

DISTRICT COURT, JEFFERSON COUNTY, STATE OF COLORADO

Case No. 95 DR 2748

Division 5

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RESPONSE – TO PETITIONER’S 2/20/01 MOTION FOR MONETARY JUDGMENT ..

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In re the Marriage of:

ANNE E. SMITH,

Petitioner,

and

THOMAS M. SMITH,

Respondent.

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COMES NOW the Respondent, Thomas M. Smith via pro-se representation with response to petitioner’s demand for money. Such motion being continuation of ruthless harassment and persecution of respondent. Submitted with sole intent to emotionally tyrannize, oppress and ultimately destroy respondent’s capacity to function in daily life. Deliberate behavior consistent with petitioner and petitioner’s father’s 5+ year effort to prevent respondent from functioning as father to his children. Such being done to secure their personal goal of his total and permanent removal from the lives of Robin C. and Christine Elise Smith.

Such motion further being “contemptuous to this court’s (Judge Frank Plaut presiding) own statements and admonitions<sup>1</sup>” regarding frivolous and spurious documents. As petitioner’s motion:

- is highly repetitious of facts already known to the court,
- presents state recorded data (FSR) long available to the court
- presents un-verified financial projections made by a party absent of any professional credential to do such.

Also contemptuous in it’s deliberate crafting consistent with petitioner’s long term practice of manipulation of judicial process (“One way of putting it is that Anne wants others to make the decisions... her way” see p39 “Psy Test Results” for Anne Smith - Custody Evaluation, Jun/97).

Respondent prayerfully requests the court hold petitioner and council accountable for ongoing abuse of process and contempt for court’s prior orders. Respondent prayerfully further asks the court’s actions as described in “Respondent’s Request” section of this pleading.

Summary of Pleading’s Content
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- Reply to Content of Petitioner’s Motion
- Destruction of Respondent’s earning capacity by Petitioner
- Respondent’s Request to the Court
- Financial Affidavit as attachment

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<sup>1</sup> Order of 04/14/98 “...frivolous, groundless or otherwise warrants the imposition of attorney’s fees...”,  
Order of 08/11/99 “...filed a great number of spurious documents in the past”

## Reply to Content of Petitioner's Motion

1. Per para 1 – agreed, with added critical events regarding financial issues tied to referenced 7/16/97 separation agreement:
  - a) Fall 1994, Petitioner retained legal council fully one year in advance of filing divorce – to facilitate devising detailed plan that would **maximize financial gain** from divorce.
  - b) Sept 1995, Petitioner served respondent with divorce papers via police process server just days **after respondent's first day of employment** at Fortune 500 firm.
  - c) Dec 1995, respondent discovers petitioner had practiced ongoing behavior of “hiding” physical marital assets, stealing checks from joint banking accounts, making ownership title changes of marital assets, and re-writing of wills during prior 12 months. Following 16 yr marriage with combined net worth near \$500,000 at dissolution, **petitioner's list of physical property to separate with respondent contained 3 items**. Respondent was forced to independently establish property list (exceeding 100 items) by memory alone as petitioner retained physical possession of all major marital assets..
  - d) Jan 1996, at temporary orders petitioner and counsel **refused to cooperate in exchange** of tax related information (even under obligation of law) to facilitate filing of 1995 Federal and State tax returns.
  - e) Jul 1997, prior to, during and after 7/16/97 agreement petitioner was uncooperative, **hindering in multiple ways exchange of property** due respondent per the court verified property settlement.
  - f) Oct 1997, petitioner uncooperative and intentionally hindered and thwarted obtaining written income/tax data required by respondent's preparer before signing 1996 tax return. **Petitioner's obstructive behavior persisting through 10 individual requests**, including formal written documentation by respondent's council. (see 10/16/97 letter between attorneys).
  - g) Jun 2000, petitioner clearly testified in court (ref: 7/27/00 court transcript) of personally contacting Fidelity Investments in Apr/00. **She requested name / ownership modification** to KEOGH (retirement) account awarded and fully transferred to him via 7/16/97 settlement agreement. Respondent believes such act intentional to restrict respondent's access to his own funds. Even after one year since revelation of this action, petitioner has failed to return title back to respondent.
  - h) Mar 2001, in a contemptuous act to the court and the law, petitioner files motion of child claims while following a 4 year (1997, 1998, 1999, 2000) **practice of non-compliance** to legal obligations of financial affidavit exchange.
2. Per para 2 – agreed, respondent has complied 100% with state registry payment obligations in accordance with “statutory boundaries of obligation” for specific conditions of this case. **Respondent in fact, has exceeded legal obligations, given the existing conditions**. A modification to written order has not been established due to respondent's lack of access to the court and petitioner's failure to provide legally obligated financial information.
3. Per para 3 – agreed, respondent concedes a report is attached.
4. Per para 4 – respondent offers no statement.

5. Per para 5 – respondent recognizes claim of arrearage only as allegation, not fact as implied.
6. Per para 4 – (assume intended as paragraph 6, unless petitioner's counsel does not know how to count past 5) such accounting moot.

Destruction of Respondent's earning capacity by Petitioner

7. 1995 / 1996 petitioner's perpetual litigation causes Lose of Corporate Employment

In 12/95 petitioner **litigated against the court's own finding** (no motion by father) that had extended more father / children time during holiday season. Resulted from court's finding petitioner to be persistently un-supportive of father / child relationship. In 12/96 petitioner **again litigated to overturn court ordered** father / children holiday time to suit petitioner's personal vacation desires.

The above are merely two (2) representative examples of efforts (referred to by custody evaluation team as "ruthless") to oppress father emotionally. Such acts ultimately resulted in termination of respondent father's J.D. Edwards corporate employment in Jan/97.

8. 1997 to date - Destruction of Corporate Employment Potential

Petitioner's council issued **subpoena for J.D. Edwards executive level management** employee (respondent's boss) for purpose of challenging him in court about respondent's termination. Immediate result was development of "through the grape vine" warning within Denver IT corporate circles to not employ respondent.

9. 1998 to date - Destruction of Self employment Success Potential

Petitioner's spoken declaration being (*sic*) "**... if you fight me in any way regarding the children I will totally destroy you via your clinical depression experience...**". Brief conversation with virtually any neighbor or acquaintance from my 16 year residence in Governor's Ranch will immediately verify petitioner's degree of success in this effort

10. 1999 to date – Deliberate / Intentional emotional tyranny of father by petitioner.

Since the Columbine 4/20/99 tragedy (near 2 years), petitioner / **mother has NEVER OFFERED one single piece of information regarding impact on children.** Any requests for such resulting in HOSTILE response and litigation. Even with both children being life time attendees of Columbine schools and the eldest now a Columbine High School student.

Petitioner mother, subsequently through ruse of court process in Aug/99, used by her to retain "insane level of control and power over children" – resulted in complete termination of all aspects of father / children relationship. Such condition, coupled with concern for children's mental well being creating intense emotional stress to father – lost in work productivity resulting in lose/cancellation of key business supplier contracts.

11. 2000 Spring/Summer – Petitioner's attempt to "steal" respondent's home & business office

Petitioner undertook intentional effort to compel foreclosure on respondent's personal residence - his home and base of operation for his company **Done with intent to "skim equity" for purpose of paying her own attorney fees.** Via filed liens and complications (including false arrest) resulting from a petitioner's council's intentional acts of misrepresentation of legal documents, IMMEDIATE acceleration of note occurred, after only a single missed payment. Petitioner has "stalked" respondent's private life to get property at public auction. Via auction sale, petitioner's wealthy father would purchase property at distressed price, then immediately sell and pocket all respondent's accumulated equity.

Such act done with total disregard for negative impact on respondent's personal life even **knowing it would destroy his ability to carry on an income producing business.** Respondent's efforts to "cure" foreclosure took 9 months, consumed all available funds for business and created extensive distraction from business operations.

12. Year 2000 – Petitioner living totally beyond means

In petitioner's own words in a "Holiday Letter"<sup>2</sup> she describes a year 2000 lifestyle well beyond her means. **Excessive in spending and purposely intended to disparage father in eyes of children.** Petitioner speaks at length about extensive vacationing and recreation:

- "...we spent a fair amount of time on the slopes in the winter..."
- "...we have been to the Cayman Islands off and on over the past few years to enjoy the condo...", "both girls (children) have joined me as certified divers!..."
- "... in June we took a wonderful trip to Australia... so we could all dive on the Great Barrier Reef..."
- "... then we progressed north to an "eco-resort" where we stayed in tree houses..."

Petitioner also states in her letter "... In February 1999, **I left my job as VP of Human Resources at a long term care management company...**" to permit working from home, providing a more leisurely pace that meet her preferred schedule. Achieved by going to work for her father (the sole employee).

13. Jul 2000 – Emotional / Financial harassment through false litigation

Under ruse to the court (in order to obtain quick court hearing), petitioner made TOTALLY FALSE allegation about father's actions regarding effort to obtain mental health services for oldest child near date of Columbine Tragedy's first year anniversary. Such time generating enormous stress for certain students (daughter). A CHS student suicide (known athlete) did occur during this time. Further, motion was filed many months after actual events, for true intent was to give petitioner's council opportunity to harass, badger and demean respondent "in court" regarding his employment and monetary condition.

**Petitioner's filed motion ABSENT OF VALUE or INTENT in serving "best interest of the children. In fact, actual outcome has been extremely detrimental to children.**

Clearly 70-80% of hearing time (ref: 7/27/00 court transcript) used by petitioner's counsel to interrogate respondent and place him under duress. Demanding answers from respondent from witness stand for account-by-account transactions that occurred up to four years prior.

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<sup>2</sup> Year 2000, Holiday Newsletter of Anne Smith sent to extended family and other acquaintances.

14. Jul 2000 – Petitioner's effort to wipe out respondent's fledgling company and business

Mid summer, petitioner filed motion and proceeded to hearing specifically requesting court to incarcerate respondent. **Alleged charges, although false, were used effectively by petitioner to generate incarceration via an expired suspended sentence.** Such act having 2 devastating consequences:

- immediate 100% lose of respondent's opportunity to execute his single most significant annual marketing event

AND

- termination and lose of "financial partner relationship" established in months just prior to hearing. (Affidavit of ex-partner's communication proving such, is available to the court on request).

Respondent's Request to the Court
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WHEREFORE it is clearly evident, demonstrated through recorded court documents, an ongoing 5 year pattern of behavior exists to "thwart, hinder and ultimately dissolve all relation between father and children of the marriage". Respondent respectfully requests the court to DENY the petitioner's motion, doing so to begin tempering and mitigating behavior that is highly detrimental to the children's well being and emotional development.

Furthermore, documented evidence of petitioner's willful and obsessive effort to "extort" money from respondent for self-serving interests of:

- supporting a lifestyle of excessive recreation and living beyond means
- financing self initiated unnecessary extraordinary legal fees – born of effort to perpetuate clinically diagnosed life style of "ir-responsibility toward dealing with adult issues"
- maintaining "propaganda message" to her family of origin, ex-in-laws (even those living 1000+ miles away), friends and even community acquaintances that she's a helpless victim of circumstance
- continuing her "...child raising through guilt..." parenting approach to discredit father's human worth in eyes of his children, and even generate "fear" of father within children.
- fulfilling her "vowed" life commitment to "destroy" father (financially, professional reputation and personal community relationships)

with ultimate intent of creating "total financial insolvency" of father to eliminate any possibility of his petitioning for parental relationship with the children.

WHEREFORE respondent expresses grave concern for current and future mental / emotional well being of the minor children originating from witnessing "destruction of father's life" by petitioner respondent respectfully requests the court, through powers engendered to it by:

15. CRS 14-10-124 (1)(a) - initiate an "Immediate reinstatement of a parenting time order for respondent and children, under EMERGENCY CONDITIONS".

16. CRS 14-10-131 - initiate an "Immediate order for psychological review of mental fitness of petitioner" in light of "complete absence of fostering" and "conspicuous indifference" toward fundamental needs of children.

Respectfully submitted,

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Thomas M. Smith  
11881 Elk Head Range Road  
Littleton, CO. 80127

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the RESPONSE – TO PETITIONER'S 2/20/01 MOTION FOR MONETARY JUDGMENT was hand delivered or deposited in the US mail postage pre-paid on the 23th day of March, 2001 to the following:

Carolyn Sampson, Esq. (#7606)  
Sampson & Associates  
143 Union Blvd. #625  
Lakewood, Colorado 80228  
FAX #: 303-763-6910

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Thomas M. Smith

Notary Public