and Wife, including their respective property rights and their rights and obligations regarding the matters of spousal support.

The present Marital Settlement Agreement sets forth the entire agreement of the parties on the matters it covers and supersedes any previous agreement between the parties and any pendente lite orders which may have been entered in the proceeding. No other agreement, statement, or promise made by or to either party or agent or representative of either party shall be binding on the parties unless it is in writing and signed by both parties or unless contained in an order of a Court of competent jurisdiction.

Both Husband and Wife acknowledge that each has had the opportunity to be represented in the negotiations for and in the preparation of the Marital Settlement Agreement by counsel of their own

choice, and that each has had the opportunity to have the agreement read to them and explained to them by counsel of their own choice, and each is fully aware of the contents and legal effect of this agreement.

NOW, THEREFORE, in consideration of the mutual covenants and warranties herein contained, it is mutually agreed this agreement shall be submitted to a Court of competent jurisdiction for incorporation and merger in a final Decree of Divorce, and accordingly, the parties agree as follows:

1. **SPOUSAL SUPPORT.**

Husband and Wife agree that neither party shall be required to pay spousal support to the other party.

2. **CHILD CUSTODY, CHILD SUPPORT AND VISITATION.**

Both Husband and Wife acknowledge there are no minor children or adopted minor children The Wife is not pregnant.

3. **COMMUNITY PROPERTY.**

Each party hereby waives any and all rights in and to the miscellaneous personal possessions, clothing and household furnishings and effects as more fully described in this Section. It is further agreed by Husband and Wife that subsequent to their execution of the present Marital Settlement Agreement, any and all property, real, personal or mixed, acquired by either Husband or Wife from whatever source, shall be the sole and separate property of the party so acquiring the same.

All property transferred herein is transferred subject to all obligations owing on said property and said obligations shall be born by the person receiving said property, unless otherwise stated in this Agreement. All insurance on the property being transferred hereunder is assigned to the party receiving such property. All insurance premiums from the date hereof shall be paid by the party to whom the insurance is assigned.

Husband and Wife hereby acknowledge that their distribution of the community property estate is a substantially equal division of community property and both hereby confirm the property listed hereinafter to the other, as his or her sole and separate property.

A. **To Wife, As Her Sole And Separate Property:**

The miscellaneous items of personal property, personal possessions, articles of clothing and

jewelry in Wife's possession and the miscellaneous items of household furniture, furnishings, appliances and effects and other property as follows:

Real property at 2120 LOOKOUT DRIVE LAS VEGAS NEVADA 89117, $365,000.00.

**B. To Husband As His Sole and Separate Property.**

The miscellaneous personal property, personal possessions, articles of clothing and jewelry in Husband's possession and the miscellaneous items of household furniture, furnishings, appliances and effects and other property as follows:

The Husband has no assets.

The personal property, clothing and jewelry currently in the possession of each party shall be deemed to be the possessing party's sole and separate property unless otherwise specified herein.

**4. RESPONSIBILITY FOR COMMUNITY OBLIGATIONS.**

Husband and Wife mutually agree and acknowledge that each party shall be solely responsible for any and all payments or obligations or debts which may be due and payable and which were incurred by either Husband or Wife after the entry of Decree of Divorce. Regarding any such obligations, payments or debts incurred by either Husband or Wife after the entry of Decree of Divorce, Husband and Wife each agree to indemnify and defend the other and hold the other free and harmless from any and all liability or responsibility for payment of the same.

Husband and Wife mutually agree and acknowledge that each party shall be solely responsible for any and all payments or obligations or debts which may be due and payable and which were incurred by either Husband or Wife prior to the entry of Decree of Divorce.

The Wife shall pay the following debts:

USAA, #130904xxxx, $347,345.00;

I request the following statements be added to the papers:

1. Caterina A. Byrd is entitled to 50% of Grady E. Byrd's United States Army Retired Pay as long as he lives.

2. Caterina A. Byrd is entitled to United States Army Survivor Benefit Plan payments after Grady E. Byrd's death.

3. Caterina A. Byrd is entitled to Office of Personnel Management death benefits, United States

Retired Military Health Care, Long Term Health Insurance, VYSTAR Credit Union Accidental Death Insurance, and Veteran's Group Life Insurance after Grady E. Byrd's death.

4. Grady E. Byrd will continue to pay Caterina A. Byrd 1500 dollars extra a month to assist with her home mortgage. If her financial situation changes or if the home is sold or paid off this payment may cease. This is not an alimony payment and is not required.

The Husband shall pay the following debts:

The Husband has no debts.

Should either Husband or Wife become aware of any payments or obligations or debts not so contained herein, then said payments or obligations or debts shall be paid by the party that incurred said debt.

**5. INCOME TAXES AND PRIOR INCOME TAX RETURNS.**

The parties anticipate no income tax problems from their previously filed Federal Income Tax Returns. However, Husband and Wife agree that any Federal income tax obligations for any past tax years, which may arise in the future, shall be paid by the Husband, including any penalty, interest, accounting fees or other professional fees.

**6. ATTORNEY FEES.**

The parties shall each bear the sole responsibility for payment of the parties' respective attorney's fees, court costs and miscellaneous expenses incurred on his or her behalf in connection with the present divorce proceeding.

However, should either party fail to perform his or her respective obligations under this Marital Settlement Agreement or the Judgment and Decree of Divorce to be entered, and the other is thereby required to incur attorney's fees, accountant's fees, or other fees or costs, then either party shall be entitled to apply to any Court of competent jurisdiction for such fees and costs against the other party. The same rights apply if either party has breached any warranties or representations set forth in the present Marital Settlement Agreement.

**7. COVENANTS AND WARRANTIES.**

It hereby is agreed by and between the parties hereto, that each has represented and warranted to the other that there is no item of marital property in existence which has not been mentioned in this

agreement, and should any such item of property be discovered in the future and be established to be marital property, it shall be divided equally between the parties. Except as otherwise provided in this agreement, each party releases the other from any and all liabilities, debts and obligations of every kind or character that have been or will be incurred and from any and all claims and demands, including all claims that either party may have upon the other for support and maintenance as Husband and Wife, and it being understood that, by this present agreement, the parties intend to settle all aspects of their marital rights. In addition to the above warranties, Husband and Wife warrant to each other that they have not incurred and covenant that they will not incur, any liability or obligation for which the other party is or may be liable, and they covenant that, if any claim, action or proceeding shall hereafter be brought seeking to hold the other party liable on account of any of their debts, liabilities, acts or omissions, they shall, at their sole expense, defend the other party against any such claim or demand, whether or not well-founded, and they shall hold the other party free and harmless therefrom.

The parties agree that any and all property acquired by either from and after the entry of Decree of Divorce, shall be the sole and separate property of the party so acquiring the same, and each party waives any and all property rights in and to such acquisitions of property as the sole and separate property of the one so acquiring it.

Each party waives any and all right to do any and all of the following:

A. Inherit the estate of the other at his or her death;

B. Take property from the other by devise or bequest unless under a Will executed subsequent to the effective date of this Agreement.

C. Claim any family allowance or probate homestead; or,

D. Act as personal representative upon intestacy of the other's estate (except as the nominee of another personal representative under the Will of the other), unless under a will executed subsequent to the effective date of this Agreement.

8. **EXECUTION OF FURTHER DOCUMENTS AND/OR INSTRUMENTS.**

Each party shall execute promptly all documents and instruments necessary or convenient to vest titles and estates as provided in this Marital Settlement Agreement to effectuate its purpose and

intent. The parties mutually covenant and agree, upon demand, to execute such other or further instruments or documents necessary or convenient to carry out the provisions of this Marital Settlement Agreement. Notwithstanding the failure or refusal of either party to execute any such instrument, this Agreement shall constitute a complete transfer and conveyance of the properties designated as being transferred, conveyed, or assigned by each party. If the parties fail to execute any documents necessary to effectuate the terms of this Agreement, within thirty (30) days after execution of the Agreement, and demand for execution of the document or instrument, upon ex parte application to the District Court, with three (3) days prior notice of application to the other party, the Clerk of the Court shall be appointed to execute such documents. In the event either party shall fail to comply with this provision, he or she agrees to pay the other party all reasonable attorney's fees, Court costs and other expenses reasonably necessary to achieve the result herein provided. However, neither party waives any privilege against nondisclosure of future separate income tax returns.

**9. AGREEMENT IS BINDING UPON SUCCESSORS.**

This Agreement shall be binding upon and inure to the benefit of both parties and to their heirs, executors, administrators, successors and assigns.

**10. CHOICE OF LAW AND FORUM.**

This Marital Settlement Agreement and the rights and duties of the parties hereunder, shall be construed and interpreted by and in accordance with the laws of the State of Nevada. Any future litigation under the terms of the present Marital Settlement Agreement shall be governed by the laws of the State of Nevada.

**11. MISCELLANEOUS PROVISIONS.**

A. Both Husband and Wife acknowledge that they have entered into this Agreement openly and freely, after a full disclosure by each of them and after the opportunity to obtain, seek and have independent consultations with and the advice of counsel.

B. If any portion of this Agreement is held illegal, unenforceable, void, or voidable by any Court, each of the remaining terms shall continue in full force as a separate agreement.

C. Husband and Wife agree that each shall have the right to live separately from the other

without interference or harassment.

D. No waiver of the breach of any of the terms or provisions of this agreement shall be a waiver of any preceding or succeeding breach of the agreement or any other provisions of it.

E. Both Husband and Wife waive all rights to written notice of entry of the Decree of Divorce and further waives all rights to appeal, obtain a new trial, and to request Findings of Fact and Conclusions of Law.

F. The captions of various paragraphs in this agreement are for convenience only and none of them is intended to be any part of the test of this agreement, nor intended to be referred to in construing any of the provisions of the agreement.

G. The undersigned certify that this document does not contain the social security number of any person.

IT IS SO AGREED.

Dated 14 MAY 2014 By: _____
GRADY EDWARD BYRD

Dated 4/25/2014 By: _____
CATERINA ANGELA BYRD

ACKNOWLEDGMENT

STATE OF AP )
COUNTY OF )

On May 15, 2014, personally appeared before me, a notary public, GRADY EDWARD BYRD, who acknowledged to me that he/she executed the foregoing MARITAL SETTLEMENT AGREEMENT, freely and voluntarily and for the uses and purposes therein mentioned.

ATTY. JESUS RAMON M. OQUENCO
COMMISSION NO. 2013-017
NOTARY PUBLIC FOR DUMAGUETE CITY
UNTIL DECEMBER 31, 2014
ROLL No. 57755 ADMITTED: APRIL 29, 2010
IBP No. 09226 (LIFETIME)
PTR No. 602430A; 01/03/14; DUMAGUETE CITY
MCLE COMPLIANCE IV-0020495 5/27/2013

ACKNOWLEDGMENT

STATE OF NEVADA )
)ss.
COUNTY OF CLARK )

On April 25th, 2014, personally appeared before me, a notary public, CATERINA ANGELA BYRD, who acknowledged to me that he/she executed the foregoing MARITAL SETTLEMENT AGREEMENT, freely and voluntarily and for the uses and purposes therein mentioned.

NOTARY PUBLIC

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
J LANCE DOMINGOIL
No: 13-8435-1
My Appointment Expires Aug. 9, 2016

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5/28/2019 9:36 AM
Steven D. Grierson
CLERK OF THE COURT

**NEO**
**WEBSTER & ASSOCIATES**
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Fax No: (702) 562-2303
e-mail: anitawebster@embarqmail.com
e-mail: jlambertsen@embarqmail.com
Unbundled Attorney for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

| | |
|---|---|
| CATERINA ANGELA BYRD<br><br>Plaintiff,<br><br>v.<br><br>GRADY EDWARD BYRD<br><br>Defendant. | CASE NO.: D-18-577701-Z<br>DEPT NO.: G<br><br>**NOTICE OF ENTRY OF ORDER FROM THE MAY 2, 2019 HEARING** |

PLEASE TAKE NOTICE that an Order was entered in the above-entitled action on the 28th day of May, 2019, a copy of which is attached.

Dated this 28 day of May, 2019.

**WEBSTER & ASSOCIATES**

JEANNE F. LAMBERTSEN, ESQ.
Unbundled Attorney for Plaintiff

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6882 Edna Avenue • Las Vegas, Nevada 89146
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**Certificate of Service**

Pursuant to NRCP 5(b), I certify that I am employed in the Law Offices of WEBSTER & ASSOCIATES, and that on this 28 day of May, 2019, I caused the above and foregoing document to be served as follows:

[ X ] by mandatory electronic service through the Eighth Judicial District Court's electronic filing system;

[ ] by placing the same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;

[ ] pursuant to EDCR 7.26 to be sent via facsimile, by duly executed consent for service by electronic means;

[ ] by hand-delivery with signed Receipt of Copy.

To the attorney(s)/person(s) listed below at the address, email address, and/or facsimile number indicated below:

Byron Mills, Esq.
Modonnell@millsnv.com

Lillian Brand
An employee of Webster & Associates

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5/24/2019 2:26 PM
Steven D. Grierson
CLERK OF THE COURT

ORDR
WEBSTER & ASSOCIATES
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e-mail: anitawebster@embarqmail.com
e-mail: jlambertsen@embarqmail.com
Attorney for Plaintiff, unbundled

DISTRICT COURT

CLARK COUNTY, NEVADA

| | |
|---|---|
| CATERINA ANGELA BYRD<br>Plaintiff,<br>v.<br>GRADY EDWARD BYRD<br>Defendant. | CASE NO.: D-18-577701-Z<br>DEPT NO.: G<br>**ORDER FROM THE MAY 2, 2019 HEARING** |

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This matter having come before the court on the 2nd day of May 2019, for the Status Check regarding Discovery, Plaintiff, CATERINA ANGELA BYRD (hereinafter "Plaintiff"), present with her unbundled attorney, JEANNE F. LAMBERTSEN, ESQ., of the law firm of WEBSTER & ASSOCIATES and Defendant, GRADY EDWARD BYRD (hereinafter "Defendant"), not present, Defendant's attorney, BYRON MILLS, ESQ., of the law firm of MILLS & ANDERSON, present, the Court having heard the argument of counsel, finds and orders the following:

Ms. Lambertsen noted her concerns regarding the Defendant's absence

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today, and that the Defendant filed a Notice of Intent to Appear Telephonically for the May 22, 2019 hearing. Ms. Lambertsen noted that the Order from the January 23, 2019 hearing, which the Defendant attended, states that "If Defendant does not appear at the return hearing on May 2, 2019, a no-bail bench warrant will be issued for his arrest" also, the Plaintiff objected to the Defendant appearing telephonically at the May 22, 2019 hearing, that he needs to be present and his recent behavior is concerning as the Defendant used the Plaintiff's address to obtain a Nevada Drivers license, the Los Angeles Airport Police found his Chevy Cruze vehicle abandoned with the license plates removed, it was towed to storage where daily fees are accruing, his vehicle loan with Ally Financial is not being paid, and his loans, one for $13,399.11 and another for $17,882.25 are in collections. (VT 11:07:45, 11:13:00).

Mr. Mills noted he received a notice two days ago that the Defendant has a medical issue and is unable to be here today. Mr. Mills advised the Defendant to send him the medical records.

Mr. Mills advised that he has responded to everything and discovery is being done. Mr. Mills advised that he expects to respond to the Plaintiff's requests for clarification and any further requests.

Ms. Lambertsen advised that she is seeking information from federal departments, a state subpoena will not work, and was informed that the Defendant can call them and allow them to release records or that the Plaintiff needs to get a Power of Attorney. (VT 11:15:46).

Upon the Court's inquiry, Mr. Mills advised that he has responded to

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everything and if he can get more information, he will.

Upon the Court's inquiry as to the most important information that the Plaintiff does not have, Ms. Lambertsen advised it would be the 2014 - present date documents regarding the Survivor Benefit Plan because the Plaintiff is no longer on the Survivor Benefit Plan and the Defendant has an option to voluntarily place her back on the Survivor Benefit Plan. (VT 11:19:25, VT 11:21:20).

**COURT NOTES** that it is not pleased that the Defendant is not present today.

**IT IS HEREBY ORDERED** that the Defendant is required to be present in person for the May 22, 2019, hearing. The consequences will be grave if he is not. Request for a telephonic appearance is denied.

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**IT IS FURTHER ORDERED** that the Court finds the Defendant is making a good faith effort to comply with discovery. Mr. Mills is to accomplish what he can between now and the May 22, 2019, hearing. Any issues left over with regard to discovery will be before the Court on May 22, 2019 at 9:00 A.M.

**DATED** this 22nd day of May 2019.

**DISTRICT COURT JUDGE**
Rhonda K. Forsberg

Submitted by:
WEBSTER & ASSOCIATES

JEANNE F. LAMBERTSEN, ESQ.
Nevada Bar No. 9460
6882 Edna Ave.
Las Vegas, Nevada 89146
Counsel for Plaintiff, unbundled

Reviewed as to form and content:
MILLS & ANDERSON

BYRON L. MILLS, ESQ.
Nevada Bar No. 006745
703 S. 8th Street
Las Vegas, Nevada 89101
Counsel for Defendant

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Steven D. Grierson
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**NEO**
**WEBSTER & ASSOCIATES**
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e-mail: jlambertsen@embarqmail.com
Unbundled Attorney for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

| | |
|---|---|
| CATERINA ANGELA BYRD<br><br>Plaintiff,<br><br>v.<br><br>GRADY EDWARD BYRD<br><br>Defendant. | CASE NO.: D-18-577701-Z<br>DEPT NO.: G<br><br>**NOTICE OF ENTRY OF ORDER TO SHOW CAUSE TO APPEAR ON OCTOBER 21, 2019** |

PLEASE TAKE NOTICE that an Order to Show Cause was entered in the above-entitled action on the 26th day of July, 2019, a copy of which is attached.

Dated this 29th day of July, 2019.

**WEBSTER & ASSOCIATES**

JEANNE F. LAMBERTSEN, ESQ.
Unbundled Attorney for Plaintiff

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Telephone (702) 562-2300 • Facsimile (702) 562-2303

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**Certificate of Service**

Pursuant to NRCP 5(b), I certify that I am employed in the Law Offices of WEBSTER & ASSOCIATES, and that on this 29 day of July, 2019, I caused the above and foregoing document to be served as follows:

[ X ] by mandatory electronic service through the Eighth Judicial District Court's electronic filing system;

[ ] by placing the same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;

[ ] pursuant to EDCR 7.26 to be sent via facsimile, by duly executed consent for service by electronic means;

[ ] by hand-delivery with signed Receipt of Copy.

To the attorney(s)/person(s) listed below at the address, email address, and/or facsimile number indicated below:

Byron Mills, Esq.
Modonnell@millsnv.com

An employee of Webster & Associates

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e-mail: jlambertsen@embarqmail.com
Attorney for Plaintiff, unbundled

DISTRICT COURT

CLARK COUNTY, NEVADA

| | |
|---|---|
| CATERINA ANGELA BYRD<br><br>Plaintiff,<br><br>v.<br><br>GRADY EDWARD BYRD<br><br>Defendant. | CASE NO.: D-18-577701-Z<br>DEPT NO.: G |

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Department G

## Order to Show Cause

Defendant, Grady Edward Byrd, having failed to comply with the following without just cause appearing:

Pay Caterina the ongoing $3,000.00 per month payments starting June 1, 2019 pending the evidentiary hearing on October 21, 2019. Additionally, Grady is to pay Caterina $5,000 for attorney fees by June 5, 2019.

**IT IS HEREBY ORDERED** that Defendant, Grady Edward Byrd shall appear before the District Court Judge, Department G of the Family Court Division, 601 N. Pecos Rd., Las Vegas, NV 89101, on October 21, **2019** at

9:00 A.m. to show cause, if any, why he should not be held in contempt for his refusal to comply with this Court's Orders as set forth in the Order from the May 22, 2019 Hearing.

To further show cause, if any, why this Court should not impose sanctions against Grady Edward Byrd for his disregard of this Court's orders.

**IT IS FURTHER ORDERED** that if Grady Edward Byrd fails to appear October 21, **2019 at** 9:00 A **.m.,** Department G, District Court, Family Division, 601 N. Pecos Rd., Las Vegas, NV 89101, a warrant for his arrest shall issue forthwith.

Dated this 24th day of July, 2019.

DISTRICT COURT JUDGE
Rhonda K. Forsberg

Respectfully submitted by:

**WEBSTER & ASSOCIATES**

ANITA A. WEBSTER, ESQ.
Nevada Bar No. 1221
JEANNE F. LAMBERTSEN, ESQ.
Nevada Bar No. 9460
6882 Edna Avenue
Las Vegas, Nevada 89146
Attorneys for Plaintiff, unbundled

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FDF
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Tel No.: (702) 562-2300
e-mail: anitawebster@embarqmail.com
e-mail: jlambertsen@embarqmail.com
Attorney for Plaintiff, unbundled

**EIGHT JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

| | | |
|---|---|---|
| Caterina Angela Byrd,<br>Plaintiff,<br>vs.<br>Grady Edward Byrd,<br>Defendant. | | Case No.: D-18-577701-Z<br>Dept. No.: G |

**AMENDED GENERAL FINANCIAL DISCLOSURE FORM**

A. Personal Information:

1. What is your full name? Caterina Angela Byrd
2. How old are you? 55
3. What is your date of Birth? 7/24/63
4. What is your highest level of education? High school

B. Employment Information:

1. Are you currently employed/self-employed? (✓ check one)

☒ No
☐ Yes, If yes, complete the table below. Attached an additional page if needed.

| Date of Hire | Employer Name | Job Title | Work Schedule (days) | Work Schedule (shift times) |
|---|---|---|---|---|
| | | | | |
| | | | | |

2. Are you Disabled? (✓ check one)

☒ No
☐ Yes
If yes, what is your level of disability? _____
What agency certified your disability? _____
What is the nature of your disability? _____

C. Prior Employment: If you are unemployed or have been working at your current job for less than 2 years, complete the following information.

Prior Employer: Self-employed business Date of Hire: 2004 Date of Termination: 2006
Reason for Leaving: The base closed down, leaving no potential customers

## Monthly Personal Income Schedule

**A. Year-to-date Income.**

As of the pay period ending: _____my gross year to date pay is: _____

**B. Determine your Gross Monthly Income.**

Hourly Wage

| $ | * | | = | $0.00 | * | 52 | = | $0.00 | / | 12 | = | $0.00 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Hourly Wage | | Number of Hours worked per week | | Weekly Income | | Weeks | | Annual Income | | Months | | Gross Monthly Income |

Annual Salary

| $ | / | 12 | = | $0.00 |
|---|---|---|---|---|
| Annual Income | | Months | | Gross Monthly Income |

**C. Other sources of Income.**

| Source of Income | Frequency (Monthly , Weekly or Other) | Amount | 12 Month Average |
|---|---|---|---|
| Annuity of Trust Income | | | $ 0.00 |
| Bonuses | | | $ 0.00 |
| Car, Housing, or Other Allowance | | | $ 0.00 |
| Commissions or Tips | | | $ 0.00 |
| Net Rental Income | | | $ 0.00 |
| Overtime Pay | | | $ 0.00 |
| Pension/Retirement | | | $ 0.00 |
| Social Security Income (SSI) | | | $ 0.00 |
| Social Security Disability (SSD) | | | $ 0.00 |
| Spousal Support | | | $ 0.00 |
| Child Support | | | $ 0.00 |
| Workman's Compensation | | | $ 0.00 |
| Other: | | | $ 0.00 |
| **Total Average Other Income Received Per Month** | | | $ 0.00 |
| **Total Average Gross Monthly Income + Other Income** | | $0.00 | $ 0.00 |

**D. Monthly Deductions:**

| Type of Deduction | | | Amount |
|---|---|---|---|
| Court Ordered Child Support (automatically deducted from paycheck) | | | |
| Federal Health Savings Plan | | | |
| Federal Income Tax | | | |
| Health Insurance | Amount for you | | |
| | For Opposing Party | | |
| | For your Child(ren) | | $ 0.00 |
| Life, Disability, or Other Insurance Premiums | | | |
| Medicare | | | |
| Retirement, Pension, IRA, or 401(K) | | | |
| Savings | | | |
| Social Security | | | |
| Union Dues | | | |
| Other: | | | |
| **Total Monthly Deductions** | | | $ 0.00 |

**Business/Self-Employment Income & Expense Schedule**

A. Business Income**:**
What is your average gross (pre-tax) monthly income/revenue from self-employment or businesses? _____

B. Business Expenses: Attach an additional page if needed.

| Type of Business Expense | | Frequency (Monthly ,Weekly or other) | Amount | 12 Month Average |
|---|---|---|---|---|
| Advertising | | | | $ 0.00 |
| Car and truck used for business | | | | $ 0.00 |
| Commissions, wages of fees | | | | $ 0.00 |
| Business Entertainment/Travel | | | | $ 0.00 |
| Insurance | | | | $ 0.00 |
| Legal and Professional | | | | $ 0.00 |
| Mortgage or Rent | | | | $ 0.00 |
| Pension and profit-sharing plans | | | | $ 0.00 |
| Repairs and Maintenance | | | | $ 0.00 |
| Supplies | | | | $ 0.00 |
| Taxes and Licenses (include est. tax payments) | | | | $ 0.00 |
| Utilities | | | | $ 0.00 |
| **Other: (See Attached Sheet)** | | | | ?? |
| **Total Expenses for the Year** | $0.00 | | **Monthly Average** | $ 0.00 |

**Personal Expense Schedule (Monthly)**

A. Fill in the table with the amount of money you spend each month on the following expenses and check whether you pay the expense for you, for the other party, or for both of you.

| Expense | Monthly Amount I Pay | For Me ☐ | Other Party ☐ | For Both ☐ |
|---|---|---|---|---|
| Alimony/Spousal Support | | | | |
| Auto Insurance | $ 100.00 | ✔ | | |
| Car Loan/Lease Payment | | | | |
| Cell Phone | | | | |
| Child Expense (from detail child expense) | $ 0.00 | | | |
| Child Support (not deducted from pay) | | | | |
| Clothing, Shoes, Etc | $ 125.00 | ✔ | | |
| Credit Card Payments (minimum due) | $ 200.00 | ✔ | | |
| Dry Cleaning | | | | |
| Electric | $ 150.00 | ✔ | | |
| Food (groceries & restaurants) | $ 300.00 | ✔ | | |
| Fuel | $ 50.00 | ✔ | | |
| Gas (for home) | $ 25.00 | ✔ | | |
| Health Insurance (not deducted from pay) | $ 102.97 | ✔ | | |
| HOA | $ 280.00 | ✔ | | |
| Home Insurance (if not included in mortgage) | | | | |
| Long Term Care Insurance | $ 128.01 | ✔ | | |
| Internet/Cable | $ 174.49 | ✔ | | |
| Lawn Care | $ 70.00 | ✔ | | |
| Membership Fees | | | | |
| Mortgage/Rent/Lease | $ 1,933.07 | ✔ | | |
| Pest Control | | | | |
| Trash | $ 44.91 | ✓ | | |
| Sewer | $ 62.22 | ✓ | | |
| Property Taxes (if not included in mortgage) | | | | |
| Security | $ 55.99 | ✔ | | |
| Student Loans | | | | |
| Un-reimbursed Medical Expense | $ 50.00 | ✔ | | |
| Water | $ 80.00 | ✔ | | |
| **Other: (Use attached table of Expenses)** | ?? | | | |
| **Total Monthly Expenses** | $ 3,931.66 | | | |

## Household Information

**A.** Fill in the table below with the name and date of birth of each child, the person the child is living with, and whether the child is from this relationship. Attached a separate sheet if needed.

| | Child's Name | Child's DOB | Whom is this child living with? | Is this child from this relationship? | Has this child been certified as special needs/disabled? |
|---|---|---|---|---|---|
| 1st | | | | | |
| 2nd | | | | | |
| 3rd | | | | | |
| 4th | | | | | |

**B.** Fill in the table below with the amount of money you spend each month on the following expenses for each child.

| **Type of Expense** | **1st Child** | **2nd Child** | **3rd Child** | **4th Child** |
|---|---|---|---|---|
| Cellular Phone | | | | |
| Child Care | | | | |
| Clothing | | | | |
| Education | | | | |
| Entertainment | | | | |
| Extracurricular & Sports | | | | |
| Health Insurance (if not deducted from pay) | | | | |
| Summer Camp/Programs | | | | |
| Transportation Costs for Visitation | | | | |
| Unreimbursed Medical Expenses | | | | |
| Vehicle | | | | |
| Other: | | | | |
| **Total Monthly Expenses** | $ 0.00 | $ 0.00 | $ 0.00 | $ 0.00 |

**C.** Fill in the table below with the names, ages, and the amount of money contributed by all persons living in the home over the age of eighteen. If more than 4 adult household members attached a separate sheet.

| **Name** | **Age** | **Person's Relationship to You (i.e. sister, friend, cousin, etc...)** | **Monthly Contribution** |
|---|---|---|---|
| | | | |
| | | | |
| | | | |
| | | | |

## Personal Asset and Debt Chart

A. Complete this chart by listing all of your assets, the value of each, the amount owed on each, and whose name the asset or debt is under. If more than 14 assets or debts, attach a separate sheet.

| Line | Description of Asset and Debt Thereon | Gross Value | | Total Amount Owed | | Net Value | Whose Name is on the Account? You, Your Spouse/Domestic Partner or Both |
|---|---|---|---|---|---|---|---|
| 1. | | | – | | = | $ 0.00 | |
| 2. | | | – | | = | $ 0.00 | |
| 3. | | | – | | = | $ 0.00 | |
| 4. | | | – | | = | $ 0.00 | |
| 5. | | | – | | = | $ 0.00 | |
| 6. | | | – | | = | $ 0.00 | |
| 7. | | | – | | = | $ 0.00 | |
| 8. | | | – | | = | $ 0.00 | |
| 9. | | | – | | = | $ 0.00 | |
| 10. | | | – | | = | $ 0.00 | |
| 11. | | | – | | = | $ 0.00 | |
| 12. | | | – | | = | $ 0.00 | |
| 13. | | | – | | = | $ 0.00 | |
| 14. | | | – | | = | $ 0.00 | |
| | **Total from Attached Table** | | – | | = | $ 0.00 | |
| | **Total Value of Assets** | $ 0.00 | – | $ 0.00 | = | $ 0.00 | |

B. Complete this chart by listing all of your unsecured debt, the amount owed on each account, and whose name the debt is under. If more than 5 unsecured debts, attach a separate sheet.

| Line | Description of Credit Card or Other Unsecured Debt | Total Amount owed | Whose Name is on the Account? You, Your Spouse/Domestic Partner or Both |
|---|---|---|---|
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| 5. | | | |
| 6. | | | |
| **Total Unsecured Debt** | | $ 0.00 | |

## CERTIFICATION

**Attorney Information**: *Complete the following sentences:*

1. I *(have/have not)* have retained an attorney for this case.
2. As of the date of today, the attorney has been paid a total of $ 29,381 on my behalf.
3. I have a credit with my attorney in the amount of $ 5,000.
4. I currently owe my attorney a total of $ 5,960.
5. I owe my prior attorney a total of $ _____.

**IMPORTANT:** Read the following paragraphs carefully and initial each one.

X I swear or affirm under penalty of perjury that I have read and followed all instructions in completing this Financial Disclosure Form. I understand that, by my signature, I guarantee the truthfulness of the information on this Form. I also understand that if I knowingly make false statements I may be subject to punishment, including contempt of court.

_____ **I have attached a copy of my 3 most recent pay stubs to this form.**

_____ **I have attached a copy of my most recent YTD income statement/P&L statement to this form, if self-employed.**

X **I have not attached a copy of my pay stubs to this form because I am currently unemployed.**

Signature

7/12/2019
Date

**CERTIFICATE OF SERVICE**

I hereby declare under the penalty of perjury of the State of Nevada that the following is true and correct:

That on the 15th day of July, 2019, service of the Amended General Financial Disclosure Form was made to the following interested parties in the following manner:

☒ by mandatory electronic service through the Eighth Judicial District Court's electronic filing system.

Byron L. Mills, Esq.
attorneys@millsnv.com

An employee of Webster & Associates