**IN THE IOWA DISTRICT COURT FOR POLK COUNTY**

|  |  |
| --- | --- |
| IN RE THE MARRIAGE OF JOHN DOE AND JANE DOE | |
| Upon the Petition of  JOHN DOE,  Petitioner,  And Concerning,  JANE DOE,  Respondent. | CASE NO. \*\*\*\*\*\*\*\*  **APPLICATION FOR**  **RULE TO SHOW CAUSE** |

COMES NOW, Petitioner, John Doe, by and through counsel, and in support of his Application for Rule to Show Cause as to why Respondent should be held in contempt of court states:

1. On July 1, 2016, a Mutual Order to Preserve Assets was entered in this matter.
2. The order provided in pertinent part:

“It is further ordered that the Petitioner and Respondent are mutually enjoined and restrained from withdrawing, transferring, encumbering, borrowing against, or otherwise disposing of any money in checking accounts, savings accounts, retirement accounts, pension accounts or other financial accounts held individually, jointly with each other, jointly with any third party, or on behalf of their business without prior Court approval or without prior written agreement of the parties except for the purpose of paying routine household and business expenses, utility bills, other regular and normal monthly bills, or necessary and reasonable legal expense for purposes of obtaining representation in this matter.”

**COUNT I**

1. On August 1, 2016, Jane caused to have filed with this court an Affidavit of Financial Status. **See** August 1, 2016 Affidavit attached as Exhibit 1.
2. Said affidavit failed to disclose Jane’s Individual Retirement Account ending in 0000.
3. On December 1, 2016, Jane caused to have filed with this court a second Affidavit of Financial Status. **See** December 1, 2016 Affidavit attached as Exhibit 2.
4. On the updated Affidavit of Financial Status Jane listed a individual retirement account (IRA) with a value of $7,500.00.
5. Jane was then demanded to provide six months of all account statements pursuant to the family law case requirements order.
6. In addition, she was formally requested to provide five years of his individual retirement account (IRA) statements.
7. Despite these requirements, Jane has only produced one account statement related to her IRA ending in 0000. **See** September 1, 2016 Account ending in 0000 statement.
8. The statement reveals that Jane has received $134,000.00 of distributions year to date.
9. Jane’s withdrawal of monies from the account directly violate the July 1, 2016 Mutual Order to Preserve Assets.
10. Jane’s violations of the order to preserve assets are willful, deliberate, and intentional.
11. As a result of Jane’s failure and refusal to comply with the Court’s Orders, the Respondent is in contempt of Court.
12. Respondent should be required to pay all attorney fees and court costs of this action.

**COUNT II**

1. On September 4, 2015, the Court entered an order requiring Respondent to pay Petitioner’s temporary attorney’s fees in the amount of $5,000.00 by October 1, 2016.
2. To date Jane has not paid anything towards the temporary attorney fee award.
3. Jane’s refusal to pay anything towards the temporary attorney fees violates the October 1, 2016, Court Order.
4. Jane’s violations of the order are willful, deliberate, and intentional.
5. As a result of Jane’s failure and refusal to comply with the temporary order, she is in contempt of Court.
6. Jane should be required to pay all attorney fees and court costs of this action.

**COUNT III**

1. On August 25, 2015, the Court entered a temporary order requiring that Respondent pay Petitioner temporary spousal support in the amount of $1,000.00 per month. In addition, she was to pay $800.00 in child support per month commencing on September 1, 2016, and on the first day of each month thereafter.
2. Jane continues to make sporadic payments on the temporary child and spousal support obligation. She has never had the obligations paid by the first of the month.
3. Jane’s refusal to make the timely payments on her temporary spousal and child support obligations are a violation of the August 01, 2016 Temporary Order.
4. Jane’s violations of the order are willful, deliberate, and intentional.
5. As a result of Jane’s failure and refusal to comply with the temporary order, she is in contempt of Court.
6. Jane should be required to pay all attorney fees and court costs of this action.

**COUNT IV**

1. On August 25, 2015, a temporary order was entered which required Respondent to pay all marital home expenses including mortgage, utilities, insurance, taxes and maintenance.
2. On March 31, 2016, John requested that Jane pay for paint to get the house up to par for sale. Specifically, he notified Jane that he purchased nine gallons of paint for the interior of the home. He simply requested that Jane buy a few additional gallons of paint to finish the project.
3. Jane responded on March 31, 2016, that she did not have any money for this.
4. Jane is a practicing dentist with yearly revenues approaching half a million dollars.
5. After alleging that she did not have money for this Jane inadvertently answered a call from John.
6. John recorded the call and it was clear that Jane was playing craps at a casino with her boyfriend.
7. Jane’s refusal to contribute towards the maintenance of the marital home violates the August 25, 2015, court order.
8. Jane’s violations of the order are willful, deliberate, and intentional.
9. As a result of Jane’s failure and refusal to comply with the temporary order, she is in contempt of Court.
10. Jane should be required to pay all attorney fees and court costs of this action.
11. Jane’s violations of the temporary order are willful, deliberate, and intentional.
12. As a result of Jane’s failure and refusal to comply with the Court’s Orders, she is in contempt of Court.
13. Respondent should be required to pay all attorney fees and court costs of this action.

**COUNT V**

1. On August 01, 2016, the court entered a temporary order requiring that Respondent pay Petitioner temporary spousal support in the amount of $1,000.00 per month. In addition, she was to pay $800.00 in child support per month commencing on September 1, 2016, and on the first day of each month thereafter.
2. Jane continues to make sporadic payments on the temporary child and spousal support obligation. She has never had the obligations paid by the first of the month.
3. Jane’s refusal to make the timely payments on her temporary spousal and child support obligations are a violation of the August 1, 2016 temporary order.
4. Jane’s violations of the order are willful, deliberate, and intentional.
5. As a result of Jane’s failure and refusal to comply with the temporary order, she is in contempt of Court.
6. Jane should be required to pay all attorney fees and court costs of this action.

WHEREFORE, Petitioner respectfully requests that the Court find Respondent to be in contempt of court for each and every violation of the Court’s Decree; for an appropriate penalty to be imposed for each and every violation of the Court’s Order; that Respondent be ordered to pay Petitioner’s reasonable and necessary attorney’s fees associated with bringing this action; that the court costs of this action be assessed against Respondent; that a date, time and place for a hearing be set on this Application for Rule to Show Cause; and for such other and further relief as may be consistent with the allegations herein contained and the court may otherwise deem just and equitable in the premises.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mark R. Hinshaw AT0009119

1200 Valley West Drive, Ste. 208

West Des Moines, IA 50266

Telephone: 515.222.1410

Facsimile: 515.222.1408

E-Mail: [mark@hawkeyedivorce.com](mailto:mark@hawkeyedivorce.com)

ATTORNEY FOR PETITIONER

**VERIFICATION OF PETITIONER**

STATE OF IOWA :

: SS

COUNTY OF POLK :

I, John Doe, hereby state that I have read the above Application for Rule to Show Cause; that said Application was prepared at my request, that I have read the same and know the contents thereof and the statements contained therein are true and correct to the best of my knowledge and belief

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

John Doe, Petitioner

Subscribed and Sworn to before me and in my presence on this \_\_\_ Day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20 , by John Doe.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

NOTARY PUBLIC in and For the State of Iowa