Electronically Filed - ST LOUIS COUNTY - November 30, 2023 - 06:34 PM

IN THE CIRCUIT FAMILY COURT OF ST. LOUIS CITY
STATE OF MISSOURI

In Re: the Matter of	)	
	)	
SARA N. WINBUSH	)	
(n/k/a SARA N. MOSLEY),	)	
	)	
Petitioner,	)	Cause No. 15SL-DR05925-02
	)	
and	)	Division
	)	
JOCK O. WINBUSH,	)	
	)	
Respondent.	)	

PETITIONER'S MOTION TO MODIFY CHILD SUPPORT, CHILD CUSTODY AND/OR VISITATION AND FOR ATTORNEYS' FEES

COMES NOW Petitioner, Sara Mosley, by and through her attorneys, and for her Motion to Modify Child Support, Child Custody and/or Visitation and for Attorneys' Fees, states to this Honorable Court as follows:

1. On or about December 18, 2015, this Court entered its Judgment of Dissolution of Marriage, (hereinafter referred to as "Judgment"), providing for custody and support of the minor children, [redacted] now age seventeen (17) years, [redacted] now age fifteen (15) and [redacted], now age twelve (12). Said Judgment is attached hereto and incorporated herein as Exhibit 1.

2. Pursuant to the Judgment, the parties were awarded joint legal and joint physical custody of the minor children, naming Petitioner as residential parent for mailing and educational purposes with Respondent having reasonable rights of visitation pursuant to the Judgment's Parenting Plan.

3. Pursuant to the Judgment, Petitioner was ordered to pay to Respondent the amount of $1,500.00 per month as and for child support for the minor children.

4. Petitioner is a resident of the State of Missouri and has resided in the County of St. Louis for more than (90) days immediately preceding the commencement of this action, and

currently resides at [redacted]. Petitioner's Social Security number is XXX-XX-[redacted] Petitioner is employed.

5. Respondent is a resident of the State of Missouri and has resided in the County of St. Louis for more than (90) days immediately preceding the commencement of this action, and currently resides at [redacted] Respondent's Social Security number is XXX-XX-[redacted]. Respondent is employed.

6. In accordance with Section 452.480 RSMo., with respect to the custody of the children, Petitioner states as follows:

a. The actual custody of the minor children during the six (6) months immediately preceding the filing of the Motion herein has been with Petitioner at her address listed herein. The State of Missouri is the home state for the children;

b. Petitioner has not participated in any capacity in any other litigation concerning the custody of the children in this State or any other state;

c. Petitioner has no knowledge or information of any custody proceeding concerning the children pending in any Court of this State or any other state; and

d. Petitioner has no knowledge of any person not a party to this proceeding who has physical custody of the children or claims to have custody or visitation rights with respect to the children.

7. Since the date of Judgment, there have been substantial and continuing changes in the circumstances, which make the terms of the Judgment as it relates to child support and child custody unreasonable and inappropriate.

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COUNT I – CHILD SUPPORT

8. The continuing and substantial changes in circumstances which warrant a modification in child support are, but not limited to, the following:

a. The Judgment awarded child support to Respondent and now the minor children reside full time with Petitioner and have been for the past three years immediately preceding the filing of this Motion, at her address listed here, in the State of Missouri.

b. Petitioner has increased costs to care for the minor children since the Judgment due to the fact that the minor children have been residing exclusively with Petitioner and due to the ages of the children; and

c. Petitioner requests that this Court modify child support and allocating payment of expenses for the children, in an amount consistent with the parties' ability and current earnings.

9. In light of the substantial and continuing changes, the terms of the Judgment relating to child support are now unconscionable, and said Judgment is in need of modification, retroactive to the date of this Motion herein.

10. Petitioner requests that the Court terminate Petitioner's obligation to pay child support to Respondent and order Respondent to pay child support to Petitioner pursuant to a Form 14 calculation.

COUNT II – CHILD CUSTODY

11. The continuing and substantial changes in circumstances which warrant a modification in legal and physical custody of the minor children are, but not limited to, the following:

a. The minor children have been living full time with Petitioner;

b. The minor children have stated their desire to reside permanently with Petitioner, and not have visitation with Respondent;

c. Respondent does not provide a safe, stable environment for the minor children; and

d. Parties are unable to communicate effectively regarding decisions for the minor children.

12. In light of the substantial and continuing changes, the terms of the Judgment relating to child custody are now unconscionable, and said Judgment is in need of modification.

13. It is in the best interest of the minor children that this Court modify the Judgment and Parenting Plan, awarding sole physical and legal custody of the minor children to Petitioner.

COUNT III – ATTORNEYS' FEES

14. Petitioner has incurred attorneys' fees and costs in relation to bringing this action and will incur additional attorneys' fees and costs in relation to this litigation.

15. Respondent has the ability to contribute to Petitioner's attorneys' fees.

WHEREFORE, Petitioner respectfully requests that this Honorable Court enter its order modifying the Judgment and Parenting Plan by awarding Petitioner sole physical and sole legal custody of the minor children, terminate Petitioner's obligation to pay child support to Respondent, order Respondent to pay child support to Petitioner consistent with Section 452.340 RSMo., Missouri Supreme Court 88.01, and Civil Procedure Form 14, retroactive to the date of filing of this motion herein; order Respondent to pay Petitioner's attorneys' fees and costs of litigation; and for such other and further Orders as to this Court seem meet and just in the premises.

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STATE OF ~~MISSOURI~~ Florida)
) SS.
COUNTY OF Broward)

COMES NOW, Sara Mosley, being of lawful age and after being duly sworn, states that she has read the foregoing Instrument, and that the facts therein are true and correct according to the best of her knowledge, information and belief.

SARA MOSLEY

Subscribed and sworn to before me, the undersigned Notary Public, this 28 day of NOVEMBER, 2023.

NOTARY PUBLIC

My Commission Expires: 09/05/2026

MICHAEL DE PENA
Notary Public - State of Florida
Commission # HH 308451
Expires on September 5, 2026

Notarized online using audio-video communication
Sara Nicole Mosley

PAGE LAW, LLC.

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