

STATE OF NORTH CAROLINA

In The General Court Of Justice

MECKLENBURG County

**CERTIFICATE OF
TRUE COPY**

Office of the Clerk of the Superior Court

As Clerk of the Superior Court of this County, State of North Carolina, I certify that the attached copies of the documents described below are true and accurate copies of the originals now on file in this office.

Number And Description Of Attached Documents:

LESLEY CHAMBLESS,

VS.

EMILETH VALVERDE PICADO,

19-CVD-20507

APPLICATION FOR ORDER FOR SERVICE BY PUBLICATION



Witness my hand and the seal of the Superior Court

Date	01-15-2020	
Clerk Of Superior Court	ELISA CHINN-GARY	
Signature	<i>Elisa Chinn-Gary</i>	
<input checked="" type="checkbox"/> Deputy CSC	<input type="checkbox"/> Assistant CSC	<input type="checkbox"/> Clerk Of Superior Court

STATE OF NORTH CAROLINA

IN THE GENERAL COURT

COUNTY OF MECKLENBURG

MECKLENBURG COUNTY

OF JUSTICE

DISTRICT COURT DIVISION

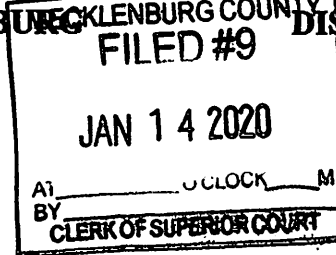
LESLEY CHAMBLESS,

Plaintiff/Wife,

vs.

EMILETH VALVERDE PICADO,

Defendant/Husband.



File No. 19-CVD-20507

APPLICATION FOR ORDER FOR SERVICE BY PUBLICATION

COMES NOW THE PLAINTIFF, LESLEY CHAMBLESS, who submits the Application for Order for Service by Publication.

FACTS OF THE CASE

This case is related to complaint for distribution of assets, as described in the Complaint and Motion for Interim Distribution.

REQUEST

Plaintiff has been unable to locate a valid address for service on the Defendant, **Emileth Valverde Picado a.k.a. Emileth Picado Valverde**. Plaintiff hereby requests that the Court issue an Order for Service by Publication for a minimum period of once a week for four (4) consecutive weeks in the online legal notice publication, *Global Legal Notices®*, a website of general circulation in Costa Rica which specializes in service by publication and which provides numerous benefits over traditional print newspapers (See Comparison Chart

attached herein as Exhibit "A"). Their publication policy is to publish the Order, any notices, and all court-issued documents continuously for a period of four (4) consecutive months, which exceeds statutory requirements.

ARGUMENT

Plaintiff has attempted unsuccessfully to serve Defendant, **Emileth Valverde Picado**. ("Valverde"), utilizing traditional service of process methods. However, Valverde has made himself unavailable for service. There is no known physical address where Valverde can be served. He was last known to have resided in San Jose, Costa Rica.

A thorough and careful search for the whereabouts of Valverde was conducted and submits to this court the Affidavit of Due Diligence Search by Ronald Hastings, an experienced private investigator in the U.S. and Latin America (Exhibit "B") showing the steps taken to locate the Defendant, Valverde.

The only available alternative method of service is service by publication. However, newspapers in Costa Rica do not allow for publication of legal notices due to the lack of a law providing such method. The only known method for service by publication in Costa Rica is through *Global Legal Notices*® which provides a more thorough method to give actual notice to the Defendant, as described on their legal notice website at www.GlobalLegalNotices.com.

This method allows for a greater opportunity to give actual notice to the Defendant than service by publication in a traditional newspaper. It provides publication of the Court Order, plus the entire set of Court-issued documents. Further, the publication period exceeds the customary once a week for four (4) consecutive weeks by continually publishing the documents during the four (4) week period. In addition, a Google search

by the Defendant's name and country will typically appear on page one of the Google search after approximately 5 days, thus, providing a greater opportunity to give actual notice to the Defendant.

POINTS AND AUTHORITIES

The U.S. Supreme Court in *Mullane v. Central Hanover Trust & Bank Co.*, 22 ILL.339, U.S. 306, 70 S. Ct. 652, 94 L. Ed. 865 (1950), found that, "*It is a logical step forward in the evolution of civil procedure that the use of new technologies in common communication be utilized.*"

U.S. courts have reasoned that service by publication on foreign defendants is permitted under Federal Rules of Civil Procedure 4(F)(3). Rule 4 allows service of process on a foreign individual:

- (1) by internationally agreed upon means of service reasonably calculated to give notice;
- (2) by a reasonably calculated method as prescribed by the country's law for service for general actions or as the foreign authority directs to a letter rogatory; or (3) by other means not prohibited by international agreement. Because the 1993 amendments to FRCP 4(F) urge that FRCP (4)(3) be construed liberally, the courts have interpreted FRCP 4(F)(3) as authorizing them to utilize technological advancements for serving foreign defendants.

Federal Rules of Civil Procedure, Rule 4((3)(1) provides that "*Service of an individual . . . may be effected in any judicial district of the United States pursuant to the law of the state in which the district court is located . . .*"

The challenge facing plaintiff in this case is there are no traditional newspapers in Costa Rica that will allow for publication of legal notices which originate in courts in the United States.

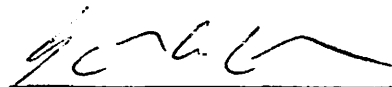
CONCLUSION

Global Legal Notices® offers an improved method of providing actual notice to a defendant of a pending lawsuit while satisfying the Court's requirements for service by publication.

It is widely held that service by publication has a limited success rate in providing actual notice to a defendant that a legal case is pending. Yet, courts routinely issue an order allowing for service by publication in a newspaper, either print or online, as a last resort method to complete service of process.

Wherefore, Plaintiff respectfully requests that the Court issue an Order for Service by Publication in the instant case.

Respectfully submitted,



Seth A. Glazer
Attorney for Plaintiff, Lesley Chambless

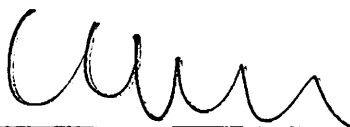
01-10-20

Date

ORDER FOR SERVICE BY PUBLICATION

IT IS SO ORDERED THAT the Civil Summons, the Order for Service by Publication, and all Court-issued documents be published in *Global Legal Notices, LLC*, for a period of four (4) consecutive weeks, and that Proof of Publication be filed with this Court within thirty (30) days of completion of the publication.

Signed this 14 day of January, 2020



Honorable Christy T. Mann, Judge
General Court of Justice, District Court Division

Comparison Chart**International Service by Publication****Exhibit "A"**

Features	Global Legal Notices	Traditional Newspapers
Publish court Notice of Publication	Yes	Yes
Open access to public	Yes	Yes
Publish actual court documents	Yes	No
Search engine friendly	Yes	No
Extended publication period	Yes	No
Available in all countries	Yes	No
Translation in multiple languages	Yes	No
Email notification	Yes	No
Unlimited size of notice	Yes	No
Exceeds minimum requirements	Yes	No
Search by name or case number	Yes	No
Available on computer and cell	Yes	No
Cost efficient	Yes	No

AFFIDAVIT OF DUE DILIGENCE SEARCH

I declare, under penalty of perjury of the laws of the State of North Carolina, that the following is true and correct to the best of my knowledge and that I could competently testify, if called, to the following:

1. I am a private investigator hired by Process Service Network, LLC, a process server and investigator with extensive experience in international service of process, am over the age of 18 years, and not a party to the within-named action. I regularly serve, or cause to be served, legal documents worldwide and supervise all international service and investigation assignments for clients who make assignments to us in Costa Rica and other Latin America countries.
2. On November 8, 2019, I received an assignment from the law offices of Thomas, Godley & Grimes, PLLC, attorneys for Plaintiff, along with written instructions to locate and serve the named Defendant, **Emileth Valverde Picado a.k.a Emileth Picado Valverde** ("Valverde"), in the matter of Chambless v. Picado, File No. 19-CVD-20507. I was instructed to serve a Civil Summons, Complaint and Motion for Interim Distribution, and Verification at an address to be located in Costa Rica.
3. Beginning on November 9, 2019, I conducted a search to

locate the whereabouts of Valverde. The following is a result of that search:

4. Search using Facebook, Twitter, Instagram, MySpace, YouTube, Google+, WhatsApp, WeChat, Line and Foursquare. Result: Several similar names were located but none were a match to the Defendant.
5. All online telephone directories for the country of Costa Rica. Result: no listings were found.
6. Criminal index for Costa Rica. Result: Nothing found.
7. Search of business licenses for San Jose, Costa Rica. Result: Nothing found.
8. Search of public medical facilities and hospitals in San Jose, Costa Rica. Result: Nothing found.
9. National index search by name. Result: Searches are limited to Costa Rica nationals; no results were found.
10. Search using TLO (TransUnion) for name and last known address. Results: Nothing found.
11. Post Office (Correos de Costa Rica) search in San Costa Rica. Result: No record of Valverde.
12. Additional database searches revealed 3 possible matches. Each available data was investigated and determined to be invalid. The data checked was similar names.
13. Other steps, not required for publication, were taken to locate Defendant. Result: All were

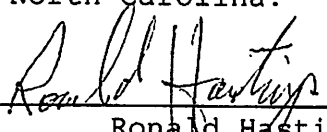
unsuccessful.

14. The addresses searched were provided from the following sources: Plaintiff, and obtained in course of our investigation.

15. SUMMARY: Based upon all available information, I am unable to serve the Defendant.

16. **RECOMMENDATION: Service by publication.** However, traditional newspapers in Costa Rica will not print legal notices. The only know method of service by publication is through Global Legal Notices, LLC (www.GlobalLegalNotices.com).

Executed on this 2nd day of December 2019, at Los Angeles, CA, attesting the foregoing to be true and correct, under penalty of perjury of the laws of the State of North Carolina.



Ronald Hastings

California All-Purpose Acknowledgment

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

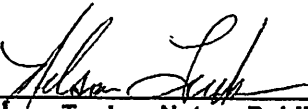
County of Los Angeles

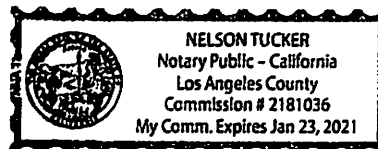
ss.

On December 2, 2019, before me, Nelson Tucker, Notary Public, personally appeared Ronald Hastings, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and Official Seal.


Nelson Tucker, Notary Public
My Commission Expires January 23, 2021



STATE OF NORTH CAROLINA

File No. **20507**
19-CVD

MECKLENBURG County

In The General Court of Justice
☒ District ☐ Superior Court Division

Name of Plaintiff
LESLEY CHAMBLESS c/o Thomas, Godley & Grimes, PLLC
Address
514 Williamson Road, Suite 421
City, State, Zip
Mooresville, NC 28117

CIVIL SUMMONS

☐ ALIAS AND PLURIES SUMMONS (ASSESS FEE)

G.S. 1A-1, Rules 3, 4

VERSUS
Name of Defendant(s)
EMILETH VALVERDE PICADO

Date Original Summons Issued

Date(s) Subsequent Summon(es) Issued

To Each of The Defendant(s) Named Below:

Name And Address of Defendant 1
EMILETH VALVERDE PICADO
10005 Janeiro Drive
Huntersville, NC 28078

Name And Address of Defendant 2
Upon information and belief, Defendant is currently living in San Jose, Costa Rica, but his exact address is unknown at this moment

Last known address of Defendant in United States

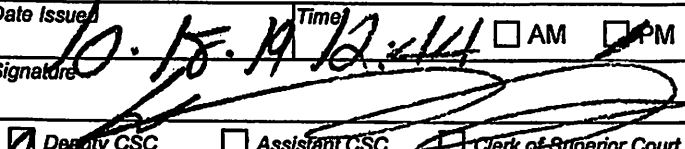
A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint of the plaintiff as follows:

1. Serve a copy of your written answer to the complaint upon the plaintiff or plaintiff's attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy to the plaintiff or by mailing it to the plaintiff's last known address, and
2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name And Address of Plaintiff's Attorney (if None, Address of Plaintiff)
Seth A. Glazer
Thomas, Godley & Grimes, PLLC
514 Williamson Road, Suite 421
Mooresville, NC 28117

Date Issued **10.15.19** Time **12:14** ☐ AM ☒ PM
Signature 
☒ Deputy CSC ☐ Assistant CSC ☐ Clerk of Superior Court

☐ ENDORSEMENT (ASSESS FEE)

This Summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended sixty (60) days.

Date of Endorsement _____ Time _____ ☐ AM ☐ PM
Signature _____
☐ Deputy CSC ☐ Assistant CSC ☐ Clerk of Superior Court

NOTE TO PARTIES: Many counties have **MANDATORY ARBITRATION** programs in which most cases where the amount in controversy is \$15,000 or less are heard by an arbitrator before a trial. The parties will be notified if this case is assigned for mandatory arbitration, and, if so, what procedure is to be followed.

RETURN OF SERVICE

I certify that this Summons and a copy of the complaint were received and served as follows:

DEFENDANT 1

<i>Date Served</i>	<i>Time Served</i> <input type="checkbox"/> AM <input type="checkbox"/> PM	<i>Name of Defendant</i>
--------------------	--	--------------------------

- ☐ By delivering to the defendant named above a copy of the summons and complaint.
- ☐ By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein.
- ☐ As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.

Name And Address of Person With Whom Copies Left (if corporation, give title of person copies left with)

- ☐ Other manner of service (*specify*)

- ☐ Defendant WAS NOT served for the following reason:

DEFENDANT 2

<i>Date Served</i>	<i>Time Served</i> <input type="checkbox"/> AM <input type="checkbox"/> PM	<i>Name of Defendant</i>
--------------------	--	--------------------------

- ☐ By delivering to the defendant named above a copy of the summons and complaint.
- ☐ By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein.
- ☐ As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to person named below.

Name And Address of Person With Whom Copies Left (if corporation, give title of person copies left with)

- ☐ Other manner of service (*specify*)

- ☐ Defendant WAS NOT served for the following reason.

Service Fee Paid

\$

Signature of Deputy Sheriff Making Return

Date Received

Name of Sheriff (Type or Print)

Date of Return

County of Sheriff

STATE OF NORTH CAROLINA

File No.
19-CVD-20507 (CTM)

MECKLENBURG County

In The General Court of Justice
☒ District ☐ Superior Court Division

Name of Plaintiff
LESLEY CHAMBLESS c/o Thomas, Godley & Grimes, PLLC
Address
514 Williamson Road, Suite 421
City, State, Zip
Mooresville, NC 28117

CIVIL SUMMONS

☒ ALIAS AND PLURIES SUMMONS (ASSESS FEE)

G.S. 1A-1, Rules 3, 4

VERSUS

Name of Defendant(s)
EMILETH VALVERDE PICADO

Date Original Summons Issued
October 18, 2019

Date(s) Subsequent Summon(es) Issued

To Each of The Defendant(s) Named Below:

Name And Address of Defendant 1
EMILETH VALVERDE PICADO
10005 Janeiro Drive
Huntersville, NC 28078

Name And Address of Defendant 2
Upon information and belief, Defendant is currently living in San Jose, Costa Rica, but his exact address is unknown at this moment

Last known address of Defendant in United States

A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint of the plaintiff as follows:

1. Serve a copy of your written answer to the complaint upon the plaintiff or plaintiff's attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy to the plaintiff or by mailing it to the plaintiff's last known address, and
2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name And Address of Plaintiff's Attorney (If None, Address of Plaintiff)
Seth A. Glazer
Thomas, Godley & Grimes, PLLC
514 Williamson Road, Suite 421
Mooresville, NC 28117

Date issued 12-12-19 Time 4:02 ☐ AM ☒ PM
Signature *Emily J. Brown*
☒ Deputy CSC ☐ Assistant CSC ☐ Clerk of Superior Court

☐ ENDORSEMENT (ASSESS FEE)

This Summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended sixty (60) days.

Date of Endorsement Time ☐ AM ☐ PM
Signature
☐ Deputy CSC ☐ Assistant CSC ☐ Clerk of Superior Court

NOTE TO PARTIES: Many counties have MANDATORY ARBITRATION programs in which most cases where the amount in controversy is \$15,000 or less are heard by an arbitrator before a trial. The parties will be notified if this case is assigned for mandatory arbitration, and, if so, what procedure is to be followed.

RETURN OF SERVICE

I certify that this Summons and a copy of the complaint were received and served as follows:

DEFENDANT 1

<i>Date Served</i>	<i>Time Served</i> <input type="checkbox"/> AM <input type="checkbox"/> PM	<i>Name of Defendant</i>
--------------------	---	--------------------------

- ☐ By delivering to the defendant named above a copy of the summons and complaint.
- ☐ By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein.
- ☐ As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.

Name And Address of Person With Whom Copies Left (if corporation, give title of person copies left with)

☐ Other manner of service (specify)

☐ Defendant WAS NOT served for the following reason:

DEFENDANT 2

<i>Date Served</i>	<i>Time Served</i> <input type="checkbox"/> AM <input type="checkbox"/> PM	<i>Name of Defendant</i>
--------------------	---	--------------------------

- ☐ By delivering to the defendant named above a copy of the summons and complaint.
- ☐ By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein.
- ☐ As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to person named below.

Name And Address of Person With Whom Copies Left (if corporation, give title of person copies left with)

☐ Other manner of service (specify)

☐ Defendant WAS NOT served for the following reason.

Service Fee Paid

\$

Signature of Deputy Sheriff Making Return

Date Received

Name of Sheriff (Type or Print)

Date of Return

County of Sheriff

STATE OF NORTH CAROLINAFile No.
19-CVD-20507 (CTM)

MECKLENBURG County

In The General Court of Justice

☒ District ☐ Superior Court Division

Name of Plaintiff

LESLEY CHAMBLESS c/o Thomas, Godley & Grimes, PLLC

Address

514 Williamson Road, Suite 421

City, State, Zip

Mooresville, NC 28117

CIVIL SUMMONS☒ ALIAS AND PLURIES SUMMONS (ASSESS FEE)

G.S. 1A-1, Rules 3, 4

VERSUS

Name of Defendant(s)

EMILETH VALVERDE PICADO

Date Original Summons Issued

October 18, 2019 and December 12, 2019

Date(s) Subsequent Summon(es) Issued

To Each of The Defendant(s) Named Below:

Name And Address of Defendant 1

EMILETH VALVERDE PICADO

10005 Janeiro Drive

Huntersville, NC 28078

Name And Address of Defendant 2

Upon information and belief, Defendant is currently living in San Jose, Costa Rica, but his exact address is unknown at this moment

Last known address of Defendant in United States

A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint of the plaintiff as follows:

1. Serve a copy of your written answer to the complaint upon the plaintiff or plaintiff's attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy to the plaintiff or by mailing it to the plaintiff's last known address, and
2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name And Address of Plaintiff's Attorney (If None, Address of Plaintiff)

Seth A. Glazer

Thomas, Godley & Grimes, PLLC

514 Williamson Road, Suite 421

Mooresville, NC 28117

Date Issued

1-8-2020

Time

4:05

☐ AM☒ PM

Signature

Emily J. Brunsard

☒ Deputy CSC☐ Assistant CSC☐ Clerk of Superior Court☐ **ENDORSEMENT (ASSESS FEE)**

This Summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended sixty (60) days.

Date of Endorsement

Time

☐ AM☐ PM

Signature

☐ Deputy CSC☐ Assistant CSC☐ Clerk of Superior Court

NOTE TO PARTIES: Many counties have **MANDATORY ARBITRATION** programs in which most cases where the amount in controversy is \$15,000 or less are heard by an arbitrator before a trial. The parties will be notified if this case is assigned for mandatory arbitration, and, if so, what procedure is to be followed.

RETURN OF SERVICE

I certify that this Summons and a copy of the complaint were received and served as follows:

DEFENDANT 1**Date Served****Time Served**☐ AM ☐ PM**Name of Defendant**

- ☐ By delivering to the defendant named above a copy of the summons and complaint.
- ☐ By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein
- ☐ As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.

Name And Address of Person With Whom Copies Left (if corporation, give title of person copies left with)

- ☐ Other manner of service (specify)

- ☐ Defendant WAS NOT served for the following reason:

DEFENDANT 2**Date Served****Time Served**☐ AM ☐ PM**Name of Defendant**

- ☐ By delivering to the defendant named above a copy of the summons and complaint.
- ☐ By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein.
- ☐ As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to person named below.

Name And Address of Person With Whom Copies Left (if corporation, give title of person copies left with)

- ☐ Other manner of service (specify)

- ☐ Defendant WAS NOT served for the following reason.

Service Fee Paid

\$

Signature of Deputy Sheriff Making Return**Date Received****Name of Sheriff (Type or Print)****Date of Return****County of Sheriff**

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

FILED

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

19-CVD-20507

LESLEY CHAMBLESS,

2019 OCT 18 P 12:43

Plaintiff/Wife
MECKLENBURG CO., D.S.C.

vs.

BY

**COMPLAINT AND MOTION FOR
INTERIM DISTRIBUTION**

EMILETH VALVERDE PICADO,

Defendant/Husband.

NOW COMES Plaintiff, Lesley Chambless (hereinafter referred to as "Wife"), complaining of Defendant, Emileth Valverde Picado (hereinafter referred to as "Husband"), and alleges and says the following:

PARTIES, CAPACITY, JURISDICTION, AND VENUE

1. Wife is an adult resident of Mecklenburg County, North Carolina and has been a resident of North Carolina for more than six (6) months next preceding the institution of this action.
2. Husband was an adult resident of Mecklenburg County, North Carolina. Upon information and belief, Husband has fled the United States to Costa Rica. Husband is a dual citizen of the United States and of Costa Rica.
3. Wife and Husband are natural persons, are under no legal disability and are over the age of eighteen (18) years.
4. Wife's Complaint seeks:
 - a. Equitable Distribution of marital and divisible property and debt, with Wife receiving greater than fifty percent (50%) of the marital estate, pursuant to N.C.G.S. §50-20, *et seq.*
5. Wife also raises a Motion for Interim Distribution pursuant to N.C.G.S. §50-20(i1) with respect to two (2) investment accounts held jointly in the names of the parties; and the parties' former marital residence. In conjunction with Wife's request for an Interim Distribution of the former marital residence, Wife is seeking a judicial transfer of title pursuant to N.C.G.S. §1A-1 Rule 70.
6. Venue is proper in Mecklenburg County, North Carolina, where the parties resided during the marriage.
7. The Court has subject matter jurisdiction over the claims in this Complaint.
8. This Court has personal jurisdiction over Wife and Husband.
9. The District Court is the proper division of the General Court of Justice for the trial of these issues.

FACTUAL ALLEGATIONS

10. Wife and Husband were married on June 13, 2012, in Mecklenburg County, North Carolina and began living separate and apart on September 6, 2019.
11. No children were born to the marriage of the parties.
12. Wife is the biological mother of an adult daughter from a previous marriage, born February 25, 2000.
13. On or about September 6, 2019, Wife found extremely disturbing, timestamped videos on Husband's phone of Wife's daughter. The videos on Husband's phone were from 2017, when Wife's daughter was sixteen (16) years old.
14. The videos were taken without the knowledge or consent of Wife or Wife's Daughter. The videos were disseminated to an online website without the knowledge or consent of Wife or Wife's daughter. The videos contained images of Wife's daughter while she was nude in her bedroom. The videos focused on her genitalia and they were edited to be erotic in nature.
15. On September 6, 2019, Wife confronted Husband about these videos, and shortly after the discussion between the parties, Husband had a seizure and was taken to the hospital in an ambulance.
16. On September 6, 2019, after being released from the hospital, Husband checked into a hotel and has not returned home since.
17. Upon information and belief, on September 8, 2019, Husband boarded an early morning flight and fled to Costa Rica with no intention to return to the United States.
18. On or around September 8, 2019, Wife discovered that Husband had installed "spy cameras" in daughter's bedroom and Wife's daughter's bathroom, at three (3) separate residences where the parties lived during 2017, 2018, and 2019.
19. Husband has not informed Wife of his whereabouts in Costa Rica, and upon information and belief has no intention of informing Wife of his whereabouts.
20. On September 9, 2019, the Mecklenburg County Sheriff's Office issued an arrest warrant for Husband based upon information which Wife provided to the authorities. Husband has currently been charged with Misdemeanor Voyeurism, and upon information and belief, as the criminal investigation continues, Husband will also be charged with possession of child pornography, and distribution of child pornography.
21. Based upon the severity of Husband's pending criminal charges, as well as the likely additional criminal charges, Wife believes, and therefore alleges that Husband has no intention to return to the United States.

22. Given the disturbing nature of Husband's actions and the public nature of the criminal charges which have been levied and will be levied against Husband, Wife felt it necessary to inform her daughter of Husband's actions. As a result of Wife's daughter learning about Husband's actions, Wife's daughter has suffered and will continue to suffer from severe emotional distress and anxiety.
23. Based on the foregoing, Wife expects to incur substantial expenses with respect to the treatment of her daughter's mental health and general wellbeing.
24. Furthermore, given that Husband will likely remain in hiding for the rest of his life or potentially be incarcerated for the rest of his life, Husband will no longer have any substantial need of the assets in the parties' marital estate.
25. Throughout the parties' marriage, and prior to the date of separation, the parties acquired various real and personal property, both tangible and intangible, some of which constitutes "marital property" as that term is defined in N.C.G.S. §50-20(b)(1). Subsequent to their date of separation, the parties may have acquired divisible property as that term is defined by N.C.G.S. §50-20(b)(4). Additionally, the parties have acquired marital debt and may have acquired divisible debt.
26. Consideration of the statutory factors set forth in N.C.G.S. §50-20, as well as all relevant non-statutory factors, entitle Wife to an unequal distribution of the parties' marital estate in her favor.
27. Further, based on the severity of the criminal charges levied against Husband and the criminal charges that will be levied against Husband, Wife is in immediate need of an interim distribution of the certain joint assets and the jointly titled former marital residence which the parties acquired during their marriage, so that these assets are not frozen by the State and/or Federal Government in the pending criminal matter.
28. During the parties' marriage, they acquired the following joint investment accounts:
 - a. A Vanguard Investment Account (ending #9221); and
 - b. A Guidestone Investment account (ending #1365).
29. During the parties' marriage, they also acquired the former marital residence located at, 10005 Janeiro Drive, Huntersville, North Carolina 28078. The former marital residence is presently titled in the joint names of the parties.

FIRST CLAIM FOR RELIEF
Equitable Distribution

30. Wife repeats and realleges the factual allegations set forth above.
31. During the marriage, the parties acquired certain property, including assets, debts and divisible property, which is subject to equitable distribution pursuant to N.C.G.S. §50-20.

32. Wife is entitled to an unequal distribution of the parties' marital estate.
33. Wife is entitled under N.C.G.S. §50-20 to an equitable distribution of the parties' marital property, including assets, debts and divisible property, in her favor. A distribution of this property in Wife's favor is appropriate under the circumstances due to the application of the factors set forth in N.C.G.S. §50-20, which factors shall be outlined in specific detail in Wife's Equitable Distribution Affidavit to be filed with the Court.
34. Pursuant to N.C.G.S. §50-20, this Court is empowered to divide the parties' marital estate equitably and Wife is entitled to an unequal distribution in her favor.

**MOTION FOR INTERIM DISTRIBUTION/ N.C.G.S. § 1-1A RULE 70; JUDGMENT
FOR SPECIFIC ACTS; VESTING TITLE**

35. Wife repeats and realleges the factual allegations set forth above.
36. As referenced above, the parties jointly own two (2) investment accounts. The first investment account is held with Vanguard, and the second investment account is held with Guidestone.
37. As referenced above, the parties jointly own the former marital residence located at, 10005 Janeiro Drive, Huntersville, North Carolina 28078.
38. Based on the severity of the criminal charges that have been levied against Husband and the criminal charges that will be levied against Husband, there is a substantial risk that either the State and/or Federal Government will freeze any assets which Husband has an ownership interest in, including the two (2) investment accounts referenced above and the former marital residence.
39. As such, Wife is in immediate need for an interim distribution Order, distributing the two (2) joint investment account into Wife's sole name, as well as distributing the former marital residence to Wife.
40. Additionally, in order to transfer title of the former marital residence into Wife's sole name, Wife will need this Court to judicially transfer title of the former marital residence pursuant to N.C.G.S. §1A-1 Rule 70.
41. Wife will defer to the Court's judgment with respect Wife's ability to use funds from the two (2) joint investment accounts pending an equitable distribution of the parties' marital/divisible estate.
42. Wife will continue to pay the mortgage and other expenses related to the former marital residence.
43. Pursuant to N.C.G.S. §50-20(i1), equity requires that an Interim Distribution Order be entered as requested by Wife above, and there is no good cause as to why this interim distribution should not be so ordered.

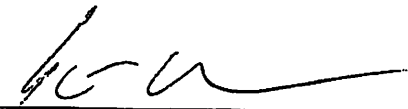
44. Without an Interim Distribution Order as referenced above, there is substantial risk that the above referenced assets will be frozen by the State and/or Federal Government, limiting Wife's ability to manage and/or use said assets.

WHEREFORE, Wife prays for relief from the Court as follows:

1. That this Court treat Wife's Complaint as an affidavit for all proper purposes;
2. That the Court divide the parties' marital estate pursuant to N.C.G.S. §50-20, *et seq.*, and provide for an unequal distribution in favor of Wife;
3. That this Court enter an Interim Distribution Order and Judicial Transfer of Title in the manner requested in Wife's motion above; and
4. That this Court award Wife such other and further relief to which she is entitled under the laws of the State of North Carolina.

THIS the 18 day of October, 2019.

THOMAS, GODLEY & GRIMES, PLLC



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STATE OF NORTH CAROLINA

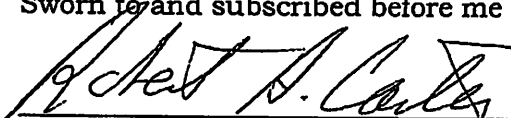
VERIFICATION

COUNTY OF MECKLENBURG

LESLEY CHAMBLESS, being first duly sworn, deposes and says that she has read the foregoing **COMPLAINT AND MOTION** and knows the contents thereof and that the same is true of her own knowledge, except as to those matters therein stated upon information and belief, and as to those matters, she believes them to be true.


LESLEY CHAMBLESS

Sworn to and subscribed before me this 18th day of October, 2019.


Notary Public

My commission expires: 9-9-24

