

COMMONWEALTH OF KENTUCKY
FAYETTE CIRCUIT COURT
FIRST DIVISION
CASE NO. 18-CI-2095

ELECTRONICALLY FILED

IN RE THE MARRIAGE OF:

ALEXANDRA TUVESON

PETITIONER,

AND

BRIAN POE

RESPONDENT.

NOTICE

The parties shall take notice that this matter is noticed to be heard on **Friday, March 22, 2019 at 1:30 p.m.**, before the Fayette Circuit Court at 120 N. Limestone, Lexington, Kentucky 40507, or as soon thereafter as the parties may be heard.

You must file with the Court, at least 24 hours prior to the time of the hearing, a completed child support guidelines worksheet & copies of your last 3 pay stubs, or if self-employed, proof of your current income and the most current federal and state tax returns.

**VERIFIED MOTION TO MODIFY TIMESHARING AND CHILD SUPPORT;
MOTION FOR REIMBURSEMENT OF CHILD SUPPORT;
MOTION TO INHIBIT THE RESPONDENT FROM VIOLENT BEHAVIOR AND
COMMUNICATION IN THE PRESENCE OF THE CHILDREN;
MOTION FOR ATTORNEYS FEES**

COMES the Petitioner, Alexandra Tuveson, (hereinafter referred to as "Alexandra") through counsel, and motions the court for the following:

1. MOTION TO MODIFY TIMESHARING: The parties entered into a Domestic Mediation Agreement on September 20, 2018. This agreement was incorporated as part

of the parties' decree of dissolution. The parties agreed that they would share joint custody and exercise equal timesharing of their two children, J.P.P., age 4 and A.M.P., age 2. However, since approximately 3-4 weeks AFTER the mediation, the Respondent, Brian Poe, (hereinafter referred to as "Brian") has not abided by the timesharing schedule. Brian spends approximately one 24 hour period with the children each week while the children reside the remaining time with their mother. Alexandra's mother, Jan Tuveson, lives with Alexandra and the children and offers child care when Alexandra is not home. Alexandra desires and believes it to be in the best interest of the minor children to continue this timesharing arrangement that the children have become accustomed to. Recently, Brian has stopped by Alexandra's home to say hi to the children and Alexandra has no problem with that. Further, it appears that it is most convenient for Brian to timeshare with the children each Saturday at 4:00 p.m. until Sunday at 4:00 p.m.. Alexandra is in accord with the furtherance of this schedule.

2. MOTION TO MODIFY CHILD SUPPORT. Pursuant to KRS 403.213, Alexandra motions this court to modify Brian's child support obligation. The Domestic Mediation agreement stated that "in consideration of the parties' income and timesharing arrangement, each parent shall keep one of the child's SSD monthly payment, currently \$461 per month." Child support should be modified and the parties should no longer deviate from the Kentucky Child Support Guidelines, now that they do not have equal timesharing.

Alexandra did not accumulate enough income to file income taxes for the 2017 or 2018 tax year. Any tax return from previous years would be in Brian's possession.

However, she does work part-time at Lexington Athletic Club and has attached her last three paystubs. Occasionally, Alexandra is employed as a fitness model but is currently in the beginning stages of this career. The only compensation Alexandra receives for modeling "shoots" or promotions are free samples of the products she promotes.

Alexandra has attached her three most recent paystubs as **Exhibit 1**.

3. MOTION FOR REIMBURSEMENT OF CHILD SUPPORT. Brian is in blatant violation of the Domestic Mediation Agreement, as he has only provided Alexandra with only ONE SSD payment of \$461 since the parties' mediation in September, 2018. He currently owes Alexandra \$2,305.00 in child support arrears. Alexandra would also like the court to be aware that Brian refused to pay this nominal child support even though he maintains two residences (his main residence with his newest paramour, as well as a condo at the Summit); and he is well aware that Alexandra is responsible for the children the overwhelming majority of the time.

Because Brian has refused to pay child support and take responsibility of his timesharing obligations, Alexandra has not been able to take on more work to save for a car. Pursuant to the Mediation agreement, Alexandra was to give Brian his 2007 Camry back by January 1, 2019. To be completely candid with this court, Alexandra has not complied with this. This Camry is Alexandra's only vehicle to transport the children to and from school and to drive herself to and from work. Alexandra knows that she must comply with this provision of the Mediation Agreement and respectfully requests that she be allowed sixty days after Brian has paid his child support arrearages to return the car.

4. MOTION TO BAN RESPONDENT'S VIOLENT COMMUNICATION AND

BEHAVIOR IN THE PRESENCE OF THE CHILDREN. Brian has never ceased to say hurtful, degrading things to Alexandra via text message or telephonically. However, much of Brian's violent and degrading communication has been in the presence of the children. The explosive, hateful comments became so extreme that Alexandra began recording Brian at various timesharing exchanges. Alexandra has actual recordings of this language that she would like this Court, Brian, and opposing counsel to hear. Brian has also made extremely disturbing comments to Alexandra's mother, Jan Tuveson, who resides with Alexandra and the children. This has also been done in the presence of the children and is very upsetting to them. **Please see Exhibit 2.** This behavior is detrimental to the children's well-being and must cease immediately. This behavior is also in violation of the parties mediation agreement.

5. MOTION FOR ATTORNEYS FEES. Alexandra has very little funds to pay undersigned counsel and has had to borrow from family in order to retain counsel. Alexandra respectfully requests that Brian pay her attorneys fees for having to bring this motion before the Court.

WHEREFORE, the Petitioner, Alexandra Tuveson, respectfully requests the following relief from this Court:

1. To modify the parties' timesharing to allow the children to continue to primarily with Alexandra and allow Brian reasonable timesharing;
2. To modify Brian's child support obligation to reflect the parties' timesharing arrangement, pursuant to the Kentucky Child Support Guidelines;
3. To order Brian pay Alexandra \$2,305.00 in back child support;
4. To order Alexandra return the 2007 Toyota Camry to Brian 60 days after he has paid his child support arrearages;

5. Order that Brian immediately cease his violent communication and behavior in the presence of the children;
6. To order Brian pay Alexandra's attorneys fees for having to bring this motion before the Court;
7. To any and all other relief to which the Petitioner may be entitled;
8. Make any such other Orders as the Court may deem appropriate.

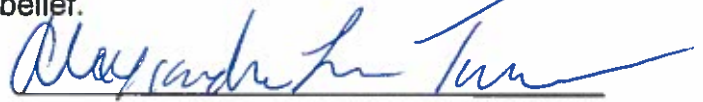
Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Corey A. Lee', is written over a horizontal line.

HON. COREY A. LEE
Attorney for Petitioner
333 West Vine Street, Suite 300
Lexington, KY 40507
corey@corev-leelaw.com
859.685.1021

PETITIONER'S VERIFICATION

I have read the foregoing Motion and the information contained therein is true and correct to the best of my knowledge and belief.



ALEXANDRA TUVENSON

STATE OF KENTUCKY }

COUNTY OF Fayette }

This Motion was subscribed, sworn to and acknowledged before me, the undersigned authority by Alexandra Tuveson on this the 11th day of March, 2019.

My commission expires 1/18/23 My notary certificate # is: 615617



NOTARY PUBLIC, STATE AT LARGE, KY

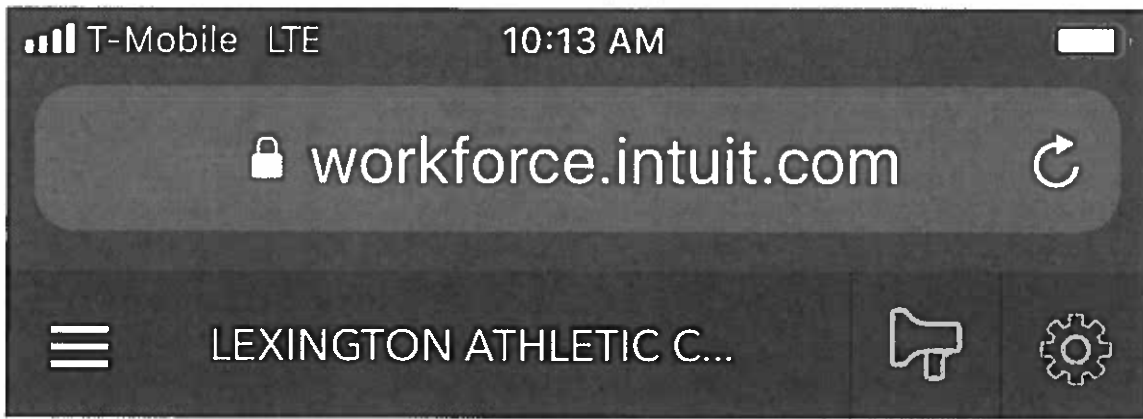
CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing Motion was served by US Mail on this 19 day of March, 2019 to:

Hon. Martha Rosenberg
183 N Upper Street
Lexington, KY 40507



HON. COREY A. LEE



Paycheck detail

PAY PERIOD Feb 16 - Feb 28, 2019

PAID ON Feb 28, 2019

\$84.05

NET PAY

11.37

HOURS WORKED

Download

EARNINGS

CURRENT

YTD

Hourly
11.37 @ \$8.25

\$93.80

\$529.07

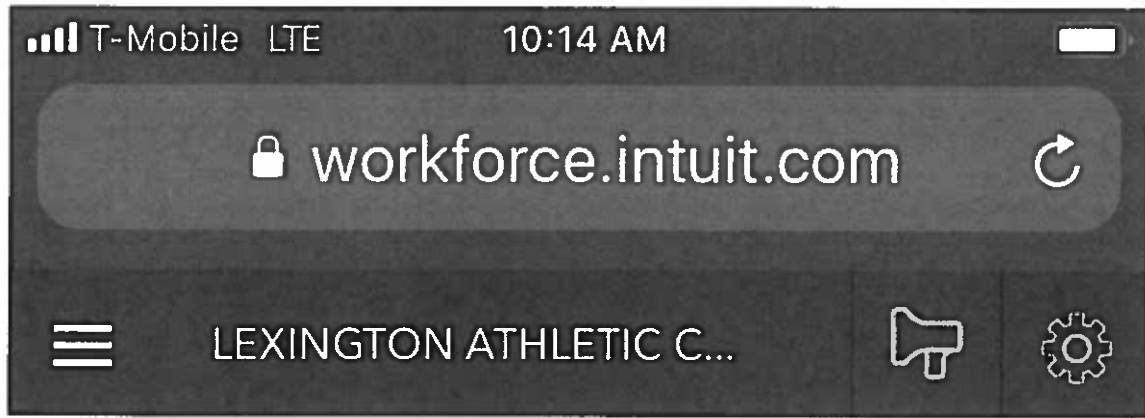
Total

\$93.80

\$529.07



EXHIBIT 1



< All Paychecks

Paycheck detail

PAY PERIOD Feb 01 - Feb 15, 2019

PAID ON Feb 15, 2019

\$168.84

NET PAY

23.99

HOURS WORKED

Download

EARNINGS

CURRENT

YTD

Hourly
23.99 @ \$8.25

\$197.92

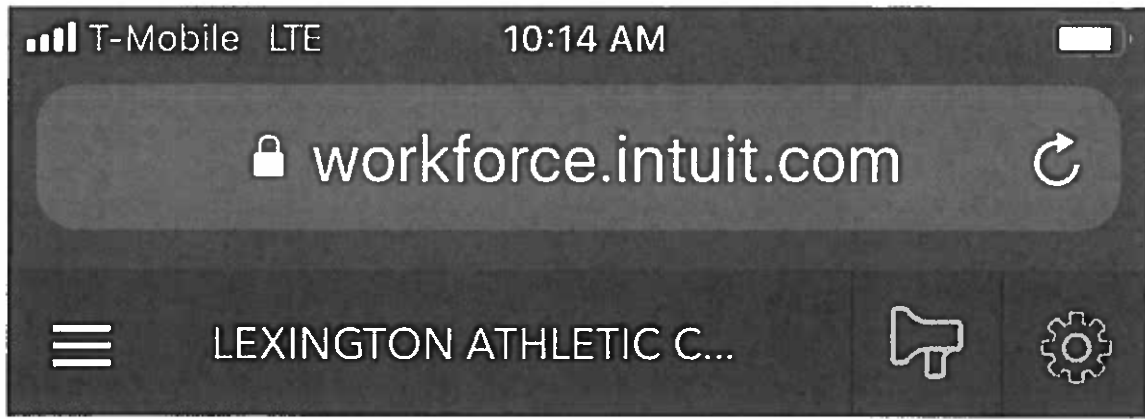
\$435.27

Total

\$197.92

\$435.27





< All Paychecks

Paycheck detail

PAY PERIOD Jan 16 - Jan 31, 2019

PAID ON Jan 31, 2019

\$115.44

NET PAY

15.77

HOURS WORKED

Download

EARNINGS	CURRENT	YTD
Hourly 15.77 @ \$8.25	\$130.10	\$237.35
Total	\$130.10	\$237.35



COMMONWEALTH OF KENTUCKY
FAYETTE CIRCUIT COURT
FIRST DIVISION
CASE NO. 18-CI-2095

ALEXANDRA TUVESON

PETITIONER

VS.

BRIAN POE

RESPONDENT

AFFIDAVIT OF JAN TUVESON

Comes the affiant, Jan Tuveson, and states the following:

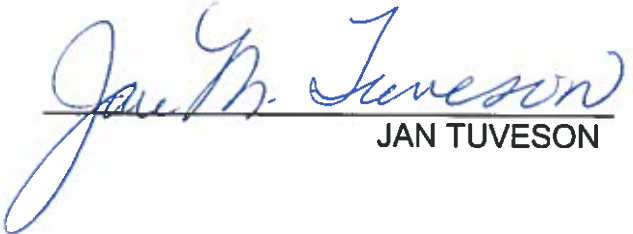
1. I am the mother of the Petitioner, Alexandra Tuveson.
2. I am the grandmother of A.M.P. and J.P.P.
3. I live with Alexandra and the two children and provide childcare for my grandchildren.
4. I have witnessed Brian portray very disturbing behavior in front of the children.
5. Specifically, in October, 2018, Brian came to pick the children up at our house. Alexandra was not present. Brian asked me where Alexandra was and became furious that she was not present when he arrived. Brian took the children to his car, buckled them in and then stood in the driveway and continued yelling at me. He stated things like: "I wish you were dead" and "I wish you would just die."
6. J.P.P. was age 4 at the time and had his window down. I tried to diffuse the situation and begged Brian to stop but he would not. J.P.P. began screaming and crying as he watched his father do this to his grandmother. When J.P.P. arrived back from his

Exhibit 2

father's home, he apologized to me for his father's behavior and was still very shaken and upset.

7. I only want what is in the best interest of my grandchildren.

Further the affiant saith naught.


JAN TUVESON

STATE OF KENTUCKY }
 }
COUNTY OF FAYETTE }

This Affidavit was subscribed, sworn to and acknowledged before me, the undersigned authority by Jan Tuveson on this the 11 day of March, 2019.

My commission expires 1/18/23 My notary certificate # is: 615617

