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**IN THE SUPERIOR COURT OF FULTON COUNTY
FAMILY DIVISION
STATE OF GEORGIA**

JOSEPH R. KELLY,

Petitioner,

and

MUSHIMBEI KELLY,

Respondent.

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CIVIL ACTION FILE NO.

2015-CV-260284 (Divorce)

FINAL ORDER ON SECOND MOTION FOR ATTACHMENT FOR CONTEMPT

The foregoing matter came before this Court pursuant to a Rule Nisi entered on June 20, 2016. The Respondent was properly served with a copy of Petitioner's Motion on June 6, 2016, as well as notice of this hearing. The Respondent failed to appear after the case was called and the Court waited for the Respondent to appear. Evidence to substantiate the allegations in Petitioner's Motion was presented by Petitioner's counsel and Petitioner attested to same under oath.

The Court finds as follows:

As to **Count One** of Petitioner's Motion, Respondent has failed to execute documents necessary to transfer the title of the Lexus RX 350 into her name causing Petitioner to continue to make the monthly installment loan payment (\$155.00) and monthly insurance payment (\$81.00), Petitioner is entitled to reimbursement from the Respondent in the amount of \$944.00. Her failure to comply with a previous Order of this Court makes her in **willful contempt**;

Additionally, the Court Orders that the Petitioner shall be entitled to take possession of the Lexus automobile, and Respondent will not interfere with him. This will relieve Respondent of any further economic responsibilities regarding said automobile.

As to **Count Two** of Petitioner's Motion, Respondent has failed to make her monthly child support payment in the amount of \$543.00 for the months of June, July and August of 2016, for a total of \$1,629.00. Her failure to comply with a previous Order of this Court, and having failed to appear and present a defense, makes her in **willful contempt**;

As to **Count Three** of Petitioner's Motion, Respondent has failed to make monthly payments of \$50.00 per month for the months of June, July and August of 2016, toward her restitution for an unwarranted spending spree for a total of \$150.00. Her failure to comply with a previous Order of this Court makes her in **willful contempt**;

As to **Count Four** of Petitioner's Motion, Respondent was to pay Petitioner's attorney \$875.00 from a previous Final Order on Motion for Attachment For Contempt within 45 days of April 8, 2016. Respondent failed to make the payment as Ordered by this Court. Her failure to comply with a previous Order of this Court makes her in **willful contempt**;

As to **Count Five** of Petitioner's Motion, Respondent failed to allow the Petitioner to have the minor child with him on Father's Day 2016. Her failure to comply with a previous Order of this Court makes her in **willful contempt**;

As to **Count Six** of Petitioner's Motion, Respondent has moved from her previous residence and has a new telephone number. She has failed to give the new address and new telephone number to the Petitioner. Her failure to comply with a previous Order of this Court makes her in **willful contempt**;

As a further consequence of Respondent's failure to provide a current address and telephone number to Petitioner, **all of her visitation rights with the minor child are hereby suspended instanter, and Petitioner is authorized to remove Respondent's name as an authorized person to pick up the minor child from school, aftercare or extracurricular activities**;

As to **Count Seven** of Petitioner's Motion, Respondent failed to pay the rent on her apartment for the months of May, June, July and part of August. Petitioner was a guarantor of the lease and paid a total of \$4,548.04 for rent and move out repairs to the apartment. Her failure to comply with a
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previous Order of this Court makes her in **willful contempt**;

As to **Count Eight** of Petitioner's Motion, Respondent has failed to pay 25% of uncovered medical expenses for the minor child when presented with bills, which to date total \$404.50. Her failure to comply with a previous Order of this Court makes her in **willful contempt**;

As to **Count Nine** of Petitioner's Motion, Respondent was failed to pay 50% of the extracurricular activities of the minor child when presented with bills, which to date total \$345.00. Her failure to comply with a previous Order of this Court makes her in **willful contempt**;

The total amount that Respondent owes to Petitioner as a result of Counts One through Nine of his Motion is **\$8,895.54**. Additionally, Petitioner is awarded **\$1,950.00** in attorney's fees for the necessity of bringing this Motion.

The Court further ORDERS that the Sheriff of Fulton County, Georgia to take Respondent Mushimbei Kelly, born May 18, 1977, into his custody where Respondent is to be confined in the common jail of Fulton County, Georgia, and held there until such time as she purges her contempt in the amount of \$ 1,629.00 for child support, \$749.50 for unpaid co-payments and deductibles for medical expenses and extracurricular activities of the minor child, \$944.00 for expenses incurred for the monthly installment and insurance payments on the Lexus RX350, and \$4,534.04 payment of Respondent's rent for May, June, July and part of August 2016. Said amounts are to be paid to Plaintiff by and through her counsel of record. The Respondent, Mushimbei Kelly, is a Black Female approximately 5'2 and 150 lbs., approximately 38 years of age. There is no known residence at this time. Respondent is employed as a telephone operator at the Westin Peachtree Plaza Hotel, 220 Peachtree Street, NW, Atlanta, Georgia 30303.

Further, for the necessity of bringing this contempt action and as a result of the Respondent's conduct, the Petitioner is hereby awarded \$2,825.00 for reimbursement of her

attorney's fees. This amount shall be paid to Petitioner's counsel of record within 30 days of this Order.

SO ORDERED, this 11th day of August, 2016.



Judge Bensonetta Tipton Lane
Fulton County Superior Court
Atlanta Judicial Circuit

Prepared and Present by:
/s/ Blake D. Halberg
Blake Dexter Halberg
Ga. Bar No: 317390
Attorney For Petitioner

The Halberg Law Firm
5180 Roswell Road,
South Building, Suite 201
Atlanta, Georgia 30342
770.612.1266
bdh@halberglegal.com