

IN THE SUPERIOR COURT OF LOWNDES COUNTY  
STATE OF GEORGIA

TELVIN SMITH, : CIVIL ACTION  
 :  
 Plaintiff :  
 vs. : FILE NO: 2018-CVD-0765  
 :  
 :  
 DACCHEI SIMMS, :  
 :  
 :  
 Defendant. :  
 :  
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MOTION TO MODIFY TEMPORARY ORDER

COMES NOW, TELVIN SMITH, Plaintiff/Father, by and through his Attorney of record and files this Motion to Modify Temporary Order by showing this Honorable Court the following:

1.

The Plaintiff/Father filed a Petition For Legitimation, Custody, Visitation and Child Support in the Superior Court of Lowndes County on May 15, 2018.

2.

The Defendant/Mother filed an Answer on June 11, 2018.

3.

The parties have two (2) minor children, to wit: Nailah Elyse Smith (born in 2014), and Telvin Trishaun Smith, II (born in 2016).

3.

A Temporary Hearing was held on June 4, 2019, and the Court issued a Temporary Order which is attached hereto as Exhibit "A."

4.

The Temporary Order awarded primary physical custody to the Defendant/Mother.

5.

The Temporary Order did not award the Plaintiff/Father any visitation due to the fact that he did not appear at the hearing.

6.

The Temporary Order awarded the Defendant/Mother with child support in the amount of five thousand five hundred (\$5,500.00) dollars per month beginning June 4, 2019.

7.

There has been a change in circumstance since the Temporary Hearing because the Plaintiff/Father is currently unemployed and does not have monthly income.

8.

The Plaintiff/Father's child support should be reduced to an appropriate amount under the child support guidelines.

9.

The Plaintiff/Father should be awarded liberal standard visitation according to the southern judicial circuit.

10.

The minor children will be psychologically harmed if they continue to not have contact with their father.

WHEREFORE, Plaintiff/Father prays:

A.) That the Court schedule a time for this matter to be heard;

- B.) That the Plaintiff/Father be awarded standard visitation;
- C.) That the Plaintiff/Father have child support reduced to an appropriate amount under the child support guidelines;
- D.) That the Court issue findings of fact and conclusions of law; and
- E.) That the Plaintiff/Father receive such other and further relief as this Honorable Court may deem just and proper.

Respectfully submitted this 20<sup>th</sup> day of November, 2019.

BY:



J. RANDALL HICKS  
Attorney for Plaintiff/Father  
P.O. Box 1004  
Valdosta, GA 31603  
(229) 242-7227

LOWNDES COUNTY, GEORGIA  
FILED IN OFFICE

IN THE SUPERIOR COURT OF LOWNDES COUNTY

2019 JUN -5 PM 2:59

STATE OF GEORGIA

*Beth C. Greene*  
CLERK OF SUPERIOR STATE  
JUVENILE COURTS

TELVIN SMITH,

§

CIVIL ACTION FILE

Plaintiff,

§

NO. 2018CVD0765

vs.

§

DACCHEI SIMMS,

§

Defendant.

§

**TEMPORARY ORDER**

WHEREAS, the above-styled matter having come on for a temporary hearing as to the issues of child support and visitation on June 4, 2019; and

WHEREAS, proper notice having been sent to the Plaintiff, who is Pro Se, on May 15, 2019, but Plaintiff having failed to appear; and

WHEREAS, the Defendant having been present with her attorney; and

WHEREAS, evidence having been received and argument of counsel heard;

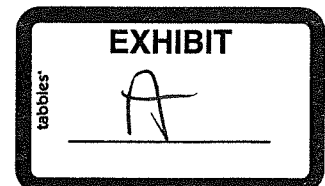
IT IS HEREBY ORDERED as follows:

1.

The parties have two minor children NAILAH ELYSE SMITH, born in 2014 who was legitimated by prior Order Of Legitimation entered in Lowndes Superior Court Civil Action File No. 2015CVD1052; and TELVIN TRISHAUN SMITH, II, born in 2016 who was legitimated by Order On Final Legitimation entered in the instant action on January 16, 2019.

2.

The Defendant has filed with the Court a Georgia Child Support Worksheet and supporting documentation showing the Plaintiff's income pursuant to his contract with the



Jacksonville Jaguars as \$9,750,000.00 for 2019. Based upon the Georgia Child Support Worksheets the base amount of child support the Plaintiff owes the Defendant is \$3,049.00 per month for both children. The Court, acknowledging that the income cap under O.C.G.A. §19-6-15 is \$30,000.00 per month or \$360,000.00 per year, considered the circumstances of this case being: the presumptive amount is unjust or inappropriate; the Plaintiff's income and ability to pay without impairing Plaintiff's ability to maintain adequate housing, food, and clothing; and necessities needed for the proper care and maintenance of the minor children, grants a High Income Deviation as being in the best interest of the minor children in the amount of \$2,501.00.

Therefore, the Plaintiff is hereby ordered to pay as child support through the Clerk of the Superior Court of Lowndes County, Georgia along with any appropriate handling fees charged by the Clerk of the Superior Court to the Defendant on behalf of the parties' minor children the sum of \$5,500.00 per month with the first payment being due June 4, 2019 and then payable thereafter on the first day of each month until further Order of this Court.

3.

The Plaintiff is to provide health insurance cards showing that the parties' minor children are covered by the insurance policy provided by the NFL. The health insurance cards are to be provided to the Defendant through her attorney within thirty (30) days of this Temporary Order.

4.

Defendant's counsel, B. Miles Hannan, is awarded attorney's fees for the defense of this action and for his representation of the Defendant in addressing child support, visitation and legitimation from the commencement of the Plaintiff's original action through the current action in the amount of \$8,500.00. This sum shall be paid directly to B. Miles Hannan at 610 N. Patterson Street, Suite B, Valdosta, GA 31601 no later than June 15, 2019.

5.

The Court awards no visitation to the Plaintiff until such time as he appears in Court to address all issues associated with any exercise of visitation with either child. Any visitation shall be at the sole direction of the Defendant.


6.

The alleged Agreement signed by the Defendant on or about May 15, 2017 shall at no time be offered into evidence; is hereby set aside; and at no time will be given any force or effect.

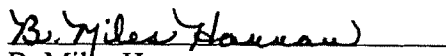
7.

The Plaintiff shall have no direct or indirect, harassing, threatening or abusive conduct or communication with the Defendant.

SO ORDERED this 5 day of June, 2019 nunc pro tunc June 4, 2019.

  
HARRY JAY ALTMAN, II  
CHIEF SUPERIOR COURT JUDGE  
SOUTHERN JUDICIAL CIRCUIT

Prepared by:

  
B. Miles Hannan  
Attorney for Defendant  
P.O. Box 5408, Valdosta, GA 31603-5408  
(229) 242-4649  
State Bar No. 323577

**CERTIFICATE OF SERVICE**

This is to certify that I have this day served a copy of the foregoing Motion to Modify Temporary Order and Notice of Hearing upon opposing counsel via electronic filing system to the following address:

B. Miles Hannan  
P.O. Box 5408  
Valdosta, Georgia 31603  
mhannan@shplaw.com

This the 20<sup>th</sup> day of November, 2019.

BY:



J. RANDALL HICKS  
Attorney for Plaintiff/Father  
Bar No: 351305  
604 N. Patterson Street  
P.O. Box 1004  
Valdosta, GA 31603  
(229) 242-7227