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TERRI A. MAZUR, CLERK
COMMON PLEAS COURT
GREENE COUNTY, OHIO

IN THE COMMON PLEAS COURT OF GREENE COUNTY, OHIO

Domestic Relations Division

QUENTIN E. DURRSTEIN
3951 Planeview Avenue
Beavercreek, Ohio 45431
DOB: 2/18/70

Plaintiff,

vs.

MARIE DURRSTEIN nka TUTTLE
1844 Pacer Avenue
Riverside, Ohio 45424
DOB: 4/28/76

Defendant.

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CASE NO. 02-DR-207

Judge Hurley

PLAINTIFF'S MOTION TO MODIFY
SHARED PARENTING PLAN;
MOTION TO TERMINATE
SHARED PARENTING PLAN;
MOTION TO MODIFY TAX
EXEMPTIONS; MOTION TO
MODIFY MEDICAL EXPENSES;
MOTION FOR CONTEMPT

Now comes the Plaintiff, by and through counsel, and hereby respectfully moves this Court for the following relief:

1. For an order modifying the allocation of parental rights and responsibilities with respect to the minor children, Justice Durrstein and Ford Durrstein. The Shared Parenting Plan previously filed herien is no longer in the best interest of the minor children. The Plaintiff requests that the Court terminate the Shared Parenting Plan and name him the residential/custodial parent. As grounds for said request, the Plaintiff represents that there exists a substantial change of circumstances such that modification of parental rights and responsibilities designating the Plaintiff as the custodial/residential parent is in the best interests of the minor children. The Defendant fails to notify the Plaintiff of the children's

activities. Further, the Defendant continuously fails to honor the Plaintiff's parenting time with the minor children. The Defendant had a minor child die in her care recently. The Defendant does not have adequate housing or employment to care for the children. The Defendant fails to follow this Court's orders as they relate to the minor children, or otherwise. Finally, other reasons shall be made known to the Court at a hearing in this matter. The Plaintiff represents that any disadvantages of said modification of parental rights will be outweighed by the benefits created thereby.

2. Plaintiff further requests that this Court enter an order modifying the allocation of tax dependency exemption as well as dependent health care expenses and child support.

3. The Plaintiff further requests that the Court find the Defendant in contempt for her failure to abide by this Court's previous orders. Specifically, the Defendant has done the following, all in violation of this Court's orders:

- A. Failed to honor the Plaintiff's parenting time;
- B. Failed to communicate and/or post information on www.sharekids.com;
- C. Failed to follow this Court's order regarding telephone contact between the parties;
- D. Failed to not smoke in the presence of the children;
- E. Failed to stay inside during parenting time exchanges;
- F. Failed to pay uninsured medical expenses associated with the children;
- G. Failure to pay debts as ordered in the Decree; and
- H. Failure to refrain from making disparaging remarks regarding the Plaintiff in

the presence of the children.

As to the foregoing, the Plaintiff requests that the Court find the Defendant in contempt, grant him make-up parenting time, attorney fees and costs associated with bringing this action to this Court.

WHEREFORE, the Plaintiff respectfully requests that the Court issue orders consistent with the foregoing.

Respectfully submitted,

STONE & MCNAMEE CO., L.P.A.




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AFFIDAVIT

STATE OF OHIO)
)ss:
COUNTY OF GREENE)

Quentin E. Durrstein, being first duly sworn according to law, deposes and says that he is the Affiant herein and that the facts contained in the foregoing are true.




Quentin E. Durrstein

Sworn to before me and subscribed in my presence by the said Quentin E. Durrstein, this 23rd day of August, 2006.



DAVID M. McNAMEE, Attorney at Law
Notary Public, State of Ohio
My Commission has no expiration date.
Section 147.03 O. R. C.



Notary Public