

## APPENDIX

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**APPENDIX I:**  
**OVERVIEW OF CONDUCT OF RYAN FERRY, OPPOSING COUNCIL**

J. Ryan Ferry, Esq. (VSB #80353)  
Boyko Napier, PLLC  
5807 Staples Mill Road  
Richmond, VA 23228  
Phone: (804) 658-3418

Harm brought to:  
Kimberly Lowe, formerly known as Kimberly Lowe Arbouw, and her three children, and an untold number of rescue animals  
4779 Rawlings Road  
Rawlings, VA 23876  
(540) 529-3380  
kimberlynadine@icloud.com

Ryan Ferry, Esquire, willingly and knowingly committed crimes including perjury, forgery, fraud, conspiracy, tortious interference of contract, obstruction of justice, and false pretense in order to bring great harm to Mrs. Kimberly Lowe Arbouw now legally known as Kimberly Lowe. Mr. Ferry should lose his license to practice immediately in that if he is doing this in one case, then he is conducting himself with others in the same illegal and destructive manner. His behavior has made a mockery of law in Virginia and the Virginia State Bar Association should make a strong stance to not ever allow attorneys to behave in this manner to destroy women and children. In divorce proceedings, Mr. Ferry represents Robert Arbouw whom abandoned his wife, Kimberly Lowe Arbouw and their three children (Eva, 14, Arie, 12, and Thijs, 10) in the beginning of 2017 and was abusive and used litigation as a continuation of abuse. This behavior has cost Ms. Lowe and her three children loss of home, loss of property, homelessness, loss of family pets, and bankruptcy. The financial damages amount to hundreds of thousands of dollars, and the longterm damages to the children and Ms. Lowe are outstanding. For continuity, Ms. Lowe will be referred to as Mrs. Arbouw throughout this document in order to reflect submitted court documents. The court was also an active actor in crimes.

- A. Ryan Ferry, opposing counsel, broke many laws and committed fraud with intent to harm. See Section II, Crimes Committed.
- a. Ryan Ferry gave disingenuous statements in hearings, 7/8/19 Motion filed “Notice of Disingenuous Statements with Intent to Defraud” in order to bring harm to Mrs. Arbouw and her children (motion attached for detail as Appendix I).
- b. Ryan Ferry lied refusing to cooperate with Discovery and purposefully held back responses, so much to the point that when he did provide any Discovery, he made up questions and submitted them to court saying Mrs. Arbouw had asked those questions, not the actual Discovery questions sent to Mr. Ferry. Discovery was requested and not answered as far back as October 2018, yet the judge would not compel any financials for Mr. Arbouw (see Appendix II list of motions with details)
- c. Ryan Ferry would lie saying he did not receive communication from Mrs. Arbouw and thus Mrs. Arbouw created a paper trail even before his statement saying he was not receiving communication by filing some communication with

the court : 7/8/19 Notice of Communication to Plaintiff's Attorney  
with Submission of Bills Due.

d. In a motion dated 10/25/19 Request for Production of  
Documents, it is stated:

1. "Mr. Arbouw and opposing counsel have continued to  
deny document requests, going so far as opposing  
counsel lying in court on June 21st, 2019 saying said  
documents had been submitted to the defendant and the  
defendant's prior attorney".

e. In a Motion dated 12/2/20, Falsification of Documents,  
Mrs. Arbouw makes the court aware that Ryan Ferry  
Falsified a Document, saying Mrs. Arbouw submitted a list  
of questions that in no way reflected the actual discovery  
questions sent to Mr. Ferry, and then Mr. Ferry proceeded  
to submit Discovery questions of THEIR choice, not  
actual Discovery questions, in order to not give pertinent  
financial or retirement information in order to bring  
financial harm to Mrs. Arbouw and her three children. See  
Appendix III.

- f. In a hearing on December 16, 2019, Mr. Ferry submitted two documents never before seen by Mrs. Arbouw including a “Final Decree” and an Order to Appoint a Special Commissioner to auction Mrs. Arbouw and her children’s home and make Mrs. Arbouw responsible for cost, no matter the fact that Mrs. Arbouw’s name is not on the mortgage and thus she is not ultimately legally responsible for financial loss on the home. Mrs. Arbouw was not given those documents before 12/16/19 and did not see the documents handed to the judge on 12/16/19.
- i. Mrs. Arbouw had never seen the copy of the “Final Decree” but did state in court that she would not sign a Decree as the version she had seen was based on fraud, and thus the court waived Mrs. Arbouw’s signature and the judge signed the “Final Decree”.
- ii. Mrs. Arbouw saw neither order until January 15, 2020, when the orders first entered the Clerk’s Office and Mrs. Arbouw had never seen the version of the “Final Decree” which was signed by the judge and purposefully omitted

any award for child support or alimony, and the order was based on fraud and the document was riddled with numerous errors.

iii. Mrs. Arbouw had NOT ONCE seen the order to appoint a special commissioner to auction her home and make her responsible for the costs and the court waived Mrs. Arbouw's signature stating she had seen the document and waived her signature. Mrs. Arbouw did not discover the order until January 15, 2020 and the judge held the order for more than 30 days, probably in order to attempt to squash an appeal, as the ladies in the Clerk's Office will testify that at no point did they receive said orders until January 15, 2020.

g. Mr. Ferry sent continual threatening communication to the point that he would have been responsible for larceny.

h. Mr. Ferry committed so much fraud and worked outside of the bounds of his oath as an attorney and should no longer practice as an attorney due to the great harm he has brought upon Mrs. Arbouw and her children and by

representing an abuser. It is abhorrent to think that this man also acts as a Guardian Ad Litem on behalf of children when Mr. Ferry has gone out of his way with an intent to defraud and bring great harm to Mrs. Arbouw and her children. His malicious acts are worse than those that can be found in recent actions found against attorneys under the Bar Association and we are confident Mr. Ferry will be held responsible for his abhorrent and damaging actions.

- B. Ryan Ferry did not follow appropriate court procedures. Laws only appeared to apply to Mrs. Arbouw but not to Mr. Ferry, opposing counsel, and Mr. Arbouw whom were allowed to commit perjury, forgery, fraud, be late to court, not follow court procedures such as submitted items to court on the day of trial instead of the allotted number of days before trial or in Discovery; time and time again OC and Mr. Arbouw were allowed to not follow any procedure which brought serious harm to Mrs. Arbouw and her three children:

a. False assets were submitted on the day of trial on June 21, 2019 and not in Discovery without Mrs. Arbouw even being able to review said false assets and judgements were made against Mrs. Arbouw based on these falsehoods she could not review on June 21, 2019. See Appendix 4.

b. A Proffer submitted on the day of trial instead of the allotted number of days before trial such that it could not be reviewed by Mrs. Arbouw (on 6/21/19). See Appendix 4.

c. On the day of trial the judge stated no motions submitted by Mrs. Arbouw would be heard because it would be unfair to opposing counsel although opposing counsel received all motions in the legal number of days before trial; yet opposing counsel could submit a proffer and a never seen exhibit which were false and falsified without Mrs. Arbouw being able to review.

d. A witness the day of trial brought by opposing counsel which at no point was submitted as being a witness and



Mrs. Arbouw was not made aware of, yet when Mrs.

Arbouw listed witnesses in the legal number of days

before a custody hearing, the court would not hear expert testimony during a custody hearing based on child abuse and domestic violence.

e. Opposing Counsel was allowed to be twenty minutes late to a custody hearing without chastise or penalty, yet when Mrs. Arbouw could not immediately find her expert witness whom was just in the bathroom, the judge threatened to make Mrs. Arbouw pay for Mr. Arbouw's attorney fees when she herself could not afford an attorney for herself.

- C. Ryan Ferry advised his client to not pay the mortgage that was in his client's name resulting in damages to his client and financial damages to Mrs. Arbouw.
- D. Ryan Ferry knowingly lied in court, refused to produce financial documents, knowingly produced false documents, and knowingly submitted \$51,000 in false assets in order to defraud Mrs. Arbouw.

E. Ryan Ferry knowingly did not cooperate with court orders, specifically Ryan Ferry did not enforce the Pendente Lite Order for support for Mrs. Arbouw and her three children, rather Mr. Ferry would send threatening letters to Mrs. Arbouw to try to make her pay Mr. Arbouw for items that were non marital while Mrs. Arbouw fell 30% below Federal Poverty Guidelines, Mrs. Arbouw could not continue to afford counsel, and Mr. Arbouw earned \$126,000 per year and his housing, food, iphone, and expenses are paid for.

i. During Mrs. Arbouw's daughter's birthday month, they stripped Mrs. Arbouw's child support of \$1000 in order to pay the Guardian Ad Litem illegally and then Ryan Ferry continued to harass Mrs. Arbouw to pay Mr. Arbouw for items that did not belong to him, specifically for rescue animals that Mr. Arbouw did not pay for, did not feed, did not take care of, and had abandoned for years and Mrs. Arbouw was financially caring for said rescue animals.

ii. On Mrs. Arbouw's birthday in 2019 Ryan Ferry sent harassing communication in order to try to make her pay

thousands of dollars for non marital items or they would come to the house and take those items.

- F. In a hearing on December 16, 2020 opposing counsel “started in” on Mrs. Arbouw in a most disrespectful way and would not stop when the judge was out of the room and for a very long period of time Mr. Ferry had brutally harassed Mrs. Arbouw and her three children through threatening correspondence (to the point of essentially being an accomplice to larceny) and committed perjury and fraud with intent to harm Mrs. Arbouw and her three children, and Mrs. Arbouw merely politely told Mr. Ferry he should be in jail for fraud and asked him if he went to school so he could go to a job to bring harm upon women and children. These are clear non threatening and true statements of freedom of speech. The court recorded these statements for the court file for appeal as the judge was made yet again aware of fraud verbally and in writing and chose to ignore the fraud over and over and over again. For

details on the number of times the court and Mr. Ferry was made aware of fraud please see the March 27, 2020 document challenging court jurisdiction.

- G. Not only did Mrs. Arbouw have to deal with constant harassment through mail, injustices in the courtroom, the loss of property, pets, and her home, during the duration of litigation with Mr. Ferry and not the prior attorney, Mrs. Arbouw had cars outside of her home taking video and photos, when Mrs. Arbouw lives an hour to the city and on a country road.
- H. Ryan Ferry knowingly and willingly took place in crimes in which money was illegally garnished from child support to the children in order to pay the Guardian Ad Litem.
- I. Ryan Ferry did not write order and purposefully omitted verbal judge's orders in order to defraud Mrs. Arbouw, such that, despite the fact that Mrs. Arbouw was awarded alimony and child support in a December 16, 2019 hearing, Ryan Ferry at no point wrote the order and purposefully omitted the order from the "Final Decree". The verbal orders on custody were also not written from a January 15, 2020 hearing.

- J. In a June 9th, 2020 hearing, Ryan Ferry continually lied to the judge thereby committing fraud on court (see Appendix):
- i. Ferry falsely stated Ms. Lowe had not contacted the reunification therapist when she had.
  - ii. Ferry falsely stated Ms. Lowe had not contacted the Special Commissioner appointed when she had.
  - iii. Ryan Ferry stated “Ms. Lowe is not credible”.
  - iv. Ryan Ferry lied to the judge stating the law on staying a beneficiary on a policy after divorce did not change when the law had changed to make it the discrepancy of the judge, in order to prevent Ms. Lowe from remaining as beneficiary on the policies.
  - v. Ryan Ferry stated there was no order on support signed still when Ryan Ferry omitted any support in the “Final Decree” on purpose in order to defraud Ms. Lowe and only included said document in a May 2020 document.
  - vi. Ryan Ferry said Ms. Lowe refused to sign documents and regarding a Temporary Order for Custody/Visitation which Ms. Lowe signed, Mr. Ferry said “I could not turn it in because she

wrote on” while Ms. Lowe wrote specific laws to refute the false statements in said order; thus Ryan Ferry would only submit non signed orders to the court and if Ms. Lowe signed any order with objection it would be withheld.

v. Ryan Ferry told Judge Gill that Ms. Lowe was ordered to pay the mortgage when the only signed order, “Final Order” states “Should the property remain unsold by January 20, 2020, and the Defendant continue to reside there, the Petitioner shall be relieved of any court-ordered obligation to pay such indebtedness”, and does not state Ms. Lowe is to pay the mortgage as the court cannot legally do that and does not hold jurisdiction to do that.

vi. Judge Gill then instructed Mr. Arbouw and opposing counsel to file a Show Cause on Ms. Lowe when Ms. Lowe is not the mortgage holder, Ms. Lowe was not ordered to pay the mortgage in the order, and Ms. Lowe stated to Judge Gill that the court does not hold jurisdiction over a Security Interest (mortgage).

vii. Ryan Ferry told the judge that Ms. Lowe stated to Ryan Ferry that the orders are void and yes, this is actually true.

viii. Judge Gill said he would not overturn Judge Sharrett's Final Order which was completely based on fraud and told Ms. Lowe to distribute assets that actually legally belong to Ms. Lowe thus the judge was enforcing larceny and Ms. Lowe said, "well then I will have to sue the state".

ix. Judge Gill shows bias and wants to reunite the children with their abuser not having heard any evidence and despite a constitutional rights argument and argument that children have rights under the law.

## **II. CRIMES COMMITTED BY RYAN FERRY**

The following crimes were committed by Ryan Ferry, esquire with Boyko Napier. This list is incomplete and not comprehensive and just an initial listing of crimes committed.

### **I. Perjury:**

A. Ryan Ferry lied while under oath about his client, Mr. Arbouw's, income and living situation resulting in financial harm to Mrs. Arbouw and her three children.

Code 18.2-435 Giving conflicting testimony on separate occasions as to the same matter

"It shall likewise constitute perjury for any person, with the intent to testify falsely, to knowingly give testimony under oath as to any material matter or thing and subsequently to give conflicting testimony under oath as to the

same matter or thing. In any indictment for such perjury, it shall be sufficient to allege the offense by stating that the person charged therewith did, knowingly and with the intent to testify falsely, on one occasion give testimony upon a certain matter and, on a subsequent occasion, give different testimony upon the same matter. Upon the trial on such indictment, it shall be sufficient to prove that the defendant, knowingly and with the intent to testify falsely, gave such differing testimony and that the differing testimony was given on two separate occasions.”

## **II. Perjury**

- B. Ryan Ferry knowingly had his client lie about his income while under oath.

Code 18.2-436 Inducing another to give false testimony

“If any person procure or induce another to commit perjury or to give false testimony under oath in violation of any provision in this article, he shall be punished as prescribed in Code 18.2-434. In any prosecution under this section, it shall be sufficient to prove that the person alleged to have given false testimony shall have been procured, induced, counseled or advised to give such testimony by the party charged.”

## **III. Obstruction of Justice**

- A. Ryan Ferry purposefully withheld Discovery responses in order to defraud Kimberly Lowe Arbouw from receiving the appropriate child support, alimony, asset distribution, and retirement from his client.

- B. As stated in the VA Code 18.2-460 Obstructing Justice:

- A. If any person without just cause knowingly obstructs a judge.....in the performance of his duties as such or fails or refuses without just cause”

- B. ...any person who...knowingly attempts to....impede a judge....lawfully engaged in his duties as such, or to obstruct or impede the administration of justice in any court, is a guilty of a Class 1 misdemeanor.

**IV. Tortious Interference of a Contract** with (1) existence of a contract (2) knowledge of the expectancy (3) intentional interference (4) improper means or methods to interfere (5) damages caused



A. Ryan Ferry advised his client to not pay the home mortgage that is solely in his client's name causing the lost of the family home for Mrs. Arbouw and her three children.

B. Thereby resulting in **breach of contract**, Code 59.1-507.1:  
"when a party....fails to perform an obligation in a timely manner" such that  
(b) the breach substantially deprived or is likely substantially to deprive the aggrieved party of a significant benefit it reasonably expected under the contract"

## **V. Fraud:**

1. Mr. Ferry falsified documents with intent to bring harm to Mrs. Arbouw and Mrs. Arbouw's three children.

## **II. Forgery**

1. Mr. Ferry falsified documents to the Brunswick County Civil Circuit Court saying the written documents came from Mrs. Arbouw.

2. Mrs. Arbouw did not write the document submitted to court as Mr. Ferry says.

A. Code 18.2-172. Forging, uttering, etc., other writings

"If any person forge any writing, other than such as is mentioned in Code 18.2-168 and 18.2-170, to the prejudice of another's right, or utter, or attempt to employ as true, such forged writing, knowing it to be forged, he shall be guilty of a Class 5 felony."

## **III. False Pretenses/Conspiracy**

Such that Virginia Code 18.2-178 Obtaining money or signature, etc., by false pretense, such that:

"A. If any person obtain, by false pretense or token, from any person, with intent to defraud, money, a gift certificate or other property that may be the subject of larceny, he shall be deemed guilty of larceny thereof"; and **Conspiracy**:

Virginia Code 18.2-23 Conspiring to trespass or commit larceny, "A. If any person shall conspire, confederate or combine with another or others in the Commonwealth to go upon or remain upon the lands,

buildings, or premises of another ,or any part, portion or area thereof, having knowledge that any of them have been forbidden, either orally or in writing, to do so by the owner, lessee, custodian or other person lawfully in charge thereof, or having knowledge that any of them have lands, buildings, premises or part, portion or area thereof at a place or places where it or they may be reasonable seen, he shall be deemed guilty of a Class 3 misdemeanor. B. If any person shall conspire, confederate or combine with another or others in the Commonwealth to commit larceny or counsel, assist, aid or abet another in the performance of a larceny, where the aggregate value of the goods or merchandise involved is more than \$200, he is guilty of a felony”

1. Ryan Ferry mailed documents to Mrs. Arbouw attempting to gain money for assets that were fraudulently produced, of which Mr. Ferry was aware said items were fraudulently produced.
  2. Ryan Ferry attempted to gain money for non marital items threatening to come and take said non marital items if Mrs. Arbouw did not pay thousands of dollars to Mr. Ferry and his client.
  3. Had Mr. Ferry come for said items, Mr. Ferry would have committed larceny.
- A. Virginia Code 18.2-178 Obtaining money or signature, etc., by false pretense, such that:
- “A. If any person obtain, by false pretense or token, from any person, with intent to defraud, money, a gift certificate or other property that may be the subject of larceny, he shall be deemed guilty of larceny thereof”

#### **IV. Conspiracy**

Virginia Code 18.2-22 Conspiracy to commit felony “(a) If any person shall conspire, either within or without this Commonwealth, to commit a felony within this Commonwealth, or if he shall so conspire, confederate or combine with another within this Commonwealth to commit a felony either within or without this Commonwealth, he shall be guilty of a felony which shall be punishable”

1. Mr. Ferry knowingly continued with client’s fraud after being made aware of client’s fraudulent claims.

**V. Fraud with Intent to Harm/False Pretense/Conspiracy**

1. Ryan Ferry submitted both a Final Decree copy which Mrs. Arbouw had never seen to the judge in a hearing on December 16, 2020.
  - a. This document did not include alimony or child support, was based on fraud, and was full of error including a court date that did not exist.
2. Ryan Ferry submitted a Motion to Appoint a Special Commissioner on December 16, 2020, and said document was not ONCE seen by Mrs. Arbouw and the judge signed the order waiving Mrs. Arbouw's signature stating Mrs. Arbouw had seen the document.
3. This effectively cause the loss of home and property of Mrs. Arbouw and her three children.

**III. VIRGINIA STATE BAR ASSOCIATION  
RULES OF PROFESSIONAL CONDUCT:**

- I. RULE 4.1 Truthfulness in Statements to Others  
Principles of Professionalism for Virginia Lawyers: (not followed)]  
Made false statements, failed to disclose facts, assisted client with fraud
  - A. Misrepresentation
  - B. Statements of Fact
  - C. Fraud by Client
- II. RULE 8.3 Reporting Misconduct
  - (a) A lawyer having reliable information that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness or fitness to practice law shall inform the appropriate professional authority.
    1. Ryan Ferry was made aware that the Guardian Ad Litem illegally took child support from children in order to be paid
  - (b) A lawyer having reliable information that a judge has committed a violation of applicable rules of judicial conduct that raises a substantial question as to the judge's fitness for office shall inform the appropriate authority.

1. Ryan Ferry watched the judge not accept a single motion from Mrs. Arbouw, not have any due process by not allowing testimony of expert witnesses in a custody hearing involving domestic violence, and was made aware the judge perjured himself by holding two orders for more than thirty days stating they were in the case folder when in actuality the orders were at no point in the Clerk's office.
2. Ryan Ferry knew the judge garnished the children's child support to pay the Guardian Ad Litem from Mrs. Arbouw who fell 30% below the Federal Poverty Guidelines and the judge would not accept the proper forms to determine income eligibility, but rather the judge told Mrs. Arbouw to sell an alpaca not knowing how many alpacas Mrs. Arbouw had, or their value, or if they were marital property, or if they were an important part of Mrs. Arbouw's income
3. Ryan Ferry remained silent while the judge was notified of fraud over and over again through written motions and verbal statements in court

III. It is professional misconduct for a lawyer to:

- (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;
  1. Ryan Ferry knowingly allowed the judge to garnish child support to the children in order to pay the Guardian Ad Litem
- (b) commit a criminal or deliberately wrongful act that reflects adversely on the lawyer's honesty, trustworthiness or fitness to practice law;
  1. Ryan Ferry committed perjury, forgery, fraud, obstruction of justice, tortious interference of a contract, conspiracy, and false pretense.
- (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation which reflects adversely on the lawyer's fitness to practice law;
  1. See laws broken Section II.
- (d) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law

1. Ryan Ferry intentionally submitted a Final Decree that Mrs. Arbouw had never seen that copy of and her signature was waived in court and a Final Decree based on fraud, as known by Mr. Ferry, was signed by the judge.

2. Ryan Ferry intentionally submitted an order for the Appointment of a Special Commissioner to auction the farm and home of Mrs. Arbouw and her three children on December 16, 2019. Mrs. Arbouw had never seen the order, knew nothing of the order, and the judge signed the order without Mrs. Arbouw being aware and the order was signed stating Mrs. Arbouw had seen the order and her signature was waived. This effectively took the home from Mrs. Arbouw and her three children.

#### IV. Attorney Professionalism

The following were NOT followed by Ryan Ferry:

A.- ....my [Ryan Ferry] actions and demeanor reflect upon my professions

- Act at all times with professional integrity, so that others will know that my word is my bond
- Treat everyone as I want to be treated - with respect and courtesy
- ....act as a role model for future generations of lawyers

B. In my conduct toward my clients, I should:

- Explain to clients that my courteous conduct toward others does not reflect a lack of zeal in advancing their interests, but rather is more likely to successfully advance their interests (at no point was Ryan Ferry courteous)

C. In my conduct toward courts and other institutions with which I deal, I should:

- Be punctual in attending all court appearances
- Avoid any conduct that offends the dignity or decorum of any courts or other institutions, such as inappropriate displays of emotion or unbecoming language directed to the courts or any other participants (Ryan Ferry was incredibly rude and lit into Mrs. Arbouw (now Lowe) while the judge was out of the room yet Mrs. Arbouw was threatened to be put in jail because she reacted by stating to Mr. Ferry that he should be in jail for fraud)

D. In my conduct towards opposing counsel, I should:

- Treat both opposing counsel and their staff with respect and courtesy (not in the slightest did this happen)
- Cooperate as much as possible on procedural and logistical matters, so that clients' and lawyers' efforts can be directed toward the substance of disputes or agreements (Ryan Ferry refused to submit requested documents or write orders as requested and would not submit documents to court in the proper number of days before hearings so opposing counsel could review the documents)
- Cooperate in scheduling any discovery, negotiations, meetings, closings, hearings or other litigation or transactional events, accommodating opposing counsel's schedules whenever possible (Ryan Ferry refused to provide counseling and went so far as to make up Discovery Questions saying Mrs. Arbouw had asked for those Discovery items when she had not, rather than responding to actual Discovery questions; Ryan Ferry refused to have Mr. Arbouw sign over the title of a vehicle after court motions and repeated requests that went on from the time he was hired, and Mr. Ferry refused to cooperate with scheduling as Mr. Ferry had more rights in scheduling as an attorney that did Mrs. Arbouw).
- Agree whenever possible to opposing counsel's reasonable requests for extensions of time that are consistent with my primary duties to advance my clients' interests (Ryan Ferry was completely uncooperative to the point of harassment)
- Notify opposing counsel of any schedule changes as soon as possible (Ryan Ferry showed up twenty minutes late to court while expert witnesses had to wait and was difficult at times of scheduling such that he had more rights scheduling as an attorney)
- Return telephone calls, e-mails, and other communications as promptly as I can, even if we disagree about the subject matter of the communication, resolving to disagree without being disagreeable (Ryan Ferry completely ignored most all communication from Mrs. Arbouw including all Discovery requests, requests for the Pendente Lite Order to be in effect such that the children received their child support, and went so far as to lie saying he had not received communication causing Mrs. Arbouw to have to file some

communication with the court and pay for every item that was mailed to Ryan Ferry such that he would have to sign for it).

- Be punctual to attending all scheduled events (Ryan Ferry did not find it important to show up to court on time)
- Resist being affected by any ill feelings opposing clients may have toward each other, remembering that any conflict is between the client and not between the lawyers (Ryan Ferry made this VERY personal and set out to defraud Mrs. Arbouw and bring great hard to her and her three children)

## **II. APPENDIX TWO**

JULY 8, 2019 Notice of Disingenuous  
Statements with Intent to Defraud

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF BRUNSWICK

ROBERT JAN ARBOUW  
Plaintiff

v.  
KIMBERLY LOWE ARBOUW,  
Defendant

CASE NO.: CL18000287-0

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### **NOTICE OF DISINGENUOUS STATEMENTS WITH INTENT TO DEFRAUD**

Comes now the defendant, Kimberly Lowe Arbouw, moves this Court to recognize the plaintiff's attorney, Ryan Ferry, Esquire with Boyko Napier

made disingenuous statements in an attempt to make his client appear poorer than actuality with an intend to remove monetary awards from Mrs. Arbouw and her children.

1. Mr. Ferry, plaintiff's attorney intended to deceive with a specific intention to cheat Mrs. Arbouw causing financial loss to Mrs. Arbouw in order to bring financial gain to his client, Mr. Arbouw.
2. In Mr. Ferry's deception, Mr. Ferry made disingenuous statements:
  - a. Mr. Ferry said Mr. Arbouw was living in a hotel; Mr. Ferry failed to make note that Mr. Arbouw's company was paying for his hotel, his food, his iphone, and all of his expenses. Mr. Ferry attempted to make Mr. Arbouw appear less well off by merely saying "Mr. Arbouw has to live in a hotel", without stating the actual facts. Mr. Arbouw's bank account statements show Mr. Arbouw had thousands of dollars left over each month and Mr. Arbouw could afford his own housing if he chose to do so.
3. Mr. Ferry attempts to continue deception by stating "Mr. Arbouw drives a 2003 vehicle". Mrs. Arbouw drives an old, beaten up 2003 truck to transport children, has only received \$10,911 over a 7 month



period, making her monthly support a total of \$1558.72/month, while Mr. Arbouw's gross salary for February was \$12,227.06 and 11,261.27 for March, his base salary is \$98,013.96, and Mr. Arbouw's lodging, food, iphone, and expenses are paid by Mr. Arbouw's work. Mr. Arbouw could afford a nicer car than a 2003 vehicle, when clearly Mrs. Arbouw cannot afford a newer vehicle. According to Mr. Arbouw's pay stubs, his base salary is actually \$98,013.96 with \$22,735.81 in further deposits in 2018 such as work related expense perks making Mr. Arbouw's income for 2018 to be \$120,749.77. Of the \$22,735.81, \$3189.60 was taxable income if it was reported, and the other \$19,546.21 was non taxable income. However, in just January, February, and March Mr. Arbouw received \$10,272.08 in non salary deposits, which makes Mr. Arbouw's gross monthly average salary in 2019 between the months of January and March to be \$11,591.85. \$9,251.08 is non taxable income within a three month period. Mrs. Arbouw has only received \$10,911 in a seven month period which Mr. Arbouw made apart from a \$98,013.96 salary in just three months.

4. Mr. Ferry says that the plaintiff and counsel have sent critical financial documents requested, telling a bold face lie, when in truth:
  - a. Bank statements showing Mr. Arbouw's account balances with ending balances and a current balance were not sent, but rather a bank print off for statements from October of 2018-March 2019.
  - b. Mr. Arbouw has withheld all Dutch Bank Account information.
  - c. Mr. Arbouw has withheld a Dutch Retirement Policy by PMT.
  - d. Mr. Arbouw has not sent a copy of his 2018 tax return as requested.
  - e. Mr. Arbouw has withheld social security benefits as requested.
5. On March 18th, 2019 while Mr. Arbouw was under oath on the stand, Mr. Ferry made note in questioning the plaintiff, Mr. Arbouw, that Mr. Arbouw did not have money to stay in a hotel at one point during separation and had to sleep in his car in a Walmart parking lot.  
  
According to Mr. Arbouw's bank statements, Mr. Arbouw always had money left over every month and would have had the resources to stay in a hotel.
6. On June 21, 2019 in Mr. Ferry's closing arguments, Mr. Ferry argued that Mrs. Arbouw has had three attorneys, while Mr. Arbouw himself

has had 2 attorneys. Mrs. Arbouw, with a gross income in seven months of \$10,911.00 has incurred \$25,500 worth of attorney fees and legal aid does not handle a contested divorce. Mr. Arbouw who has a job and who initiated a divorce can afford to pay attorney fees. Any money taken away from Mrs. Arbouw is taking money away from the three children of the marriage, as Mrs. Arbouw is the sole custodial parent, and Mr. Arbouw has not seen his children in over two years.

Wherefore the defendant respectfully moves this Court to be made aware of the disingenuous statements made by Ryan Ferry, attorney to the plaintiff, Mr. Arbouw, in order to defraud Mrs. Arbouw creating financial harm to Mrs. Arbouw and the three children of the marriage, and award the defendant all expenses incurred with this notice, and any court costs associated with the obtainment of this request within the guidelines of The Supreme Court.

KIMBERLY LOWE ARBOUW

Kimberly Lowe Arbouw

---

4779 Rawlings Road

Rawlings, VA 23876  
(540) 529-3380

### **CERTIFICATE OF SERVICE**

I hereby certify that on this 8th day of July 2019, a copy of the foregoing motion was sent via U.S. mail to the following:

J. Ryan Ferry, Esq. (VSB #80353)  
Boyko Napier, PLLC  
5807 Staples Mill Road  
Richmond, VA 23228  
Phone: (804) 658-3418

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Kimberly Lowe Arbouw

### **III. APPENDIX THREE**

#### **MOTIONS SUBMITTED AND NOT HEARD**

- A. Ryan Ferry refused to produce any Discovery Questions requested. Please see the number of motions filed below that were ignored and to the point that Ryan Ferry made up a motion that did not even exist, which is the only Discovery he responded to (the Discovery questions he made up stating Mrs. Arbouw had asked them when she had not).
- B. Ryan Ferry did not cooperate with the simplest of motions and even lied stating he was not receiving mail and because Mrs. Arbouw knew his degree of dishonesty she filed some communication so it would be on file at the court and had to pay for signed mail deliveries.
- C. EVERY single motion (except for one order of restoration of name, and the release of a \$500 bond for a thwarted appeal) was thrown out and never heard in a court of law and on December 16, 2019, Judge Allen Sharrett yelled saying "All of the motions are frivolous! Nobody should have to read them, including Mrs. Jones and Mr. Ferry! You aren't

allowed to file any more motions!” and Mrs. Arbouw was threatened with jail and have her children placed in foster care. Please note Mrs. Arbouw was slighted out of life insurance, retirement, arrears, and alimony and child support according to Virginia State Guidelines. Specifically Ryan Ferry requested that all motions submitted by Mrs. Arbouw be thrown out and the judge complied.

- D. Note, Contempt of Court Motions below were filed because Mr. Arbouw did not provide court ordered support in the form of child support or alimony or life insurance policies or maintaining the mortgage, as ordered in a Pendente Lite Order from 4/1/19 and verbally determined in a PDL hearing on 3/18/19 — and the judge refused to enforce the PDL order\*\*
- E. On December 16, 2019 in a hearing, Ryan Ferry introduced Mr. Arbouw’s actual base income, which means Mr. Ferry was aware that Mr. Arbouw had lied continually in hearings between spring and December 2019. This base income did not reflect the whole and actual income as they continued to hide income, assets, retirement, and all important financial information.
- F. The lack of Discovery slighted Mrs. Arbouw and her three children out of the appropriate amount of child support according to state law, the legal amount of alimony, retirement, and life insurance

#### D. MOTIONS

6/3/19 Request for Admission

6/3/19 Motion to Submit Alimony/Child Support on the 25th of Each Month or Before

6/3/19 Motion to Produce (financials)

6/3/19 Motion to Compel (financials)

6/3/19 Motion to Enforce Pendente Lite Order, pay life insurance policies, pay alimony/child support

6/3/19 Motion to Release or Remove Personal Property

6/3/19 Motion to Produce (financials)

6/10/19 Motion (to Request Mr. Arbouw, plaintiff, pay for his daughter Eva Arbouw’s medically necessary braces)

6/10/19 Motion to Compel (financials)

Verbally requested motions on 6/21/19 and denied:

6/21/19 Verbal motion for Mr. Arbouw to provide Social Security benefit information

6/21/19 Verbal Motion to Compel Life Insurance Policies from the Netherlands  
6/21/19 Verbal Motion for a Continuance as Mr. Arbouw had not provided pertinent financials in order to conduct a divorce hearing  
Further Written Motions  
6/24/19 Request for Removal of Judge and Case to be Reheard  
6/24/19 Motion to Strike Proffer and Assets Submitted by Plaintiff, Robert Arbouw, On a Divorce Hearing Dated 6/21/19  
6/24/19 Response to Proffer  
6/26/19 Notice of Perjury  
6/26/19 Notice of Falsification/Forgery of Documents  
7/1/19 Notice of Subpoenas for Financial Information  
7/1/19 Contempt of Court June  
7/1/19 Contempt of Court July  
7/8/19 Notice of Communication to Plaintiff's Attorney with Submission of Bills Due  
7/8/19 Notice of Disingenuous Statements With Intent to Defraud  
7/8/19 Exemption from Withholding, Reimbursement of GAL Fee  
7/8/19 Request for Child Support to be Awarded Based on the Virginia Guidelines for Child Support and Alimony To be More Fairly Awarded According to the Conditions in Virginia Law  
7/10/19 Motion to Amend/Review Order Submitted on 7/8/19 - Request for Child Support to be Awarded Based on the Virginia Guidelines for Child Support and Alimony To be More Fairly Awarded According to the Conditions in Virginia Law and Award Back Child Support  
7/29/19 Request for Order (to be the beneficiary of a life insurance policy)  
7/29/19 Request for Order - Lincoln Benefit Life Insurance (an order would have allowed Mrs. Arbouw to check to see if the policy was being paid)  
7/29/19 Request for Order - Southern Farm Bureau Life Insurance (an order would have allowed Mrs. Arbouw to check to see if the policy was being paid)  
7/29/19 Notice of Subpoena (for a life insurance policy to see if it was being paid)  
7/29/19 Notice of Complaint (the life insurance company said they could not find the policy and Mr. Arbouw had been court ordered to pay said policy)  
8/1/19 Contempt of Court August

8/7/19 Motion to Continue (to move a custody hearing such that expert witnesses could be present, to remove Judge Sharrett whom is biased in order to protect the safety of the children, and for the Guardian Ad Litem to obtain domestic violence education in order to ensure the best outcome for the children)

9/4/19 Contempt of Court September 2019

9/10/19 Motion to Continue (a custody hearing that had been scheduled for 9/20/19 and the first motion to continue was denied) - request for a motion to continue as expert witnesses were not available on that date, affidavits were not fully available, and Discovery was not complete

10/25/19 Request for Production of Documents (still requesting financials and retirement information that had been requested since October 2018 and still not provided)

10/25/19 Contempt of Court October 2019

10/30/19 Defendant's Response to Production of Documents (defendant, Mrs. Arbouw makes note that it is the fourth time Mrs. Arbouw provided the same response while Mr. Arbouw did not provide initial discovery requested as far back as October 2018).

11/12/19 Contempt of Court November 2019

11/20/19 Motion to Compel (still requesting the same discovery to be produced in order to provide financials and retirement information)

12/2/20 Falsification of Documents (Mrs. Arbouw makes the court aware that Ryan Ferry Falsified a Document, saying Mrs. Arbouw submitted a list of questions that in no way reflected the actual discovery questions sent to Mr. Ferry)

12/5/19 Contempt of Court December 2019

12/15/20 Order of Restoration of Name - THE ONLY MOTION HEARD AND APPROVED BY THE JUDGE

12/20/19 Witness List for Upcoming Custody 1/15/20 Hearing

1/24/ 20 Notice of Appeal from Trial Court

1/24/20 Bond - Appeal of Right From Circuit Court to Court of Appeals

2/17/20 Withdrawal Of Intent to Appeal

2/17/20 Release of Appeal Bond

#### **IV. APPENDIX FOUR FALSIFICATION OF DOCUMENTS**

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF BRUNSWICK

ROBERT JAN ARBOUW

Plaintiff

v.

CASE NO.: CL18000287-0

KIMBERLY LOWE ARBOUW,

Defendant

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#### **FALSIFICATION OF DOCUMENTS**

Comes now the defendant, Kimberly Lowe Arbouw, notifies the court of the falsification of documents produced by Ryan Ferry with Boyko Napier and submitted to the Brunswick County Court on November 27th, 2019.

1. Ryan Ferry with Boyko Napier submitted "Plaintiff's Supplemental Answers to Defendant's First Request for the Production of Documents".
2. This document in no way reflects any question of the actual Discovery Questions or Motion to Produce Documents submitted by the defendant.



3. Ryan Ferry with Boyko Napier continues to not answer Discovery Questions or produce documents all the way back from October 2018.
4. Attached one will find Ryan Ferry's submittal, and the actual request for production of documents/discovery.
5. Ryan Ferry with Boyko Napier made up questions for a production of documents and these in no way reflect the actual production of documents request.
6. Ryan Ferry with Boyko Napier has been complacent with fraud multiple times regarding Arbouw vs. Arbouw and continues to do so with this false set of question and answers.

WHEREFORE, the defendant respectfully moves the plaintiff and Ryan Ferry with Book Napier to produce actual documentation in response to The Request for Production of Documents filed on 3/25/19 and Motion to Produce filed on 1/17/19 and Discovery Request dated 10/26/18, a Motion to Produce on 6/3/19, a Motion to Compel on 6/3/19, a Motion to Compel on 6/10/19, and a Motion to Produce filed on October 25th, 2019, a Motion to Compel filed on November 21, 2019, and for all reasonable expenses

incurred in obtaining this Order, as permitted by the Rules of the Supreme Court.

KIMBERLY LOWE ARBOUW

---

4779 Rawlings Road Rawlings, VA 23876 (540) 529-3380

**CERTIFICATE OF SERVICE**

I hereby certify that on this 2nd day of December 2019, a copy of the foregoing motion was sent via U.S. mail to the following:

J. Ryan Ferry, Esq. (VSB #80353)  
Boyko Napier, PLLC  
5807 Staples Mill Road  
Richmond, VA 23228  
Phone: (804) 658-3418

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Kimberly Lowe Arbouw

## **V. APPENDIX FIVE**

### **A. June 26, 2019 Notice of Falsification and Forgery of Documents, Notice of Perjury, Motion to Strike**

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF BRUNSWICK

ROBERT JAN ARBOUW

Plaintiff

v.

CASE NO.: CL18000287-0

KIMBERLY LOWE ARBOUW,

Defendant

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### **NOTICE OF FALSIFICATION/FORGERY OF DOCUMENTS**

Comes now the defendant, Kimberly Lowe Arbouw, moves this Court to be made aware of falsification of documents submitted by the plaintiff, Robert, Arbouw, on 6/21 at trial.

1. Robert Arbouw, plaintiff produced false documents thereby creating a criminal element as set forth in Va. Code §18.2-172.
2. Production of assets presented in court in which a motion has been requested to be stricken, were purely false and unsubstantiated, with intent to defraud.

WHEREFORE, the defendant, Kimberly Arbouw, respectfully notifies this court, and have the plaintiff responsible for all reasonable expenses incurred in notification, as permitted by the Rules of the Supreme Court.

Kimberly Lowe Arbouw  
4779 Rawlings Road  
Rawlings, VA 23876

KIMBERLY LOWE ARBOUW

---

**CERTIFICATE OF SERVICE**

I hereby certify that on this 26th day of June 2019, a copy of the foregoing motion was sent via U.S. mail to the following:

J. Ryan Ferry, Esq. (VSB #80353)  
Boyko Napier, PLLC  
5807 Staples Mill Road  
Richmond, VA 23228  
Phone: (804) 658-3418

---

Kimberly Lowe Arbouw

**B. Notice of Perjury June 26, 2019**

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF BRUNSWICK

ROBERT JAN ARBOUW  
Plaintiff

v.

KIMBERLY LOWE ARBOUW,  
Defendant

CASE NO.: CL18000287-0

## NOTICE OF PERJURY

Comes now the defendant, Kimberly Lowe Arbouw, moves this Court to be made aware of perjury as verbally stated under oath by the plaintiff, Robert, Arbouw, on 6/21 at trial, thus thereby creating a criminal element as of Chapter 10, Article 1, §18.2-434.

1. Robert Arbouw, plaintiff, lied about his income while under oath.
2. Robert Arbouw, plaintiff, lied about his monthly bank account balances while under oath.
3. As this is a criminal matter, all evidence will be forwarded to the Commonwealth Attorney.

WHEREFORE, the defendant, Kimberly Arbouw, respectfully notifies this court, and have the plaintiff responsible for all reasonable expenses incurred in notification, as permitted by the Rules of the Supreme Court.

Kimberly Lowe Arbouw  
4779 Rawlings Road  
Rawlings, VA 23876

KIMBERLY LOWE ARBOUW

---

### CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of June 2019, a copy of the foregoing motion was sent via U.S. mail to the following:

J. Ryan Ferry, Esq. (VSB #80353)  
Boyko Napier, PLLC  
5807 Staples Mill Road  
Richmond, VA 23228  
Phone: (804) 658-3418

---

Kimberly Lowe Arbouw

**C. Motion to Strike Proffer June 24, 2019**

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF BRUNSWICK

ROBERT JAN ARBOUW

Plaintiff

v.

CASE NO.: CL18000287-0

KIMBERLY LOWE ARBOUW,

Defendant

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**MOTION TO STRIKE PROFFER AND ASSETS SUBMITTED BY  
PLAINTIFF, ROBERT ARBOUW, ON A DIVORCE HEARING DATED  
6/21/2019**

1. Proffer was received minutes before court. An Offer must be received 14 days before the date set for trial. Proffer was submitted to the court on June 20, 2019 and hand delivered to the defendant, Kimberly Lowe Arbouw on 6/21/2019.
2. Assets produced by the plaintiff Mr. Arbouw were never given in Discovery or before the trial date. There was no evidence to substantiate the asset list including no receipts or proof of purchase.

WHEREFORE, the defendant, Kimberly Arbouw, respectfully moves this Court to strike the proffer and assets submitted on 6/21/19 from record, and have the plaintiff responsible for all reasonable expenses incurred in obtaining this Order, as permitted by the Rules of the Supreme Court.

Kimberly Lowe Arbouw  
4779 Rawlings Road

KIMBERLY LOWE ARBOUW

Rawlings, VA 23876

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of June 2019, a copy of the foregoing motion was sent via U.S. mail to the following:

J. Ryan Ferry, Esq. (VSB #80353)  
Boyko Napier, PLLC  
5807 Staples Mill Road  
Richmond, VA 23228  
Phone: (804) 658-3418

---

Kimberly Lowe Arbouw

## **VI. APPENDIX SIX - JURISDICTION CHALLENGE**

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF BRUNSWICK

ROBERT JAN ARBOUW

Plaintiff

v.

CASE NO.: CL18000287-0

KIMBERLY LOWE [ARBOUW],

Defendant

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**REQUEST JURISDICTION BE HEARD  
AT A HIGHER COURT - APPELLATE COURT:  
QUESTION OF JURISDICTION AND  
NOTE OF CONSTITUTIONAL VIOLATIONS, and  
ULTIMATELY VOID ORDERS BASED ON FRAUD,  
LACK OF DUE PROCESS, AND LACK OF JURISDICTION**

Kimberly Lowe [Arbouw], formerly known as Kimberly Lowe Arbouw, and now Kimberly Lowe, for court record and appellate court record, hereby makes note of untimely orders, never produced orders, and never seen orders waiving Mrs. Arbouw's signature, with orders based on fraud, such that any order based on fraud is null and void; AND questions jurisdiction of this court and makes notice of constitutional violations including major violations in due process, and does hereby requests the jurisdiction of the court to be challenged at the appellate court such that:



1. "Where a court failed to observe safeguards, it amounts of denial of due process of law, court is deprived of juris". *Merritt v. Hunter*, C.A. Kansas 170 F2d 739.
2. "A court has no jurisdiction to determine its own jurisdiction, for a basic issue in an case before a tribunal is its power to act, and a court must have the authority to decide that question in the first instance" *Rescue Army v. Municipal Court of Los Angeles*, 171 P2d 8; 331 US 549, 91 L ed. 1666, 67 S.Ct. 1409.
3. "Once challenged, jurisdiction cannot be assumed, it must be proved to exist" *Stuck v. Medical Examiners*, 94 Ca.2d 751 211 P.2d 389.
4. "Jurisdiction, once challenged, cannot be assumed and must be decided" *Main v. Thiboutot*, 100 S. Ct. 2502 (1980)
5. "The law provides that, once State and Federal Jurisdiction has been challenged, it must be proven" *Main v. Thisboutot*, 100 S.Ct. 2502 (1980).
6. "Jurisdiction can be challenged at any time". *Basso v. Utah Power and Light Co.*, 495 F 2d 906, 910.
7. Further a void judgement is one that has been procured by extrinsic or collateral fraud or entered by a court that did not have jurisdiction over the subject matter or the parties. *Rook v Rook*, 233 Va. 92, 95, 353 S.E. 2d 756, 758 (1987).
8. "Though not specifically alleged, defendant's challenge to subject matter jurisdiction implicitly raised claim that default judgment against him was void and relief should be granted under FRCP Rule 60(b) (4)". *Honneus v Donovan*, 93 F.R.D. 433, 436-37 (1982), *aff'd*, 691 F. 2d 1 (1st Cir. 1982).
9. "A judgement is void if the court acted in a manner inconsistent with due process. A void judgement is a nullity and may be vacated at any time". 261 Kan. at 862.
10. Although Rule 60(b)(4) is ostensibly subject to the "reasonable" time limit of the rule, at least one court has held no time limit applies to a motion under the rule because a void judgement can never acquire validity through laches. See *Crosby v. Bradstreet Col*, 312 F.2d 483 (2nd Cir.) *cert. denied*, 373 U.S. 911, 83 S. Ct. 1300, 10 L. Ed.2d 412 (1963) where the court vacated a judgement as void 30 years after entry. See also *Marquette Corp v. Priester*, 234 F.Supp 799 (E.D.S.C. 1964) where the court expressly held that FRCP Rule 60(b)(4) carries no real time limit.

11. Jurisdiction is power to declare the law, and when it ceases to exist, the only function remaining to the court is that of announcing the fact and dismissing the cause". Ex party *McCardle*, 7 Wall. 506, 514 (1869). "On every writ of error or appeal, the first and fundamental question is that of jurisdiction, first, of this court, and then of the court from which the record comes. This question the court is bound to ask and answer for itself, even when not otherwise suggested, and without respect to the relation of the parties to it" *Great Southern Fire Proof Hotel Co. v. Jones*, supra, at 453. The requirement that jurisdiction be established as a threshold matter "spring[s] from the nature and limits of judicial power of the United States" and is "inflexible and without exception". *Mansfield, C. & L.M.R. Co. v Swan* 111 U.S. 379, 382 (1884). Cited in *Steel Co. v. Citizens for Better Environment*, 5223 US 83 (Supreme Court 1998).
12. "The law is well-settled that a void order or judgement is void even before reversal" *Valley v. Northern Fire & Marine Ins. Co*, 254 U.S. 348, 41 S.Ct. 116 (1920).
13. "There is no discretion to ignore lack of jurisdiction" *Joyce v. U.S.*, 474 2D 215.
14. No "statute, code, ordinance" can violate a right. No contract is lawful if it violates a right in all forms of law. *Norton v. Shelby County* 188 US 425.

Such that:

1. On December 16, 2019, Kimberly Lowe [Arbouw] was only verbally awarded \$1003 in alimony for six months after a 20 year relationship, a 15 year marriage, and three children born to the marriage; and at no point was a written order made to reflect this verbal order.
  - a. The standard in alimony in Virginia for a dependent wife is alimony for half the term of marriage, not six months.

- b. A “Final Decree” was ordered and signed on December 16, 2019 in a hearing in Brunswick County and Mrs. Arbouw’s signature was waived.
  - i. Mrs. Arbouw verbally refused to sign the order because the order did not contain alimony or child support and specifically verbally stated the order was based on fraud.
  - ii. Mrs. Arbouw at no point actually saw the version/copy that was submitted to court on December 16th, 2020.
  - iii. The order was full of errors and a continual mention of a court date that did not even exist in which many factors still needed to be decided.
- c. Judge’s notes from December 16, 2019, and found in the case file in the Brunswick County Clerk’s Office, reflect scribbled notes with an allotment for alimony yet no order was written to reflect said verbal order.
- d. The “Final Decree” is null and void as it was based on fraud and such that at no point was said order actually seen by Mrs. Arbouw.

2. On December 16th 2020, an order was produced and signed in a hearing to “Appoint a Special Commissioner” to auction off the farm/home of Mrs. Arbouw and her three children from the marriage and to make Mrs. Arbouw responsible for the costs.
  - a. Mrs. Arbouw had never once seen the order that was submitted to the court and the signature of Mrs. Arbouw was waived saying she had seen it when clearly she had never seen it.
  - b. Only Mr. Arbouw’s name is on the mortgage and ultimately he is in actuality responsible for any costs by law, as Mrs. Arbouw’s name is on the deed.
  - c. The marital property is worth less than what is currently owed on the mortgage so there will be no profit from the auction of the property but rather a loss for which the court has placed the burden of the loss on Mrs. Arbouw when the court does not hold jurisdiction over said property (see attached on jurisdiction).
  - d. The appointment of a special commissioner is null and void because it was based on fraud, at no point was it seen by Mrs. Arbouw, and the court lacked jurisdiction.

3. While the “Final Decree” and “Appointment of a Special Commissioner” were signed in a hearing on December 16, 2019, the Brunswick County Clerk’s Office did not receive the orders until a full 31 days after signature on January 15, 2020.
  - a. Opposing Counsel, Ryan Ferry, requested copies of the order in a January 15, 2020 hearing.
  - b. The judge agreed and Mrs. Arbouw verbally stated there was never a copy of the order submitted to the Clerk’s Office and Mrs. Arbouw had called the Clerk’s office almost daily since the December 16, 2019 hearing and the Clerk’s Office had even searched the file stating there was no order in the file or office from the December 16, 2019 hearing.
  - c. Judge Allen Sharrett on January 15, 2020, verbally stated the order was in the top of the file, however, one could presume the judge perjured himself as according to the employees in the Brunswick County Civil Court Clerk’s Office, there was never an order that arrived in their office and employees had previously searched through the file.

- d. The order(s) did not arrive in the Brunswick County Clerk's Office until January 15, 2020 and it was not until this date that Mrs. Arbouw saw the version of the "Final Decree" for the first time and saw the "Appointment of a Special Commissioner for the First Time".
- e. Both orders were held for more than 30 days. One could speculate this was purposeful in order to prevent an appeal due to the vast number of constitutional violations including major due process violations in a divorce case.
- f. When Mrs. Arbouw submitted an Intent to Appeal on January 24, 2020, Judge Allen Sharrett sent out a personal letter to Mrs. Arbouw, Opposing Counsel, Ryan Ferry, and to the Guardian Ad Litem, Amanda Jones, stating the "Final Decree" is not final and therefore not appealable; however, via that decree the divorce is actually final and as such Mrs. Arbouw lost her health insurance and no decree was written to reflect child support or alimony, and said decree was based on fraud. Further:
  - a. Mr. Arbouw was not compelled to produce his actual income, bank account statements, credit card statements,

retirement, or pertinent financial information when Mr. Arbouw was the main income earner for 15 years of marriage and Mrs. Arbouw stayed at home with the children.

- b. Not a single motion was accepted or heard from Mrs. Arbouw including Contempt of Court or Motions to Compel, except for an order to restore Mrs. Arbouw's name, and later a return of a \$500 bond for an appeal that was thwarted. See Appendix I.
- c. More than \$51,000 in false assets was submitted on June 21, 2019 in a divorce trial with no receipts or proof and not submitted in Discovery, while Mrs. Arbouw had actual receipts, bank statements, titles, and deeds; and Mrs. Arbouw sent motions to the court to notify the court of perjury, fraud, and false statements.
- d. Mrs. Arbouw was left with 100% of the marital credit card debt when Mr. Arbouw was and is the income earner, thus there was no equitable distribution of assets.

- e. Mrs. Arbouw tried to give the court signed and notarized affidavits on hearing dates on December 16, 2019 and January 15, 2020 to show the list of assets produced in Exhibit 4 by Mr. Arbouw was false but the judge refused to accept the affidavits.
- f. Judge Allen Sharrett threatened to jail Mrs. Arbouw for 10 days and place her three children in foster care, over Christmas, because as he said “I can put your kids in foster care if I feel like it, just because I can” while Mrs. Arbouw had committed no crimes or contempt of court, as compared to Mr. Arbouw and opposing counsel whom had continual contempt of court violations which brought great harm to Mrs. Arbouw and her three children of the marriage.
- g. In a hearing on December 16, 2020 opposing counsel “started in” on Mrs. Arbouw in a most disrespectful way and would not stop when the judge was out of the room and for a very long period of time Mr. Ferry had brutally harassed Mrs. Arbouw and her three children



through threatening correspondence (to the point of essentially being an accomplice to larceny) and committed perjury and fraud with intent to harm Mrs. Arbouw and her three children, and Mrs. Arbouw merely politely told Mr. Ferry he should be in jail for fraud and asked him if he went to school so he could go to a job to bring harm upon women and children. These are clear non threatening and true statements of freedom of speech. The court recorded these statements for the court file for appeal as the judge was made yet again aware of fraud verbally and in writing and chose to ignore the fraud over and over and over again.

- h. At no point did Mrs. Arbouw break any laws yet opposing counsel and Mr. Arbouw broke so many laws with an intent to bring harm upon Mrs. Arbouw, going so far as to submit an order Mrs. Arbouw had never even seen to auction her home and make her responsible for the costs.
- i. The court essentially criminalized a good citizen and single mother of three, stripped her of her constitutional

rights, and allowed perjury, forgery, and fraud to run rampant in the courtroom, and attempt to punish the only individual in the room following the law; thus the court criminalized an innocent and brought great harm to Mrs. Arbouw and her three children through loss of home and property and fear of loss of children for fighting for her constitutional rights and trying to fight for a fair trial for which she was completely denied.

- j. Laws only appeared to apply to Mrs. Arbouw but not to Mr. Ferry, opposing counsel, and Mr. Arbouw whom were allowed to commit perjury, forgery, fraud, be late to court, not follow court procedures such as submitted items to court on the day of trial instead of the allotted number of days before trial or in Discovery; time and time again OC and Mr. Arbouw were allowed to not follow any procedure which brought serious harm to Mrs. Arbouw and her three children:

- a. False assets submitted on the day of trial and not in Discovery without Mrs. Arbouw even being able to review

said false assets and judgements were made against Mrs. Arbouw based on these falsehoods she could not review on June 21, 2019.

b. A Proffer submitted on the day of trial instead of the allotted number of days before trial such that it could not be reviewed by Mrs. Arbouw (on 6/21/19).

c. On the day of trial the judge stated no motions submitted by Mrs. Arbouw would be heard because it would be unfair to opposing counsel although opposing counsel received all motions in the legal number of days before trial; yet opposing counsel could submit a proffer and a never seen exhibit which were false and falsified without Mrs. Arbouw being able to review.

d. A witness the day of trial brought by opposing counsel which at no point was submitted as being a witness and Mrs. Arbouw was not made aware of, yet when Mrs. Arbouw listed witnesses in the legal number of days before a custody hearing, the court would not hear expert

testimony during a custody hearing based on child abuse and domestic violence.

e. Opposing Counsel was allowed to be twenty minutes late to a custody hearing without chastise or penalty, yet when Mrs. Arbouw could not immediately find her expert witness whom was just in the bathroom, the judge threatened to make Mrs. Arbouw pay for Mr. Arbouw's attorney fees when she herself could not afford an attorney for herself.

f. No enforcement of a Pendente Lite Order which provided support for Mrs. Arbouw and her three children and despite a Contempt of Court being filed from May to December 2019, the court would not hear a single motion filed by Mrs. Arbouw or enforce the Pendente Lite Order

g. The judge told the court on December 16, 2019 that no one should have to read any motions submitted by Mrs. Arbouw and they all of the motions were "frivolous" including a motion to request the Pendente Lite Order be enforced, Contempt of Court from May through December

for Mr. Arbouw not paying his court ordered support for his children or court ordered life insurance policies, Motions to compel Mr. Arbouw's income in a divorce case, and motions to notify the court of the perjury, fraud, misrepresentation of facts, and motions to request the court look at the actual income of Mr. Arbouw to determine support, and a motion to request help paying for the daughter's \$6,000 medically deemed braces, and an Exemption from Withholding because the judge illegally garnished child support to the children in order to pay the Guardian Ad Litem rather than accepting paperwork to determine income eligibility (Mrs. Arbouw falls below Federal Poverty Guidelines while Mr. Arbouw earns \$126,000 and his company pays for his housing, iphone, food, and expenses).

h. The judge illegally garnished child support to the Arbouw children to pay the Guardian Ad Litem rather than looking at the income of both parties when Mrs. Arbouw falls well below federal poverty guidelines and is the only

caretaker of the children, and Mr. Arbouw earns around \$126,000 per year and his company pays for his housing, food, iphone, and other expenses.

i. The judge refused to accept the proper form to determine financial eligibility to pay the Guardian Ad Litem, and instead yelled at Mrs. Arbouw stating she was not “indigent” and she could sell an alpaca, not knowing how many alpacas she had, the value of the alpacas, if the alpacas were marital property, and if the alpacas contributed to the household income.

j. The judge refused to accept Mr. Arbouw’s bank account statements to prove he was not being truthful about his income.

k. The judge would not accept a \$650 house appraisal conducted by an expert appraiser and paid for by Mrs. Arbouw, but would rather accept a free Zillow report from opposing counsel (on June 21, 2019).

l. The judge would not look at any documents submitted by Mrs. Arbouw in a divorce trial on June 21st, 2019, but

looked very closely at EVERYTHING submitted by opposing counsel and Mr. Arbouw no matter than Mrs. Arbouw had titles, deeds, bank account statements, receipts, and actual evidence of income, while Mr. Arbouw produced no documents which any proof or receipts.

Further, regarding FINALITY OF ORDERS:

“Where there are no depositions, admissions, or affidavits the court has no facts to rely on for a summary of determination” Trinsey v. Pagliaro, D.C. Pa 1964, 229 F. Supp. 647.

m. The judge was notified repeatedly of perjury, forgery, and fraud and refused to address it, but rather shut down Mrs. Arbouw every time to the point of threatening to punish Mrs. Arbouw by placing her in jail for 10 days and putting her children in foster care:

i. Motions submitted on perjury, forgery, fraud, and misrepresentation of facts were submitted to court to notify the court and thrown out before being allowed to be heard in court:

a. 6/24/19 Request for Removal of Judge and Case to be Reheard

b. 6/24/19 Motion to Strike Proffer and Assets Submitted by Plaintiff

c. 6/24/19 Response to Proffer

d. 6/26/19 Notice of Perjury

e. 6/26/19 Notice of Falsification of Documents

f. 7/8/19 Notice of Disingenuous Statements with Intent to Defraud

ii. Mrs. Arbouw had signed affidavits from at least 20 sources to prove Exhibit 4 submitted by Mr. Arbouw on the day of trial and not in Discovery was false with more than \$51,000 in false assets.

iii. Mrs. Arbouw tried to present these NOTARIZED and signed affidavits on December 16, 2019 and January 15, 2020 but the judge refused to accept them and Mrs. Arbouw was unable to submit the affidavits to court through a motion as she was threatened to be jailed and



her children put in foster care if she was to submit any documents to the court

iv. In the last week of February, a hearing was scheduled as requested by opposing counsel, and again, in said e-mail Mrs. Arbouw brought up the perjury, forgery, and fraud to notify the court.

v. In testimony on January 15, 2020 Mrs. Arbouw brought up the fraud and the judge said “I don’t want to hear it! I’ve made my decision!”.

vi. On January 15, 2020, during a break it is recorded on paper by the bailiff that Mrs. Arbouw verbally brought up fraud to Mr. Ferry, opposing counsel and yet again, the judge is made aware of fraud, and instead chooses to punish Mrs. Arbouw, not opposing counsel.

v. On December 16, 2020, Mrs. Arbouw verbally said she refuses to sign the divorce decree as it was based on fraud and the judge signed it forgoing her signature.

vi. Mrs. Arbouw yet again notified the court of perjury, forgery, and fraud in e-mail communication to a scheduler

on February 25, 2020, and this should also be found in the court file.

n. The judge clearly did not read the “final decree” when he signed it on December 16, 2020 as it was based on SO much error including the continual mentioning of a hearing date that never even happened.

o. The judge never addressed arrears for Mrs. Arbouw which was requested in a court document from Mrs.

Arbouw’s attorney so documents on file were never dealt

with, arrears totaled \$68,000.00 for Mrs. Arbouw with

combined attorney fees and court associated costs. In a

“Notice of Hearing” for June 21st, 2019, Attorney William

Shield states “The parties will appear wit this Court...to

present evidence concerning custody, visitation, child

support, spousal support, attorney’s fees, costs, equitable

distribution of assets and debts, and all matters covered

by pleadings in this divorce action”, while clearly

attorney’s fees and costs were not addressed, there was

no equitable distribution, and custody and visitation is still

on-going, and pleadings submitted by Mrs. Arbouw were at NO POINT addressed.

4. The judge showed bias and absolute power outside of anything except for biased reasoning, and working outside of Virginia laws.
  - a. The judge yelled at Mrs. Arbouw in a divorce hearing on June 21st, 2019 that she was not allowed to buy her own home even though her name was on the deed and the mortgage was up to date; Mrs. Arbouw cried to the judge, “please don’t put me and my children on the street”, yet the judge only yelled the house would be sold to the highest bidder!. The judge also verbally ordered ALL of the animals including the children’s pets would be sold not knowing what was marital or non marital property. For a child to lose a pet is an incredibly cruel judgement.
  - b. In several hearings in the spring and on June 21st, 2019, the judge said he wanted to relieve Mr. Arbouw of any financial burdens, despite the fact that he abandoned his family and was the income earner while Mrs. Arbouw stayed at home with the children.
  - c. The judge removed a protective order in order to “not harm” Mr. Arbouw’s record.

- d. The judge refused to have a continuance on June 21st, 2019 when Mrs. Arbouw asked the judge because Mr. Arbouw failed to produce requested financial records and his retirement information. Instead the judge yelled “Mr. Arbouw asked for a divorce so he is getting a divorce today!”. In effect, a divorce was awarded not reflecting Mr. Arbouw’s actual income and robbed Mrs. Arbouw of the actual retirement and other financials.
- e. The judge did not do an equitable distribution of assets but rather left Mrs. Arbouw with all of the marital debt, did not award Mrs. Arbouw the Virginia guidelines for alimony, and essentially financially destroyed Mrs. Arbouw, and went so far as to make up estimates for assets with no proof of receipt or actual evidence of costs.
- f. The judge forced a breach of contract telling Mr. Arbouw he did not have to pay the mortgage that was solely in his name.
5. In a custody hearing on January 15, 2020 which completely lacked due process and violations in constitutional rights, Judge Allen Sharrett gave verbal orders which violated Mrs. Arbouw and her three children’s constitutional rights; and at this point on March 27, 2020, there is still no written order to reflect this verbal order or any verbal

orders by Judge Sharrett from hearings on December 16, 2019 and December 15, 2020. These verbal orders were only on March 25, 2020 mentioned in a Motion for Clarification by opposing counsel, Ryan Ferry.

- a. Verbal orders are not enforceable as one can only appeal a written order, thus Mrs. Arbouw has no means to appeal.
- b. The custody hearing on January 15, 2020 violated constitutional rights:
  - i. On December 16, 2020 Judge Allen Sharrett told the courtroom and Mrs. Arbouw that she is no longer allowed to file any motions to the court and that no one should have to read any motions submitted by Mrs. Arbouw (such as Contempt of Court for not paying court ordered support, requesting money towards the daughter's \$6,000 braces, and Motions to Compel Income in a divorce case); and Mrs. Arbouw was not allowed to have any contact with opposing counsel, Ryan Ferry, and this before an upcoming custody hearing on January 15, 2020.

- ii. Judge Allen Sharrett threatened to jail Mrs. Arbouw and put her three children in foster care over Christmas because as he said “I can put your children in foster care if I feel like it, just because I can”; thus clearly Mrs. Arbouw was in fear to fight for her constitutional rights when she was threatened to be placed in jail and have her children placed in foster care. Mrs. Arbouw risks being incarcerated and having her children put in foster care by fighting now for her constitutional rights by introducing this document to court.
- iii. On December 16, 2019, Mrs. Arbouw had to beg the judge to allow her to produce an expert witness list for an upcoming custody hearing and she would told she had two days to produce the list and it could only include the name of the witness and how they can be contacted.
  - a. This time frame violated the Supreme Court ruling on the number of days allowed to produce an expert witness list.

b. In a custody hearing on January 15, 2020, the expert witnesses were not allowed to speak (only one briefly) because Mrs. Arbouw had not produced exactly what they would be saying and thus were dismissed; yet Mrs. Arbouw was verbally told what she was allowed to submit this in an expert witness list and was in fear to produce more for fear of being jailed and having CPS showing up to steal her children and place them in foster care.

c. In a custody hearing involving domestic violence in which Mr. Arbouw attempted to murder the youngest child, murder Mrs. Arbouw, continues abuse through litigation and stalking, and financial abuse, and Mr. Arbouw had not seen his children in three years, neither the children's counselor or pediatrician were allowed to testify, and the nation's leading domestic violence expert was barely allowed to speak.

d. Opposing Counsel, Ryan Ferry, was allowed to be 20 minutes late to court on January 15, 2020, yet the judge told Mrs. Arbouw she would be made to pay for Mr.

Ferry's attorney fees if a witness was not immediately available; such that Mr. Ferry was not chastised for being late but when Mrs. Arbouw went to go find her witness that was in the bathroom, she was going to be made to pay attorney fees instead of giving a witness five minutes to reappear from the bathroom.

iv. The judge decided from day 1 in the courtroom in April of 2019 how custody would be determined, rather than hearing any evidence.

a. Before any custody hearing the judge was determined to unite the children with their father and screeched in the courtroom in March, April, and June, that "this is how this is going to go Mrs. Arbouw, the children WILL be reunited with their father".

b. On the date of the custody hearing on January 15, 2020, the judge immediately in the first few minutes of beginning to court had already decided the children would be reunited with their father, despite not having heard expert testimony from one of the nation's leading



domestic violence experts, the children's pediatrician, and the children's counselor, and the Guardian Ad Litem.

6. There is still no order regarding verbal orders from January 15, 2020 and the orders violate constitutional rights of Mrs. Arbouw and her three children, yet are not appealable without a written order.
  - i. The verbal order forces psychological tests on Mrs. Arbouw and her three children when there is no question of abuse regarding Mrs. Arbouw, thus the state has no jurisdiction to enact *parens patriae*.
  - ii. The court is forcing counseling for Mrs. Arbouw and the three children and nowhere is there a law stating the court can legally force counseling when no one is endangering themselves or others.
  - iii. The court is forcing reunification therapy to reunite the children with their abusive father when three experts including the children's counselor, pediatrician, and one of the nation's leading domestic violence experts specifically stated there should be no contact between the children and their abusive father.
    - a. Mrs. Arbouw arranged a meeting the week before the January 15th custody hearing between the Guardian Ad Litem whom had only seen the children once for about an hour in May, and the children's

counselor and pediatrician, and after a 2 hour meeting the counselor and pediatrician gave specific examples of abuse, concurred the children and Mrs. Arbouw were not making up abuse allegations, and recommended there should be no contact between the children and Mr. Arbouw, yet on January 15, 2020, without even a written report, the Guardian Ad Litem verbally recommended a reunification therapist although she did state the counselor and pediatrician recommended no contact. The GAL further stated “The counselor and pediatrician recommended no contact, but I’m no expert so I went ahead and found a reunification therapist”.

b. In a divorce hearing on June 21st, 2019, the GAL also specifically stated the children, ages 10, 12, and 14, do not want to see their father.

c. Forcing children to see their abuser/father is a clear violation of their constitutional rights and as Virginia is one of the states leading the rest of the nation on parental and child rights, the House of Delegates specifically put forth legislation to protect and give rights to children.

i. In 2013, the Virginia Supreme Court found that parents have Fundamental Liberty interests in the care, custody, and control of their child. They also found that a child has liberty interests in establishing relationships with their parents, as stated in 2013 LF v. Breit, Virginia State Supreme Court such that “Although our analysis in this case rests on Breit’s constitutionally protected rights as a parent, we recognize that children also have a liberty interest in establishing relationships with their parents”; thus the Arbouw children have the right of choice and have a voice and this court has violated their rights.

7. Right to free association and right to exercise under the First Amendment supersede a court from depriving either parent’s or the child’s rights without due process measured by a scrutinized standard.
  - a. The only time in which a court has the right to enact *parens patriae* is in the case of a question of fitness of one parent, which in this case there is a question in parental fitness for Mr. Arbouw.
  - b. Absent a constitutionally appropriate finding that Mrs. Arbouw is unfit, the court is without jurisdiction to deny or limit rights of a parent.

c. Mrs. Arbouw can assert her 4th amendment right to be free from unwarranted search into her fitness as a parent, and unwarranted decisions on the Arbouw children, and her rights to parent her children.

i. Forced psychological tests and forced counseling categorize as a 4th amendment right violation.

d. Further the Fifth amendment prevents the deprivation of “life, liberty, or property, without due process of law”. Santosky v. Kramer, 455 U.S. 745, (1982), reflected the “Court’s historical recognition that freedom is personal choice in matters of family life is a fundamental liberty interest of natural parents in the care, custody, and management of their child”.

8. The state lacks jurisdiction regarding decisions in visitation, such that the U.S. Supreme Court has ruled the following:

a. There is a presumption that parents act in their children’s best interests, Parham v. J.R., 442 U.S. 584, 602

b. there is normally no reason or compelling interest of the state to inject itself in the private realm of the family to further question a

parent's ability to make the best decisions regarding their children.

Reno v. Flores, 507, U.S. 292, 304.

c. The state may not interfere in child rearing decisions when a parent is available. Troxel v. Granville, 530 U.S. 57 (2000).

d. A judge or attorney such as a Guardian Ad Litem dishonoring oath and working outside of constitutional bounds, is no longer covered by bond and are operating in their own capacity, at their own will, and are therefore no longer immune, and by forcing psychological tests, forced therapy by the therapist of their choice, and forced visitation with an abusive parent when the children have explicitly stated they want no contact, then that judge and Guardian Ad Litem are working outside of constitutional perimeters and hold no jurisdiction. Such that " Courts are constituted by authority and they cannot go beyond that power delegated to them. If they act beyond that authority, and certainly in contravention of it, their judgements and orders are regarded as nullities; they are not voidable, but simply void, and this even prior to reversal". Williamson v. Berry, 8 HOW. 945, 540 12 L.Ed 1170, 1189 (1850) and "a judgment obtained without jurisdiction over

the defendant is void” Overby v Overby, 457 S.W. 2d 851 (Tenn. 1970), Volume 20; Corpus Juris, Section 1785.”

9. An appeal of an order based on fraud and lack of jurisdiction was prevented thus further degrading constitutional rights:
  - a. Two orders were held for more than thirty days by the judge and never reached the Clerk’s office until 31 days after the judge signed.
  - b. Neither order was seen by Mrs. Arbouw and her signature was waived.
  - c. Both orders were based on fraud.
  - d. When Mrs. Arbouw filed an Intent to Appeal and Bond, a personal letter was sent to Mrs. Arbouw, opposing counsel, and the Guardian Ad Litem, stating the “final decree” was not final yet the divorce was in actuality “final”, and according to the judge the order could not be appealed because it was not final.
  - e. The court lacks jurisdiction over property and children and constitutional rights supersede the decisions of the court.
  - f. “A court cannot confer jurisdiction where none existed and cannot make a void proceeding valid. It is clear and well established law that a void order can be challenged in any

court". Old Wayne Mut. L. Assoc. v. McDonough, 204 U.S. 8, 27 S.Ct. 236 (1907).

- g. "A universal principle as old as the law is that a proceedings of a court [or the charging entity] without jurisdiction are a nullity and its judgement therein without effect either on person or property" Norwood v. Renfield, 34 C 329; Ex party Giambonini 49 P. 732

10. Regarding Jurisdiction over Divorce and Custody:

- a. Neither divorce of the best interests of the child standard gives divorce court constitutional authority to diminish parental rights for the parent that is not in question.
- b. Divorce does not give the divorce court authority to invade the constitutional realm of family privacy between parent and child except for the parent whom is the alleged abuser.
- c. Appearing in divorce court is not a request for a court to take over your parental decision making authority.
- d. Fighting for your constitutional parental rights does NOT make you a bad parent.

e. Divorce does not give mental health care professionals permission to substitute their opinions for those of the non abusive parent.

f. Divorce court is NOT an opportunity for the divorce court to force either parent to conform to societal norms beyond following the law just like everyone else, as there is a CLEAR and large bias held by the Guardian Ad Litem regarding homeschool and living on a farm in the country as opposed to conforming and having children attend public school and go to thousands of after school activities which cost a substantial sum of money. The Guardian Ad Litem in this case might as well send a message to everyone in her area, that the state is coming for all the children growing up on farms in the country and those whom are homeschooled. In particular the Guardian Ad Litem spoke saying “I’m concerned for the children because they are isolated and with their mother all the time”. Oh, the horror, of living life in the country with a parent whom loves and cares for them and the bias exhibited by this statement not understanding that just because you live in the country and are homeschooled definitely does not mean you are isolated!



g. Divorce is NOT an opportunity for the Court to deny the child or fit parent their First Amendment rights or any other constitutional right.

h. The Supreme Court in its opinions supports the assertion that divorce is NOT one of the narrowly defined instances in which the State can intervene to overrule parents on the care, custody, or control over children

i. The Court cannot simply assume that it has authority to rule based on the child's best interest, it first has to establish its authority to act against a parent who is assumed by law to be fit, and due to Supreme Court precedents, it cannot now be doubted that the due process clause of the 14th Amendment protects the fundamental right of parents to make decisions concerning the care, custody, and control of their children, except for the parent whom is an abuser. But this Court does NOT hold the right or jurisdiction over Kimberly Lowe.

j. Our country was founded on individual liberties, NOT the power of the State, and as such state needs must be forgone if they impose on a Fundamental Liberty Interest.

k. The only time at State can intervene is the question of an unfit parent, as with Mr. Arbouw, not with Mrs. Arbouw, and even then

there has to be a strict level of scrutiny and due process as the Supreme Court has asserted it's opinions. The state must have a compelling interest, the law or policy must be narrowly tailored, and the law or policy must be the least restrictive means of achieving the policy. The state can only the enact Parens Patriae Doctrine as LAST RESORT and a divorce proceeding cannot be construed as sufficient to meet the Due Process bar for being an unfit parent. However, the State can intervene with a parental right if the parent's decisions jeopardize the health or safety of a child which is the case for Mr. Arbouw, not Mrs. Arbouw. Divorce is not a compelling factor to determine visitation or custody or force psychological tests or counseling for the parent not in question.

l. The 5th Amendment states "Nor shall any person be....deprived of life, liberty, or property, without due process of law and the 4th Amendment includes the same words and applies them for the first time to individual States such that "nor shall any State deprive any person of life, liberty, or property, without due process of law".

m. Divorce Court cannot act in the child's best interest when it denies the child's constitutional rights.

n. The State has a legitimate *parens patriae* interest where there are NO fit parents, however, Mrs. Arbouw is a fit parent thus *parens patriae* does NOT apply.

I. Supreme Court rulings:

i. *Eisenstadt v. Baird* (1972), “It is true that in *Griswold* the right of privacy in question inhered in the marital relationship. Yet the marital couple is not an independent entity with a mind and heart of its own, but an association of two individuals with a separate intellectual and emotional makeup. If the right of privacy means anything, it is the right of the individual, married, or single, to be free from unwarranted governmental intrusion into matters so fundamentally affecting a person as the decision whether to bear or beget a child”.

ii. *Griswold* 1965: “The principles laid down in this opinion affect the very essence of constitutional liberty and security. They reach farther than the concrete form of the case before the court, with its adventitious circumstances; they apply to all invasions on the part of the government and its employees of the sanctity of a man’s home and the privacies of life. It is not the breaking of his doors, and the rummaging of his drawers, that constitutes the essence of the offence

[offense]; but it is the invasion of his indefeasible right of personal security, personal liberty, and private property; where the right has never been forfeited by his conviction of some public offence [offense]—it is the invasion of this sacred right which underlies and constitutes this essence of Lord Camden’s judgement”.

iii. Stanley v. Illinois (1972) - Parental rights are “private interests”, and in this Court case, the Court made it clear that the State may NOT define the term parent in a way to arbitrarily deny parental rights to a biological parent and divorce courts may not constitutionally apply a label “divorced” to parents and use that to deny parental rights.

iv. Meyer v. Nebraska (1923) - right attaches to the individual such that “While this Court has not attempted to define with exactness the liberty thus guaranteed, there term has received much consideration and some of the included things have been definitely stated. Without doubt, it denotes not merely freedom from bodily restraint, but also the right of the individual to contract, to engage in any of the common occupations of life, to acquire useful knowledge, to marry, establish a home and bring up children, to worship God according to the dictates

of his own conscience, and generally to enjoy those privileges long recognized at common law as essential to the orderly pursuit of happiness by free men”.

v. All people are created equally under the law, including divorced parents and divorced parents should be protected as “suspect class” under the Equal Protection Clause, and as such disagreements between parents is not sufficient grounds to deny parental rights except for Mr. Arbouw as he is a threat to the children and Mrs. Arbouw’s right not to have bodily harm and right of the liberty for the children to choose.

vi. *Loving v. Virginia* 1967), Equal Protection is extended to marriage, “The Fourteenth Amendment....under the Constitution, the freedom to marry, or not marry, a person...resides with the individual, and cannot be infringed by the State”.

vii. With regards to invasion of home to do a “home check” or “house study” by a Guardian Ad Litem, and forcing psychological tests and counseling, the Fourth Amendment explicitly affirms the “right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures” and the Fifth

Amendment, in its Self Incrimination Clause, enables the citizen to create a zone of privacy which government may not force him to surrender to his detriment, and the Ninth Amendment provides “The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people (Griswold v. Connecticut 1965)”. The sheer cost of the forced psychological tests and counseling is an infringement of rights.

Undue burdens are placed when the court continually brings parents back to court hearing after hearing, forcing parents to spend money on Guardian Ad Litem, forced tests, and forced counseling.

viii. Casey v. Planned Parenthood South Eastern Pennsylvania - ruled the State may NOT introduce legislation or administrative procedures that unduly interfere with the exercise of Fundamental Liberty, in other words the State may not use backhanded or “sneaky” tactics to undermine a person’s ability to exercise a fundamental right. When the State makes the exercise of Parental Rights subject to severe administrative burdens, the State acts without constitutional authority; and adult privacy rights must be protected with strict scrutiny.

ix. Children as individuals have rights that deserve protection such that they have a right to free association with their natural family, and a right to know and incorporate into themselves the religious, cultural, and social traditions of their family, and when the State intervenes in the custody rights of a fit parent, it also intervenes in the natural rights of the child.

x. The Divorce Court cannot grant parental rights to the natural parent, only God and nature can do that.

xi. *Smith v Organization of Foster Families* (1977) - the importance of the familial relationship, to the individuals involved and to the society, stems from the emotional attachments that derive from the intimacy of daily association, and from the role it plays in “promoting a way of life” through the instruction of children, as well as from the fact of blood relationship. (1st amendment, freedom of association).

xii. *Wisconsin v. Yoder* (1972) - (1st amendment - freedom of religion, expression, and association) - The duty to prepare the child for “additional obligations”, referred to by the Court, must be read to include the inculcation of moral standards, religious beliefs, and elements of good citizenship. This case involves the fundamental

interest of parents, as contrasted with that of the State, to guide the religious future and education of children. Thus forced associations and forced counseling or testing is purely unconstitutional. This case also points to the fact that an unfit parent, as in the case with Mr. Arbouw, loses that 1st amendment privilege "To be sure, the power of the parent, even when linked to a free exercise claim, may be subject to limitation under Prince if it appears that parental decisions will jeopardize the health or safety of a child, or have a potential for significant burdens". Clearly endangering the lives the Arbouw children and forcing the Arbouw children into counseling with their abuser is a significant social burden.

xiii. *Rotary International v. Rotary Club of Duarte* (1987) - The first amendment protects those relationships, including family relationships, that presuppose "deep attachments and commitments to the necessarily few other individuals whom one shares not only a special community of thoughts, experiences, and beliefs, but also distinctively personal aspect's of one's life".

xiv. *Meyer v. Nebraska* - the State may not, consistently with the spirit of the First Amendment, contract the spectrum of available



knowledge. The right of freedom of speech and press includes not only the right to utter or to print, but the right to distribute, the right to receive, the right to read and freedom of inquiry, freedom of thought, and freedom to teach. The right to educate one's children as one chooses is made applicable to the States by the 1st and 14th Amendments. Thus the presumption is that forced counseling is unconstitutional.

xv. Prince v. Massachusetts (1944) - not only is religious freedom protected but the freedom to share political beliefs, moral beliefs, personal biases, and all secular thought, of age appropriate nature, with your child. Thus the Court cannot use Guardian Ad Litem bias against Mrs. Arbouw and use her bias as a reason to force psychological tests or counseling.

xvi. The Court is not immune from Constitutional restraints, the Court cannot infringe or deprive you of a constitutional protection without being able to prove that they had the right to do this, and the Court is not immune from the requirement to demonstrate probable cause. If the Court wants to impose the invasion of psychological tests, a home study, or invasive counseling, then the Court MUST issue a

warrant that can then be appealed under constitutional grounds or it MUST produce a U.S. Supreme Court opinion that gives them an exception, otherwise, it is a fragrant disregard for the Constitution itself. In *Boyd v. United States* (1886), the Supreme Court ruled “any compulsory discovery by extorting the party’s oath, or compelling the production of his private books and papers, to convict him of crime or to forfeit his property, is contrary to the principles of a free government. It is abhorrent to the instincts of an Englishman; it is abhorrent to the instincts of an American. It may suit the purposes of a despotic power, but it cannot abide the pure atmosphere of political liberty and personal freedom”.

xvii. Cf. *Chicago v. Morales* (1999), when applied to judges, divorce court does not give judges sweeping and unconstrained discretion, and Justice Breyer notes when addressing police discretion: “The ordinance is unconstitutional, not because a policeman applied this discretion wisely or poor in a particular case, but rather because the policeman enjoys too much discretion in every case. And if every application of the ordinance represents an exercise of unlimited discretion, then the ordinance is invalid in all its applications”.

xviii. Sixth Amendment: Supreme Court opinions have supported that Civil Cases can be considered criminal in nature if there is any punishment involved, such that all rights should be guaranteed under the 6th Amendment “In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and curse of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance to Counsel for his Defense”. Civil court does not allow fair playing grounds as Counsel is not a right, in no way were witnesses allowed to appear in court, the court has in no way offered a speedy trial, and the court cannot form an accusation while having deprived Mrs. Arbouw of fundamental liberties. This is all an element of Due Process which was denied. Further, it is at such a slow speed that Mrs. Arbouw cannot be released from Civil Court.

- a. A motion was filed requesting a new judge and fair trial and that was denied and never heard in the court.

b. Mrs. Arbouw was hoping the custody hearing on January 15, 2020 would be a final hearing so Mrs. Arbouw could return to J&D court with hopes of having a fair judge, but rather the judge only made temporary orders (which to this point are still not written), called a hearing again for June 9, 2020, and while he made the divorce final, which is when Civil Court Jurisdiction should end, the judge sent a letter out saying the divorce was not final and is still in control of all matters concerning custody and visitation.

c. Mrs. Arbouw wants to get out of civil court, of which she is essentially being held prisoner, in order to obtain the actual child support due as Judge Allen Sharrett refuses to look at Mr. Arbouw's actual income, despite the fact that he received motions requesting him to review the support based on his actual income. Rather, the judge decided to throw the motions out without hearing them in court and refused to accept Mr. Arbouw's bank statements in court. It is so abhorrent and illegal that the judge went so far as to garnish child support to the children to pay the Guardian Ad Litem.

d. Mrs. Arbouw wants to go to J&D court so the court will award help towards medical costs. Judge Allen Sharrett refused an order to have Mr. Arbouw help pay towards his daughter's \$6,000 braces and ignored the request on two hearing dates on December 16, 2019 and January 15, 2020. Further, the Guardian Ad Litem had no follow through with help of obtaining any money towards braces, but rather she took money from the children illegally.

11. Ryan Ferry, opposing counsel broke many laws and committed fraud with intent to harm. See Appendix III, Crimes Committed.

a. Ryan Ferry gave disingenuous statements in hearings, 7/8/19 Motion filed "Notice of Disingenuous Statements with Intent to Defraud" in order to bring harm to Mrs. Arbouw and her children.

b. Ryan Ferry lied refusing to cooperate with Discovery and purposefully held back responses, so much to the point that when he did provide any Discovery, he made up questions and submitted them to court saying Mrs. Arbouw had asked those questions, not the actual Discovery questions sent to Mr. Ferry.

Discovery was requested and not answered as far back as October 2018, yet the judge would not compel any financials for Mr. Arbouw.

c. Ryan Ferry would lie saying he did not receive communication from Mrs. Arbouw and thus Mrs. Arbouw created a paper trail even before his statement saying he was not receiving communication by filing some communication with the court : 7/8/19 Notice of Communication to Plaintiff's Attorney with Submission of Bills Due.

d. In a motion dated 10/25/19 Request for Production of Documents, it is stated:

1. "Mr. Arbouw and opposing counsel have continued to deny document requests, going so far as opposing counsel lying in court on June 21st, 2019 saying said documents had been submitted to the defendant and the defendant's prior attorney".

e. In a Motion dated 12/2/20, Falsification of Documents, Mrs. Arbouw makes the court aware that Ryan Ferry Falsified a Document, saying Mrs. Arbouw submitted a list

of questions that in no way reflected the actual discovery questions sent to Mr. Ferry, and then Mr. Ferry proceeded to submit Discovery questions of THEIR choice, not actual Discovery questions, in order to not give pertinent financial or retirement information in order to bring financial harm to Mrs. Arbouw and her three children.

- f. In a hearing on December 16, 2019, Mr. Ferry submitted two documents never before seen by Mrs. Arbouw including a “Final Decree” and an Order to Appoint a Special Commissioner to auction Mrs. Arbouw and her children’s home and make Mrs. Arbouw responsible for cost, no matter the fact that Mrs. Arbouw’s name is not on the mortgage and thus she is not ultimately legally responsible for financial loss on the home. Mrs. Arbouw was not given those documents before 12/16/19 and did not see the documents handed to the judge on 12/16/19.
- i. Mrs. Arbouw had never seen the copy of the “Final Decree” but did state in court that she would not sign a Decree as the version she had seen was based on fraud,

and thus the court waived Mrs. Arbouw's signature and the judge signed the "Final Decree".

ii. Mrs. Arbouw saw neither order until January 15, 2020, when the orders first entered the Clerk's Office and Mrs. Arbouw had never seen the version of the "Final Decree" which was signed by the judge and purposefully omitted any award for child support or alimony, and the order was based on fraud and the document was riddled with numerous errors.

iii. Mrs. Arbouw had NOT ONCE seen the order to appoint a special commissioner to auction her home and make her responsible for the costs and the court waived Mrs. Arbouw's signature stating she had seen the document and waived her signature. Mrs. Arbouw did not discover the order until January 15, 2020 and the judge held the order for more than 30 days, probably in order to attempt to squash an appeal, as the ladies in the Clerk's Office will testify that at no point did they receive said orders until January 15, 2020.



g. Mr. Ferry sent continual threatening communication to the point that he would have been responsible for larceny.

h. Mr. Ferry committed so much fraud and worked outside of the bounds of his oath as an attorney and should no longer practice as an attorney due to the great harm he has brought upon Mrs. Arbouw and her children and by representing an abuser. It is abhorrent to think that this man also acts as a Guardian Ad Litem on behalf of children when Mr. Ferry has gone out of his way with an intent to defraud and bring great harm to Mrs. Arbouw and her children. His malicious acts are worse than those that can be found in recent actions found against attorneys under the Bar Association and we are confident Mr. Ferry will be held responsible for his abhorrent and damaging actions.

12. The Guardian Ad Litem did not follow procedure or due process:
  - a. The Guardian Ad Litem only met with the children once in May of 2019 for about an hour and did not ask important questions regarding abuse, rather she asked questions like “what do you like to eat?”. She

did ask “do you want to see your dad?” which she did record in her first report as writing the children did not want to see their dad.

b. On June 21st, 2019 the Guardian Ad Litem spoke to the court and stated the children did not want to see their dad, “but there is a problem, I have not been paid by Mrs. Arbouw yet”, and it was on the at date the court garnished child support to the children to pay Mrs. Jones \$1000.00. The judge’s reaction to the children not wanting to see their dad was “They SAY they don’t want to see their dad! But why?! Have they been told to not to want to see their dad?! This is how this is going to go Mrs. Arbouw! The children WILL be reunited with their father!”.

c. At no point did Mrs. Jones, file a bill with the Supreme Court of Virginia, yet she took \$1000 up front Mrs. Arbouw.

d. Mrs. Jones did not file form DC-40 which is required when a Guardian Ad Litem requests more than \$500.00

e. The court refused to accept form DC-333 in order to assess income eligibility to pay the GAL, rather, the judge yelled that Mrs. Arbouw could sell an alpaca.

f. With a custody hearing upcoming on January 15, 2020, a week before the hearing, the Guardian Ad Litem still had not taken the time to communicate with the children's counselor or pediatrician, thus Mrs. Arbouw had to pay both the pediatrician and counselor for their time in order for them to meet with Mrs. Jones. In a meeting that lasted around two hours, both the children's counselor and pediatrician emphatically emphasized there should be NO contact between the children and Mr. Arbouw due to the level of abuse and trauma.

g. Despite having been given the contact information for another expert witness regarding the children and domestic violence, Mrs. Jones did not take the time to call or communicate with the expert witness. Barry Goldstein testified briefly on January 15, 2020 (because the judge would barely let him speak), and Mr. Goldstein is one of the nation's leading domestic violence experts and in his opinion there should be no contact between the children and Mr. Arbouw due to the abuse.

h. Despite having three expert witnesses stating the children should have no contact with their abuser, their father, Mrs. Jones stood up in

court on January 15, 2020 and stated “I’m no expert so I went ahead and found a reunification expert”.

i. Mrs. Jones went against three expert witnesses and the three children to make a decision that brings harm to the children.

j. The court wants the same individual to do a psychological exam on Mrs. Arbouw, the three children, and Mr. Arbouw and in doing so, they are being forced into psychological exams and forced into a therapist of someone else’s choice. Further, they are being forced into the therapist of choice of the Guardian Ad Litem.

k. It is clear the Guardian Ad Litem did not read documents or motions sent to her by Mrs. Arbouw because in a phone conversation in September of 2019, Mrs. Jones told Mrs. Arbouw “this is all your fault, you asked for all of this”, of which Mrs. Arbouw responded “so, it’s my fault my husband left us and filed for divorce?”.

l. Mrs. Jones lied on multiple occasions in court and showed a clear bias towards Mr. Arbouw each and every court appearance. In particular she stated “Well, Mrs. Arbouw said their pediatrician said they didn’t need counseling”, when in fact at one point it was communicated that traditional therapy in an office with actual mentally

ill patients is not the best place for children to be, rather than other therapy options. The Guardian Ad Litem also got up in court and lied stating Mrs. Arbouw had not obtained counseling when nowhere in her report or verbally did she request Mrs. Arbouw obtain counseling and in her saying so, the judge became angry with Mrs. Arbouw.

m. The Guardian Ad Litem is extremely uneducated regarding the availability and affordability of counseling in rural America and told Mrs. Arbouw “I will use it against you in court” because Mrs. Arbouw lacked the funds in order to obtain counseling because the court not only stripped Mrs. Arbouw of child support, but it continually placed financial burdens on Mrs. Arbouw who falls substantially below federal poverty guidelines. Mrs. Jones wanted counseling individually for the children which would have been a one hour drive to the counselor, have counseling for an hour, entertain the other two children in the waiting area, drive an hour home, and do this three times a week, plus add in the time to get ready and eat before you leave and again when you get home. This would have taken away substantially from their studies. Add counseling for Mrs. Arbouw and that would be counseling four days a week and half the day would

essentially be spent on counseling. That is not healthy, that is burdensome, and that is costly.

i. Quick Facts - Insurance does not cover most domestic violence trauma counseling - the children's counseling as recommended by the pediatrician cost \$1600 per month for one counselor and \$90 per session with the other counselor. Further the cost of gas to drive two hours per day is costly. Mrs. Arbouw does not have health insurance for herself.

ii. The Child Advocacy Center that Mrs. Jones recommended only takes children who have an open case with of the Department of Social Services or Sherriff's Department. Quite honestly, she should learned that before recommending a counselor.

iii. In Mrs. Arbouw's county there is only 1 mental healthcare provider per 4,060 residents, so only about 4 in her county and they don't meet the criteria for treating trauma.

iv. In the surrounding counties there are only 2 to 4 mental healthcare professionals.

v. Rather than victim blaming, the Guardian Ad Litem should have requested the court to have the children's father help pay for counseling as Mr. Arbouw earns \$126,000 per year and has no real bills and Mrs. Arbouw only earned \$25,000 for the year and was left with massive debt and all of the household bills and schooling costs of the children whom are homeschooled.

vi. Paying the high cost of counseling combined with the time to obtain counseling is not feasible and is an undue burden.

v. Mrs. Jones watched crime being committed in court and was made aware of perjury, forgery, fraud, and credit card theft and chose not to report it to authorities.

n. Due Process in NOT leaving decisions in the care of someone whom has seven hours of training to be a Guardian Ad Litem and only sees one's children for an hour in May 2019 and then makes a final decision for them on January 15, 2020, when ignoring expert witnesses and the wishes of the children, and shows a clear bias, a lack of knowledge on rural living, and a lack of knowledge on counseling availability and affordability. Further it is clear this Guardian Ad Litem did not read court

documents and her main concern was the amount she was being paid, rather than following court procedure, or being concerned for the safety of the Arbouw children.

o. A Guardian Ad Litem is unconstitutional and the state cannot enact *parens patriae* for the fit parent.

p. The Guardian Ad Litem broke the law, observed laws being broken without reporting them, and worked outside of constitutional bounds, and it is particularly disheartening that an individual would knowingly take money from children in that she knowingly illegally took money from child support awarded to children in order to pay herself.

q. On 8/7/19 It was requested in a Motion to Continue a 9/20/19 custody hearing (which was eventually cancelled due to a scheduling conflict for the judge), that the GAL receive appropriate domestic violence education in order to ensure the safety of the Arbouw children as it is quite apparent Mrs. Jones is not educated in the most recent domestic violence research.

r. It is with great risk that Mrs. Arbouw submits this document to court as court documents allow the Guardian Ad Litem to



determine visitation for the Arbouw children, and as such this document and any formal complaints will be communicated with the Supreme Court of Virginia and the Bar Association, and all other higher entities including but not limited to representatives. May Mrs. Jones have the heart to protect the Arbouw children from their abuser and set any personal grievances aside in order to ensure their safety.

13. The court will not allow Mrs. Arbouw and her three children to live a life of freedom and liberty.

a. The court will not release Mrs. Arbouw and her three children from continual court hearings and will not release them from Civil Court.

There are two upcoming hearings, one on April 22, 2020 and one on June 9, 2020.

b. The court is forcing undue financial burdens of psychological tests and counseling.

c. The court caused and created serious harm to Mrs. Arbouw and her three children:

i. Loss of property - loss of home, loss of non marital items, loss of family pets with the loss of home

ii. Serious financial damages:

- a. Mrs. Arbouw was left with ALL of the marital debt (\$18,000) while Mr. Arbouw got to walk away
- b. All of the home investment - the down payment and repairs came from Mrs. Arbouw's non marital funds - \$66,000
- c. \$68,000 in arrears including attorney costs
- d. By the judge not allowing a single motion from Mrs. Arbouw, the judge allowed the courtroom to be a "clown show" of perjury, forgery, and fraud, rather than holding Mr. Arbouw and Mr. Ferry accountable. This not only forced a mother, Mrs. Arbouw, and her three children out of their home, but Mrs. Arbouw had to endure continual stalking from Mr. Arbouw and continual harassment to the point of larceny from Mr. Ferry. Mrs. Arbouw also had to live in fear of being jailed and having CPS show up to place the children into foster care as Mrs. Arbouw is standing up for justice and Constitutional rights. The damages to Mrs. Arbouw and her children are long term. They will grow up knowing FOUR people were responsible for the

loss of their home and beloved pets. May they be the future of our country and bring justice to our world by correcting the wrongs of wrong doers.

In conclusion “once jurisdiction is challenged the court cannot proceed when it clearly appears that the court lacks jurisdiction, rather the court has no authority to reach merits, but rather should dismiss the action”. *Melo v. U.S.* 505 F.2d 1026. Such that this court has worked outside of their constitutional role as actors of the state and outside of its jurisdiction, and robbed Mrs. Arbouw and her three children of freedom to live their lives without state intervention. NO State has authority (jurisdiction) to hold any hearings to deny or infringe on the Fundamental Liberty Interest of a fit parent in the care, custody, or control of their children during a divorce proceeding and holds no authority (jurisdiction) over property. The Fourteenth Amendment clearly states “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; or deny to any person within its jurisdiction the equal protection under the laws”. Too many lives were lost in this beautiful nation fighting to protect these freedoms and are the fundamental core

values of our nation. There have been 1st (our most highly protected and cited in Supreme Court cases), 4th, 5th, 6th, 9th, and 14th amendment violations with a particular lack of due process throughout causing the loss of home, financial security, and the risk of life for the Arbouw children. Further, the Code of Virginia states in Virginia Code 1-240.1 Rights of Parents: “A parent has a fundamental right to direct the upbringing, education, and care of the parent’s child”.

It is with this motion, that the court is notified there is a lack of jurisdiction, constitutional rights violations, and issues regarding orders either being held for more than 30 days, orders not even seen being produced and signed waiving Mrs. Arbouw’s signatures, and orders still not produced from a January 15, 2020 custody hearing. Further with a lack of jurisdiction, lack of due process, orders based on fraud, and in some cases only verbal orders, orders made by the court after June 21st, 2019 are void and null, and unenforceable, and this court may no longer proceed with any decisions as jurisdiction has been questioned.

May Justice prevail upon the courts in the 6th Judicial District to all of the women, children, and probably minorities as well who have had their rights stripped in the courtroom. Mrs. Arbouw will work diligently for the constituents in the 75th district and particularly the 6th Judicial District to bring constitutional rights back to the people. It is particularly disheartening that Mrs. Arbouw must submit this motion with fear of being jailed or having her children placed in foster care, all in order to fight for our most precious constitutional rights. The United States of America is NOT a place where this form of intimidation and systemic violation of Fundamental Liberties should EVER be tolerated. Mrs. Arbouw is a public figure and has notified the right authorities on the situation including but not limited to the Sherriff's Office, the Board of Supervisors in multiple counties, Representatives including House of Representative Delegates and Senators, and U.S. Congressman, Commonwealth's Attorneys, the FBI, the Attorney General, the U.S. Attorney General, CPS and DSS, and many other organizations not limited to civil rights organizations. "We hold these truths to be self evident: That all men are created equal: that they are endowed by their Creator with certain inalienable rights: that among those are life, liberty, and the pursuit of happiness: that, to secure these rights, governments are

instituted among men, deriving their just powers from the consent of the governed: that whenever any form of government becomes destructive of those ends, it is the right of the people to alter or to abolish it". In the words of one of our founding fathers, Abraham Lincoln, "Government of the people, by the people, shall not perish from the Earth". What is particularly sad, is that this Court has taken the property of U.S. Citizens, Kimberly Lowe and her children, and created great financial harm to them, while taking favor of a non U.S. Citizen green card holder who was awarded all of the luxury of not having to follow the law because he is a white male and able to afford counsel. Kimberly Lowe is a Virginian through and through with her family being some of the first colonists in Virginia and with the rich tradition of Virginia and Virginia's seal, Sic Semper Tyrannis,

KIMBERLY LOWE [ARBOUW], now legally Kimberly Lowe

Kimberly Lowe

---

4779 Rawlings Road  
Rawlings, VA 23876  
(540) 529-3380

## **CERTIFICATE OF SERVICE**

It is hereby certified that a copy was e-mailed on this 27th day of March 2020 to Amanda Jones with Amanda Jones to e-mail or mail Ryan Ferry, opposing counsel, a copy due to a violation in due process in which Judge Allen Sharrett verbally ordered no contact between Kimberly Lowe Arbouw and opposing counsel. While this hinders the legal process, the amount of harassment by Ryan Ferry to Kimberly Lowe Arbouw has ceased. It is further certified a copy was hand delivered to the Brunswick County Clerk's Office. However, make note, Mrs. Jones did not send the January 24th, 2020 Intent to Appeal to Mr. Ferry when Mrs. Arbouw certified she had sent it to Mrs. Jones to send to Mr. Ferry, thus Mrs. Arbouw cannot ensure that Mr. Ferry will receive this document if Mrs. Jones chooses to not send it.

J. Ryan Ferry, Esq. (VSB #80353)  
Boyko Napier, PLLC  
5807 Staples Mill Road  
Richmond, VA 23228  
Phone: (804) 658-3418  
jrferry@boykonapier.com

Amanda Jones, Esq.  
202 Hicksford Avenue, Suite B  
Emporia, Virginia 23847  
(434) 637-8252

## **VII. APPENDIX SEVEN MOTIONS SUBMITTED AND NOT HEARD**

EVERY single motion (except for one order of restoration of name, and the release of a \$500 bond for a thwarted appeal) was thrown out and never heard in a court of law and on December 16, 2019, Judge Allen Sharrett yelled saying “All of the motions are frivolous! Nobody should have to read them, including Mrs. Jones and Mr. Ferry! You aren’t allowed to file any more motions!” and Mrs. Arbouw was threatened with jail and have her children placed in foster care. Please note Mrs. Arbouw was slighted out of life insurance, retirement, arrears, and alimony and child support according to Virginia State Guidelines.

**\*\*Note, Contempt of Court Motions below were filed because Mr. Arbouw did not provide court ordered support in the form of child support or alimony or life insurance policies or maintaining the mortgage, as ordered in a Pendente Lite Order from 4/1/19 and verbally determined in a PDL hearing on 3/18/19 — and the judge refused to enforce the PDL order\*\***

6/3/19 Request for Admission

6/3/19 Motion to Submit Alimony/Child Support on the 25th of Each Month or Before

6/3/19 Motion to Produce (financials)

6/3/19 Motion to Compel (financials)

6/3/19 Motion to Enforce Pendente Lite Order, pay life insurance policies, pay alimony/child support

6/3/19 Motion to Release or Remove Personal Property

6/3/19 Motion to Produce (financials)

6/10/19 Motion (to Request Mr. Arbouw, plaintiff, pay for his daughter Eva Arbouw’s medically necessary braces)

6/10/19 Motion to Compel (financials)

Verbally requested motions on 6/21/19 and denied:

6/21/19 Verbal motion for Mr. Arbouw to provide Social Security benefit information

6/21/19 Verbal Motion to Compel Life Insurance Policies from the Netherlands



6/21/19 Verbal Motion for a Continuance as Mr. Arbouw had not provided pertinent financials in order to conduct a divorce hearing  
Further Written Motions  
6/24/19 Request for Removal of Judge and Case to be Reheard  
6/24/19 Motion to Strike Proffer and Assets Submitted by Plaintiff, Robert Arbouw, On a Divorce Hearing Dated 6/21/19  
6/24/19 Response to Proffer  
6/26/19 Notice of Perjury  
6/26/19 Notice of Falsification/Forgery of Documents  
7/1/19 Notice of Subpoenas for Financial Information  
7/1/19 Contempt of Court June  
7/1/19 Contempt of Court July  
7/8/19 Notice of Communication to Plaintiff's Attorney with Submission of Bills Due  
7/8/19 Notice of Disingenuous Statements With Intent to Defraud  
7/8/19 Exemption from Withholding, Reimbursement of GAL Fee  
7/8/19 Request for Child Support to be Awarded Based on the Virginia Guidelines for Child Support and Alimony To be More Fairly Awarded According to the Conditions in Virginia Law  
7/10/19 Motion to Amend/Review Order Submitted on 7/8/19 - Request for Child Support to be Awarded Based on the Virginia Guidelines for Child Support and Alimony To be More Fairly Awarded According to the Conditions in Virginia Law and Award Back Child Support  
7/29/19 Request for Order (to be the beneficiary of a life insurance policy)  
7/29/19 Request for Order - Lincoln Benefit Life Insurance (an order would have allowed Mrs. Arbouw to check to see if the policy was being paid)  
7/29/19 Request for Order - Southern Farm Bureau Life Insurance (an order would have allowed Mrs. Arbouw to check to see if the policy was being paid)  
7/29/19 Notice of Subpoena (for a life insurance policy to see if it was being paid)  
7/29/19 Notice of Complaint (the life insurance company said they could not find the policy and Mr. Arbouw had been court ordered to pay said policy)  
8/1/19 Contempt of Court August  
8/7/19 Motion to Continue (to move a custody hearing such that expert witnesses could be present, to remove Judge Sharrett whom is biased in order to protect the safety of the children, and for the Guardian Ad Litem to

obtain domestic violence education in order to ensure the best outcome for the children)

9/4/19 Contempt of Court September 2019

9/10/19 Motion to Continue (a custody hearing that had been scheduled for 9/20/19 and the first motion to continue was denied) - request for a motion to continue as expert witnesses were not available on that date, affidavits were not fully available, and Discovery was not complete

10/25/19 Request for Production of Documents (still requesting financials and retirement information that had been requested since October 2018 and still not provided)

10/25/19 Contempt of Court October 2019

10/30/19 Defendant's Response to Production of Documents (defendant, Mrs. Arbouw makes note that it is the fourth time Mrs. Arbouw provided the same response while Mr. Arbouw did not provide initial discovery requested as far back as October 2018).

11/12/19 Contempt of Court November 2019

11/20/19 Motion to Compel (still requesting the same discovery to be produced in order to provide financials and retirement information)

12/2/20 Falsification of Documents (Mrs. Arbouw makes the court aware that Ryan Ferry Falsified a Document, saying Mrs. Arbouw submitted a list of questions that in no way reflected the actual discovery questions sent to Mr. Ferry)

12/5/19 Contempt of Court December 2019

12/15/20 Order of Restoration of Name - THE ONLY MOTION HEARD AND APPROVED BY THE JUDGE

12/20/19 Witness List for Upcoming Custody 1/15/20 Hearing

1/24/ 20 Notice of Appeal from Trial Court

1/24/20 Bond - Appeal of Right From Circuit Court to Court of Appeals

2/17/20 Withdrawal Of Intent to Appeal

2/17/20 Release of Appeal Bond

## **VIII. APPENDIX EIGHT QUESTION OF JURISDICTION**

### **I. LACK OF JURISDICTION**

#### **A. Mortgage Contracts**

Judge Allen Sharrett does not hold jurisdiction over Security Interests and ordered a breach of contract causing extreme damages to Mrs. Arbouw, the three Arbouw children, ages 10, 12, and 14, and to a large number of rescue animals.

1. Robert Jan Arbouw is the mortgage holder for the property at 4779 Rawlings, Road, Rawlings, VA 23876 in which Mrs. Arbouw and the three children of the marriage reside, while Mrs. Arbouw's name is on the deed
2. Judge Allen Sharrett ordered Mr. Arbouw, plaintiff, to only pay half the mortgage that is solely in Mr. Arbouw's name between September 2019 and December 2019. This was given orally in court on June 21st, 2019 and in a judge's written memorandum on August 26th, 2019. In the written memorandum, the judge stated Mr. Arbouw did not have to make any mortgage payments starting in January 2020.
3. On December 16th, 2019, Judge Allen Sharrett verbally told Mr. Arbouw to pay half of the mortgage payment for January and ordered a special commissioner be hired in order to auction the primary residence for Mrs. Arbouw and her three children.
4. In a divorce trial on June 21st, 2019, Judge Allen Sharrett verbally told Mrs. Arbouw she was not allowed to purchase her own home in which her and her three children reside although Mrs. Arbouw's name is on the deed. He further stated the home would be sold to the highest bidder while Mrs. Arbouw pleaded "Please let me buy my own home and don't put me and my three children on the street."
5. There is a Pendente Lite Order in effect instructing Mr. Arbouw to pay the mortgage which is the only enforceable written document from court.
6. Judge Allen Sharrett wrote in a Memorialization letter dated August 26th, 2019 that "Effective September 20, 2019, the Petitioner shall be responsible for payment of one-half of the deed of trust of indebtedness of the property, should the Respondent continue to reside there. Should

the property remain unsold by January 20, 2020, and the Respondent continue to reside there, the Petitioner shall be relieved of any court-ordered obligation to pay such indebtedness”. However, Judge Allen Sharrett also verbally told Mr. Arbouw he did not need to pay his mortgage.

## **B. STATE AND FEDERAL LAWS BROKEN:**

### **I. Virginia Code 59.1-507.1 Breach of Contract**

- (a) Whether a party is in breach of contract is determined by the agreement, or, in the absence of agreement, this chapter. A breach occurs if a party without legal excuse fails to perform an obligation in a timely manner, repudiates a contract, or exceeds a contractual use term, or otherwise is not in compliance with an obligation placed on it by this chapter or the agreement. A breach, whether or not material, entitles the aggrieved party to its remedies. Whether a breach of a contractual use term is an infringement or a misappropriation is determined by applicable informational property rights law.
- (b) A breach of contract is material if:
  - (1) the contract so provides;
  - (2) the breach is a substantial failure to perform a term that is an essential element of the agreement; or
  - (3) the circumstances, including the language of the agreement, the reasonable expectations of the parties, the standards and practices of the business, trade, or industry, and the character of the breach, indicate that:
    - (A) the breach caused or is likely to cause substantial harm to the aggrieved party; or
    - (B) the breach substantially deprived or is likely substantially to deprive the aggrieved party of a significant benefit it reasonably expected under the contract.
- (C) the cumulative effect of nonmaterial breaches may be material,  
2000, cc. 101, 996

## **C. Federal Code 3-301 Person Entitled to Enforce Instrument**

1. "Person entitled to enforce" an instrument means (i) the holder of the instrument, (ii) a non holder in possession of the instrument who has the rights of the holder, or (iii) a person not in possession of the instrument who is entitled to enforce the instrument pursuant to Section 3-309 or 3-418(d). A person may be a person entitled to enforce the instrument even though the person is not the owner of the instrument or is in wrongful possession of the instrument.

2. 3-309 Enforcement of lost, destroyed, or stolen instrument

(b) A person seeking enforcement of an instrument under subsection (a) must prove the terms of the instrument and the person's right to enforce the instrument. If that proof is made, Section 3-308 applies to the case as if the person seeking enforcement had produced the instrument. The court may not enter judgement in favor of the person seeking enforcement unless it finds that the person required to pay the instrument is adequately protected against loss that might occur by reason of a claim by another person to enforce the instrument. Adequate protection may be provided by any reasonable means.

3. Facts:

1. Judge holds no jurisdiction in regard to a mortgage contract other than to enforce the payment of said mortgage contract for the security instrument holder (mortgage holder).
2. The mortgage and mortgagee have the right to transfer their interest in the mortgage, not a judge.
3. Mortgages are a secured instrument and are therefore governed by state law, specifically all states have adopted Uniform Commercial Code Article 9. Nowhere in article 9 does it state a judge may break the amount due to the security instrument holder or change the contract between the security instrument holder and borrower.
4. Mortgages are not Negotiable Instruments which are also governed by state statutory law, Title 8.3A, in which governs enforcement of said negotiable instruments. In no legal statute does it state a judge may change the negotiable instrument so it is not made payable to the bearer. Rather it specifically states in Virginia Code 8.3A-104:

(a) ...an unconditional “negotiable instrument” means an unconditional promise or order to pay a fixed amount of money, with or without interest or other charges described in the promise or order, if it :

(1) is payable to bearer or to order at the time it is issued or first comes into possession of a holder (2) is payable on demand or at a definite time; and (3) does not state any other undertaking or instruction by the person promising or ordering payment to do any act in additions to the payment of money, but the promise or order may contain (i) an undertaking or power to give, maintain, or protect collateral to secure payment, (ii) an authorization or power to the holder to confess judgement or realize on or dispose of collateral, or (iii) a waiver of the benefit of any law intended for the advantage or protection of an obligor.

#### **D. Fulton Mortgage Contract**

1. Such that in the mortgage contract between Robert J. Arbouw and Fulton Mortgage states:

“If any or any part of the Property or any Interest in the Property is sold or transferred (or if Borrower is not a natural person and a beneficial interest in Borrower is sold or transferred) without Lender’s prior written consent, Lender may require immediate payment in full of all sums secured by this Security Instrument.

2. At no point did Judge Allen Sharrett or Mr. Arbouw notify the Lender that the judge transferred payment of the property away from Mr. Arbouw.

a. “Subject to the provisions of Section 18, any Successor in Interest of Borrower who assumes Borrower’s obligation under this Security Instrument in writing, and is approved by Lender, shall obtain all of Borrower’s rights and benefits under this Security Instrument. Borrower shall not be released from Borrower’s obligations and liability under this Security Instrument unless Lender agrees to such release in writing. The covenants and agreements of this Security Instrument shall bind and benefit the successors and assigns of Lender.”

- b. "If all or any part of the Property or any Interest in the Property is sold or transferred (or if Borrower is a not a natural person and a beneficial interest in Borrower is sold or transferred) without Lender's prior written consent, Lender may require immediate payment in full of all sums secured by this Security Instrument"
- c. "Neither Borrower nor Lender may commence, join, or be joined to any judicial action (as either an individual litigant or the member of a class) that arises from the other party's actions pursuant to this Security Instrument that alleges that the other party has breached any provision of, or any duty owed by reason of, this Security Instrument, until such Borrower or Lender has notified the other party (with such notice given in compliance with the requirements of section 15) of such alleged breach and afforded the other party hero a reasonable period after the giving of such notice to take corrective action.
- d. "Release. Upon payment of all sums secured by this Security Instrument, Lender shall request Trustee to release this Security Instrument and shall surrender all notes evidencing debt secured by this Security Instrument to Trustee."

E. Judge Allen Sharrett caused grave financial and emotional damages to Mrs. Arbouw and her three children by illegally telling Mr. Arbouw to not honor his Security Instrument (mortgage) and putting the home up for auction thereby making Mrs. Arbouw and her three children homeless along with a large number of rescue animals including horses, ponies, endangered sheep (the rarest and most endangered in North America), rabbits, goats, dogs, and cats.

## **E. LACK OF JURISDICTION IN APPOINTMENT OF SPECIAL COMMISSIONER**

1. Judge has no jurisdiction or authority to appoint a special commissioner to auction the home of Mrs. Arbouw and her children because there are no liens, no delinquent taxes, and it is not assessed for under \$75,000, as according to Virginia State Code 58.1-3970.1.
2. Any order based on fraud is null and void, such that Mrs. Arbouw at no such point saw an order for the appointment of a Special Commissioner

until more than 30 days after an order was signed and the order stated Mrs. Arbouw had waived her signature when she had never seen the document.

3. Judge verbally told Mrs. Arbouw she could not purchase her own property on June 21st 2019, which goes against Virginia Code 20-107.3, section C.

4. In a memorandum composed by the judge on August 26, 2019, the judge said "Should either party desire to purchase the property at the above price [\$285,000], to include arrangements to immediately release the other party from the obligation of the existing debt, they shall undertake affirmative steps by September 20, 2019, and shall present proof of their good faith intention and ability to do so at the hearing on that date [there was no hearing on that date]. Should such evidence not be presented at the hearing, then the property shall be listed for sale with a realtor, and the net proceeds, if any, divided between the parties."

- a. Mrs. Arbouw was clear in court with photo evidence on June 21st, 2019 that the house cannot be refinanced by anyone including Mrs. Arbouw due to the repairs that need to be made, yet Mr. Arbouw was not ordered to make any repairs to the home so the home could be refinanced or sold
- b. This statement by the judge is a biased statement showing that the only real person who can make arrangements to purchase the property is the current owner, Mr. Arbouw, whom already holds the mortgage, while Mrs. Arbouw cannot refinance her own home and get assistance with repairs to purchase the home.
- c. In a December 16th, 2019 hearing, Mrs. Arbouw said she would not be responsible for realtor costs when the house is in the minus in equity, and not being the mortgage holder, Mrs. Arbouw cannot be legally held liable for loss on the property.

5. Virginia Codes regarding marital property/transfer

a. VA Code 20-107.3C. As a means of dividing or transferring the jointly owned marital property, the court may transfer or order the transfer of real or personal property or any interest therein to one of the parties, permit either party to purchase the interest of the other and direct the allocation of the proceeds, provided the party purchasing the interest of the other agrees to assume any indebtedness secured by the property, or order its sale by private sale by the parties, through such an agent as the court shall direct, or by public sale as the court shall direct without the necessity for partition.



THIS is not only unconstitutional to take someone's property is then void if Mrs. Arbouw never once saw an order to auction her home and illegally waived her signature.

b. Va Code 20-107.3K (3) Appoint a special commissioner to transfer any property under subsection C where a party refuses to comply with the order of the court to transfer such property.

c. An order of the court to enforce VA Code 20-107.3C is not valid as it created a breach of contract and the judge does not hold jurisdiction over a security interest, and an order was filed without the knowledge of Mrs. Arbouw, therefore Va Code 20-107.3K (3) cannot apply as the order was null and void under the law, further the appointment of a special commissioner to take property is clear and distinct violation of the 1st amendment rights to property.

#### **F. Non Verbal Orders Regarding Property**

1. Neither verbal orders (not recorded by a court recorder) or a judge's opinion letter are enforceable by law.
2. Mrs. Arbouw was verbally told on June 21st, 2019 that she could not purchase her property yet on August 26th, 2019, in a judge's letter Mrs. Arbouw was given less than a month to make arrangements to purchase her home before it would be listed for sale by September 20, 2019 when the judge knew the property needed repairs in order for it to be purchased or refinanced.

#### **G. Orders Null and Void if Based on Fraud, Due Process Violations, and Lack of Jurisdiction**

1. On December 16th, 2019 an order for the appointment of a Special Commissioner was signed by Judge Allen Sharrett to auction the farm and home of Mrs. Arbouw and her three children and make her responsible for the cost when the mortgage is not in Mrs. Arbouw's name.
2. The order was given to the judge by opposing counsel, Ryan Ferry, with Book Napier on December 16th, 2019 and signed by Judge Sharrett on December 16th 2019 and having waived Mrs. Arbouw's

signature saying she had seen said order when Mrs. Arbouw had never seen the order and was not verbally told in court that the judge was signing the order or that the order even existed.

3. On January 15th, 2020, opposing counsel requested a copy of the final decree and it was on this date that Mrs. Arbouw saw the order for the appointment of a Special Commissioner for the first time.
4. Mrs. Arbouw called the Brunswick County Clerk's office almost daily between December 17th, 2019 and January 14th, 2020 to ask if an order for a final decree had been submitted and the Clerk's office even searched the file stating there was no final order submitted.
5. On January 15th, 2020, Judge Allen Sharrett perjured himself stating the order was in the top of the stack in the folder in the file, when the order did not appear in the Brunswick County Clerk's office until January 15th, 2020.
6. The "final decree" was entered into the computer on the date signed, for December 16th, 2019 when it did not arrive in the Clerk's office until January 15th, 2020, 31 days past the date of signature which would halt an appeal.
7. Mrs. Arbouw filed an appeal on January 24th, 2020 but the judge sent a personal letter to Mrs. Arbouw, opposing counsel, and the Guardian Ad Litem, Amanda Jones, on January 24th stating the "final decree" was not final and therefore not appealable, this however, made a divorce decree based on fraud final with no ability to appeal.
8. The final decree was based on fraud, extreme constitutional rights violations, and lack of jurisdiction over property.
9. See appendix on case studies on null judgement.

#### **H. LACK OF JURISDICTION OVER CHILD CUSTODY**

1. With a final decree, Civil Court no longer holds jurisdiction over child custody matters, yet, Judge Allen Sharrett signed a "final decree", called it not final, and is keeping Mrs. Arbouw and her three children hostage in Civil Court where her and her three children have been stripped of their constitutional rights; thereby forcing Mrs. Arbouw and her three children to have psychological exams, forced counseling, forced reunification therapy, and a return to Civil Court on April 22, 2020 and again June 9th, 2020.
2. The court does not constitutionally hold jurisdiction over child custody in the case of the non abusive parent.

## **IX. APPENDIX NINE CRIMES COMMITTED BY RYAN FERRY**

The following crimes were committed by Ryan Ferry, esquire with Boyko Napier. This list is incomplete and not comprehensive and just an initial listing of crimes committed.

### **I. Perjury:**

- A. Ryan Ferry lied while under oath about his client, Mr. Arbouw's, income and living situation resulting in financial harm to Mrs. Arbouw and her three children.

Code 18.2-435 Giving conflicting testimony on separate occasions as to the same matter

"It shall likewise constitute perjury for any person, with the intent to testify falsely, to knowingly give testimony under oath as to any material matter or thing and subsequently to give conflicting testimony under oath as to the same matter or thing. In any indictment for such perjury, it shall be sufficient to allege the offense by stating that the person charged therewith did, knowingly and with the intent to testify falsely, on one occasion give testimony upon a certain matter and, on a subsequent occasion, give different testimony upon the same matter. Upon the trial on such indictment, it shall be sufficient to prove that the defendant, knowingly and with the intent to testify falsely, gave such differing testimony and that the differing testimony was given on two separate occasions."

### **II. Perjury**

- B. Ryan Ferry knowingly had his client lie about his income while under oath.

Code 18.2-436 Inducing another to give false testimony

"If any person procure or induce another to commit perjury or to give false testimony under oath in violation of any provision in this article, he shall be punished as prescribed in Code 18.2-434. In any prosecution under this section, it shall be sufficient to prove that the person alleged to have given false testimony shall have been procured, induced, counseled or advised to give such testimony by the party charged."

### III. Obstruction of Justice

- A. Ryan Ferry purposefully withheld Discovery responses in order to defraud Kimberly Lowe Arbouw from receiving the appropriate child support, alimony, asset distribution, and retirement from his client.
- B. As stated in the VA Code 18.2-460 Obstructing Justice:
  - C. If any person without just cause knowingly obstructs a judge.....in the performance of his duties as such or fails or refuses without just cause”
  - B. ...any person who...knowingly attempts to....impede a judge....lawfully engaged in his duties as such, or to obstruct or impede the administration of justice in any court, is a guilty of a Class 1 misdemeanor.

### IV. Tortious Interference of a Contract with (1) existence of a contract (2) knowledge of the expectancy (3) intentional interference (4) improper means or methods to interfere (5) damages caused

- A. Ryan Ferry advised his client to not pay the home mortgage that is solely in his client's name causing the lost of the family home for Mrs. Arbouw and her three children.
- B. Thereby resulting in **breach of contract**, Code 59.1-507.1:  
“when a party....fails to perform an obligation in a timely manner” such that  
(b) the breach substantially deprived or is likely substantially to deprive the aggrieved party of a significant benefit it reasonably expected under the contract”

### V. Fraud:

- 1. Mr. Ferry falsified documents with intent to bring harm to Mrs. Arbouw and Mrs. Arbouw's three children.

### II. Forgery

- 1. Mr. Ferry falsified documents to the Brunswick County Civil Circuit Court saying the written documents came from Mrs. Arbouw.
- 2. Mrs. Arbouw did not write the document submitted to court as Mr. Ferry says.
- A. Code 18.2-172. Forging, uttering, etc., other writings

“If any person forge any writing, other than such as is mentioned in Code 18.2-168 and 18.2-170, to the prejudice of another’s right, or utter, or attempt to employ as true, such forged writing, knowing it to be forged, he shall be guilty of a Class 5 felony.”

### **III. False Pretenses/Conspiracy**

Such that Virginia Code 18.2-178 Obtaining money or signature, etc., by false pretense, such that:

“A. If any person obtain, by false pretense or token, from any person, with intent to defraud, money, a gift certificate or other property that may be the subject of larceny, he shall be deemed guilty of larceny thereof”; and **Conspiracy**:

Virginia Code 18.2-23 Conspiring to trespass or commit larceny, “A. If any person shall conspire, confederate or combine with another or others in the Commonwealth to go upon or remain upon the lands, buildings, or premises of another, or any part, portion or area thereof, having knowledge that any of them have been forbidden, either orally or in writing, to do so by the owner, lessee, custodian or other person lawfully in charge thereof, or having knowledge that any of them have lands, buildings, premises or part, portion or area thereof at a place or places where it or they may be reasonably seen, he shall be deemed guilty of a Class 3 misdemeanor. B. If any person shall conspire, confederate or combine with another or others in the Commonwealth to commit larceny or counsel, assist, aid or abet another in the performance of a larceny, where the aggregate value of the goods or merchandise involved is more than \$200, he is guilty of a felony”

1. Ryan Ferry mailed documents to Mrs. Arbouw attempting to gain money for assets that were fraudulently produced, of which Mr. Ferry was aware said items were fraudulently produced.
2. Ryan Ferry attempted to gain money for non marital items threatening to come and take said non marital items if Mrs. Arbouw did not pay thousands of dollars to Mr. Ferry and his client.
3. Had Mr. Ferry come for said items, Mr. Ferry would have committed larceny.
- A. Virginia Code 18.2-178 Obtaining money or signature, etc., by false pretense, such that:

“A. If any person obtain, by false pretense or token, from any person, with intent to defraud, money, a gift certificate or other property that may be the subject of larceny, he shall be deemed guilty of larceny thereof”

#### **IV. Conspiracy**

Virginia Code 18.2-22 Conspiracy to commit felony “(a) If any person shall conspire, either within or without this Commonwealth, to commit a felony within this Commonwealth, or if he shall so conspire, confederate or combine with another within this Commonwealth to commit a felony either within or without this Commonwealth, he shall be guilty of a felony which shall be punishable”

1. Mr. Ferry knowingly continued with client’s fraud after being made aware of client’s fraudulent claims.

#### **V. Fraud with Intent to Harm/False Pretense/Conspiracy**

1. Ryan Ferry submitted both a Final Decree copy which Mrs. Arbouw had never seen to the judge in a hearing on December 16, 2020.
  - a. This document did not include alimony or child support, was based on fraud, and was full of error including a court date that did not exist.
2. Ryan Ferry submitted a Motion to Appoint a Special Commissioner on December 16, 2020, and said document was not ONCE seen by Mrs. Arbouw and the judge signed the order waiving Mrs. Arbouw’s signature stating Mrs. Arbouw had seen the document.
3. This effectively cause the loss of home and property of Mrs. Arbouw and her three children.

## **X. APPENDIX TEN JUDGE'S VERBAL ORDERS**

The following orders were verbally made by the judge with NO written order and are therefore NOT enforceable:

1. Sell an alpaca to pay the Guardian Ad Litem 6/21/19
2. You are not allowed to buy your own house, it will go to the highest bidder 6/21/19
3. The children WILL be reunited with their father (every hearing from spring of 2019 to before an actual custody hearing on January 15, 2020)
4. You have to sell all of the animals 6/21/19 [this is the children's pets, not knowing what is marital or non marital, and to make a child sell their dog or cat or pony that they have had for ten years is incredibly cruel]
5. 12/16/19 \$1003/month in alimony and \$1297/month in child support with alimony for only six months [this was NOT based on Mr. Arbouw's income, did not give money towards children's schooling costs, did not give money towards the 100% in marital credit card debt Mrs. Arbouw was left with, and in the State of Virginia alimony for a wife who stayed at home with the children during the duration of the marriage and one who lives one hour from anything in a county with no jobs, the norm for alimony is half the amount of time married - NOT six months; further, the child support in no way reflects the guidelines for three children with a father making a salary of \$126,000/year and his company pays for his housing, his expenses, his iphone, and his food; Mrs Arbouw was left with ALL the expenses and left by Mr. Arbouw in a large home with three children and no job]
6. 1/15/20 The judge verbally ordered psychological testing for Mrs. Arbouw and her three children, counseling for Mrs. Arbouw and her three children, and reunification therapy for the children and Mr. Arbouw and Mrs. Arbouw is to pay 30% of the costs of reunification therapy when Mrs. Arbouw does not receive support in a timely manner and falls substantially below Federal Poverty Guidelines creating a financial hardship on Mrs. Arbouw and her three children.

7. 12/16/19 The judge ordered Mrs. Arbouw may not submit any motions to the court at all and before a custody hearing on 1/15/2020 [The judge did not accept a single motion submitted by Mrs. Arbouw from spring to the custody hearing and Mrs. Arbouw had to beg to be able to submit the expert witness list for a custody hearing but the judge told her she had to have it in two days and it could ONLY contain the name and contact information and no further information and the judge threatened to jail Mrs. Arbouw over Christmas and put her children in foster care].
8. 12/16/19 The judge told Mrs. Arbouw she was not allowed to have ANY communication with opposing counsel [all before a custody hearing]
9. The judge did not allow the expert witnesses in a custody hearing testify because opposing counsel did not receive exactly what they were going to say even though Mrs. Arbouw was told she could only include the name and contact information of the expert witness and she was not allowed to communicate with opposing counsel.



## **VI. APPENDIX ELEVEN**

### **LAWS BROKEN BY ROBERT ARBOUW**

Below is a preliminary list of laws broken by Mr. Arbouw

#### **I. Credit Card Laws Broken**

##### **A. Credit Card Fraud**

Such that - Virginia Code 18.2-195 Credit card fraud (1) a person is guilty of credit card fraud when, with intent to defraud any person, he:

(a) Uses for the purposes of obtaining money, goods, services or anything else of a value a credit card or credit card number obtained or retained in violation of code 18.2-192 or a credit card or credit card number which he knows is expired or revoked (b) Obtains money, goods, services or anything else of value by representing (i) without the consent of the cardholder that he is the holder of a specified card or credit card number or (ii) that he is the holder of a card or credit card number and such card or credit card number has not in fact been issued (c) Obtains control over a credit card or credit card number as security for debt;

##### **B. Credit Card Theft**

Such that -Virginia Code 18.2-192 (1) A person is guilty of credit card theft when (a) he takes, obtains or withholds a credit card or credit card number from the person, possession, custody or control of another without the cardholder's consent or who, with knowledge that it has been so taken, obtained or withheld, receives the credit card or credit card number with intent to use it or sell it, or transfer it to a person other than the issuer or the cardholder" and punishable by 18.2-95 Grand Larceny and falling under Federal Code 15 U.S.C. 1644

1. Mr. Arbouw stole Mrs. Arbouw's credit cards in 2017 including a Barclaycard and a Home Depot Consumer Credit Card and was not an authorized user on either card.
2. Mrs. Arbouw reported the cards as stolen in May of 2017 and later found the credit cards in Mr. Arbouw's possession in October of 2017.

#### **II. Forgery**

Such that, Code 18.2-172. Forging, uttering, etc., other writings

“If any person forge any writing, other than such as is mentioned in Code 18.2-168 and 18.2-170, to the prejudice of another’s right, or utter, or attempt to employ as true, such forged writing, knowing it to be forged, he shall be guilty of a Class 5 felony.”

1. Mr. Arbouw submitted \$51,000 in false assets in a divorce trial on June 21st, 2019 in order to attempt to defraud and bring harm to Mrs. Arbouw and her three children.

### **III. Perjury**

1. Mr. Arbouw lied in civil court regarding his income and withheld income from court in order to avoid the proper payment of alimony and child support.

### **IV. False Pretenses/Conspiracy**

Such that Virginia Code 18.2-178 Obtaining money or signature, etc., by false pretense, such that:

“A. If any person obtain, by false pretense or token, from any person, with intent to defraud, money, a gift certificate or other property that may be the subject of larceny, he shall be deemed guilty of larceny thereof”; and

#### **Conspiracy**

Virginia Code 18.2-23 Conspiring to trespass or commit larceny, “A. If any person shall conspire, confederate or combine with another or others in the Commonwealth to go upon or remain upon the lands, buildings, or premises of another ,or any part, portion or area thereof, having knowledge that any of them have been forbidden, either orally or in writing, to do so by the owner, lessee, custodian or other person lawfully in charge thereof, or having knowledge that any of them have lands, buildings, premises or part, portion or area thereof at a place or places where it or they may be reasonable seen, he shall be deemed guilty of a Class 3 misdemeanor. B. If any person shall conspire, confederate or combine with another or others in the Commonwealth to commit larceny or counsel, assist, aid or abet another in the performance of a larceny, where the aggregate value of the goods

1. Mr. Arbouw’s attorney, Mr. Ferry, mailed documents to Mrs. Arbouw attempting to gain money for assets that were fraudulently produced, of which Mr. Ferry was aware said items were fraudulently produced.

2. Mr. Ferry, Mr. Arbouw's attorney, and Mr. Arbouw attempted to gain money for non marital items threatening to come and take said non marital items if Mrs. Arbouw did not pay thousands of dollars to Mr. Ferry and Mr. Arbouw
3. Had Mr. Ferry come for said items, Mr. Ferry would have committed larceny.
4. Had Mr. Arbouw come for said items, Mr. Arbouw would have committed Contempt of Court as he is not allowed at the marital residence where said items reside.

#### **V. Computer Fraud**

Falling under Federal 18 U.S. Code 1030 and the Virginia Computer Crimes Act Sections 18.2-152 including computer fraud, computer trespass, harassment by computer, computer invasion of privacy

1. Mr. Arbouw remotely accessed Mrs. Arbouw's computer and deleted incriminating e-mails from himself to Mrs. Arbouw.
2. Mrs. Arbouw's Facebook account was compromised.
3. Mr. Arbouw trolled the internet to find information on Mrs. Arbouw to attempt to use information against Mrs. Arbouw.

#### **VI. Underreporting Income to the IRS**

Federal Code 26 U.S.C. 7206

1. Mr. Arbouw underreported income for the 2019 tax year in an attempt to defraud Mrs. Arbouw the rightful amount of child support due and in order to defraud the U.S. Government.

#### **VII. Insurance Fraud**

Such that Federal 18 U.S. Code 1347. Health Care Fraud, "(a) whoever knowingly and willfully executes, or attempts to execute, a scheme or artifice - (1) to defraud any health care benefit program"

1. Mr. Arbouw knowingly committed health care fraud by cancelling the health insurance of his spouse Mrs. Arbouw and their three children.
2. By law, the health insurance provider cannot cancel the health insurance unless there is a qualifying event. In the absence of a qualifying event, Mr. Arbouw had to have provided the health insurance company a false claim resulting in the premium loss from cancelled policies.

## **VIII. Unlawful cancellation of Health Insurance**

Virginia Code 38.2-3407.2 Coverage for Medical Child Support, such that:

- A. no insurer, health services plan, or health maintenance organization shall refuse to enroll a child under a parent's coverage because (i) the child was born out of wedlock; (ii) the child is not claimed as a dependent on the parent's federal income tax return (iii) the child does not reside with the parent or in the insurer's, health services plan's, or health maintenance organization's service area.
- B. Upon receipt of proof that a parent is eligible for family coverage under an accident and sickness policy, health services plan, or health maintenance organization contract has been required by a court order or administrative order to provide health coverage for a child, the insurer, health services plan, or health maintenance organization shall:
  - 1. Permit such parent to enroll under such family coverage any such child who is otherwise eligible for such coverage, without regard to any enrollment restrictions;
  - 2. If such parent is enrolled but fails to make application to obtain coverage for such child, enroll such child upon application by the child's other parent, or by the Department of Social Services; and
  - 3. not disenroll or otherwise eliminate coverage of such child unless the insurer, health services plan, or health maintenance organization is provided satisfactory written evidence that:
    - a. Such court order or administrative order is no longer in effect;
    - b. Such child is or will be enrolled in comparable health coverage through another insurer, health services plan, or health maintenance organization which will take effect not later than the effective date of termination of the child's coverage under the policy or contract issued by the insurer, health services plan, or health maintenance organization; or
    - c. Family health coverage has been eliminated under the insurance policy, health services plan, or health maintenance organization contract.
  - 4. Mr. Arbouw canceled Mrs. Arbouw's and their children's health insurance policies without notice.

5. Mr. Arbouw cancelled Mrs. Arbouw's health insurance while still legally married.

**IX. Allegation of Intent to injure, defraud -**

**A. By cancellation of insurance**

Virginia State Code 19.2-225, "Where an intent to injure, defraud or cheat is required to constitute an offense, it shall be sufficient, in an indictment or accusation therefor, to allege generally an intent to injure, defraud, or cheat without naming the person to be injured, defrauded or cheated; and it shall be sufficient, and not be deemed a variance, if there appear to be an intent to injure, defraud or cheat the United States, or any state, or any county, corporation, officer, or person".

1. Mrs. Arbouw and the children did not receive a notice of a health insurance cancellation because Mr. Arbouw changed the address on the policy, as to not inform Mrs. Arbouw of the cancellation.
2. Mr. Arbouw would have had to have lied to the Health Insurer, United Health Care for the insurance to have been cancelled.
3. Mr. Arbouw has a Pendente Lite Order dated April 1st, 2019, stating he must pay the health insurance policies for Mrs. Arbouw and the three children.

**B. Mr. Arbouw submitted \$51,000 in false assets on a divorce trial on June 21, 2019 in order to defraud Kimberly Arbouw.**

**C. On December 16, 2019 Opposing Counsel, Ryan Ferry with Boyko Napier, submitted an order to appoint a Special Commissioner to auction the farm and home of Mrs. Arbouw and her three children and make Mrs. Arbouw responsible for the costs. The order was submitted without Mrs. Arbouw having every seen the order or knowing of the order. The order was signed by the judge and the order writes Mrs. Arbouw had seen the order and waived her signature. The judge held on to the order until January 15, 2020 at which point it was entered by the Civil Court Clerk and it was on this day that Mrs. Arbouw was made aware that such an order existed.**

- D. On December 16th, 2019 Opposing Counsel, Ryan Ferry with Boyko Napier, submitted a final divorce decree of which copy Mrs. Arbouw never saw the copy submitted to the court. In court Mrs. Arbouw waived her signature and refused to sign because she told the judge the order was based on fraud and no order is valid if based on fraud. The judge waived Mrs. Arbouw's signature and the final divorce decree signed by the judge did not include alimony or child support after 15 years of marriage and three children, while the law recognizes support for half the term of marriage. While the judge did order alimony and child support, Ryan Ferry with Boyko Napier submitted a final decree with no support. Further, when Mrs. Arbouw filed an appeal to the appellate court, the Judge, Allen Sharrett, sent a letter calling the "final decree" not final and thus it is not appealable yet enforceable such that the divorce was finalized but with no support and no way to appeal in order to obtain support.

**X. Abandonment**

Such that Virginia StateCode 20-81 Presumptions as to desertion and abandonment, "Proof of desertion or of neglect of spouse, child, or children by any person shall be prima facie evidence that such desertion or neglect is willful; and proof that a person has left his or her spouse; or his or her child or children in destitute or necessitous circumstances, or has contributed nothing to their support for a period of thirty days prior or subsequent either or both to his or her departure, shall constitute prima facie evidence of an intention to abandon such family". And 20-61 Desertion or nonsupport of wife, husband, or children in necessitous circumstances, "Any spouse who without cause deserts or willfully neglects or refuses or fails to provide for the support and maintenance of his or her spouse, and any parent who deserts or willfully neglects or refuses or fails to provide for the support and maintenance of his or her child under the age of eighteen years of age, or child of whatever age is crippled or otherwise incapacitated from earning a living, the spouse, child, or children being then and there in necessitous circumstances, shall be a guilty of a misdemeanor and upon conviction shall be punished by a fine of not exceeding \$500 or confinement in jail not exceeding twelve months, or both or on work release"

1. Mr. Arbouw abandoned his wife and children in May of 2017 and continues to not provide court ordered support and maintenance.

**XI. Battery**

1. Mr. Arbouw tried to strangle and rape Mrs. Arbouw multiple times during marriage and physically hit.

**XII. Child Abuse**

1. Mr. Arbouw tried to drown their youngest son.
2. Mr. Arbouw used coercive control and mental and physical abuse.

**XIII. Stalking**

Virginia Code 18.2-60.3 Class 1 Misdemeanor

1. Mr. Arbouw has been continually stalking the family outside their home by stopping, taking video/photos and murders of family members usually occur within a year of stalkings

**XII. APPENDIX TWELVE CEASE AND DESIST**

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF BRUNSWICK

ROBERT JAN ARBOUW

Plaintiff

v.

CASE NO.: CL18000287-0

KIMBERLY LOWE [ARBOUW],

Defendant

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**CEASE AND DESIST**

1. It is now demanded that the Court and all of it's actors including the Judge, Ryan Ferry as Opposing Counsel, and Amanda Jones, Guardian Ad litem, and Robert Arbouw, plaintiff, to cease their illegal activities and not to restart it, effective immediately on March 28,

2020. Not stopping said activities will lead to further legal action including but not limited to a lien and a criminal complaint.

2. This includes stopping auction of the home and property at 4779 Rawlings Road, Rawlings, VA 23876 for which Mrs. Arbouw, now known as Kimberly Lowe, had never seen an Order for the Appointment of a Special Commissioner and the order was signed without her signature stating she had seen the order when she had not and a Final Decree which is based on fraud and Kimberly Lowe had never seen the version signed by the judge in court.
3. Stop all activity in Civil Court as the Civil Court has no jurisdiction such that all matters be heard at a higher court devoid of the perjury, forgery, fraud, lack of jurisdiction, larceny, conspiracy, and breach of contract.
4. Stop a breach of contract between the mortgage holder, Robert Jan Arbouw, and the mortgage company for which the mortgage is held.
5. Stop any bills that may come from the Guardian Ad Litem as money was illegally stolen from Kimberly Lowe and her three children due to a lack of procedure with the Supreme Court, lack of proper paperwork to determine financial ability to pay, and the illegal garnishment of



child support to the Arbouw children. Kimberly Lowe expects a full refund from the Guardian Ad Litem as soon as possible, or liens will be placed and a criminal complaint will be filed.

6. Cease and desist all stalking activities in person and online.
7. Stopping any threats to jail Kimberly Lowe and place her children in foster care as retaliation.

Respectfully and May Justice Prevail,

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Kimberly Lowe, formerly known as Kimberly Lowe Arbouw	
4779 Rawlings Road	(540) 529-3380
Rawlings, VA 23876	kimberlynadine@icloud.com

## **CERTIFICATE OF SERVICE**

It is hereby certified that a copy was mailed and e-mailed on this 30th day of March 2020 to Amanda Jones with Amanda Jones to e-mail or mail Ryan Ferry, opposing counsel, a copy due to a violation in due process in which Judge Allen Sharrett verbally ordered no contact between Kimberly Lowe Arbouw and opposing counsel. While this hinders the legal process, the amount of harassment by Ryan Ferry to Kimberly Lowe Arbouw has ceased. It is further certified a copy was hand delivered to the Brunswick County Clerk's Office. However, make note, Mrs. Jones did not send the

January 24th, 2020 Intent to Appeal to Mr. Ferry when Mrs. Arbouw certified she had sent it to Mrs. Jones to send to Mr. Ferry, thus Mrs. Arbouw cannot ensure that Mr. Ferry will receive this document if Mrs. Jones chooses to not send it. To ensure Ryan Ferry receives this and other important documents, Kimberly Lowe sent an e-mail on 3/30/2020.

J. Ryan Ferry, Esq. (VSB #80353)  
Boyko Napier, PLLC  
5807 Staples Mill Road  
Richmond, VA 23228  
Phone: (804) 658-3418  
jrferry@boykonapier.com

Amanda Jones, Esq.  
202 Hicksford Avenue, Suite B  
Emporia, Virginia 23847 (434) 637-8252

### **XIII. APPENDIX THIRTEEN JUDGE GILL**

VIRGINIA:  
IN THE CIRCUIT COURT OF THE COUNTY OF BRUNSWICK

ROBERT JAN ARBOUW  
Plaintiff

v.  
KIMBERLY LOWE [ARBOUW],  
Defendant

CASE NO.: CL18000287-0

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#### **STATEMENT OF JUDICIAL BIAS AND NOT FOLLOWING THE LAW**

The defendant, Kimberly Lowe, hereby makes note for higher courts of Judge Gill's bias, not upholding the law, not adhering to the law, not acting

under Virginia's judicial Canons, and using his judicial power to bring harm to Ms. Lowe and her three children.

1. Judge Gill was appointed over the Brunswick County Civil Case CL18000287-0, Arbouw v. Arbouw [now Lowe] after Judge Allen Sharrett recused himself from the case after massive illegal activity, not following his oath, working outside the Constitution, not following the law, threatening to jail Ms. Lowe and place her children in foster care if she dared file a motion to be heard in court, and after massive inappropriate ex-parte communications, a complete lack of due process, placing Ms. Lowe and her children in harm, and destroying Ms. Lowe and her three children financially.
2. In a hearing on June 9, 2020, Judge Gill showed an interest in the case and showed himself to not be unbiased by telling opposing counsel, Ryan Ferry, and Mr. Arbouw that they should file a Show Cause on Ms. Lowe for not paying a mortgage this is NOT in her name.
3. Judge Gill refused to hear about the fraud and verbally stated he would not overturn Judge Sharrett's orders which are by law void, voidable, and null as they are based upon fraud, and went so far as

to verbally tell Ms. Lowe to distribute said false assets which belong to Ms. Lowe which would be forcing larceny.

- a. Mr. Arbouw submitted more than \$51,000 in false assets to defraud Ms. Lowe on the day of trial on June 21, 2019 and not in Discovery.
  - b. Judge Allen Sharrett did not follow the law in the distribution of assets and Ms. Lowe was left with 100% of the marital debt.
4. The Court has continued to refuse to enforce actual orders such as a Pendente Lite Order or deal with a single Contempt of Court filed by Ms. Lowe.
5. The facts are as follows:
  - a. The mortgage is solely in Mr. Arbouw's name and Ms. Lowe's name is on the deed and therefore Ms. Lowe is not responsible under law for paying the mortgage, and the Court does not have jurisdiction over a Security Interest to verbally tell Mr. Arbouw to NOT pay the mortgage.
  - b. The "Final Order" states "Should the property remain unsold by January 20, 2020, and the Defendant continue to reside there, the Petitioner shall be relieved of any court-ordered obligation

to pay such indebtedness”, and does not state Ms. Lowe is to pay the mortgage as the court cannot legally do that and does not hold jurisdiction to do that.

6. Judge Gill is not following actual court orders, not abiding by his oath, accepting fraud going against the law, going against Virginia and Federal Supreme Court rulings, and trying to force unconstitutional actions after the jurisdiction of the Court has already been questioned and the court should not be continuing with further legal action.
7. Judge Gill’s unconstitutional actions are forcing Ms. Lowe to call a reunification therapist to do forced therapy and by law both Ms. Lowe and the children have rights according to Supreme Court rulings which has already been addressed in a challenge of Court Jurisdiction (see Jurisdiction Challenge on file at the Brunswick County Civil Circuit Court for specific detail), and under the law once jurisdiction has been challenged the court may not proceed and the jurisdiction must be heard in a different court, yet the court proceeds.
8. Canon 3 A: A judge shall perform the duties of judicial office impartially and diligently and “(5) A judge shall perform judicial duties

without bias or prejudice [and a] judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice.”

a. The judge tells multiple times his firm belief that children should be with their father, despite abuse and harm to the children, despite not having information and clearly not the most recent research on domestic violence, and thus is putting the life of the children at risk.

b. The judge tells opposing counsel they should file a show Cause on Ms. Lowe.

b. “A judge must perform judicial duties impartially and fairly. A judge who manifests bias on any basis in a proceeding impairs the fairness to the proceeding and brings the judiciary into dispute”

9. Further Judge Gill has the responsibility of reporting both Judge Allen Sharrett and Ryan Ferry for their illegal activities, and Judge Gill entered to continue on with the same illegal shenanigans to enforce a breach of contract and larceny, and strip Ms. Lowe and her children of their constitutional rights and rights under the laws in Virginia, such that:

“(1) A judge who receives reliable information indicating a substantial likelihood that another judge has committed a violation of these

Canons should take appropriate action. A judge having knowledge of that another judge has committed a violation of these Canons that raises a substantial question as to the other judge's fitness for office should inform the Judicial Inquiry and Review Commission".

"(2) A judge who receives reliable information indicating a substantial likelihood that a lawyer has committed a violation of the Code of Professional Responsibility should take appropriate action. A judge having knowledge that a lawyer has committed a violation of the Code of Professional Responsibility that raises substantial question as to the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects should inform the Virginia State Bar

- a. Judge Gill verbally stated he had looked in the file and reviewed the case in which Ms. Lowe clearly stated all of the laws which had been broken.
- b. Ms. Lowe addressed the fraud in court and it was ignored by Judge Gill, so much to the point that Ms. Lowe said "then I will have to sue the state" when Judge Gill refused to vacate an order based on fraud and refused to overturn Judge Sharrett's

rulings despite Ms. Lowe stating that relief is mandatory under the law and such a document is not only void but it is voidable.

## **CERTIFICATE OF SERVICE**

It is hereby certified that a copy was hand delivered to the Brunswick County Civil Circuit Court on June 15th, 2020 and e-mailed to Ryan Ferry Opposing Council on this 15th day of June, 2020.

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Kimberly Lowe

Kimberly Lowe  
4779 Rawlings Road  
Rawlings, VA 23876  
(540) 529-3380  
kimberlynadine@icloud.com

Ryan Ferry  
5807 Staples Mill Road  
Richmond, VA 23228  
(804) 658-3418  
jrferry@boykonapier.com



#### **XIV.APPENDIX FOURTEEN FRAUD ON COURT - FERRY**

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF BRUNSWICK

ROBERT JAN ARBOUW

Plaintiff

v.

KIMBERLY LOWE [ARBOUW],

Defendant

CASE NO.: CL18000287-0

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#### **NOTICE OF JUNE 9, 2020 FRAUD ON COURT BY RYAN FERRY**

In a June 9th, 2020 hearing, Ryan Ferry continually lied to the judge as fraud on the court in order to defraud Ms. Lowe, discredit Ms. Lowe, and create negative legal consequences and financial damages to Ms. Lowe, such that:

1. Ferry falsely stated Ms. Lowe had not contacted the reunification therapist when she had.
2. Ferry falsely stated Ms. Lowe had not contacted the Special Commissioner appointed when she had.
3. Ryan Ferry stated "Ms. Lowe is not credible".
4. Ryan Ferry lied to the judge stating the law on staying a beneficiary on a policy after divorce did not change when the

law had changed to make it the discrepancy of the judge, in order to prevent Ms. Lowe from staying a beneficiary of life insurance policies.

5. Ryan Ferry stated there was no order on support signed still when Ryan Ferry omitted any support in the “Final Decree” on purpose in order to defraud Ms. Lowe and only included said document in a May 2020 document.
6. Ryan Ferry said Ms. Lowe refused to sign documents and regarding a Temporary Order for Custody/Visitation which Ms. Lowe signed, Mr. Ferry said “I could not turn it in because she wrote on it” while Ms. Lowe wrote specific laws to refute the false statements in said order; thus Ryan Ferry would only submit non signed orders to the court and if Ms. Lowe signed any order with objection it would be withheld.
7. Ryan Ferry told Judge Gill that Ms. Lowe was ordered to pay the mortgage when the only signed order, “Final Order” states “Should the property remain unsold by January 20, 2020, and the Defendant continue to reside there, the Petitioner shall be relieved of any court-ordered obligation to pay such indebtedness”, and does not state Ms. Lowe is to pay the

mortgage as the court cannot legally do that and does not hold jurisdiction to do that.

8. Judge Gill then instructed Mr. Arbouw and opposing counsel to file a Show Cause on Ms. Lowe when Ms. Lowe is not the mortgage holder, Ms. Lowe was not ordered to pay the mortgage in the order, and Ms. Lowe stated to Judge Gill that the court does not hold jurisdiction over a Security Interest (mortgage).
9. Ryan Ferry told the judge that Ms. Lowe stated to Ryan Ferry that the orders are void and yes, this is actually true.
10. Judge Gill said he would not overturn Judge Sharrett's Final Order which was completely based on fraud and told Ms. Lowe to distribute assets that actually legally belong to Ms. Lowe thus the judge was enforcing larceny and Ms. Lowe said, "well then I will have to sue the state", all of which was instigated as fraud on court by Ryan Ferry.
11. Judge Gill verbally told Ms. Lowe to distribute assets that legally belong to Ms. Lowe thus enforcing larceny contributed to by fraud on Court by Ryan Ferry.

## **CERTIFICATE OF SERVICE**

It is hereby certified that a copy was hand delivered to the Brunswick County Civil Circuit Court on June 15th, 2020 and e-mailed to Ryan Ferry Opposing Council on this 15th day of June, 2020.

---

Kimberly Lowe

Kimberly Lowe  
4779 Rawlings Road  
Rawlings, VA 23876  
(540) 529-3380  
kimberlynadine@icloud.com

Ryan Ferry  
5807 Staples Mill Road  
Richmond, VA 23228  
(804) 658-3418  
jrferry@boykonapier.com

## **XV. APPENDIX FIFTEEN REQUEST FOR REMOVAL OF JUDGE**

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF BRUNSWICK

ROBERT JAN ARBOUW

Plaintiff

v.

CASE NO.: CL18000287-0

KIMBERLY LOWE ARBOUW,

Defendant

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### **REQUEST FOR REMOVAL OF JUDGE AND CASE TO BE REHEARD**

Comes now the defendant, Kimberly Lowe Arbouw, moves this Court to compel the plaintiff to remove the Hon. W. Allan Sharrett from this case and have the case reheard by an impartial judge so that a fair and unbiased trial with all evidence can be heard.

WHEREFORE, the defendant, Kimberly Arbouw, respectfully moves this Court for an Order which will allow for a fair trial by removing Judge Sharrett and rehearing the divorce case, and have the plaintiff responsible for all reasonable expenses incurred in obtaining this Order, as permitted by the Rules of the Supreme Court.

KIMBERLY LOWE ARBOUW

Kimberly Lowe Arbouw  
4779 Rawlings Road  
Rawlings, VA 23876

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## SUMMARY OF JUST CAUSE FOR REMOVAL OF JUDGE SHARRETT from ARBOUW v. ARBOUW

### Wrecklessness of Judge

1. Judge won't hear motions critical to the case
  - a. There is no law that states a motion cannot be filed while under counsel yet the judge dismissed motions Mrs. Arbouw filed while still under counsel while waiting for an order to withdraw from Mrs. Arbouw's attorney to be signed. Judge states the motions will not be heard because the plaintiff's attorney did not have time to respond. The court date was on 6/21 and all motions were filed within the legal filing period on 6/3 and 6/10/19. Further the plaintiff's attorney by law can and should still communicate to the opposing council attorney and did communicate in the interim to the defendant's attorney until the Motion to Withdraw had been signed. The following critical motions were filed:
    - a. Defendants Request for Admission to Plaintiff - admit the animals are a marital asset. In doing so Mr. Arbouw would be responsible for half of the last 22 months of animal care which comes to over \$14000
    - b. Motion for Mr. Arbouw to pay combined child support and alimony payment by the 25th of each month and earlier if the 25th is a holiday and Mr. Arbouw is paid earlier than the 25th. This is so important because Mrs. Arbouw's bills start to come out on the 25th. Mr. Arbouw sends a check which he could easily send in the mail before the 25th to not be deposited until the 25th to take care of his children.
    - c. Motion to Produce - all May 2019 bank statements and a snapshot of Mr. Arbouw's June account showing his current bank balance
    - d. Motion to Compel
      1. Translate "de Goudse" verzekering from English to Dutch as requested in the Request for Production of Documents filed on 3/25/19.
      2. All retirement including that in the Netherlands, specifically retirement from Grimbergen in The Netherlands. The Request for Production of Documents filed on 3/25/19 requests all pension plans along with request for discoveries on 10/26/18.

3. Mr. Arbouw's tax return for 2018 filed in 2019, as requested in a Motion to Produce filed on 1/17/19.
4. Bank statement for March 2017 as requested in discoveries with a notice of filing discovery on October 26, 2018.
5. Bank statements for March and April requested in the Request for Production of Documents filed on 3/25/19. This document requested bank statements to present when the plaintiff's response was received on May 15, 2019 thus account statements for March and April would have been readily available.
- e. Motion to Enforce Pendente Lite Order (Contempt of Court) including Mr. Arbouw pay his court ordered life insurance policy and Mr. Arbouw pay his court ordered combined child and spousal support
- f. Motion to Release Personal Property (either sign over a 2008 Town and Country title, titled in both names, or come get it, had been asking for 9 months)
- g. Motion to Produce bank account ending balances October 2018-June 2019 (even if June 2019 is a snapshot showing the current balance)
- h. To Request Mr. Arbouw, plaintiff, pay for his daughter Eva Arbouw's medically necessary braces
- i. Motion to Compel all gross income from the plaintiff (including expenses paid by the plaintiff's employer and all bank account statements including those in The Netherlands)
2. Judge has not ruled on submitted motions critical to the case before making final judgements on a divorce trial
  - a. Motion To Produce - filed 1/17/19 - requesting tax return 2018
3. Judge does not rule on a contempt of court motion filed on 6/3/19 thus effectively not holding a Pendente Lite Hearing Order in place to enforce combined alimony and child support or for the plaintiff to pay his life insurance policy
4. Judge will not request a continuance when judge dismisses filed motions without reviewing them that are pertinent to the case
5. Judge does not follow the law:
  - a. Judge does not rule that third party gifts are non marital assets, rather he rules them as a marital asset - ex. square grand piano, animals

- b. Judge does not base child support on gross income; Judge chooses to not look at gross income
  - c. Judge effectively orders support below Virginia State Guidelines because the judge did not review income of the sole income earner, Mr. Arbouw
  - d. Judge does not follow the law that children own property
  - e. Judge says he is going to order the sell of all animals on 9/21/19 (most of which are non-marital assets) which would ofcourse be financially and emotionally disastrous to the children
6. Judge does not consider non monetary benefits when determining child support and alimony including free housing and free iPhone. Other than a mortgage solely in Mr. Arbouw's name (deeded in both names), Mr. Arbouw only has a car payment of \$147 each month while his work pays for his lodging and iPhone. His work also makes a monetary contribution towards his food and other expenses.
7. Reckless Behavior:
- a. Judge says he is going to order Mr. Arbouw to not pay the mortgage that is solely in Mr. Arbouw's name. This would have dire consequences for Mr. Arbouw's credit
  - b. Judge makes up numbers for assets, including non marital assets, without any expert knowledge base, evidence, receipts, or expert testimony in order to rush the case so Mr. Arbouw could get a divorce that day
  - c. Judge does not accept a house appraisal by an expert completed in November of 2018 that cost \$650 but accepts a free Zillow report produced by counsel. Clearly with a house appraisal, someone comes to the property to actually see the property and they are an expert in their field.
  - d. Judge says he is going to order the marital property be sold in 90 days to the highest bidder and does not allow Mrs. Arbouw any opportunity to purchase the property herself although Mrs. Arbouw's name is on the deed. This would effectively put Mrs. Arbouw and three children homeless and on the street.
  - e. Judge forces the appointment of a Guardian Ad Litem, not requested by Mrs. Arbouw or Mr. Arbouw. Judge forces Mrs. Arbouw to pay half of the court appointed Guardian Ad Litem fees when Mrs. Arbouw does not work and stays home with the children. Mrs. Arbouw only receives \$2,500/month in combined child support and alimony.



Judge orders \$1000 to be removed from Mrs. Arbouw's support check to pay for the initial cost of the Guardian Ad Litem, effectively making Mrs. Arbouw's support fall below the Virginia State Child Support Guidelines and is effectively removing money from child support to pay for the GAL. This is clearly not in the best interest of the children and still leaves the mother with the financial burden of paying marital debts not being paid by Mr. Arbouw along with paying Mr. Arbouw's court ordered life insurance policy still not being paid by Mr. Arbouw.

f. Judge determined to reunite children with a father who has not seen them in more than two years, a man who abandoned them and physically and emotionally abused his wife Mrs. Arbouw, and their three children. Mr. Arbouw went so far that he attempted to drown his youngest son.

g. Judge removes protective order without question as to whether a protective order was necessary.

8. Bias:

- a. Judge will not accept a continuance on a divorce trial when he does not have full financial information from the plaintiff, does not have evidence of assets, has not responded to filed motions, has not responded to contempt of court, and has dismissed pertinent legally allowed motions pertinent to the case. He does so because according to the judge "Mr. Arbouw has waited long enough for a divorce, so he's going to get his divorce today". No one, including the judge made Mr. Arbouw accountable for giving his full financial information.
- b. Judge shows bias towards Mr. Arbouw by effectively saying he wants to remove the financial burdens from Mr. Arbouw and tells Mrs. Arbouw "her head is buried in the sand". Realize Mr. Arbouw abandoned his wife, Mrs. Arbouw, and their three children and saddled Mrs. Arbouw with all of the marital debt credit cards, his life insurance policies, and all of the bills excluding the mortgage which is solely in Mr. Arbouw's name. Mr. Arbouw has not seen his children in two years even while living on the property in a guest house off and on for one year after separation. Further Mr. Arbouw was mentally and physically abusive to both his wife and his children. At no time did the judge take into account the financial burden on Mrs. Arbouw in fact that:

- i. Judge did not look at Mr. Arbouw's income
- ii. Judge did not consider the marital debt Mrs. Arbouw was left to pay monthly
- iii. Judge did not enforce the Pendente Lite Order making sure Mrs. Arbouw received her combined child support and alimony and make sure Mr. Arbouw paid his court ordered life insurance policy.
- iv. Judge is hell bent that the children will be reunited with a man who abused them and hasn't seen them in over two years. The judge says in court "Mr. Arbouw WILL be reunited with their father. This is where all of this is leading". This is the father that has not seen his children in over two years and physically and emotionally abused them and then abandoned them.
- v. Judge removes protective order "in order not to damage Mr. Arbouw's record", with no regard for the safety of Mrs. Arbouw or the children.
- vi. Judge seems to be determined to make Mrs. Arbouw, who is a non income worker suffer devastating financial losses.
  - 1. Judge forces Mrs. Arbouw to pay \$1000 for Guardian Ad Litem and takes this amount from her child support
  - 2. Judge does not look at the assets Mrs. Arbouw presented to the judge which are the assets that had been listed in Discovery, but rather looks at the assets listed by Mr. Arbouw which are completely unsubstantiated with no proof of purchase or receipt or proof of value and were not presented in Discovery
  - 3. Judge does not listen to Mrs. Arbouw when Mrs. Arbouw says a square grand piano which was listed in Mr. Arbouw's asset list was gifted to her from a homeschool family. After saying at least four times the piano was no cost and was a gift, the judge went ahead and assigned a value. Mr. Arbouw gave the piano a value of \$2000 and it is unknown what value the judge gave.
  - 4. Judge hastily makes up a value for animals without accepting which animals were gifted, which animals were marital property, how much Mr. Arbouw had invested, and Mr. Arbouw's lack of payment for care for the last two years which totals over \$14,000. Judge only takes Mr. Arbouw's unsubstantiated amount into account when Mr. Arbouw had absolutely nothing to do with the animals on the property.

5. Judge will not hear submitted motions or grant Mrs. Arbouw a continuance and wants to hurry the proceeding to “make sure Mr. Arbouw gets his divorce today because he has waited long enough”

6. Judge wants to “remove the financial burden from Mr. Arbouw”, yet never says Mrs. Arbouw has financial burden when Mrs. Arbouw was abandoned with her three children, a large home, \$18,000 in marital credit card debt and she has been a stay at home mom during the duration of the marriage. Mr. Arbouw on the other hand who has a base salary in 2018 of \$94,000, also received \$3189.60 in a side job, and non salary monetary contributions of \$22735.81, giving him a salary of \$119,924.81 while his company pays for his lodging, his food, any work costs including gas and mileage, and his iphone. Mr. Arbouw’s only expense is a monthly payment on a 2003 Nissan Sentra for \$147. His highest net monthly total (health care for all four family members, taxes, social security, etc. already deducted) in one month in 2018 was \$9,989.50 and his lowest net total was \$6327. His average net income in 2018 was \$7528.18. Mr. Arbouw pays the mortgage solely in his name (deed in both names) for \$2047, \$2500 in combined alimony and child support, and \$147 for a used vehicle payment. Currently Mr. Arbouw’s gross monthly income for February 2019 was 12,227.06 and 11,261.27 for March 2019. His most recent available account balance from March was \$8429.28. NOW despite the fact that Mr. Arbouw has thousands of dollars left in his account and despite the fact Mrs. Arbouw has been abandoned with \$600/month in marital credit card debt, complete care of the children, all household bills, all homeschool costs of the children, and all home associated costs on a 6,000 square foot home with 18 acres, the judge wants to “relieve Mr. Arbouw of financial burden”. At no point is there financial concern for Mrs. Arbouw or the three children. Mrs. Arbouw’s combined alimony and child support awarded was only \$2,500 and did not consider Mr. Arbouw’s full gross salary.

- vii. Judge does not give an impartial opinion on the marital residence which Mrs. Arbouw and the children have lived from

11/2014 to present and Mr. Arbouw only lived from 11/2014 to 5/2017 with transient living on and off at the property guest house from 5/2017-5/2018. Mrs. Arbouw presents evidence on the value of the home in the form of an appraisal that cost \$650 conducted in November. The appraisal was to show a retroactive appraisal from May 2017 when Mr. Arbouw left the property, and according to the appraiser the current property value is the same as the May 2017 value. Mrs. Arbouw also shows the judge pictures of the property showing how the property cannot be refinanced or a new loan cannot be made on the property until certain repairs are made. The judge does not accept the appraisal as proof of value and specifically says that the house and all of the animals are going to be put up for sale in 90 days and he will wait to write the order. He said that Mrs. Arbouw has "90 days to figure it out". Mrs. Arbouw told the judge that Mr. Arbouw does not want to take any responsibility in repairs but the judge does not make Mr. Arbouw accountable, he only makes Mrs. Arbouw accountable, and says, "you [Mrs. Arbouw] need to figure it out".... "you're head has been buried in the sand". The value of the home and property according to the appraisal is thousands of dollars less than what is currently owed. Mrs. Arbouw verbally and submitted in writing the suggestion that the house mortgage be paid by Mr. Arbouw until the negative equity was caught up and then at that time it could be refinanced while Mrs. Arbouw works on repairs, that way neither party would have to be responsible for negative equity. However, the judge continues to say that the house will be put on the market to the highest bidder. Mrs. Arbouw says multiple times to the judge "Please judge, can I purchase my home with a family member?", "Please judge, don't put the children out on the street".

- viii. Judge does not consider Separate Property Improvements to Marital Property or Separate Property contributions to the current Marital Property.
  - 1. Down Payment contribution of \$16,550 from separate property house sell
  - 2. As of June 2019, Mrs. Arbouw has paid \$18000 in outside labor alone for repairs and maintenance and that does not

include the tens of thousands of dollars in property improvements that were necessary for basic living in the property. The judge does not take into account that the residence is the primary residence for Mrs. Arbouw and her three children and did not take into account the substantial amount of work Mrs. Arbouw has completed on the property since separation and Mr. Arbouw is not held accountable.

- ix. Judge does not take into account that Mr. Arbouw abandoned the property
- x. Judge says he will make Mrs. Arbouw to start to pay half the payments and then the full payments on the mortgage and Mr. Arbouw will not be responsible for paying the mortgage “in order to remove financial burdens from Mr. Arbouw”. The mortgage is solely in Mr. Arbouw’s name and he made an agreement with the mortgage company and the mortgage is his responsibility.
- xi. Mrs. Arbouw makes it known that Mr. Arbouw has not been forthcoming with finances including retirement and still does not have Mr. Arbouw’s retirement information and that it is critical before a divorce is filed that this information is discovered. It was made note that a marriage certificate had to be given to a Dutch company before divorce in order for Mrs. Arbouw to be entitled to retirement in The Netherlands that Mr. Arbouw had not been forthcoming with. Yet the judge continued with divorce proceedings with no regard to pertinent financial information that still has not been released by Mr. Arbouw.
- xii. Mrs. Arbouw who is a single mom cannot afford counsel and could not obtain legal aid because she is in a home. The judge rushed Mrs. Arbouw in questioning and rushed Mrs. Arbouw on discussion of assets not giving Mrs. Arbouw time to even review a list of supposed assets presented by opposing council that the judge was reviewing. Specifically the judge completely disregarded Mrs. Arbouw’s claim of assets and non marital assets and only reviewed that which was given by opposing council. By accepting the list of assets presented by opposing council, all of which were no basis in proof and unsubstantiated, the judge would effectively be straddling Mrs. Arbouw with thousands of dollars in amounts to be paid out to Mr. Arbouw

thus effectively causing dire financial consequences and probably result in Mrs. Arbouw having to file for bankruptcy. For example, Mr. Arbouw listed marital and non marital assets requesting thousands of dollars when Mrs. Arbouw has no savings and does not work. Judge did not consider any financial or physical or non monetary contributions to assets from Mrs. Arbouw when reviewing documents presented by opposing council.

- xiii. Judge does not allow motions to be submitted by Mrs. Arbouw that were filed within the legal amount of time before the 6/21 court date on 6/3 and 6/10, but does allow opposing counsel to present a Proffer minutes before court not allowing any time for Mrs. Arbouw to respond and the judge denied a continuance, deciding to push through to go over all of the assets that were newly presented items not even given in Discovery. An offer must be submitted 14 days before trial and should have never been accepted on the day of court, having been just submitted to the court on 6/20/19.
- xiv. Judge rules that cash received from a non marital asset is a marital asset
  - 1. Judge rules the proceeds from property purchased before marriage by Mrs. Arbouw, that was solely in Mrs. Arbouw's name is marital property even after being given a copy of the title with her name on it showing the property was purchased before marriage
  - 2. Said property was purchased before marriage by Mrs. Arbouw and sold in 2014. Mrs. Arbouw put the money from the house sell in her own separate bank account and there were no co-mingling of funds. Mrs. Arbouw also sold the house herself and incurred no realtor fees.
  - 3. Judge unfairly awards the property sell cash that was in Mrs. Arbouw's personal bank account as marital property
  - 4. In Virginia, property only owned by one spouse is separate property and property purchased before marriage is separate property
  - 5. There is no evidence produced in court that the personal effort of Mr. Arbouw was significant resulting in a substantial appreciation of the separate property

6. While Mrs. Arbouw paid for \$18,330.84 in marital debt from her own personal bank account from her house sell, and \$16,550 in the down payment for the current marital property, the judge does not take this into account

7. Mrs. Arbouw also purchased a truck and two horse trailers from this house sell and all are titled in Mrs. Arbouw's name and the judge orders these as marital property

8. The proceeds from the separate property were kept separate and there was no commingling in a marital account

c. Judge shows biased opinion on animals.

i. Mrs. Arbouw says she does not have money to pay for a Guardian Ad Litem. Judge says Mrs. Arbouw has assets in animals without knowing any worth of any animal. Judge tells Mrs. Arbouw to sell an alpaca to pay for the Guardian Ad Litem. Selling an animal with potential profit to a single mother would drastically destroy a potential farm income. Judge chooses to make non working parent pay out of a potential non marital asset that could help the single mother bring income to her children.

ii Judge releases Mr. Arbouw of any burden of having to pay for care for any animals (which he had not been contributing to monetarily and not at all ever physically), yet wants to let Mr. Arbouw treat any animals as an asset without having any animal list, any animal value, or any knowledge on what animal is or is not a marital asset, and not have any accountability for costs.

iii. Judge says in 90 days he will force the sale of all animals on the property at 4779 Rawlings Road, Rawlings, VA 23876. If the judge was not biased he would have said, list all assets for sale in 90 days.

iv. Judge makes up a value for animals with no knowledge base or evidence

9. Judge does not account for the welfare of the children

a. Judge removes a protective order without question

b. Judge does not look at gross income to determine child support

c. Judge orders the sell of children's property/animals including their ponies, cats, dogs, etc.

d. Judge orders the sell of the children's home not giving Mrs. Arbouw the option to purchase her own property, thus effectively making a single mother and three children homeless

- e. Judge removes money from child support in order to pay the Guardian Ad Litem
- f. Judge dismisses a motion requesting Mr. Arbouw pay for the urgent medically deemed braces for the plaintiff's daughter

In Conclusion a fair trial was not given to Mrs. Arbouw. The judge rushed through a divorce trial with no basis on fact, with false information, with unvalidated information, and without enough information to even establish the plaintiff's income. The judge ignored pertinent motions that regarded the children's welfare, to establish the plaintiff's income and retirement, to enforce a court order; and, the judge removed orders (restraining order) that did not take the well being of the children into consideration. The judge did not follow the law as applied to assets and ownership of property. The judge did not follow the law according to the submittal and hearing of motions. The judge did not follow the law following the Virginia Child Support Guidelines. The judge showed bias against animals and in favor of Mr. Arbouw. The judge plans on ordering disastrous judgments in 90 days that will effectively make Mrs. Arbouw and her three children homeless and force the children to endure extreme and very cruel trauma by forcing the sale of their ponies and other family pets they love. Please note Mrs. Arbouw has been paying for the care for all of the animals and there has been no financial burden on Mr. Arbouw and he was made to not be financially responsible by the judge. This is an unusually cruel and unnecessary order as there is no financial burden on the court, the state, or Mr. Arbouw. Further, the judge was making incredibly financially crippling decisions that would solely affect Mrs. Arbouw by accepting a list of falsified assets presented by opposing council that had no supporting evidence or substantiation of proof. Accepting the account of those assets would ultimately cause Mrs. Arbouw to have to file for bankruptcy when she is already left paying \$18000 in marital debt. Mrs. Arbouw offered to purchase her home to relieve Mr. Arbouw of the burden and it was denied.

Unless the State of Virginia and the court wants to make a habit of financially destroying a single mom and her three children by leaving them homeless and the mother bankrupt, I am pleading with the court that Judge Sharett be removed and an impartial judge hear the evidence for the case including allowing motions that would allow the defendant to obtain financial information on Mr. Arbouw so an accurate ruling on Child Support



can be made. On a personal note, Mrs. Arbouw feels Judge Sharrett is a nice guy and feels a like for him, however, he did not follow law or procedure or offer a fair trial, he showed bias, and his judgments would have incredibly devastating results. This is not a personal issue with Judge Sharrett but rather a legal and procedural one.

I certify this information to be true and accurate to the best of my knowledge on this day of June 24, 2019.

\_\_\_\_\_  
Kimberly Lowe Arbouw

**CERTIFICATE OF SERVICE**

I hereby certify that on this 24th day of June 2019, a copy of the foregoing motion was sent via e-mail and U.S. mail to the following:

J. Ryan Ferry, Esq. (VSB #80353)  
Boyko Napier, PLLC  
5807 Staples Mill Road  
Richmond, VA 23228  
Phone: (804) 658-3418

\_\_\_\_\_  
Kimberly Lowe Arbouw

## **XVI. APPENDIX SIXTEEN Exemption from GAL Withholding**

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF BRUNSWICK

ROBERT JAN ARBOUW

Plaintiff

v.

CASE NO.: CL18000287-0

KIMBERLY LOWE ARBOUW,

Defendant

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### **EXEMPTION FROM WITHHOLDING, REIMBURSEMENT OF GAL FEE**

Comes now the defendant, Kimberly Lowe Arbouw, moves this Court to exempt Guardian Ad Litem Fee withholding from CHILD SUPPORT, and all other GAL fees until the court assesses parent's abilities to pay based on the submission of form DC-333. On June 21, 2019 The Hon. Judge Allen Sharrett ordered \$1000 be withheld from Mrs. Arbouw's CHILD SUPPORT payment. Further, The Hon. Judge Allen Sharrett did not award child support based on The Virginia State Guidelines which will be addressed in a separate notice.

1. \$1000 was withheld from Mrs. Arbouw's child support for the month of July 2019.

2. Mrs. Arbouw receives \$2,500 per month and is paying \$600 worth of marital credit card debt not being reimbursed or paid by Mr. Arbouw from said credit card debt.
3. Mrs. Arbouw's average monthly support in seven months has been \$1,558.72. The federal poverty guidelines for a family of four for a year in 2019 is \$25,750. Mrs. Arbouw has received \$10,911 in support in a seven month period and falls at almost 30% below the Federal Poverty Guidelines.
4. Court did not follow protocol for payment of the Guardian Ad Litem, such that: if the amount of reimbursement exceeds \$500, guardians ad litem should submit form DC-40; further, at no time was Form DC-333 offered which "facilitates the court's assessing the parents with the amount determined to be appropriate". "Financial information should be collected from the potentially responsible parties using form DC-333". It is recommended the Table to Govern the Reimbursement of GAL Fees and Expenses Using Federal Poverty Guidelines Plus 25% be used".
5. Mrs. Arbouw is not receiving the amount of child support based on income according the Virginia State Guidelines, and \$1000 was

deducted from the \$2,500 combined alimony/child support payment resulting in a payment of \$1500 which is not only under the Virginia State Guideline for Child Support, but child support was actually garnished.

6. At this time, until DC-40 is submitted and DC-333 is filled out by both parties, no payment should be made to the Guardian Ad Litem.
7. Court did not assess parent's ability to pay by having both parties submit form DC-333, thus not assessing if Mrs. Arbouw is receiving any public assistance, which would effectively dismiss Mrs. Arbouw from any portion of the costs of the GAL's services.
8. Mrs. Arbouw told the judge she was unable to pay and The Hon. Judge Allen Sharrett told Mrs. Arbouw that she is not indigent (without an actual assessment of Mrs. Arbouw's income) and she could "sell an alpaca" to pay for the GAL costs. Not only is this inappropriate, but the judge is making comments with clearly no knowledge of how many alpacas Mrs. Arbouw owns, or the value of any alpacas, or even if any alpacas are a marital or non marital asset. It should not be the place of the court to make a single mother who falls substantially below the federal poverty guidelines sell any assets that could

potentially allow Mrs. Arbouw to provide for her children, such that a GAL can be paid. Further Mrs. Arbouw owns three alpacas that were gifted to her in exchange for horse rescue transport and the value is around \$150/alpaca and there is not a sellable market for non breeding male alpacas. Any money from an alpaca comes from shearing the fiber and processing the fiber through self washing, carding, spinning, and attempting to sell as yarn or self processing into products. Alpacas are not easy money and the alpaca boom is over. Regardless, this is not how a court should conduct a decision on how parties pay for the GAL.

9. When Mrs. Arbouw told the judge she had no means to pay, she specifically asked if there was some type of financial assistance to help pay for a GAL. It would have been appropriate at that time to have followed the procedures and guidelines regarding payment of a GAL, instead Mrs. Arbouw, a single and abandoned mother of three, was disrespectfully hammered by the judge being told she had assets she could sell such as animals that the judge has absolutely no knowledge of value for. It appears the court's intention is to make

Mrs. Arbouw and the three children even poorer than their current state of poor, which falls grossly below the federal poverty guidelines.

10. Mr. Arbouw's base salary is \$98,013.96 with \$22,735.81 in further deposits in 2018 such as work related expense perks making Mr. Arbouw's income for 2018 to be \$120,749.77. However, in just January, February, and March Mr. Arbouw received \$10,272.08 in non salary deposits, which makes Mr. Arbouw's gross monthly average salary in 2019 between the months of January and March to be \$11,591.85. \$9,251.08 is non taxable income within a three month period. \$1,500/month for three children does not fall within the State Guidelines for Child Support.

Wherefore the defendant respectfully moves this Court to assess the parent's ability to pay for the GAL based on the Court-Appointed Counsel Procedures and Guidelines Manual and to exempt Mrs. Arbouw from Guardian Ad Litem payments until protocol is followed such that form DC-40 is submitted by the GAL and form DC-333 is completed by both parties. Mrs. Arbouw respectfully requests that this court reimburse Mrs. Arbouw \$1000 to be paid by Mr. Arbouw for the month of July, and award the defendant all expenses incurred with this notice, and those that

incurred as a result of only receiving \$1,500 in a month such as late bill fees and any other associated costs, as allowed by the Guidelines of the Supreme Court.

KIMBERLY LOWE ARBOUW

Kimberly Lowe Arbouw

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4779 Rawlings Road  
Rawlings, VA 23876  
(540) 529-3380

**CERTIFICATE OF SERVICE**

I hereby certify that on this 8th day of July 2019, a copy of the foregoing motion was sent via U.S. mail to the following:

J. Ryan Ferry, Esq. (VSB #80353)  
Boyko Napier, PLLC  
5807 Staples Mill Road  
Richmond, VA 23228  
Phone: (804) 658-3418

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Kimberly Lowe Arbouw

## **XVII. APPENDIX SEVENTEEN MOTION TO CONTINUE**

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF BRUNSWICK

ROBERT JAN ARBOUW  
Plaintiff

v.  
KIMBERLY LOWE ARBOUW,  
Defendant

CASE NO.: CL18000287-0

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### **MOTION TO CONTINUE**

Comes now the defendant, Kimberly Lowe Arbouw, moves this Court to move the forthcoming court date set on September 20th, 2019 to an undisclosed time until the court takes certain steps to insure the safety of the Arbouw children.

1. Judge Sharrett is determined the children will be with their father without having heard any expert testimony or abuse allegations or the wishes of the Arbouw children, or taking into account that Mr. Arbouw tried to kill the youngest child. The children's father has not seen the children in almost two and a half years and their mother is the primary caregiver.



2. Judge Sharrett is not concerned about the welfare of the children, and rather has endangered the children:
  - a. Judge Sharrett has already stated a custody outcome at a June 21st, 2019 trial, in which he yelled, “The children WILL BE WITH THEIR FATHER! This is how this is going to go Mrs. Arbouw!”.
  - b. Judge Sharrett removed a protective order issued from J&D court on April 1st, 2019 without any question as to why a protective order was necessary, and in order to lessen any consequences on Mr. Arbouw from having a protective order, with absolutely no concern for the safety of the Arbouw children.
  - c. Judge Sharrett garnished \$1000 from CHILD SUPPORT on June 21st, 2019 in order to pay for the Guardian Ad Litem retainer fee when Mr. Arbouw earns \$126,000/year, his company pays for his housing, iphone, expenses, and food, and Mrs. Arbouw is falling 30% below the Federal Poverty Guidelines having received under \$11,000 for the year. When Mrs. Arbouw asked Judge Sharrett if there was some type of

financial help from the court to help pay for the Guardian Ad Litem, Judge Sharrett suggested Mrs. Arbouw sell an alpaca not knowing how many alpacas she has or the value, instead of recommending both parties fill out form DC-333 to determine the ability to pay for the Guardian Ad Litem. Further the Guardian Ad Litem did not first submit paperwork to the court when requesting more than \$500.00.

- d. The judge orders the sell of the children's ponies they have had since they were 2 to 4 years old, and all of the children's pets when their father hasn't been responsible for paying for any of the animals in years. This is an unnecessary and beyond cruel judgement that does not consider the welfare of the children AT ALL.
- e. The judge orders the sell of the home in which the children and Mrs. Arbouw live, the same property Mr. Arbouw abandoned in the beginning of 2017, not allowing Mrs. Arbouw to purchase her own home, thus effectively forcing Mrs. Arbouw and the children to be homeless. The mortgage at the property is paid and up to date. Mr. Arbouw's name is on the mortgage, while

both names are on the deed. Judge Sharrett further states that he will make it that Mr. Arbouw does not need to be responsible for paying the mortgage, although the mortgage is solely in his name.

- f. Judge Sharrett dismisses motions without cause submitted by Mrs. Arbouw which would compel important financial information which would ensure the financial security of the children.
- g. Judge Sharrett states he wants to “lessen the financial burden on Mr. Arbouw” rather than considering the welfare of the children.
- h. Judge Sharrett attempts to completely bankrupt and financially destroy Mrs. Arbouw, thus giving the children a disastrous financial outcome, by not separating marital from non marital property when Mrs. Arbouw submitted bank account evidence, and by accepting assets from Mr. Arbouw with no evidence from Mr. Arbouw and assets not submitted in Discovery, by accepting a Proffer from opposing counsel on the day of trial instead of days before trial, by throwing out motions by Mrs.

Arbouw submitted within the correct number of days before trial, by accepting a free Zillow report submitted by Mr. Arbouw's attorney regarding the house property value, and throwing out a \$650 house appraisal by an expert submitted by Mrs. Arbouw, and by not following the laws of Virginia regarding property, and regarding gifts and ownership, thus crippling Mrs. Arbouw with tens of thousands of dollars in debt to Mr. Arbouw that doesn't exist while Mrs. Arbouw has actual debt from the marriage of \$18,000 not being paid by Mr. Arbouw

2. A motion has been filed to remove Judge Sharrett for the safety of the Arbouw children and no court date has been set at this time for an outcome of said motion to be determined.
3. Two hours is not long enough for a custody hearing involving domestic violence.
4. Relevant and critical Expert Witnesses are unable to attend on said court date which would effect the outcome and safety of the children.
5. The current Judge and Guardian Ad Litem are not trained in current domestic violence education.

6. The defendant respectfully requests the Judge on the case and the Guardian Ad Litem be trained in the following in order to insure the best outcome for children in domestic abuse custody hearings:
  - a. ACE (Adverse Childhood Experiences)
  - b. The Saunders Report: developed by the Department of Justice based on extensive research
  - c. Receive a training by Barry Goldstein ([barrygoldstein.net](http://barrygoldstein.net)), and
  - d. Read the following literature:

Domestic Violence, Abuse, and Child Custody: Legal Strategies and Policy Issues, edited by Mo Hannah and Barry Goldstein
7. The defendant, Mrs. Arbouw, is currently arranging Dr. Barry Goldstein to come to Virginia to provide training for judges, Guardian Ad Litems, health care professionals, mental health care professionals, attorneys, and social workers, etc.
8. Research shows that in 3.8% of cases that require trial (often more), a large majority (75-90%) are domestic abuse cases involving dangerous abusers, and in many cases the judge awards custody and visitation to the abuser resulting in a continuance of abuse and the death of the children involved. In the last ten years over 600

children involved in contested custody cases have been murdered, mostly by abusive fathers.

9. One of the most important findings from ACE studies shows that fear leading to stress rather than physical injury causes the most damage to abused children. Thus even supervised visitation would create more stress and fear for the children.
10. The full annual cost from domestic abuse in the United States totals around \$750 billion including the long term consequences from living with the fear and stress.
11. The Saunders study shows the biases of healthcare professionals, judges, guardian ad items, social workers, and mental health care professionals and how their bias negatively affects custody outcomes thus endangering children. Biases based on myth and mistaken beliefs lead to decisions that directly harm children. Thus the court cannot rely on counselors or mental health care providers in deciding custody.
12. As excerpted from Domestic Violence, Abuse, and Child Custody:  
“Women trapped in relationships with abusers come to expect horrendous misbehavior from their partners. What they cannot fathom

is the maddening reinforcement commonly provided to abusive men by the justice system and the public at large....**That key abuse collaborator is the custody judge.** Of all of the actors in a battered woman's life, none wield more power over her children and financial future. It is beyond infuriating when women discover that their custody judges lack understanding of DV (domestic violence) and are colluding with abusers to take away women's financial resources and, even worse, their children. (Introduction xxxiii).

13. Judge Sharrett appointed a Guardian Ad Litem to help determine custody outcome and abuse allegations. Neither have current DV training and the GAL requested the children have three months of counseling before custody was determined. The GAL specifically wants each child to have individual counseling. Research shows that counseling is not the solution. Further, counseling would interfere with the children's learning and activities because the children would need to travel an hour one way to counseling, one hour back, stay one hour, and do this three times a week at the cost of \$25 for each trip plus gas. This puts yet another financial burden on Mrs. Arbouw, costing \$75/week in co-pays and around \$100 in gas per week. The

total monthly financial burden would be around \$700/month. The GAL has not considered the logistical aspect of counseling or the financial burden on Mrs. Arbouw and the children. Further, the Saunders report clearly shows that the opinion of any counselor is biased and could result in a negative custody outcome for the children. A minimum of 12 hours per week dedicated to counseling would clearly interfere with the studies and activities that are healthy for the children.

As excerpted from Domestic Violence, Abuse, and Child Custody:

“Therapy is not the answer” 2-15

“There are many myths and misconceptions regarding DV (domestic violence). It is critical to understand what is really happening. DV is not an illness. Victims and their children, therefore, need support—not therapy. Victims need to attain safety and healing from the effects of the abuse. They need services that provide support and self-empowerment. Therefore, victims should be referred to local community DV agencies. Likewise, counseling and therapy cannot cure abusers. Battering is not caused by mental illness, although some batterers also have mental health problems. Along the same lines, DV is not caused by alcohol or substance abuse, although



some batterers who abuse their partners also abuse alcohol and/or controlled substances. Batterers need educational programs to help them understand the harm that they are causing their partners, their children, and society. Batterers need to accept responsibility for choosing to use violence and to, instead, learn to behave in a noncoercive, nonabusive manner”

WHEREFORE, the defendant, Kimberly Arbouw, respectfully requests this Court continue the upcoming court date of September 20th, to be continued to a date to be set later when expert witnesses can be present, and that the members of the court including the Judge on the case and Guardian Ad Litem receive the appropriate Domestic Violence education in order to ensure the best outcome for the Arbouw children, and that a court date first be set in order to hear the removal of Judge Sharrett for the safety of the children, and award the defendant all expenses incurred with this motion, and any other associated costs, as allowed by the Guidelines of the Supreme Court

KIMBERLY LOWE ARBOUW

Kimberly Lowe Arbouw

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4779 Rawlings Road  
Rawlings, VA 23876 (540) 529-3380

**CERTIFICATE OF SERVICE**

I hereby certify that on this 7th day of August 2019, a copy of the foregoing motion was sent via U.S. mail to the following:

J. Ryan Ferry, Esq. (VSB #80353)  
Boyko Napier, PLLC  
5807 Staples Mill Road  
Richmond, VA 23228  
Phone: (804) 658-3418

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Kimberly Lowe Arbouw

## **XVIII. APPENDIX 18 CEASE AND DESIST JUNE 17, 2020**

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF BRUNSWICK

ROBERT JAN ARBOUW

Plaintiff

v.

KIMBERLY LOWE [ARBOUW],

Defendant

CASE NO.: CL18000287-0

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### **CEASE AND DESIST**

1. It is now demanded that the Court and all of it's actors including the Judge, Judge Gill, and Ryan Ferry as Opposing Counsel, and Robert Arbouw, plaintiff, to cease their illegal activities, working outside of one's oath, and committing civil rights and constitutional violations.
2. Case No. CL18000287-0 has been moved to the Federal Court and therefore no hearing can occur as scheduled on June 26, 2020 in which the court attempts to violate the constitutional and civil rights of Ms. Lowe and her three children and continue a charade of fraud as a means to bring harm to Ms. Lowe and her three children.
3. Continuing with said court date will result in a lawsuit under 42 U.S.C. Code 1983 directed at all of those involved in order for violating the

civil and constitutional rights of Ms. Lowe and her three children, Eva, Arie, and Thijs Arbouw.

## **CERTIFICATE OF SERVICE**

It is hereby certified that a copy was hand delivered to the Brunswick County Civil Court and e-mailed to Ryan Ferry, Opposing Counsel on June 17, 2020.

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Kimberly Lowe  
4779 Rawlings Road  
Rawlings, VA 23876  
(540) 529-3380  
[kimberlynadine@icloud.com](mailto:kimberlynadine@icloud.com)

J. Ryan Ferry, Esq. (VSB #80353)  
Boyko Napier, PLLC  
5807 Staples Mill Road  
Richmond, VA 23228  
Phone: (804) 658-3418  
[jrferry@boykonapier.com](mailto:jrferry@boykonapier.com)

**XIX: In Response to Unsigned Order:**

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF BRUNSWICK

ROBERT JAN ARBOUW

Plaintiff

v.

CASE NO.: CL18000287-0

KIMBERLY LOWE [ARBOUW],

Defendant

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**IN RESPONSE TO unsigned “ORDER”  
and “Temporary Custody and Visitation Order”**

**I. REGARDING “ORDER” created by Ryan Ferry, not yet signed:**

1. First paragraph, “upon the evidence given at hearings June 21, 2019:
  - a. All evidence was based on fraud
  - b. Assets were given the day of trial not in Discovery
  - c. No due process:
    - i. Opposing Counsel did not submit Discovery
    - ii. Judge would not compel Discovery or income
    - iii. Judge would not allow witnesses

iv. Judge would not allow motions or evidence to be submitted to court

2. First paragraph “ upon this Court’s Final Decree of Divorce dated December 16, 2019”

a. Divorce is based on fraud and therefore void and voidable

3. Paragraph 4, “the Plaintiff shall be responsible for payment of one-half the deed of trust indebtedness on the property, should the Defendant continue to reside there. Should the property remain unsold by January 20, 2020, and the Defendant continue to reside there, the Plaintiff shall be relieved of any court-ordered obligation to pay such indebtedness”

a. Note Ms. Lowe was not court ordered to pay the mortgage that is not in her name.

b. The court has no jurisdiction over a mortgage contract to tell someone to not pay their mortgage and therefore created a breach of contract.

c. That Kimberly Lowe, has herself invested and with non marital property/funds, a sum of \$65,550 notwithstanding self labor from 2014-present with no set monetary value but in which a very large

monetary value does exist, and not including property equity in the property, and a \$650 appraisal. (2014 house downpayment = \$16,550, 2018 repairs = \$19,000, 2019 repairs \$30,000). Thus, Ms. Lowe is at a monetary loss of \$65,550 because the Court instructed Mr. Arbouw to not pay his mortgage and Mr. Arbouw abandoned his mortgage.

4. Paragraph 5, Joe Whitby was appointed Special Commissioner via fraud and therefore that order is void and voidable under the law:
  - i. An order to auction off the residence of Ms. Lowe and her children was snuck in in a December 16, 2019 hearing stating Ms. Lowe had seen the order when she had not and waived her signature. The judge then held the order for more than 30 days to prevent an appeal, and when Ms. Lowe attempted an appeal, the judge stopped her appeal to the appellate court.
5. Alimony of \$1,003 was based on fraud and does not reflect the Virginia code.
6. Paragraph 7, \$1,352 in child support does not follow the Guidelines for child support under the law.

7. Number 4, page 3: Mr. Arbouw's address is a hotel address and Mr. Arbouw is transient.
8. Page 5, Number 8 "There is not an order for health care coverage for spouse".
  - i. False, the Pendente Lite Order ordered Mr. Arbouw pay for health insurance for Ms. Lowe but Mr. Arbouw dropped Ms. Lowe's coverage in January 2020.
9. Page 5, Number 8, "Husband 69%, wife 31%" for unreimbursed medical and dental.
  - a. 20-108.2 D  
"in addition to any other support obligations established pursuant to this section, any child support order shall provide that the parents pay in proportion to their gross incomes, as used for calculating the monthly support obligation, any reasonable and necessary unreimbursed medical or dental expenses".
  - b. Ms. Lowe earns \$0 and Mr. Arbouw earns \$130,000, therefore Mr. Arbouw should be responsible for those costs.
10. Page 5, Number 10 and 11, and page 7, Number 17:



“The parties shall give each other and the court.....written notice, in advance, of any change of address and any change of telephone number within 30 days after the change”.

a. Virginia Code 63.20-104.1 allows confidentiality of records of persons receiving domestic and sexual violence services, thus this law supersedes access to the children’s medical records. Virginia Code 2.2-515 protects address confidentiality of victims of domestic and sexual violence.

b. Ms. Lowe and her children are members of the Virginia Address Confidentiality program and upon moving can provide the address given to reach Ms. Lowe through the ACP program.

11. Page 7 Number 1: AGREED, “Mother shall have sole legal and physical custody of the minor children”.
12. Page 7, Number 2: AGREED, “visitation with the minor children only as agreed to by the parties”.
13. Page 7, Number 3: “Mother and Father shall immediately schedule and obtain an assessment on the appropriateness of reunification therapy from Charles Hodges”

- a. Ms. Lowe attempted calling Dr. Hodges in December 2019 multiple times.
  - b. Ms. Lowe attempted to call Dr. Hodges in the week of June 15-19 and the week of June 22-26, 2020.
  - c. The children's counselor attempted to contact Dr. Hodges the week of June 15-19.
  - d. Ms. Lowe does not have health insurance to pay for said counselor.
  - e. It's unconstitutional and violates multiple civil liberties to force counseling and choose the counselor of the Court's choice (see Addendum).
14. Page 7, Number 4: "Mother and Father shall make the children available to Mr. Hodges".
- a. It is unsafe to leave the children anywhere as Mr. Arbouw poses a risk to himself and to others.
  - b. The therapy setting would not have armed guards to protect the children from being abducted and Mr. Arbouw, not being a U.S. Citizen, whom lives in a hotel, is a flight risk.

- c. The children have rights under Virginia law and have rights under the Constitution.
15. Page 8, Number 4 “Mother and Father shall each obtain a psychological evaluation for each of the minor children”
- a. Psychological Tests do not recognize domestic violence.
  - b. Psychological tests are very expensive and Ms. Lowe does not have health insurance.
  - c. Psychological tests are for mentally ill people not for healthy and happy children.
  - d. Research shows results of psychological tests are based on the bias of the test giver and usually attempt to find something wrong with a person in order to continue the false validation of said tests (see the Saunders Report, as prepared with funds by the U.S. Department of Justice.
  - e. Psychological tests are a violation of Constitutional rights. See Case Law Addendum.
  - f. The children’s counselor, pediatrician, and one of the Nation’s leading domestic violence experts all agree that there should be NO contact with their father.

- g. The Guardian Ad Litem whom made the decision for a reunification therapist did not listen to experts, rather she sided with a biased judge so she would be called back to cases under that judge so she would have a continuing income source.
  - h. Said Guardian Ad Litem is so corrupt that she took the children's child support money to pay herself.
- 16. Page 8 Paragraph 2, "Pursuant to Code 20-124.6...neither parent, regardless of whether such parent has custody, shall be denied access to academic, medical, hospital, or other health records of that parent's minor child, unless otherwise provided in this order"
  - a. Virginia Code 63.20-104.1 allows confidentiality of records of persons receiving domestic and sexual violence services, thus this law supersedes access to the children's medical records. Virginia Code 2.2-515 protects address confidentiality of victims of domestic and sexual violence.
- 17. Page 8, Paragraph 3 "Beneficiary designation"
  - a. This law has changed in Virginia and is now at the discretion of the judge.

b. The children deserve to have some type of life insurance in the event of their father's death as these policies have been paid into for years.

c. Virginia Code Section 20-111.1, the code was amended in 2012 such that the code of Virginia "made payable to a former spouse may or may not be automatically revoked by operation of law upon the entry of a final decree....existing beneficiary designations may remain in full force and effect after the entry of a final decree of annulment or divorce."

18. Page 8, last paragraph, "Final Decree" signed on December 16, 2019 is based on fraud and therefore void (see case law in Motion to Vacate).

**II. In response to "Temporary Custody and Visitation Order", as copied from an April 16, 2020 response to Ryan Ferry:**

**STATEMENT IN RESPONSE TO  
TEMPORARY CUSTODY AND VISITATION ORDER**

I, Kimberly Lowe, am hereby attaching this written statement to an order composed by Ryan Ferry titled "Temporary Custody and Visitation". Note that previously several orders Kimberly Lowe had never seen were signed

by the judge and waived Kimberly Lowe's signature stating she had seen the orders when she had not. If this order is addressed in a telephone hearing on April 22, 2020, there is no way of knowing what actual document is being submitted to the judge as opposing counsel has snuck in several documents (fraud) without Kimberly Lowe ever having seen them. Still to this date there is no written order for child support and alimony outside of a Pendente Lite Order. A copy is therefore also being submitted to the Brunswick County Clerk's Office. I did not agree to a telephone hearing. A telephone hearing goes against the Governor's Executive orders as this is a non emergency and there is no way to check documents going to the judge in a case that has been riddled with broken laws and constitutional violations.

I, Kimberly Lowe, full heartedly agree 100 % to Kimberly Lowe having sole full legal and physical custody, but NOT temporary. The rest of this document goes against Virginia Supreme Court rulings and are outdated practices and go against the law and The Constitution. Firstly, jurisdiction of the court has already been questioned and the court cannot continue as all questions of jurisdiction must be heard at a higher court (see previously

submitted court motion questioning jurisdiction with case law citations). Secondly, forced psychological testing and forced therapy (and so far as to have the court choose a specific therapist) is highly unconstitutional (see case law citations in previously submitted court document challenging jurisdiction). Research has also shown that psychological tests are not useful, they are used for mentally ill people and not for healthy children or mothers, they do not detect domestic violence, and they are riddled with bias from healthcare professionals (see The Saunders Study). Thirdly, the Supreme Court has already ruled that **judges cannot delegate judicial decision making power in child custody cases to outside professionals** ([Outside professionals included counselors such as a reunification therapist and a Guardian Ad Litem]; Bonhotel v Watts No. 0040-16-3, 2016 VA. App. LEXUS 327, at \*8. 2016). Non parties also hold no jurisdiction of the court. Fourthly, the Virginia Supreme Court has already ruled that a Guardian Ad Litem cannot oneself rule on the visitation and custody (Reilly v. Reilly No. 1369-2, 2016 VA App. LEXIS 343. 2016), which therefore makes prior written orders void regarding wording that assigns the GAL to determine such matters. And lastly, the court provided NO due process and the entire divorce hearing was riddled with perjury,

forgery, fraud, conspiracy, larceny, breach of contract, racketeering, and continual constitutional violations. The court has only set up financial harm on children and induced trauma by attempting to reunify children with an abuser who has not seen them since the beginning of 2017, when experts including the children's counselor, the children's pediatrician, and one of the nation's leading domestic violence experts, have specifically stated there should be NO contact with their abuser. The court refused to hear statements from actual experts but instead chose to delegate to their own chosen experts. But the law has already been decided and as such this document is void other than giving Kimberly Lowe full sole physical and legal custody of the children.

The Virginia Code makes it CLEAR that the the practice of delegating child custody decisions should have been dispensed with a long time ago and many other states have banned the practice for years. Delegation is simply a cultural relic of Virginia trial courts that has never had any legal basis. It is with this document that I, Kimberly Lowe, reserve all of my rights without prejudice UCC 1-207. I, Kimberly Lowe, agree fully to Kimberly Lowe having sole full legal and physical custody, but NOT temporarily.



Pursuant to Code 20-124.5, at NO point has Mr. Arbouw EVER stated his living arrangement, address or location while he has actively stalked his family, and has been a domestic violence abuser, and poses a risk to Kimberly Lowe and the children. This question has been asked in Discovery and opposing counsel at no point answered this question. Virginia Code 63.20-104.1 allows confidentiality of records of persons receiving domestic and sexual violence services, thus this law supersedes access to the children's medical records. Virginia Code 2.2-515 protects address confidentiality of victims of domestic and sexual violence.

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Kimberly Lowe - only agreeing to part of ONE item as mentioned above, which is number 1 in this document composed by Ryan Ferry

Date: 4/16/2020

In conclusion, there are too many faults with all documents submitted to Court by Ryan Ferry to be signed as is including "Order", "Supplemental Order of Special Commissioner", and "Temporary Custody and Visitation Order".

May Justice Prevail,

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Kimberly Lowe  
4779 Rawlings Road  
Rawlings, VA 23876  
kimberlynadine@icloud.com  
(540) 529-3380

### **APPENDIX to “Order” CASE LAW**

A. Forcing children to see their abuser/father is a clear violation of their constitutional rights and as Virginia is one of the states leading the rest of the nation on parental and child rights, the House of Delegates specifically put forth legislation to protect and give rights to children.

i. In 2013, the Virginia Supreme Court found that parents have Fundamental Liberty interests in the care, custody, and control of their child. They also found that a child has liberty interests in establishing relationships with their parents, as stated in 2013 LF v. Breit, Virginia State Supreme Court such that “Although our analysis in this case rests on Breit’s constitutionally

protected rights as a parent, we recognize that children also have a liberty interest in establishing relationships with their parents”; thus the Arbouw children have the right of choice and have a voice and this court has violated their rights.

- B. Right to free association and right to exercise under the First Amendment supersede a court from depriving either parent’s or the child’s rights without due process measured by a scrutinized standard.
- a. The only time in which a court has the right to enact *parens patriae* is in the case of a question of fitness of one parent, which in this case there is a question in parental fitness for Mr. Arbouw.
  - b. Absent a constitutionally appropriate finding that Mrs. Arbouw is unfit, the court is without jurisdiction to deny or limit rights of a parent.
  - c. Mrs. Arbouw can assert her 4th amendment right to be free from unwarranted search into her fitness as a parent, and unwarranted decisions on the Arbouw children, and her rights to parent her children.
    - i. Forced psychological tests and forced counseling categorize as a 4th amendment right violation.

d. Further the Fifth amendment prevents the deprivation of “life, liberty, or property, without due process of law”. *Santosky v. Kramer*, 455 U.S. 745, (1982), reflected the “Court’s historical recognition that freedom is personal choice in matters of family life is a fundamental liberty interest of natural parents in the care, custody, and management of their child”.

C. The state lacks jurisdiction regarding decisions in visitation, such that the U.S. Supreme Court has ruled the following:

a. There is a presumption that parents act in their children’s best interests, *Parham v. J.R.*, 442 U.S. 584, 602

b. there is normally no reason or compelling interest of the state to inject itself in the private realm of the family to further question a parent’s ability to make the best decisions regarding their children.

*Reno v. Flores*, 507, U.S. 292, 304.

c. The state may not interfere in child rearing decisions when a parent is available. *Troxel v. Granville*, 530 U.S. 57 (2000).

d. A judge or attorney such as a Guardian Ad Litem dishonoring oath and working outside of constitutional bounds, is no longer covered by bond and are operating in their own capacity, at their own will, and

are therefore no longer immune, and by forcing psychological tests, forced therapy by the therapist of their choice, and forced visitation with an abusive parent when the children have explicitly stated they want no contact, then that judge and Guardian Ad Litem are working outside of constitutional perimeters and hold no jurisdiction. Such that “ Courts are constituted by authority and they cannot go beyond that power delegated to them. If they act beyond that authority, and certainly in contravention of it, their judgements and orders are regarded as nullities; they are not voidable, but simply void, and this even prior to reversal”. Williamson v. Berry, 8 HOW. 945, 540 12 L.Ed 1170, 1189 (1850) and “a judgment obtained without jurisdiction over the defendant is void” Overby v Overby, 457 S.W. 2d 851 (Tenn. 1970), Volume 20; Corpus Juris, Section 1785.”

- D. An appeal of an order based on fraud and lack of jurisdiction was prevented thus further degrading constitutional rights:
  - a. Two orders were held for more than thirty days by the judge and never reached the Clerk’s office until 31 days after the judge signed.
  - b. Neither order was seen by Mrs. Arbouw and her signature was waived.

c. Both orders were based on fraud.

d. When Mrs. Arbouw filed an Intent to Appeal and Bond, a personal letter was sent to Mrs. Arbouw, opposing counsel, and the Guardian Ad Litem, stating the “final decree” was not final yet the divorce was in actuality “final”, and according to the judge the order could not be appealed because it was not final.

e. The court lacks jurisdiction over property and children and constitutional rights supersede the decisions of the court.

f. “A court cannot confer jurisdiction where none existed and cannot make a void proceeding valid. It is clear and well established law that a void order can be challenged in any court”. Old Wayne Mut. L. Assoc. v. McDonough, 204 U.S. 8, 27 S.Ct. 236 (1907).

g. “A universal principle as old as the law is that a proceedings of a court [or the charging entity] without jurisdiction are a nullity and its judgement therein without effect either on person or property” Norwood v. Renfield, 34 C 329; Ex party Giambonini 49 P. 732

E. Regarding Jurisdiction over Divorce and Custody:

- a. Neither divorce of the best interests of the child standard gives divorce court constitutional authority to diminish parental rights for the parent that is not in question.
- b. Divorce does not give the divorce court authority to invade the constitutional realm of family privacy between parent and child except for the parent whom is the alleged abuser.
- c. Appearing in divorce court is not a request for a court to take over your parental decision making authority.
- d. Fighting for your constitutional parental rights does NOT make you a bad parent.
- e. Divorce does not give mental health care professionals permission to substitute their opinions for those of the non abusive parent.
- f. Divorce court is NOT an opportunity for the divorce court to force either parent to conform to societal norms beyond following the law just like everyone else, as there is a CLEAR and large bias held by the Guardian Ad Litem regarding homeschool and living on a farm in the country as opposed to conforming and having children attend public school and go to thousands of after school activities which cost a substantial sum of money. The Guardian Ad Litem in this case

might as well send a message to everyone in her area, that the state is coming for all the children growing up on farms in the country and those whom are homeschooled. In particular the Guardian Ad Litem spoke saying “I’m concerned for the children because they are isolated and with their mother all the time”. Oh, the horror, of living life in the country with a parent whom loves and cares for them and the bias exhibited by this statement not understanding that just because you live in the country and are homeschooled definitely does not mean you are isolated!

g. Divorce is NOT an opportunity for the Court to deny the child or fit parent their First Amendment rights or any other constitutional right.

h. The Supreme Court in its opinions supports the assertion that divorce is NOT one of the narrowly defined instances in which the State can intervene to overrule parents on the care, custody, or control over children

i. The Court cannot simply assume that it has authority to rule based on the child’s best interest, it first has to establish it’s authority to act against a parent who is assumed by law to be fit, and due to Supreme Court precedents, it cannot now be doubted that the due



process clause of the 14th Amendment protects the fundamental right of parents to make decisions concerning the care, custody, and control of their children, except for the parent whom is an abuser. But this Court does NOT hold the right or jurisdiction over Kimberly Lowe.

j. Our country was founded on individual liberties, NOT the power of the State, and as such state needs must be forgone if they impose on a Fundamental Liberty Interest.

k. The only time at State can intervene is the question of an unfit parent, as with Mr. Arbouw, not with Mrs. Arbouw, and even then there has to be a strict level of scrutiny and due process as the Supreme Court has asserted it's opinions. The state must have a compelling interest, the law or policy must be narrowly tailored, and the law or policy must be the least restrictive means of achieving the policy. The state can only the enact Parens Patriae Doctrine as LAST RESORT and a divorce proceeding cannot be construed as sufficient to meet the Due Process bar for being an unfit parent. However, the State can intervene with a parental right if the parent's decisions jeopardize the health or safety of a child which is the case for Mr. Arbouw, not Mrs. Arbouw. Divorce is not a compelling factor to

determine visitation or custody or force psychological tests or counseling for the parent not in question.

l. The 5th Amendment states “Nor shall any person be....deprived of life, liberty, or property, without due process of law and the 4th Amendment includes the same words and applies them for the first time to individual States such that “nor shall any State deprive any person of life, liberty, or property, without due process of law”.

m. Divorce Court cannot act in the child’s best interest when it denies the child’s constitutional rights.

n. The State has a legitimate *parens patriae* interest where there are NO fit parents, however, Mrs. Arbouw is a fit parent thus *parens patriae* does NOT apply.

l. Supreme Court rulings:

i. *Eisenstadt v. Baird* (1972), “It is true that in *Griswold* the right of privacy in question inhered in the marital relationship. Yet the marital couple is not an independent entity with a mind and heart of its own, but an association of two individuals with a separate intellectual and emotional makeup. If the right of privacy means anything, it is the right of the individual, married, or single, to be free from unwarranted

governmental intrusion into matters so fundamentally affecting a person as the decision whether to bear or beget a child”.

ii. Griswold 1965: “The principles laid down in this opinion affect the very essence of constitutional liberty and security. They reach farther than the concrete form of the case before the court, with its adventitious circumstances; they apply to all invasions on the part of the government and its employees of the sanctity of a man’s home and the privacies of life. It is not the breaking of his doors, and the rummaging of his drawers, that constitutes the essence of the offence [offense]; but it is the invasion of his indefeasible right of personal security, personal liberty, and private property; where the right has never been forfeited by his conviction of some public offence [offense]—it is the invasion of this sacred right which underlies and constitutes this essence of Lord Camden’s judgement”.

iii. Stanley v. Illinois (1972) - Parental rights are “private interests”, and in this Court case, the Court made it clear that the State may NOT define the term parent in a way to arbitrarily deny parental rights to a biological parent and divorce courts may not constitutionally

apply a label “divorced” to parents and use that to deny parental rights.

iv. Meyer v. Nebraska (1923) - right attaches to the individual such that “While this Court has not attempted to define with exactness the liberty thus guaranteed, there term has received much consideration and some of the included things have been definitely stated. Without doubt, it denotes not merely freedom from bodily restraint, but also the right of the individual to contract, to engage in any of the common occupations of life, to acquire useful knowledge, to marry, establish a home and bring up children, to worship God according to the dictates of his own conscience, and generally to enjoy those privileges long recognized at common law as essential to the orderly pursuit of happiness by free men”.

v. All people are created equally under the law, including divorced parents and divorced parents should be protected as “suspect class” under the Equal Protection Clause, and as such disagreements between parents is not sufficient grounds to deny parental rights except for Mr. Arbouw as he is a threat to the children and Mrs.

Arbouw's right not to have bodily harm and right of the liberty for the children to choose.

vi. *Loving v. Virginia* 1967), Equal Protection is extended to marriage, "The Fourteenth Amendment....under the Constitution, the freedom to marry, or not marry, a person...resides with the individual, and cannot be infringed by the State".

vii. With regards to invasion of home to do a "home check" or "house study" by a Guardian Ad Litem, and forcing psychological tests and counseling, the Fourth Amendment explicitly affirms the "right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures" and the Fifth Amendment, in its Self Incrimination Clause, enables the citizen to create a zone of privacy which government may not force him to surrender to his detriment, and the Ninth Amendment provides "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people (*Griswold v. Connecticut* 1965)". The sheer cost of the forced psychological tests and counseling is an infringement of rights. Undue burdens are placed when the court continually brings parents

back to court hearing after hearing, forcing parents to spend money on Guardian Ad Litem, forced tests, and forced counseling.

viii. Casey v. Planned Parenthood South Eastern Pennsylvania - ruled the State may NOT introduce legislation or administrative procedures that unduly interfere with the exercise of Fundamental Liberty, in other words the State may not use backhanded or “sneaky” tactics to undermine a person’s ability to exercise a fundamental right. When the State makes the exercise of Parental Rights subject to severe administrative burdens, the State acts without constitutional authority; and adult privacy rights must be protected with strict scrutiny.

ix. Children as individuals have rights that deserve protection such that they have a right to free association with their natural family, and a right to know and incorporate into themselves the religious, cultural, and social traditions of their family, and when the State intervenes in the custody rights of a fit parent, it also intervenes in the natural rights of the child.

x. The Divorce Court cannot grant parental rights to the natural parent, only God and nature can do that.

xi. *Smith v Organization of Foster Families* (1977) - the importance of the familial relationship, to the individuals involved and to the society, stems from the emotional attachments that derive from the intimacy of daily association, and from the role it plays in “promoting a way of life” through the instruction of children, as well as from the fact of blood relationship. (1st amendment, freedom of association).

xii. *Wisconsin v. Yoder* (1972) - (1st amendment - freedom of religion, expression, and association) - The duty to prepare the child for “additional obligations”, referred to by the Court, must be read to include the inculcation of moral standards, religious beliefs, and elements of good citizenship. This case involves the fundamental interest of parents, as contrasted with that of the State, to guide the religious future and education of children. Thus forced associations and forced counseling or testing is purely unconstitutional. This case also points to the fact that an unfit parent, as in the case with Mr. *Arbouw*, loses that 1st amendment privilege “To be sure, the power of the parent, even when linked to a free exercise claim, may be subject to limitation under *Prince* if it appears that parental decisions will jeopardize the health or safety of a child, or have a potential for

significant burdens". Clearly endangering the lives the Arbouw children and forcing the Arbouw children into counseling with their abuser is a significant social burden.

xiii. *Rotary International v. Rotary Club of Duarte* (1987) - The first amendment protects those relationships, including family relationships, that presuppose "deep attachments and commitments to the necessarily few other individuals whom one shares not only a special community of thoughts, experiences, and beliefs, but also distinctively personal aspect's of one's life".

xiv. *Meyer v. Nebraska* - the State may not, consistently with the spirit of the First Amendment, contract the spectrum of available knowledge. The right of freedom of speech and press includes not only the right to utter or to print, but the right to distribute, the right to receive, the right to read and freedom of inquiry, freedom of thought, and freedom to teach. The right to educate one's children as one chooses is made applicable to the States by the 1st and 14th Amendments. Thus the presumption is that forced counseling is unconstitutional.



xv. Prince v. Massachusetts (1944) - not only is religious freedom protected but the freedom to share political beliefs, moral beliefs, personal biases, and all secular thought, of age appropriate nature, with your child. Thus the Court cannot use Guardian Ad Litem bias against Mrs. Arbouw and use her bias as a reason to force psychological tests or counseling.

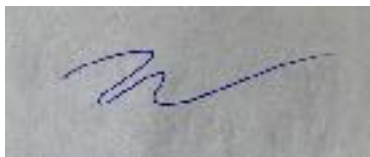
xvi. The Court is not immune from Constitutional restraints, the Court cannot infringe or deprive you of a constitutional protection without being able to prove that they had the right to do this, and the Court is not immune from the requirement to demonstrate probable cause. If the Court wants to impose the invasion of psychological tests, a home study, or invasive counseling, then the Court MUST issue a warrant that can then be appealed under constitutional grounds or it MUST produce a U.S. Supreme Court opinion that gives them an exception, otherwise, it is a blatant disregard for the Constitution itself. In Boyd v. United States (1886), the Supreme Court ruled “any compulsory discovery by extorting the party’s oath, or compelling the production of his private books and papers, to convict him of crime or to forfeit his property, is contrary to the principles of a free

government. It is abhorrent to the instincts of an Englishman; it is abhorrent to the instincts of an American. It may suit the purposes of a despotic power, but it cannot abide the pure atmosphere of political liberty and personal freedom”.

xvii. Cf. *Chicago v. Morales* (1999), when applied to judges, divorce court does not give judges sweeping and unconstrained discretion, and Justice Breyer notes when addressing police discretion: “The ordinance is unconstitutional, not because a policeman applied this discretion wisely or poor in a particular case, but rather because the policeman enjoys too much discretion in every case. And if every application of the ordinance represents an exercise of unlimited discretion, then the ordinance is invalid in all its applications”.

## **CERTIFICATE OF SERVICE**

It is hereby certified that a copy was hand delivered to the Brunswick County Civil Circuit Court on June 23rd, 2020 and e-mailed to Ryan Ferry Opposing Council on this 23rd day of June, 2020.

A handwritten signature in blue ink, appearing to be 'K. Lowe', on a light-colored background.

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Kimberly Lowe  
4779 Rawlings Road  
Rawlings, VA 23876  
[kimbrynadine@yahoo.com](mailto:kimbrynadine@yahoo.com)  
(540) 529-3380

J. Ryan Ferry, Esq. (VSB #80353)  
Boyko Napier, PLLC  
5807 Staples Mill Road  
Richmond, VA 23228

Phone: (804) 658-3418  
[jrferry@boykonapier.com](mailto:jrferry@boykonapier.com)

**XX. In Response to Signed Order from June 26, 2020**

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF BRUNSWICK

ROBERT JAN ARBOUW  
Plaintiff

v.  
KIMBERLY LOWE [ARBOUW],  
Defendant

CASE NO.: CL18000287-0

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**IN response to signed “Order” from June 26, 2020**

On June 26, 2020, a hearing was held in the Brunswick General District Court despite the request for a judicial recusal and the filing of a Cease and Desist. In this hearing Judge Gill refused to hear motions including a motion to vacate a decree based on fraud and a motion titled “Alimony/ Child Support” to determine alimony according to the law. Out of judicial retaliation, Judge Gill removed support from Ms. Lowe and her three children, signed an order to remove Ms. Lowe and the children as life

insurance beneficiaries despite the Virginia law change allowing the beneficiary to stay the same after divorce, forcing Ms. Lowe and her children to obtain psychological exams when VA code does not give the judge authority to order psychological tests for children and in violation of constitutional rights and civil liberties, orders that Ms. Lowe give her abuser, Mr. Arbouw, her address when she moves, despite VA codes that protect Ms. Lowe and her children and Ms. Lowe and her children are part of Virginia's Address Confidentiality Program, and despite issues in divorce and custody being settled, the court refuses to sign a final order so that Ms. Lowe can receive rights and support under the law under normal procedures. Further, Judge Gill badgered Ms. Lowe to try to get her to violate her constitutional rights and civil liberties and was told by Judge Gill that he would walk her down to the jail if she did not comply, and also said he was making the order temporary so it could not be challenged, and told Ms. Lowe she would be seeing a lot of him. Such that:

1. A hearing was held in the Brunswick County Civil Court on June 26, 2020 with clear intent to bring harm to Ms. Lowe and her three children out of judicial retaliation.

2. A Cease and Desist was sent on June 17, 2020 to request the court stop their illegal activities including civil rights and constitutional rights violations.
3. A judicial recusal was also sent on June 17, 2020 making note of judicial canons being broken.
4. The court has been made aware continually of intrinsic and extrinsic fraud, fraud on court, perjury, forgery, obstruction of justice, conspiracy, tortious interference of a contract, intent to harm, 1st, 4th, 5th, 9th, and 14th amendment rights violations, and civil liberty violations including Title 18, U.S.C. Section 241, Conspiracy Against Rights, Title 18, U.S.C. Section 242, Deprivation of Rights Under the Law, Title 42 U.S.C., Section 3631, Criminal Interference with the Right to Housing.
5. The judge has partaken in abuse of discretion and did not allow Ms. Lowe to present a Motion to Vacate on an order based on fraud, this allowing the fraud to continue, and would not hear a motion "Alimony/ Child Support" to hear alimony and support according to the law.
6. The court will not hear motions on support including those submitted to the court in in July of 2019.

7. Despite Ms. Lowe clearly stating in court that the Combined Support Worksheet has Ms. Lowe's income being \$3,337 when her actual income is \$0, and Mr. Arbouw's actual income is around \$12,000/month not \$8,416/month, the court would not change the child support amount.
- a. Ms. Lowe politely requested the judge give child support under the Virginia code and guidelines for the children but was denied.
  - b. Ms. Lowe stated she has homeschool costs of \$700/month, braces for her daughter which cost \$6,000, lives in the same large house Mr. Arbouw abandoned her and the three children of the marriage and still has associated bills until the home goes to auction, and Ms. Lowe was left with all of the marital credit card debt, which nears \$1000/month.
  - c. Ms. Lowe submitted two motions in July of 2019 for the court to address child support and alimony and was denied.
  - d. The court did not follow Virginia codes in determining alimony or child support and refused to accept bank statements to show Mr. Arbouw's actual income.

- i. Mr. Arbouw would not cooperate in giving Discovery and the court did not Compel Mr. Arbouw to give Discovery.
  - ii. Mr. Arbouw withheld his actual income in order to purposefully defraud Ms. Lowe and the three children of the marriage.
- 8. The court would not follow the Virginia code on spousal support and terminated any support to Ms. Lowe when VA code 20-107.1 F. states “In contested cases in the circuit courts, any order granting, reserving or denying a request for spousal support shall be accompanied by written findings and conclusions of the court identifying the factors in subsection E which support the court’s order. If the court awards periodic support for a defined duration, such findings shall identify the basis for the nature, amount and duration of the award and, if appropriate, a specification of the events and circumstances reasonably contemplated by the court which support the award.
  - a. The court not only would not hear motions regarding 20-107.1E, and did not include written findings in their determination of lack of support despite Ms. Lowe requesting support under the law.
- 9. The court would not follow Virginia laws:
  - A. Life Insurance Beneficiary



i. Judge Gill ordered the “Order” as composed by Ryan Ferry stand as is and Mr. Arbouw does not have to keep Ms. Lowe or the children as beneficiary of life insurance policies.

ii. Ms. Lowe stated the Virginia code and argued she would happily pay the life insurance policies in order to maintain them and respectfully requested several times if Ms. Lowe could please maintain the policies for the children such that the children would have something in the event that something happened to their father and Ms. Lowe also stated she had been paying into them for a long time.

iii. Page 8, Paragraph 3 “Beneficiary designation”

a. This law has changed in Virginia and is now at the discretion of the judge.

b. The children deserve to have some type of life insurance in the event of their father’s death as these policies have been paid into for years.

c. Virginia Code Section 20-111.1, the code was amended in 2012 such that the code of Virginia “made payable to a former spouse may or may not be automatically revoked by operation of law upon the

entry of a final decree....existing beneficiary designations may remain in full force and effect after the entry of a final decree of annulment or divorce.”

B. Address Confidentiality

i. The court order is forcing Ms. Lowe to give her address to the abuser of her and her three children, despite Ms. Lowe being protected under law and despite Ms. Lowe stating the code multiple times in the hearing, including explaining what an ACP program is, and if Ms. Lowe did not comply the judge said he would put her in jail.

ii. The order states “Page 5, Number 10 and 11, and page 7, Number 17:

“The parties shall give each other and the court.....written notice, in advance, of any change of address and any change of telephone number within 30 days after the change”.

a. Virginia Code 63.20-104.1 allows confidentiality of records of persons receiving domestic and sexual violence services, thus this law supersedes access to the children’s medical records. Virginia Code 2.2-515 protects address confidentiality of victims of domestic and sexual violence.

- b. Ms. Lowe and her children are members of the Virginia Address Confidentiality program and upon moving can provide the address given to reach Ms. Lowe through the ACP program.
- c. One must already be receiving services from a domestic violence program and a process is done to determine eligibility of the ACP program.

### C. Psychological Exams

- i. There is not a single law in Virginia that allows a judge under law to order psychological exams for children.
- ii. Despite custody already being determined, the judge ordered a psychological test for Ms. Lowe.
- iii. Virginia Code 16.1-278.15H. "In any proceeding before the court for custody or visitation of a child, the court may order a custody or a psychological evaluation of any parent, guardian, legal custodian, or person standing in loco parentis to the child"
- iv. The court already determined custody and there is no statute or procedure to suggest a psychological test to children.

v. The judge said he would jail Ms. Lowe unless she had psychological exams done on herself and the children WITH the evaluator of opposing counsel's choice.

a. Ms. Lowe argued that psychological tests are for mentally ill people and not healthy children and respectfully asked the court multiple times to leave the children alone as they are so happy and not put them through so much trauma and Ms. Lowe had already scheduled an appointment for reunification therapy so psychological tests are expensive and unnecessary.

b. Ms. Lowe stated that the Saunders report funded by the NIH states these tests attempt to find something wrong and the result is based on the bias of the evaluator.

c. Ms. Lowe argued forced testing is a violation of constitutional rights and a violation of civil liberties.

d. Regardless, under the law a judge may not force order psychological tests, and no judge should threaten to jail a single mother who was abandoned by her abusive husband whom has continually committed crimes against Ms. Lowe and Ms.

Lowe is an active participating member of her community as an outstanding citizen.

e. Judge Gill screeched over and over again to force Ms. Lowe to agree to forced psychological exams and Ms. Lowe said she could not lie that it was unconstitutional and a violation of their civil liberties yet the judge said he would walk Ms. Lowe to jail if she did not agree.

10. The “Order” was made temporary in order to prevent Ms. Lowe from receiving relief and out of judicial retaliation and the judge badgered Ms. Lowe over and over and over again trying to make her agree to not follow the law and violate the civil liberties and constitutional rights of her and her children.

a. Judge Gill said if Ms. Lowe did not agree to forced psychological exams with the provider of opposing counsel’s choice (the same opposing counsel who has committed major crimes against Ms. Lowe to bring harm to her and her children), then he would walk Ms. Lowe right to jail.

b. Judge Gill said Ms. Lowe would be seeing him again and again and they would continue to pull Ms. Lowe into court.

- i. All decisions regarding divorce have been decided (all fraudulent with no due process) yet the court refuses to release Ms. Lowe from court.
    - ii. Ms. Lowe has never set a single hearing and the judge and opposing counsel forced court on Ms. Lowe twice in June and to come back in August.
  - c. Ms. Lowe's husband abandoned her and her three children at the beginning of 2017 and in the summer of 2018 filed for divorce and Ms. Lowe has been in litigation stuck in Civil Court since 2018 despite all decisions regarding divorce having been made.
  - d. Two orders were made and both made temporary in order to keep Ms. Lowe in court due to judicial retaliation and when Ms. Lowe attempted to appeal a "Final Order" signed on December 16, 2019, Judge Sharrett personally sent out a letter stating it was not appealable because it was not final.
11. There was no due process.
- a. Judge Gill would not hear a motion submitted by Ms. Lowe to consider factors in determining alimony and child support, very similar

to the motion submitted in July of 2019 which was also denied by Judge Sharrett.

b. Judge Gill refused to hear a Motion to Vacate on the “Final Order” signed on December 16, 2019 which was based on fraud and therefore void and voidable.

c. The judge would not overturn any orders by Judge Sharrett despite hearing very clear evidence that the information was false, particularly the support guidelines calculation which had Ms. Lowe’s income as \$3,337 when her income is \$0 and Mr. Arbouw’s income \$4,000 less than it actually is.

11. Opposing Counsel, Ryan Ferry, continued to commit fraud on court:

a. Ryan Ferry lied saying Ms. Lowe should have not just now in June 2020 submitted a motion on child support and alimony when Ms. Lowe had tried submitting two motions in 2019 which were denied.

b. Ryan Ferry lied saying there was no protective order when Ms. Lowe received a protective order in J&D court but it was thrown out in Civil Court because Judge Sharrett wanted to “not harm Mr. Arbouw’s record”.

c. Ryan Ferry told the court there was no evidence of abuse by Mr. Arbouw when Ms. Lowe has testimony of the children, their pediatrician, their counselor, their case worker with the Southside Center for Violence Prevention, and that of one of the nation's leading domestic violence experts

d. Ryan Ferry lied continually and once a transcript is received that can be documented.

12. With the signed order Ms. Lowe lost her no contact order placing the lives of herself and her children at risk.

13. Judge Gill acted in judicial retaliation:

a. Judge Gill was sent a Cease and Desist and a pleading to make note of the judicial canons not followed before the June 26, 2020 hearing and a judicial recusal.

b. In retaliation, Judge Gill refuses to release Ms. Lowe from Civil Court, removed all of her support to her and the children, and punished Ms. Lowe by forcing unnecessary psychological tests and threatening to place Ms. Lowe in jail.

14. Ms. Lowe wrote on the Order:



a. Under Seen and: “based on fraud, violations of federal civil liberties, no due process, and not following the law. With this document, I Kimberly Lowe, reserve all of my rights without prejudice UCC-1-207.1 I Kimberly Lowe (signed) do not agree with this document.

b. “This order is based on fraud and therefore void and voidable under the law. This order does not follow the VA support guidelines for alimony or child support. This does not follow the law for code 63.20-104.1 and 2.2-515 to protect record and address confidentiality. This court would not hear “Alimony/Child Support” and would not hear the motion “Motion to Vacate in which the law and Supreme Court cases are referenced regarding void and voidable orders. This court violated 1st, 4th, 5th, 9th, and 14th amendment rights and the court’s jurisdiction was already challenged so they lacked jurisdiction to proceed. The Court committed crimes under the color of the law as did opposing counsel and Mr. Arbouw and the GAL. Federal Violations: Title 18 USC Section 241 Conspiracy Against Rights, Title 18 Section 242 Deprivation of Rights Under Color of Law, Title 42 USC Section 3631 Criminal Interference with Right to Housing. VA has a child and parental rights ruling, LF v. Brett which gives

parents and children liberty interests. The Court was notified of fraud continuously but the court moved forward. These orders and this order is null and void under the law and VA Supreme Court Rulings - See Motion to Vacate submitted on 6/9/2020, jurisdiction challenge, and "In response to unsigned 'Order'" and "Temporary Custody and Visitation Order". I was threatened to be placed in jail if I did not violate by own civil liberties and that of my children. There has been conspiracy, malfeasance, fraud, perjury, forgery, obstruction of justice, tortious interference of a contract, breach of contract, fraud, extrinsic and intrinsic fraud, fraud on court, false pretense, intent to harm, no due process, threats to be jailed for daring to file a motion with the court and the Court garnished child support to the children to pay the Guardian Ad Litem. There was no law, no court procedures, major civil rights and constitutional rights violations. There is a BIG paper trail with the Attorney General, Senators, Delegates, FBI, State Police, private investigators, and civil rights groups. Peet v Peet 16 Va App 323 (1993) "A Judgement obtained by fraud is void and subject to attack" but court would not hear motion to vacate or orders [motions] submitted by Ms. Lowe. Supreme Court allows attacks on void judgements at any time but court refused to hear, 1994 Kelley v. Kelley 248 VA 295, 1997 Steinburg


v Steinburg Va Ct App 2357-96-2. An order which is void is a nullity, 2012 Amin v County of Henrico 61 Va App 67. A decree entered without pleadings in void, 1935 Potts v Matheson Hors 165 VA 196. Where there are no depositions, admissions, or affidavits, the court has no facts to rely on summary of determination, Trinsey v. Pagliero D.C. Pa 1964 229 F Supp 647. Motions never accepted by Ms. Lowe. Federal law states one not need appeal, rather such judgements are nullities, not voidable, but null - a party affected by a void judgement need not appeal, State ex v Lady 907 S.W. 2nd at 486. Fed rulings state that a void judgement is a nullity from the beginning and is attended none of the consequences of a valid judgement, State ex Latty 907 S.W. 2d at 486. Federal rules it is the court's responsibility to correct a void judgement but this court will not, Cadanasso v Bank of Italy, p 569. There is a large paper trail of motions to argue the fraud from this court. Violation of civil liberties to force children to be with their abuser, to force psychological tests, and force therapist of their [opposing counsel] choice. Children have rights under the VA law and constitution. May Justice Prevail."

In conclusion, the court conspired against Ms. Lowe and acted in judicial retaliation, continued to defraud Ms. Lowe, Ryan Ferry, opposing counsel continued to commit fraud on court, and Ms. Lowe was robbed on life insurance policies which had been paid into for many years, lost all alimony, was ordered child support not under the Virginia State Guidelines, falling well below those guidelines, and the lives of herself and her children's are at risk being forced to give their abuser their address, forced to do biased psychological tests with the evaluator of the crooked opposing counsel's choice, and to be forced into reunification therapy with their abuser despite the children's counselor, pediatrician, and one of the nation's leading domestic violence expert's opinion that there should be no contact with their abuser, Mr. Arbouw. Ms. Lowe faces being in jail when Ms. Lowe has broken no laws, was not provided protection under the law, and fraud and criminal activity was encouraged by Judge Gill and Judge Sharrett bringing massive financial harm to Ms. Lowe. Ms. Lowe has loss of home, almost \$45,000 in attorney fees, and \$153,000 in financial loss, and no alimony despite having been a stay at home mom since 2005 having raised three children while Mr. Arbouw provided for the family and then

abandoned his family. Ms. Lowe demands safety for that of her and her children and alimony and child support under the law.

### **CERTIFICATE OF SERVICE**

It is hereby certified that a copy was hand delivered to the Brunswick County Civil Circuit Court on July 3, 2020 and e-mailed to Ryan Ferry Opposing Council on this 3rd day of July, 2020.

A rectangular area containing a handwritten signature in blue ink. The signature is stylized and appears to be a cursive 'M' followed by a horizontal line.

Kimberly Lowe  
4779 Rawlings Road  
Rawlings, VA 23876  
[kimbrynadine@yahoo.com](mailto:kimbrynadine@yahoo.com)  
(540) 529-3380

J. Ryan Ferry, Esq. (VSB #80353)  
Boyko Napier, PLLC  
5807 Staples Mill Road  
Richmond, VA 23228  
Phone: (804) 658-3418  
[jrferry@boykonapier.com](mailto:jrferry@boykonapier.com)

**XXI. Alimony/Child Support June 23, 2020**

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF BRUNSWICK

ROBERT JAN ARBOUW

Plaintiff

v.

CASE NO.: CL18000287-0

KIMBERLY LOWE [ARBOUW],

Defendant

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**ALIMONY/CHILD SUPPORT**

Comes now the defendant, Kimberly Lowe Arbouw, moves this Court to review Mr. Arbouw's actual income and award Child Support according to the Virginia State Guidelines, and award alimony according to the tenants of Virginia law.

1. Mr. Arbouw withheld his income in several hearings, each time stating his base salary was \$94,000 rather than \$100,000, and did not include all of his extra untaxed work perk income of an additional \$30,000/year.
2. Opposing Counsel and Mr. Arbouw with intent to harm did not include any mention of child support or alimony in a "Final Decree" dated December 16, 2019.
3. In a backroom, Judge Allen Sharrett and Amanda Jones determined alimony and child support and not within the guidelines of the law, the same individuals who conspired with Ryan Ferry, and the same Guardian Ad Litem and Judge whom illegally garnished child support to the children in order to pay Amanda Jones, the Guardian Ad Litem.
4. Included in a recent May package from Ryan Ferry was a Combined Support Worksheet, in which they have Ms. Lowe's income being \$3,337 (and included child support as part of her income which is not

how these worksheets instruct) and Mr. Arbouw's income about \$4,000 less per month when Ms. Lowe's income is zero and Mr. Arbouw's income is around \$130,000 and his company pays for his iphone, his food, his expenses, his living arrangements, his gas, and other expenses which were not wrapped up into an income total for Mr. Arbouw.

5. Judge Allen Sharrett only ruled \$1000 in alimony per month for six months for Ms. Lowe when Ms. Lowe stayed at home with the children during the duration of the marriage, Mr. Arbouw abandoned Ms. Lowe and the children, and the Virginia norm is alimony for half the duration of the marriage with the marriage having taken place in 2004.
6. Mr. Arbouw left Ms. Lowe in an area that is known for not having jobs when Ms. Lowe has stayed at home with the children to homeschool and the local school system is barely accredited such that the children are much too far ahead in school in order to be placed in a local public school which is performing poorly and Ms. Lowe would need to drive 45 minutes to an hour to obtain work and the child care and gas would negate any income earned.



7. Ms. Lowe is actively creating positions for herself within her community but it takes time to get on one's feet when one lives an hour away from a city:
- a. Ms. Lowe created the Center for Court Reform and Justice, a non profit that helps families with court issues and works towards reforming Civil Court.
  - b. Ms. Lowe is running for the House of Delegates for 2021 and has a very good chance at winning because the District has been redistricted to support the winning of a new candidate.
  - c. Ms. Lowe is already doing the work of the Delegate because constituents call Ms. Lowe to get things done such that she has obtained funding for disabled students when committees in several counties would not release funding for day schools so Ms. Lowe worked with the Governor's Office, Attorney General's Office, Attorneys, State Offices, Schools, Committees, Parents, and Autism groups to ensure children received their funding to continue school during the pandemic; Ms. Lowe set up the first mobile COVID 19 test clinic for the district; Ms. Lowe is working with Counties, a City, farmers, the Army Corps of Engineer, and EOD units to solve river

blockage issues on the Meherrin which is causing flooding which is creating major economic loss for the area; Ms. Lowe works with mayors on various projects such as Rail to Trail projects; and Ms. Lowe is working with Emergency Services Coordinators, Fire Chiefs, and Local Boards to get the funding our Emergency Services needs such as Fire Stations and Rescue Squads; Ms Lowe is working on creating 501C3s for libraries and fire stations so they can receive grants and federal funding; and Ms. Lowe is creating a mobile health clinic for the district to address the area's poor health outcomes.

8. The Gross Income under the law was not considered when determining support such that the Virginia Code defines "gross income as:  
  
"all income from all sources, and includes, but is not limited to, income from salaries, wages, commissions, royalties, bonuses, dividends, severance pay, pensions, interest, trust income, annuities, capital gains, social security benefits, veteran's benefits, spousal support, rental income, gifts, prizes, and awards.
9. Alimony to be awarded under Virginia law, which is typically half the duration of the marriage (this was taken from a July 8th, 2019

document submitted to court in which Judge Sharrett would not at a single point actually hear Mr. Arbouw's income and this motion was thrown out):

A. The court, in determining whether to award support and maintenance for a spouse, shall consider the circumstances and factors which contributed to the dissolution of the marriage, ....specifically any other ground for divorce under the provisions.

- i. Mr. Arbouw filed for divorce claiming constructive desertism, saying Mrs. Arbouw spent extravagantly, citing the purchase of a grand piano for the family for \$1,100, and stating he did not get enough sex.
- ii. Mrs. Arbouw counterclaimed claiming desertion/ abandonment, claiming the piano was purchased from out of an almost \$7000 tax return and Mrs. Arbouw had to leave her family piano when they moved, thus it was agreed that the family would have another piano; and Mrs. Arbouw counterclaimed saying Mr. Arbouw was sexually, physically, and emotionally abusive. Mr. Arbouw

would come home from work everyday screaming profanities at the children and throwing his dinner plate or bowl across the room. In order to protect the children, Mrs. Arbouw had to put three children in her queen sized bed because at night Mr. Arbouw would come up the stairs screaming between all of the children's bedrooms things such as "I wish you would fucking die! I want you dead!", he would then try to get into bed with Mrs. Arbouw and force himself on her after saying he wanted her dead.

- iii. Mr. Arbouw abandoned the marital residence, abandoned his children and animals, and did not see his children in over two years, and left Mrs. Arbouw with the costs to maintain a 6,000 square foot home and 18 acre property which is sorely in need of major repairs. For example, when Mr. Arbouw abandoned his family and home, the septic line was so bad that Mrs. Arbouw had to unhook the kitchen sink plumbing and catch bath water from upstairs in buckets and pour the water out of the window so the children could bathe. The sewage would then seep

up through the pipe in the kitchen and flooded the entire kitchen in sewage multiple times. Mrs. Arbouw had to stay up for hours and hours until late every evening to catch bath water. Mr. Arbouw also abandoned the house in ill repair and left the children with no working air conditioning during very hot summer Central Virginia months and no means to be able to pay for repair for the air conditioning unit.

B. The obligations, needs, and financial resources of the parties, including but not limited to income from pension, profit sharing, or retirement plans, of whatever nature.

- i. Mrs. Arbouw did not work to establish any retirement, while Mr. Arbouw has multiple retirement plans including those he is still not forthcoming with from out of The Netherlands
- ii. Mrs. Arbouw is the sole custodial parent. Mr. Arbouw of his own choice has not seen the children in over two years, did not tell them Merry Christmas for two years in a row, did not provide a Christmas card or Christmas gift for the children, or award Mrs. Arbouw extra money during the month of December to pay for

any Christmas festivities or presents for the children who still believe in Santa. Also each child has a phone line and Mr. Arbouw has not attempted to call the children. Currently Mr. Arbouw has not seen the children since the beginning of 2017 and the children are happy, healthy, and thriving.

- iii. Mrs. Arbouw needs funds to maintain a household, feed, clothes, and school children, transport children to activities, pay for normal outings to museums or small local trips, pay for at least half of the marital credit card debt, pay for Mr. Arbouw's life insurance policy, a percentage of the children's medical bills including a \$6,000 bill for braces for the oldest child, pay for the children's ponies they have had for most of their lives, along with their pets they have had for many years as well. Mrs. Arbouw also has specific needs for schooling the children and the children need a desktop computer or two for school.

C. The standard of living established during the marriage:

- i. Mrs. Arbouw stayed at home the entire duration of the marriage and homeschooled the children, having been the primary caregiver.

ii. Mrs. Arbouw and the children live in a 6,000 square foot home on 18 acres.

iii. Mrs. Arbouw had to sell any assets she had in order to pay to fight the fraud in this divorce and custody case and in order to pay bills to support the children.

iv. The family took vacations to Disney World more times than one can recall, and across the country from Virginia to Vermont and Virginia to Wisconsin and back; the children have always gone on extensive field trips monthly to historical sites or museums; and the children have been going to Busch Gardens since they were babies and are season pass holders.

v. The children have been homeschooled since preschool and along with homeschool comes costs for classes, costs for books, costs for gas to get to classes, costs for sports programs, and costs for online programs. The children are performing far above grade level at a high success and are far too advanced for public school.

vi. The children have had a pony since Eva was 4, Arie was 2, and Thijs was 4, and Mrs. Arbouw has had horses since before marriage; these ponies and horses were maintained during the marriage and

should be continued since the children have had ponies for at least ten years.

vii. The family has had a pig, dogs, cats, rabbits, sheep, chickens, goats, horses, and ponies as part of their lifestyle for their entire life.

D. The duration of the marriage

i. Marriage from 2004-present

E. The age and physical and mental condition of the parties and any special circumstances of the family:

i. Mrs. Arbouw has always stayed home with the children, and homeschooled the children.

F. The extent to which the age, physical or mental condition or special circumstances of any child of the parties would make it appropriate that a party not seek employment outside of the home:

i. The children have been homeschooled since preschool.

ii. The Brunswick County public schools are both violent and barely accredited.

ii. The children are far advanced above their grade level and it would not do them justice to even put them in a private school that Mrs. Arbouw cannot pay for. The private school cost \$21,000/year for



three children, not including any other school costs, or transportation and food costs.

G. The contributions, monetary and non monetary of each party to the well being of the family:

i. Mr. Arbouw went to work to provide financially for the family.

ii Mrs. Arbouw did ALL home tasks including but not limited to: homeschooling, cleaning, cooking, grocery shopping, paying and overseeing bills and budget, filing taxes, remodeling, painting, fencing, home repairs, all yard maintenance such as mowing, trimming, cutting down bushes or trees, planting, etc., laundry, feeding and care for all of the animals, taking children to activities, developing and implementing curriculums, and all tasks centered around the home. Mr. Arbouw was physically lazy and did not contribute physically to any property. Both properties were large properties, the first being 26 acres, and the second being 18 acres. Mrs. Arbouw was left to do all of the heavy physical labor in the marriage while Mr. Arbouw sat. Mrs. Arbouw did substantial improvements to properties while Mr. Arbouw did not physically

contribute and would have never taken on any renovation project himself in order to increase a property value.

iii. Mrs. Arbouw increased property values by her extensive physical labor on properties.

H. The property interests of the parties, both real and personal, tangible and intangible:

i. Mr. Arbouw abandoned his children, marital property, possessions, and financial responsibilities:

a. Mr. Arbouw deserted the marital home and all possessions

b. Mr. Arbouw did not see his children since the beginning of 2017, even when he lived separately on the property he chose not to see his children.

c. Mrs. Arbouw has been left impoverished having received only \$10,911 over a period of 7 months, was abandoned with \$18,000 in marital credit card debt with no means to pay for it along with two life insurance policies in Mr. Arbouw's name.

d. Mr. Arbouw left his family with no intent to return against the wishes of his wife Mrs. Arbouw who begged for him to stay, specifically one day in May of 2017, Mr. Arbouw wrote his wife stating he didn't realize

one needed to be separated for a year so he would just return to Europe.

e. Mr. Arbouw deserted a 6,000 square foot property and 18 acres that needs major repairs, upkeep, and maintenance with no money to provide for such maintenance and deserted his mortgage which he is obligated to pay being the only mortgage holder.

i. Mr. Arbouw submitted more than \$51,000 in false assets to defraud Ms. Lowe and went so far as to list children's toys and beds.

iii. Mr. Arbouw has no proof of purchase of any supposed assets and Ms. Lowe has notarized affidavits of proof that said assets were false but Judge Sharrett refused to accept the affidavits.

iv. Mr. and Mrs. Arbouw own the property at 4779 Rawlings Road, Rawling, VA 23876. The mortgage is in Mr. Arbouw's name and the deed is in both. In an appraisal conducted at the end of 2018, a professional appraiser stated the current value and retroactive value of the property to be \$285,000 which is less than the current mortgage. The mortgage cannot be refinanced or the property cannot be purchased by Mrs. Arbouw or any other person because the house needs vital repairs that Mr. Arbouw is unwilling to contribute to

in order to sell or refinance the home, however Judge Allen Sharrett told Mr. Arbouw he did not have to pay the mortgage, and thus the home is a loss.

vi. Mrs. Arbouw has contributed \$18,000 in just outside labor costs in 2019, \$10,075.40 in in material costs for 2019 for a total of \$28,075.40 in home maintenance and repairs, and has herself: been on the roof scraping and painting the house, pressure washing the home and the porches, and then scraped and painted chipped paint, repaired the well head, removed rotting wood in the kitchen floor by removing seven layers of old flooring, repainted the trim in the 4,000 square foot living areas, painted three rooms, refinished floors in several rooms which included the rental of a drum sander, sanding, staining, and sealing, repaired drywall, repaired fencing and plumbing, and maintained an 18 acre lot including mowing, bush trimming, dead tree removal, leaf removal, raking, pruning, and all associated yard work, all just in 2019. Mr. Arbouw has maintained the mortgage of \$2079 for a period from January-present totaling \$14,553 while Mrs. Arbouw has exceeded that amount substantially at over \$13,522.40 of that amount in just the financial cost of

maintaining the property, not even considering the amount of hours of physical labor of fencing, remodeling, painting, lawn care, etc.

Further, Mr. Arbouw abandoned the property in May of 2017 on a property purchased in November of 2014. Mr. Arbouw only lived at the property as his primary residence for a total of 30 months, or 2 1/2 years, while Mrs. Arbouw and her children have been in the property as their primary residence from November 2014 through present, for a total of 4 years and 9 months. Note, Mrs. Arbouw has not tallied the maintenance costs and maintenance for 2018, but the outside labor costs were over \$14,000 just for 2018. Also not tallied into repair costs are the costs of maintaining the heating and air conditioning which has had a constant mechanical issue for years resulting in electric bills between \$1000 and \$1,200/ month.

According to professional contractors, the home needs a new heat pump/a.c. unit, a new well pump, a new septic line as sewage is seeping to the surface, roof repair as there is a very large hole in the roof on the second level, and an active leak along the entire backside of the house that is leaking down to the first level along the entire backside of the house, the entire upstairs needs replumbing as the

water from pipes leaks into the walls and upstairs the pipes are so corroded that everything turns green; the house needs electrical work inside and out, and the entire line has to be dug up and replaced between the house and the guesthouse in order for the outside power to work to the guesthouse and pool, and the foundation collapsed in the guesthouse due to water damage after Mr. Arbouw broke out windows in the guesthouse allowing water to pour into the floor which rotted the floor and collapsed the foundation. Mr. Arbouw's name is on the mortgage and he is responsible for making that payment to the mortgage company and cannot transfer the property unless there is a cash buyer. Mr. Arbouw needs some responsibility in repairs as Mrs. Arbouw has been solely responsible for up keeping the property and contributed a substantial amount of money into the property in just 2019 alone. Even with a cash buyer, Mr. Arbouw would be responsible for the negative equity as the mortgage is in his name and he would be responsible for realtor fees. At the current appraisal, \$17,100 would be due in realtor fees and around \$5000 due in negative equity. Selling the home and losing the cash that has been invested is not a sound decision and would result in a

serious financial shortfall of \$22,100 in addition to the loss of downpayment money at \$16,500. The total initial loss would be \$38,100 and this does not include the thousands of dollars in repairs Mrs. Arbouw has contributed in the last almost five years.

I. The provisions made with regard to the marital property under 20-107.3, marital debt:

i. There is combined credit card debt of almost \$18,000 that Mr. Arbouw agrees is marital, however, Mrs. Arbouw has been stuck paying this debt on a monthly basis for an amount of \$600/month (the total monthly payment when Mr. Arbouw abandoned his family was \$594.71). Two credit cards, The Home Depot Card and Barclaycard, were in Mr. Arbouw's possession at the time of separation and Mrs. Arbouw found both cards in the guesthouse. Mr. Arbouw was unable to obtain credit cards himself because he is not a U.S. Citizen and used the Barclaycard for his work, however, he would use the credit card to travel, but instead of paying the money back on the card, he would pocket the money in a separate account.

ii. The only debt in the marriage is the mortgage and two credit cards

J. The earning capacity, including the skills, education and training of the parties and the present employment opportunities for persons possessing such earning capacity:

i. Mr. Arbouw has consistently worked while Mrs. Arbouw has been a homemaker since 2004.

ii. Mrs. Arbouw and the children live very rural with no job opportunities in the area. Mrs. Arbouw would need to drive one hour in order to seek employment and find child care for her three children. Mrs. Arbouw no longer has any work skills, having not worked a “real” job for 15 years. Mrs. Arbouw has no certifications for any type of employment.

K. The opportunity for, the ability of, and the time and costs involved for a party to acquire the appropriate education, training, and employment to obtain the skills needed to enhance his or her earning ability:

i. Mrs. Arbouw and her children were abandoned in a remote location, with most amenities being one hour from the farm. Mrs. Arbouw does not have help with the children and cannot pay for childcare for the children in order to take classes for some type of employment.



- ii. There is no high speed internet in Rawlings, Virginia. Both Verizon Wireless and Satellite internet have download speeds too low in order to successfully take an adult class online; Mrs. Arbouw does not have the financial resources in order to pay for any classes; and Mrs. Arbouw has a full time job raising three children; taking classes would take time away from the children.
- L. The decisions regarding employment, career, economics, education and parenting arrangements made by the parties during the marriage and their effect on present and future earning potential, including the length of time one or both of the parties have been absent from the job market:
  - i. Mrs. Arbouw has not held a “real”, full time job outside of the home for 15 years, and has been homeschooling the three children since preschool, for approximately 14 years.
- M. The extent to which either party has contributed to the attainment of education, training, career position or profession of the other party:
  - i. Mrs. Arbouw stayed at home to take care of the home, the children, and the bills so Mr. Arbouw could pursue his career.

- ii. Mrs. Arbouw gave up medical school in order to stay at home for the family. Mrs. Arbouw was the top of her class and voted “most likely to get into medical school” by her peers.
- N. Such other factors, including the tax consequences to each party and the circumstances and factors that contributed to the dissolution, specifically including any ground for divorce, as necessary to consider the equities between the parties:
  - i. Mr. Arbouw abandoned his wife, his three children, and all property and left Mrs. Arbouw with huge house repairs and maintenance, \$18,000 in credit card debt, and to pay for all of the children’s medical bills, Mr. Arbouw’s life insurance policies, and all of the children’s education and entertainment expenses. Mr. Arbouw also abandoned animals with no money for maintenance and no regard for set up for care. Mr. Arbouw has not seen his children in over two years although he was given opportunity and not alienated from his children. Mrs. Arbouw and the children endured years of physical, emotional, and sexual (to Mrs. Arbouw) abuse during the duration of the marriage.
- O. The Virginia Statute 20-107.1 requires that any order granting, reserving, or denying spousal support must contain the court’s written

findings and conclusions, and must identify the statutory factors relied on and orders for a defined duration must contain even more specific findings; such that the Court can grant a reservation of the right to seek spousal support in the future and that reservation generally lasts half the duration of the marriage and once granted the length of the reservation cannot be changed.

i. The Court can reserve monthly payments for an undefined duration according to code, referred to as “open ended spousal support” or “permanent spousal support”.

ii. The Court can do monthly payments for a defined duration until spouse obtains the education and job to become self supporting after being out of the workforce for 16 years.

P. In determining alimony, Ms. Lowe would like the following to be considered:

a. Cost of internet per month for children to do school: \$425

b. Cost of homeschool for online programming per month: \$700

c. Yearly cost for books: \$2000 or \$181/month

d. Entertainment costs per month: \$330

e. Costs for braces: \$6000.00 or \$250/month for 2 years

f. Credit card debt/month with which Ms. Lowe was abandoned

with: \$600

g. Student loan debt/month: \$250

total monthly costs associated for children and marital debt Ms. Lowe was left with not including basic monthly needs like food or clothing or utilities:

\$2,736

Q. As of June 2020, Ms. Lowe and the children are still living in a 6,000 square foot home and estate with 18 acres which she manages and support should reflect that until the property is auctioned:

i. repairs can be upwards of \$2,500/month with a spread over the year as it is an almost 100 year old home with many issues

ii. Utility costs have been up to \$1000 per month

iii. Due to the location, drive times for food can be 45 minutes to one hour which increases gas usage.

In conclusion, Mr. Arbouw successfully withheld his income during the duration of court hearings. Opposing Counsel did not respond to Discovery, Opposing Counsel was not Compelled to provide income or discovery, Mr.

Arbouw submitted more than \$51,000 in false assets on the day of trial on June 21, 2019 and not in Discovery with no receipts or proof, and it was not until December 16, 2019 that Opposing Counsel did produce Mr. Arbouw's base salary of \$100,000 which was well into effect on the date of trial on June 21st, 2019. Opposing Counsel produced false income in a Combined Support Worksheet in order to further defraud Ms. Lowe. For purposes under the law, the Virginia Code 20-107.1 allows the judge to award alimony in monthly sums for either open ended or permanent support or a defined duration which is usually for half the length of marriage. When considering Gross Income the court must consider gross income under the law which would include the fact that Mr. Arbouw earns \$100,000 as a base salary, up to \$30,000 in untaxed work perks, and his company pays for his lodging, phone, food, gas, and other expenses, while Ms. Lowe and her three children were abandoned with ALL of the bills including all of the marital debt, Ms. Lowe stayed at home during the duration of the marriage, has not held a job outside of the home for more than 15 years, Ms. Lowe has zero income and lives too far from work but is working towards obtaining solid employment, Ms. Lowe is still currently in a large estate

home and has large bills associated with said residence, and requests the court consider all of these circumstances when determining support.

Wherefore the defendant respectfully moves this Court to award the appropriate child support and alimony based on Virginia law and the Virginia Guidelines for Child Support, and award the defendant all expenses incurred with this order, and any court costs associated with the obtainment of this request within the guidelines of The Supreme Court.

#### CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of June 2020, a copy of the foregoing motion was hand delivered to the Brunswick County Civil Circuit Court and sent via e-mail to the following Opposing Counsel, Ryan Ferry:

J. Ryan Ferry, Esq. (VSB #80353)  
Boyko Napier, PLLC  
5807 Staples Mill Road  
Richmond, VA 23228  
Phone: (804) 658-3418

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Kimberly Lowe Arbouw

XXII. Notice of Removal to Federal Court

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT COURT IN VIRGINIA**

ROBERT JAN ARBOUW

P.O. Box 454

Colonial Heights, VA 23834

(no known number)

Plaintiff

vs.

KIMBERLY LOWE [ARBOUW]

4779 Rawlings Road

) Case No. \_\_\_\_\_

)  
) (Formerly Brunswick County Circuit  
) Court Case No .: CL18000287-0)

) **NOTICE OF REMOVAL UNDER**  
) **28 USC 1443**  
)  
)

Rawlings, VA 23876 )  
(540) 529-3380 )  
 )  
Defendant )

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**NOTICE OF REMOVAL**  
**28 USC 1443 Removal of Case to Federal Court**

Take Notice that the Brunswick County Civil Case CL18000287-0, Arbouw v. Arbouw [now Lowe] is hereby moved by the Defendant, Kimberly Lowe, to Eastern District Court of Virginia (Federal District Court) such that any civil actions commenced in a state court may be removed by the defendant to the district court of the United States for the district and division embracing the place wherein pending under 28 USC 1443 1) against any person who is **denied** or **cannot enforce** in the courts of such State **a right under any law** providing for the **equal rights** of citizens of the United States, or of all persons within the jurisdiction thereof, and 2) for any act under color of authority derived from any law providing for equal rights, or for **refusing to do any act** on the ground that it would be consistent with such law, and grounds for removal are as follows:

1. The case is a Civil Divorce/Custody case. The Federal Court holds jurisdiction such that the Constitution does not exclude the subject matter of domestic relations from Federal Courts (U.S. Const. art. III,



code 2), and one court has ruled upon the validity of a divorce decree obtained by fraud:

- a. The court in effect claimed that federal courts possess the power to invalidate any fraudulently obtained state court decree and that this power extends to divorce decrees, and such power was conferred upon the Federal Judiciary Act of 1789 and few Supreme Court decisions after this act have diminished the significance.
- b. such that “[w]hile recognizing the special proficiency developed by state tribunals...in handling issues that arise in the granting of [divorce, alimony, and child custody] decrees, we viewed federal courts as equally equipped to deal with complaints alleging the commission of torts” (Marshall v. Marshall, 547 U.S. 293, 308, 2006).
- c. In Elk Grove Unified School District v. Newdow, the court provided powerful language supporting a domestic relations exception for federal questions, and that such cases should be heard in “rare instances” (542 U.S. 1, 2004).

- d. Under Article III of the Constitution, federal courts must have jurisdiction over all federal question cases that arise in state or federal courts, including those arising in domestic relations contexts.
- e. As a matter of ordinary statutory construction and constitutional interpretation, the domestic relations exception does not and cannot bar federal courts from hearing cases that raise federal questions.
- f. When federal courts are called upon to decide important problems of federal law, then they should not shy away from their duty to say what the law is, and that law being the freedom from state intervention, all of the rights under the Constitution, the right to law under Supreme Court rulings and the code of Virginia, and the right to safety, and the right to not be defrauded and financially destroyed.
- g. It is reasonable grounds to request the Federal Court vacate an order based on fraud when all other options have been eliminated, and request the children have the rights under the Constitution and the laws of Virginia to determine themselves

their freedom of association with parents and be freed from invasive and expensive psychological testing and reunification therapy with their abuser, Mr. Arbouw, and all other matters that the Federal Court may not consider a federal interest such as alimony or child support, may be referred back to the lower court with an UNBIASED AND FAIR judge with all of the luxury of following the actual law and due process, which Ms. Lowe cannot obtain in the lower court. An option may be for the Federal District Court to refer alimony and child support to a different lower district court rather than Brunswick County, as the courts in the 6th judicial district have proven to be lawless and destructive with risk to life.

## **STATEMENT OF THE CASE**

### **I. Abbreviated Timeline with Statement of Facts**

1. Kimberly Lowe and Robert Arbouw married on December 29, 2004.
2. Three children of the marriage were born in 2005, 2007, and 2009.
3. In the beginning of 2017, Mr. Arbouw abandoned his wife and children.

4. On July 24, 2018 Mr. Arbouw filed a complaint for divorce claiming “constructive desertism” because he claims he did not receive sex and claims Ms. Lowe was an exorbitant spender because she purchased a GRAND piano for \$1,100 for the children (out of an almost \$8,000 JOINT tax return).
5. Answer and counterclaim was filed by Ms. Lowe on 8/21/2018 disputing said claim.
6. A PDL order was entered on 4/1/2019 which provided support for Kimberly Lowe and her three children which is still in effect yet the courts have not enforced said order.
7. A “final” order was entered on 12/16/2019 which did not even include alimony or child support, did not include an equitable distribution of assets and debt, and was based on fraud and lack of due process and when Ms. Lowe attempted to appeal to the appellate court the judge stopped the appeal.
8. Mr. Arbouw abandoned his family, tried to murder his family, is a danger and was abusive, continues to abuse through litigation, and the court is actively pursuing reuniting the children with their abuser.

9. The Court gave unequal treatment and not a single motion submitted by Ms. Lowe (other than a name change) was allowed to be heard in court; opposing counsel with Mr. Arbouw were never forced to answer any Discovery questions, produce income, or assets or full retirement information. Further, opposing counsel was allowed witnesses without notice and Ms. Lowe was not allowed witnesses despite listing witnesses within the guidelines of the law before a custody hearing. Opposing counsel was allowed to introduce items to court when Ms. Lowe was not, and opposing counsel could introduce items on the day of court never reviewed by Ms. Lowe, and the Court refused to enforce actual written court orders such as Mr. Arbouw honoring the Pendente Lite Order (paying for support and paying for Ms. Lowe's health insurance which was dropped), yet the Court is actively trying to enforce non written orders that are against the law on Ms. Lowe, so far to the point that the newly appointed judge, Judge Gill, suggested to opposing counsel that they file a Show Cause on Ms. Lowe for not paying a mortgage that she is not the mortgage holder for and she was not ordered to pay! Not only does the court not hold jurisdiction over a Security Interest such as a mortgage, it is very

inappropriate and not within the Judicial Canons to tell opposing counsel to pursue legal action against an innocent and not within the guidelines of the law.

10. Due to unequal treatment, the court has financially destroyed Ms. Lowe and her three children, illegally stolen her home, and continues to terrorize her, not follow the law, put the lives of her and her children in imminent danger, and attempt to force rulings that are against the law and unconstitutional.
11. As a pro-se litigator and a woman, Ms. Lowe was not given equal rights under the law so much to the point that the judge threatened to put Ms. Lowe in jail and place her children in foster care if she was to file a motion, and is currently placing Ms. Lowe and her three children in imminent danger.
12. Detailed due process violations, motions submitted, and crimes committed are listed in the Appendix as evidence of unequal treatment.

## **II. Attempted Remedy at Civil Court:**

Such that, there was no equal protection under the law to the extent that there was the continued commencement of criminal activity, fraud, bias, major ex parte communications to which Ms. Lowe was not privy, no right to a fair trial, no due process, constitutional rights violations, loss of liberty and property, endangerment of lives, and threats to jail Ms. Lowe and place her children in foster care if she dared to submit a motion or pleading to court, with a current threat of harm to life and loss of property. In order to remedy said unfair hearings in which there was not equal treatment under the law, Ms. Lowe requested the judge step down, requested a new trial, attempted an appeal to appellate court that the judge prevented from going to the appellate court, kept a paper trail of fraud and laws broken in court in a court file for record, contacted legislators, contacted the state police, contacted the FBI multiple times, kept an on-going record at the Sheriff's Office through recorded (in writing) communication, and contacted the Commonwealth's Attorney, Governor's Office, Attorney General's Office, and Supreme Court of Virginia, most of which were contacted on an on-going basis between June of 2019 to present. The only initial relief is when Ms. Lowe sent a "Violation Warning Denial of Rights Under Color of Law" to all parties including the judge, Judge Allen Sharrett, the Guardian Ad Litem,

Amanda Jones (who the judge told to garnish child support for her to be paid and she did not file any proper paperwork including a bill with the Supreme Court, and to this day will not provide a bill or paperwork as requested under the Virginia Freedom of Information Act because she took the children's child support), Mr. Robert Arbouw, Plaintiff and Mr. Ryan Ferry, Opposing Counsel. At the same time, Ms. Lowe sent a Cease and Desist requesting all illegal activity be stopped including the threat to jail Ms. Lowe and place her children in foster care, and if they did not abide then Ms. Lowe would file a criminal complaint and place commercial liens on their properties. Ms. Lowe had also submitted a jurisdiction challenge to challenge the jurisdiction of the court over the state's role in deciding custody and free association of children, and that alone should have stopped all court proceedings dead in their tracks yet the court continues with their fraud and illegalities to bring harm to Ms. Lowe and her children. Although Ms. Lowe already had property records of these individuals, Ms. Lowe called the records office in order to request public property records so the court would understand that Ms. Lowe was serious. Within 20 minutes of calling records offices, the Sherriff's Office contacted Ms. Lowe as Ms. Lowe was deemed as a threat and attempted to have Ms. Lowe arrested in



retaliation. However, Ms. Lowe had been keeping a thorough record at the Sherriff's Office. Thereafter, Judge Allen Sharrett recused himself and the Guardian Ad Litem who had not considered the safety of the children despite three experts telling her there should be no contact with their abuser, and she had only illegally stolen money from the three Arbouw children under judge's orders, also requested to withdraw.

### **III. Continuation of fraud and endangerment of life and property and not following the law:**

The State placed Judge Gill on the case who has been in retirement for six years. However, Judge Gill showed an interest and not impartiality in the case and in a June 9, 2020 hearing, Judge Gill said he would not overturn any rulings based on fraud and that Ms. Lowe would need to distribute assets (that were legally hers) thus forcing a scenario of Larceny (Mr. Arbouw had submitted more than \$51,000 in false assets with no proof and to the point that the judge was even making up values for items, all of which was never produced in Discovery, and Ms. Lowe through every hearing made note of as fraud and even had signed and notarized affidavits to dispute it and the court would not hear it); and further Judge Gill told opposing counsel to file a Show Cause against Ms. Lowe for not

paying a mortgage that is NOT in her name, thus enforcing a breach of contract created by Judge Sharrett of which the Court does not have jurisdiction over. Judge Allen Sharrett told Mr. Arbouw to not pay the mortgage which is solely in Mr. Arbouw's name. Ms. Lowe was not allowed to purchase the property in which her and her three children reside, in which she had invested the down payment herself and many thousands of dollars in repairs, and her name is listed on the deed. In a June 21st, 2019 trial she was told her home would be sold to the highest bidder, effectively forcing Ms. Lowe and her three children to lose their home. Concerning Guardian Ad Litem fees, the judge instructed Ms. Lowe to sell an alpaca (not knowing how many she had or the value or if they were a marital asset or part of her income) rather than looking at the financial ability to pay. When Ms. Lowe (who fell 30% below federal poverty guidelines) was unable to pay the \$1000 up front Guardian Ad Litem Fee (they are only allowed to ask for \$500 up front and must file a form with the Supreme Court which she did not), the judge garnished the child support going to the children to pay the Guardian Ad Litem.

On December 16, 2019, Mr. Ferry, Opposing Counsel, snuck in an order that Ms. Lowe had never seen and they waived her signature on an order that appointed a special commissioner to auction her home in which her and her three children live. The order was held for more than thirty days in order to prevent an appeal and the judge perjured himself stating it was in the file the entire time at the Clerk's Office when it was not (Ms. Lowe called and checked regularly). When Ms. Lowe attempted an appeal because a final decree was written with no alimony, no child support, no equitable distribution of assets, based on fraud, lack of due process, and lack of pleadings or affidavits or evidence, the appeal was squashed by the judge. The Virginia Court has effectively stolen Ms. Lowe's home, property, and put her through litigation for an extended period of time that has cost at least \$50,000 in attorney fees, and an untold amount of time fighting what is illegal and not fair under the law. Not a single motion Ms. Lowe filed was allowed to be heard in court and they were all dismissed except one motion which allowed her to retake her maiden name. Ms. Lowe was left with ALL of the marital debt while the court stole her home, and most importantly has left the fate of her three children at risk. Despite arguing constitutional law and the rights of parents and children under Virginia Supreme Court rulings

and Federal rulings, the Court wants to force the children to be reunited with their abuser who tried to murder his wife, Ms. Lowe, and their three children, while Mr. Arbouw has done nothing but continued vexatious and illegal litigation to destroy Ms. Lowe and their three children, and stalked the family. Ms. Lowe had a protective order but Judge Sharrett removed the protective order so it would not hurt Mr. Arbouw's record. Thus stalking continued and research shows murders usually occur within a year of stalking.

Mr. Arbouw abandoned his family at the beginning of 2017 and decided to not see his children and has not seen his children since. The children are happy and healthy and research shows the anxiety of being around their abuser can not only drastically remove years from their life (see ACE study), but hundreds of children per year are murdered across the country when placed back with their abuser. According to one of the Nation's leading domestic violence experts, Barry Goldstein, the children's pediatrician, and the children's counselor, there should be no contact with their abusive father. The court also wants to force unconstitutional tests on the children, psychological tests that are not only expensive but are for

individuals who are mentally ill, and not for healthy and thriving children. Further research shows the outcome of these tests are based on the bias of the test giver (see the Saunders Study). The children and Ms. Lowe have the right to safety, have the right to a fair trial, and have the right to property not being illegally seized by the state, or having the State through a judicial actor suggest legal action be taken against her for not paying a contract which she did not sign for.

There was no due process, no real Discovery, Opposing Counsel did not have to answer Discovery questions and they withheld retirement and income from Mr. Arbouw, and to the point that if any Discovery was provided Opposing Counsel made up his own questions stating that Ms. Lowe had asked those questions. Three expert witnesses were called but Ms. Lowe had to beg the judge to allow her to submit an expert witness list but he said it COULD ONLY have their name and contact information and NOTHING MORE and he threatened to place Ms. Lowe in jail and put the children in foster care at CHRISTMAS. Ms. Lowe paid \$9,000 for expert witnesses (one came from New York and she had to pay a half day's work for the pediatrician and counselor) and the expert witness from New York

was barely allowed to speak and Ms. Lowe was not allowed to ask relevant questions, and the pediatrician and counselor were both denied!

Ms. Lowe has been terrorized by a corrupt court system having to have been in fear of her children's lives, both by the threat of a court coming to take the children in judicial retaliation, and the threat of the children being murdered and put under extreme stress by being exposed to their abuser.

#### **IV. Remedy**

Ms. Lowe and her children are justly due a fair trial and a life of liberty free from state control within the bounds of the Constitution. The Court and its actors have repeatedly and have continued to act outside of their oaths and illegally having brought great harm to Ms. Lowe and her three children. As remedy, Ms. Lowe requests:

1. A "final" order that be vacated, as this was not allowed to leave the Civil Court to the Appellate Court, and the Appointment of a Special Commissioner which was submitted without Ms. Lowe's knowledge, be vacated. (see Appendix).

2. Disregard Ryan Ferry's request to have a new Final Order signed which is based on fraud, lack of jurisdiction, violation of Constitutional laws with a complete lack of due process, and does not follow the Virginia Codes on alimony, child support, or equitable distribution of assets.
3. Request the following relief to be heard in a fair hearing, and if none are a federal interest, than an unbiased judge that is educated in domestic violence hear the following:
  - a. If the Federal court is unwilling to hear alimony and child support, then refer Alimony and Child Support back to the Civil Court level with the agreement that Mr. Arbouw WILL provide Discovery questions to determine income.
  - b. Determine Arrearages for children's medical costs, homeschool costs, moving costs, marital credit card bills which Kimberly Lowe was fully and illegally left with and inconsistent with following Virginia's law of equitable distribution, and attorney fees for which a request was made by Kimberly Lowe's attorney William Shields, and at no point were the request for attorney fees even heard. Please note Mr. Arbouw abandoned his family, and Mrs. Arbouw was left with

all of the bills, and Mr. Arbouw initiated divorce and put Kimberly Lowe through years of litigation based on fraud with intent to harm.

- c. Request Mr. Arbouw actually answer Discovery Questions which at no point were answered despite Motions to Compel to determine his actual income, retirement, and other important information including his living arrangement and address, which is of utmost importance in determine matters of support.
- d. Request life insurance policies be maintained after divorce with Ms. Lowe as continued beneficiary, such that the Virginia Code changed allowing such option in Va. Code 20-107.1:1. And, request an Order be signed for Kimberly Lowe to be able to contact life insurance providers to see if Mr. Arbouw is paying for the policies and within the final order that Mr. Arbouw may not change beneficiaries and he maintain said policies.
- e. Any other issues which will give finality to a divorce decree including challenging the previous orders to be void as they are based on fraud, Constitutional rights violations, lack of due process, and lack of jurisdiction.



4. As a matter of Federal Interest and Jurisdiction that THIS federal court allow the children the freedom under the Constitution and the laws under the State of Virginia, and as a matter of a right to be safe from their abuser, and the children be free from unwarranted psychological tests and reunification therapy with their abuser, particularly considering one of our Nation's leading domestic violence experts, the children's pediatrician, and the children's counselor, said there should be NO contact with their abuser, Mr. Arbouw. The Civil Court is currently trying to force costly psychological tests and reunification therapy when the children do not want to see their abuser and constitutionally should be free from such invasions. At the ages of 14, 12, and 10 the children not only have rights but they have rights under the law such that:

a. In 2013, the Virginia Supreme Court found that parents have Fundamental Liberty interests in the care, custody, and control of their child. They also found that a child has liberty interests in establishing relationships with their parents, as stated in 2013 LF v. Breit, Virginia State Supreme Court such that "Although our analysis in this case rests on Breit's constitutionally protected rights as a parent, we recognize that

children also have a liberty interest in establishing relationships with their parents”.

b. Right to free association and right to exercise under the First

Amendment supersede a court from depriving either parent’s or the child’s rights without due process measured by a scrutinized standard. The only time in which a court has the right to enact *parens patriae* is in the case of a question of fitness of one parent, which in this case there is a question in parental fitness for Mr. Arbouw. Ms. Lowe and the children can assert their 4th amendment right to be free from unwarranted search from costly psychological exams Further the Fifth amendment prevents the deprivation of “life, liberty, or property, without due process of law”. *Santosky v. Kramer*, 455 U.S. 745, (1982), reflected the “Court’s historical recognition that freedom is personal choice in matters of family life is a fundamental liberty interest of natural parents in the care, custody, and management of their child”. Further Ms. Lowe and the children can enact the right to be free to live in safety without risk of life under the pursuit of life, liberty, and freedom.

i. Decisions over the welfare of the children were made without due process of law by not allowing the children’s counselor or pediatrician

to testify who both say the children should have NO contact with their abuser, and one of the nation's leading domestic violence experts who came to speak as an expert witness from New York was barely able to speak.

ii. The children have the right to remain happy, healthy, and free from state intervention that attempts to place them in harm with their abuser, Mr. Arbouw

c.. In a divorce hearing on June 21st, 2019, the GAL also specifically stated the children, ages 10, 12, and 14, do not want to see their father.

d. Forcing children to see their abuser/father is a clear violation of their constitutional rights and as Virginia is one of the states leading the rest of the nation on parental and child rights, the House of Delegates specifically put forth legislation to protect and give rights to children in 2013:

i. In 2013, the Virginia Supreme Court found that parents have Fundamental Liberty interests in the care, custody, and control of their child. They also found that a child has liberty interests in establishing relationships with their parents, as stated in 2013

LF v. Breit, Virginia State Supreme Court such that “Although our analysis in this case rests on Breit’s constitutionally protected rights as a parent, we recognize that children also have a liberty interest in establishing relationships with their parents”; thus the Arbouw children have the right of choice and have a voice and this court has violated their rights.

- e. Right to free association and right to exercise under the First Amendment supersede a court from depriving either parent’s or the child’s rights without due process measured by a scrutinized standard.
  - i. The only time in which a court has the right to enact *parens patriae* is in the case of a question of fitness of one parent, which in this case there is a question in parental fitness for Mr. Arbouw.
  - ii. Absent a constitutionally appropriate finding that Mrs. Lowe is unfit, the court is without jurisdiction to deny or limit rights of a parent.
  - iii. Mrs. Lowe can assert her 4th amendment right to be free from unwarranted search into her fitness as a parent, and unwarranted decisions on the Arbouw children, and her rights to parent her children.

- a. Forced psychological tests and forced counseling categorize as a 4th amendment right violation.
- f. Further the Fifth amendment prevents the deprivation of “life, liberty, or property, without due process of law”. Santosky v. Kramer, 455 U.S. 745, (1982), reflected the “Court’s historical recognition that freedom is personal choice in matters of family life is a fundamental liberty interest of natural parents in the care, custody, and management of their child”.
  - i. There was no due process in the court with unequal treatment and not within the law.
  - ii. The children have the right to safety and freedom from the risk of their life.
  - iii. ACE studies and further research shows that children exposed to domestic violence and coercive control lose many years off of their lives along with other health issues, thus the children have the right to a long and healthy life.
  - iv. Research shows psychological tests are for the mentally ill, not healthy children, they don’t diagnose or find “domestic violence”, and

the outcome is based on the bias of the test giver (see the Saunders Study).

- g. The state lacks jurisdiction regarding decisions in visitation, such that the U.S. Supreme Court has ruled the following:
  - a. There is a presumption that parents act in their children's best interests, *Parham v. J.R.*, 442 U.S. 584, 602
  - b. there is normally no reason or compelling interest of the state to inject itself in the private realm of the family to further question a parent's ability to make the best decisions regarding their children. *Reno v. Flores*, 507, U.S. 292, 304.
  - c. The state may not interfere in child rearing decisions when a parent is available. *Troxel v. Granville*, 530 U.S. 57 (2000).
  - d. A judge or attorney such as a Guardian Ad Litem dishonoring oath and working outside of constitutional bounds, is no longer covered by bond and are operating in their own capacity, at their own will, and are therefore no longer immune, and by forcing psychological tests, forced therapy by the therapist of their choice, and forced visitation with an abusive parent when the children have explicitly stated they want no contact, then that judge and Guardian Ad Litem are working

outside of constitutional perimeters and hold no jurisdiction. Such that “Courts are constituted by authority and they cannot go beyond that power delegated to them. If they act beyond that authority, and certainly in contravention of it, their judgements and orders are regarded as nullities; they are not voidable, but simply void, and this even prior to reversal”. Williamson v. Berry, 8 HOW. 945, 540 12 L.Ed 1170, 1189 (1850) and “a judgment obtained without jurisdiction over the defendant is void” Overby v Overby, 457 S.W. 2d 851 (Tenn. 1970), Volume 20; Corpus Juris, Section 1785.”

## **V. REGARDING UNEQUAL TREATMENT UNDER THE LAW**

- a. Neither divorce of the best interests of the child standard gives divorce court constitutional authority to diminish parental rights for the parent that is not in question.
- b. Divorce does not give the divorce court authority to invade the constitutional realm of family privacy between parent and child except for the parent whom is the alleged abuser.
- c. Appearing in divorce court is not a request for a court to take over your parental decision making authority.

d. Fighting for your constitutional parental rights does NOT make you a bad parent.

e. Divorce does not give mental health care professionals permission to substitute their opinions for those of the non abusive parent.

f. Divorce court is NOT an opportunity for the divorce court to force either parent to conform to societal norms beyond following the law just like everyone else, as there is a CLEAR and large bias held by the prior Guardian Ad Litem regarding homeschool and living on a farm in the country as opposed to conforming and having children attend public school and go to thousands of after school activities which cost a substantial sum of money. The Guardian Ad Litem in this case might as well send a message to everyone in her area, that the state is coming for all the children growing up on farms in the country and those whom are homeschooled. In particular the Guardian Ad Litem spoke saying “I’m concerned for the children because they are isolated and with their mother all the time”, rather than being concerned about the abuse from their father. Oh, the horror, of living life in the country with a parent whom loves and cares for them and the bias exhibited by this statement not understanding



that just because you live in the country and are homeschooled definitely does not mean you are isolated! This mindset does not call for psychological exams.

g. Divorce is NOT an opportunity for the Court to deny the child or fit parent their First Amendment rights or any other constitutional right.

h. The Supreme Court in its opinions supports the assertion that divorce is NOT one of the narrowly defined instances in which the State can intervene to overrule parents on the care, custody, or control over children.

i. The Court cannot simply assume that it has authority to rule based on the child's best interest, it first has to establish its authority to act against a parent who is assumed by law to be fit, and due to Supreme Court precedents, it cannot now be doubted that the due process clause of the 14th Amendment protects the fundamental right of parents to make decisions concerning the care, custody, and control of their children, except for the parent whom is an abuser. But the Civil Court does NOT hold the right or jurisdiction over Kimberly Lowe.

j. Our country was founded on individual liberties, NOT the power of the State, and as such state needs must be forgone if they impose on a Fundamental Liberty Interest.

k. The only time at State can intervene is the question of an unfit parent, as with Mr. Arbouw, not with Ms. Lowe and even then there has to be a strict level of scrutiny and due process as the Supreme Court has asserted it's opinions. The state must have a compelling interest, the law or policy must be narrowly tailored, and the law or policy must be the least restrictive means of achieving the policy. The state can only the enact Parens Patriae Doctrine as LAST RESORT and a divorce proceeding cannot be construed as sufficient to meet the Due Process bar for being an unfit parent. However, the State can intervene with a parental right if the parent's decisions jeopardize the health or safety of a child which is the case for Mr. Arbouw, not Ms. Lowe. Divorce is not a compelling factor to determine visitation or custody or force psychological tests or counseling for the parent not in question.

l. The 5th Amendment states "Nor shall any person be....deprived of life, liberty, or property, without due process of law and the 4th

Amendment includes the same words and applies them for the first time to individual States such that “nor shall any State deprive any person of life, liberty, or property, without due process of law”.

m. Divorce Court cannot act in the child’s best interest when it denies the child’s constitutional rights.

n. The State has a legitimate *parens patriae* interest where there are NO fit parents, however, Mrs. Lowe is a fit parent thus *parens patriae* does NOT apply.

I. Supreme Court rulings:

i. *Eisenstadt v. Baird* (1972), “It is true that in *Griswold* the right of privacy in question inhered in the marital relationship. Yet the marital couple is not an independent entity with a mind and heart of its own, but an association of two individuals with a separate intellectual and emotional makeup. If the right of privacy means anything, it is the right of the individual, married, or single, to be free from unwarranted governmental intrusion into matters so fundamentally affecting a person as the decision whether to bear or beget a child”.

ii. *Griswold* 1965: “The principles laid down in this opinion affect the very essence of constitutional liberty and security. They reach farther

than the concrete form of the case before the court, with its adventitious circumstances; they apply to all invasions on the part of the government and its employees of the sanctity of a man's home and the privacies of life. It is not the breaking of his doors, and the rummaging of his drawers, that constitutes the essence of the offence [offense]; but it is the invasion of his indefeasible right of personal security, personal liberty, and private property; where the right has never been forfeited by his conviction of some public offence [offense]—it is the invasion of this sacred right which underlies and constitutes this essence of Lord Camden's judgement".

iii. Stanley v. Illinois (1972) - Parental rights are "private interests", and in this Court case, the Court made it clear that the State may NOT define the term parent in a way to arbitrarily deny parental rights to a biological parent and divorce courts may not constitutionally apply a label "divorced" to parents and use that to deny parental rights.

iv. Meyer v. Nebraska (1923) - right attaches to the individual such that "While this Court has not attempted to define with exactness the liberty thus guaranteed, there term has received much consideration

and some of the included things have been definitely stated. Without doubt, it denotes not merely freedom from bodily restraint, but also the right of the individual to contract, to engage in any of the common occupations of life, to acquire useful knowledge, to marry, establish a home and bring up children, to worship God according to the dictates of his own conscience, and generally to enjoy those privileges long recognized at common law as essential to the orderly pursuit of happiness by free men”.

v. All people are created equally under the law, including divorced parents and divorced parents should be protected as “suspect class” under the Equal Protection Clause, and as such disagreements between parents is not sufficient grounds to deny parental rights except for Mr. Arbouw as he is a threat to the children and Mrs. Arbouw’s right not to have bodily harm and right of the liberty for the children to choose.

vi. Loving v. Virginia 91967), Equal Protection is extended to marriage, “The Fourteenth Amendment....under the Constitution, the freedom to marry, or not marry, a person...resides with the individual, and cannot be infringed by the State”.

vii. With regards to invasion of home to do a “home check” or “house study” by a Guardian Ad Litem, and forcing psychological tests and counseling, the Fourth Amendment explicitly affirms the “right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures” and the Fifth Amendment, in its Self Incrimination Clause, enables the citizen to create a zone of privacy which government may not force him to surrender to his detriment, and the Ninth Amendment provides “The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people (Griswold v. Connecticut 1965)”. The sheer cost of the forced psychological tests and counseling is an infringement of rights.

Undue burdens are placed when the court continually brings parents back to court hearing after hearing, forcing parents to spend money on Guardian Ad Litem, forced tests, and forced counseling.

viii. Casey v. Planned Parenthood South Eastern Pennsylvania - ruled the State may NOT introduce legislation or administrative procedures that unduly interfere with the exercise of Fundamental Liberty, in other words the State may not use backhanded or “sneaky”

tactics to undermine a person's ability to exercise a fundamental right. When the State makes the exercise of Parental Rights subject to severe administrative burdens, the State acts without constitutional authority; and adult privacy rights must be protected with strict scrutiny.

ix. Children as individuals have rights that deserve protection such that they have a right to free association with their natural family, and a right to know and incorporate into themselves the religious, cultural, and social traditions of their family, and when the State intervenes in the custody rights of a fit parent, it also intervenes in the natural rights of the child.

x. The Divorce Court cannot grant parental rights to the natural parent, only God and nature can do that.

xi. *Smith v Organization of Foster Families* (1977) - the importance of the familial relationship, to the individuals involved and to the society, stems from the emotional attachments that derive from the intimacy of daily association, and from the role it plays in "promoting a way of life" through the instruction of children, as well as from the fact of blood relationship. (1st amendment, freedom of association).

xii. *Wisconsin v. Yoder* (1972) - (1st amendment - freedom of religion, expression, and association) - The duty to prepare the child for “additional obligations”, referred to by the Court, must be read to include the inculcation of moral standards, religious beliefs, and elements of good citizenship. This case involves the fundamental interest of parents, as contrasted with that of the State, to guide the religious future and education of children. Thus forced associations and forced counseling or testing is purely unconstitutional. This case also points to the fact that an unfit parent, as in the case with Mr. Arbouw, loses that 1st amendment privilege “To be sure, the power of the parent, even when linked to a free exercise claim, may be subject to limitation under *Prince* if it appears that parental decisions will jeopardize the health or safety of a child, or have a potential for significant burdens”. Clearly endangering the lives the Arbouw children and forcing the Arbouw children into counseling with their abuser is a significant social burden.

xiii. *Rotary International v. Rotary Club of Duarte* (1987) - The first amendment protects those relationships, including family relationships, that presuppose “deep attachments and commitments



to the necessarily few other individuals whom one shares not only a special community of thoughts, experiences, and beliefs, but also distinctively personal aspects of one's life".

xiv. *Meyer v. Nebraska* - the State may not, consistently with the spirit of the First Amendment, contract the spectrum of available knowledge. The right of freedom of speech and press includes not only the right to utter or to print, but the right to distribute, the right to receive, the right to read and freedom of inquiry, freedom of thought, and freedom to teach. The right to educate one's children as one chooses is made applicable to the States by the 1st and 14th Amendments. Thus the presumption is that forced counseling is unconstitutional.

xv. *Prince v. Massachusetts* (1944) - not only is religious freedom protected but the freedom to share political beliefs, moral beliefs, personal biases, and all secular thought, of age appropriate nature, with your child. Thus the Court cannot use *Guardian Ad Litem* bias against Mrs. Arbouw and use her bias as a reason to force psychological tests or counseling.

xvi. The Court is not immune from Constitutional restraints, the Court cannot infringe or deprive you of a constitutional protection without being able to prove that they had the right to do this, and the Court is not immune from the requirement to demonstrate probable cause. If the Court wants to impose the invasion of psychological tests, a home study, or invasive counseling, then the Court MUST issue a warrant that can then be appealed under constitutional grounds or it MUST produce a U.S. Supreme Court opinion that gives them an exception, otherwise, it is a blatant disregard for the Constitution itself. In *Boyd v. United States* (1886), the Supreme Court ruled “any compulsory discovery by extorting the party’s oath, or compelling the production of his private books and papers, to convict him of crime or to forfeit his property, is contrary to the principles of a free government. It is abhorrent to the instincts of an Englishman; it is abhorrent to the instincts of an American. It may suit the purposes of a despotic power, but it cannot abide the pure atmosphere of political liberty and personal freedom”.

xvii. Cf. *Chicago v. Morales* (1999), when applied to judges, divorce court does not give judges sweeping and unconstrained discretion,

and Justice Breyer notes when addressing police discretion: “The ordinance is unconstitutional, not because a policeman applied this discretion wisely or poor in a particular case, but rather because the policeman enjoys too much discretion in every case. And if every application of the ordinance represents an exercise of unlimited discretion, then the ordinance is invalid in all its applications”.

**VI. Federal Interest as civil liberty violations due to unequal treatment with Federal Civil Liberty violations being:**

A. Title 18, U.S.C., Section 241- Conspiracy Against Rights

i. Makes it unlawful for two or more persons to conspire to injure, oppress, threaten, or intimidate any person of any state, territory, or district in the free exercise or enjoyment of any right or privilege secured by him/her by the Constitution or the laws of the United States (or because his/her having exercised the same)

-fine to imprisonment up to ten years

a. There were major ex parte communications and conspiring with no due process under the law in order to remove the rights of the children and Ms. Lowe

- b. Judge Gill had stated in a phone hearing that there had been major Ex Parte communications but the judge and Guardian Ad Litem did not respond to a Virginia Freedom of Information Act Request, therefore Ms. Lowe submitted a Writ of Mandamus to compel said information with an upcoming hearing at the General District Court in Brunswick County

B. Title 18, U.S.C. Section 242 - Deprivation of Rights Under Color of Law

- i. Makes it a crime for any person acting under color of law, statute, ordinance, regulation, or custom to willfully deprive or cause to be deprived from any person those rights, privileges, or immunities secured or protected by the Constitution and laws of the U.S.

- ii. Acts under “color of any law” include acts not only done by federal, state, or local officials within the bounds or limits of their lawful authority, but also acts done without and beyond the bounds of their lawful authority; provided that, in order to unlawful acts of any official to be done under “color of any law”, the unlawful acts must be done while such official is purporting or pretending to act in the performance of his/her official duties. This definition

includes judges and those are bound by laws, statutes ordinances, or customs.

-punishment varies from fine or imprisonment up to one year

- 1) the victim must have been an inhabitant of the US
- 2) defendant acted under color of any law
- 3) the defendant's conduct deprived the victim of some right secured and protected by the U.S. Constitution
- 4) the defendant acted willfully, that is, with specific intent to violate the protected constitutional rights

iii. The lower Civil Court has refused to follow the Constitution and the parental and child right law in Virginia and is effectively removing rights and placing the children and Ms. Lowe in imminent danger

C. Title 42, U.S.C., Section 3631 - Criminal Interference with Right to Housing

i. Makes it unlawful for any individual by the use of force or threatened use of force to injure, intimidate, or interfere with any person's housing rights because of that person's sex including the sale, purchase, or renting of a

dwelling, the occupation of a dwelling, contracting or negotiating for any rights of those above.

ii. up to \$1000 fine and one year of prison

- a. The Court essentially stole Ms. Lowe's home, and as Judge Sharrett stated "in order to relieve Mr. Arbouw of financial responsibilities".
- b. In a hearing on June 21, 2019, Judge Allen Sharrett told Ms. Lowe she was not able to purchase her own home in which her name is on the deed and the home in which her and her three children live would go to the highest bidder, despite Ms. Lowe crying and begging the judge to allow her to buy her own home and not put her and her three children on the street.
- c. It is believed this unfair treatment is because the judge was biased towards men.
- d. An order was illegally entered into court to deny Ms. Lowe of her housing rights.

## **VII. UNEQUAL TREATMENT AS A WOMAN**

- A. It is believed Ms. Lowe received unequal treatment because she is a woman:

- i. The judge removed a protective order to protect Ms. Lowe and the three children that was granted in J & D court in a county that does not easily give protective orders and Judge Allen Sharrett removed the protective order in order to “not harm Mr. Arbouw’s record”.
- ii. Judge Allen Sharrett refused to look at Mr. Arbouw’s income to determine alimony and child support under the law in order to relieve Mr. Arbouw of financial burdens
- ii. Judge Allen Sharrett was determined to put the children with their abusive father who tried to murder his family because in every hearing with no due process, not hearing evidence, and not hearing expert testimony, the judge would yell “This is how this is going to go! The children WILL be reunited with their father because children should be with their fathers!!”
- iii. Mr. Arbouw was allowed to file motions and have experts on the same day of trial without producing documents or announcement of witnesses ahead of time while Ms. Lowe was not allowed to file motions and not allowed to have witnesses

iv. Ms. Lowe was forced to produce the same Discovery over and over again (four times or more) when she was not the income earner and Mr. Arbouw was not forced to answer Discovery

v. The replacement Judge, Judge Gill told opposing counsel to file a Show Cause against Ms. Lowe for not paying a mortgage that is not in her name and not court ordered while not enforcing a Pendente Lite Order for her health insurance to be covered or the court ordered support amount to be paid

## **VIII. CONCLUSION**

The jurisdiction of the lower court was challenged regarding the federal interest of fundamental liberty interests which were denied. In conclusion “once jurisdiction is challenged the [Civil] court cannot proceed when it clearly appears that the court lacks jurisdiction, rather the court has no authority to reach merits, but rather should dismiss the action”. *Melo v. U.S.* 505 F.2d 1026. Such that the Civil Court has worked outside of their constitutional role as actors of the state and outside of its jurisdiction, and robbed Ms. Lowe and her three children of freedom to live their lives without state intervention. NO State has authority (jurisdiction) to hold any



hearings to deny or infringe on the Fundamental Liberty Interest of a fit parent in the care, custody, or control of their children during a divorce proceeding and holds no authority (jurisdiction) over property. The Fourteenth Amendment clearly states “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; or deny to any person within its jurisdiction the equal protection under the laws”. Too many lives were lost in this beautiful nation fighting to protect these freedoms and are the fundamental core values of our nation. There have been 1st (our most highly protected and cited in Supreme Court cases), 4th, 5th, 6th, 9th, and 14th amendment violations with a particular lack of due process throughout causing the loss of home, financial security, and the risk of life for the Arbouw children. Further, the Code of Virginia states in Virginia Code 1-240.1 Rights of Parents: “A parent has a fundamental right to direct the upbringing, education, and care of the parent’s child”.

The lower court was notified there is a lack of jurisdiction, constitutional rights violations, and issues regarding orders either being held for more

than 30 days, orders not even seen being produced and signed waiving Mrs. Arbouw's signatures. Further with a lack of jurisdiction, lack of due process, orders based on fraud, and in some cases only verbal orders, orders made by the court after June 21st, 2019 are void and null, and unenforceable, and the lower court may no longer proceed with any decisions as jurisdiction has been questioned, YET the lower court continues to proceed and threaten the property and lives of Ms. Lowe and the three children.

It is with this document that the defendant Kimberly Lowe for the sake of justice and the safety of her three children and in the interest of preserving justice in the lower courts, respectfully requests that this Federal District Court move this Case from the Brunswick County Civil District Court to the Eastern Federal District Court. Ms. Lowe attempted all avenues of relief and the safety of three beautiful children are at stake. Eva (pronounced "Ava"), age 14, Arie (boy), age 12, and Thijs (pronounced "Tice"), age 10. They deserve to live a happy and beautiful and safe life, and further Ms. Lowe deserves justice under the law. She received extremely unfair and unequal treatment in the Brunswick County Civil District Court and

respectfully requests that this court vacate the “Final Order” as an appeal was stopped from the Brunswick County Civil Court by Judge Allen Sharrett and the current judge, Judge Gill refuses to overrule Judge Sharrett’s ruling which was based on fraud and no due process and no equal treatment. It could be soundly argued that these two issues are of a Federal interest and under the Constitution can be heard at the Federal District Court.

In the interest of Justice, Kimberly Lowe, respectfully requests this court for thoughtful deliberation on the jurisdiction of federal interest items to ensure our courts are a place of justice in this beautiful country. It is respectfully requested that THIS COURT uphold the civil liberties of the children that are being denied at the State Civil Court allowing them to be free from unwarranted tests, therapy, exposure to their abuser, and rights to choose under the laws of Virginia and the Constitution. Mr. Arbouw is not a U.S. Citizen and could pose the threat as a flight risk and remove the children from the country if left even in a “therapeutic” session would which easily be a dangerous and life threatening situation for the children.

May Justice Prevail,

Kimberly Lowe

**CERTIFICATION**

I declare under penalty of perjury that:

(1) No attorney has prepared, or assisted in the preparation of this document.

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Kimberly Lowe, Pro-Se Litigator

Executed on June 17, 2020

## **CERTIFICATE OF SERVICE**

It is hereby certified that two copies of this notice of removal to federal court with attached Appendix was mailed to the Clerk of the United States District Court for the Eastern District of Virginia on June 17, 2020, as access to online portals are not available to pro-se litigators for filing.

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Kimberly Lowe

4779 Rawlings Road  
Rawlings, VA 23876  
(540) 529-3380  
[kimberlynadine@icloud.com](mailto:kimberlynadine@icloud.com)

XXIII. Writ of Mandamus and Memorandum of Law  
VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF BRUNSWICK

ROBERT JAN ARBOUW  
Plaintiff

v.  
KIMBERLY LOWE [ARBOUW],  
Defendant

CASE NO.: CL18000287-0

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**WRIT OF MANDAMUS**

It is hereby requested that this Court do a motion to stay on an order signed by Judge “In re, Petitioner” in the Brunswick County Civil Circuit Court on June 26, 2020 titled “Order” and “Final Order” that was called final but the judge did not make it final to prevent an appeal. The Lower Brunswick Civil Court will not produce a final appealable order despite all aspects in a divorce and custody case having been decided and the case having been in the court since 2018. The “Orders” are based on fraud, not following Virginia Code, violates constitutional rights and civil liberties, is causing great financial harm, and risk of life and safety to Kimberly Lowe and her three children. There has been intrinsic and extrinsic fraud, fraud on court, perjury, forgery, obstruction of justice, conspiracy, tortious interference of a contract, intent to harm, 1st, 4th, 5th, 9th, and 14th amendment rights violations, and civil liberty violations including Title 18,

U.S.C. Section 241, Conspiracy Against Rights, Title 18, U.S.C. Section 242, Deprivation of Rights Under the Law, Title 42 U.S.C., Section 3631, Criminal Interference with the Right to Housing. There has been zero options of relief. Despite the court having determined all issues in divorce and custody, the Civil Court refuses to create a final and appealable order and continues to threaten to jail Ms. Lowe if she doesn't break the law and violate the constitutional and civil liberties of herself and her children, and was told by Judge "In re, Petitioner" that she would keep seeing the judge over and over again and she would be seeing a lot of him despite all issues in divorce and custody having been determined. The court continues to schedule hearings, has created extreme financial harm, and bring extreme risks to the life and financial livelihood of Ms. Lowe and her three children. Ms. Lowe requests immediate relief through a stay of the "Order" and an emergency hearing under a fair and impartial judge in order to receive child support and support under the law. As part of judicial retaliation Ms. Lowe cannot obtain support under the law, the court is forcing Ms. Lowe to divulge the address of her and her children to her abuser despite VA Codes that protect her and the children and the fact that Ms. Lowe and the children are part of the State's Address Confidentiality Program to protect

their address from their violent abuser. Ms. Lowe was told if she did not follow the “Order” which does not follow the law, violates the constitution and civil rights, and endangers the safety of Ms. Lowe and her children, then Judge “In re, Petitioner” would march her down to the jail. The Order also removed a no contact order which protected Ms. Lowe and her three children and is forcing reunification therapy with their abuser, Mr. Arbouw, despite the children’s counselor, pediatrician, and one of the nation’s leading domestic violence experts stating there should be no contact. It is under the Judicial Canons that this Court, regardless of accepting a Writ of Mandamus, that this Court must report illegal activity by actors in the court including that of Judge’s, attorneys, the plaintiff, Mr. Arbouw, and the former Guardian Ad Litem, Amanda Jones. Ms. Lowe has experienced more than \$45,000 in attorney fees, \$153,000 in damages, and loss of home, property, safety, constitutional rights and civil liberties. Evidence is provided in the attached Appendix, and a Memorandum of Law is also included. Laws not followed in the “Order” include Virginia Code 63.20-104.1, 2.2-515, 2.2-515.2, 20-108.2D, 20-111.1, 20-107.1E, 20-107.1F, 20-111.1H, 20-108.2, 20-108.1, 20-108.1D, 20-91(6), 20-95, 20-107.3 Title 16.1 and Title 63.2.



1. This is a divorce/custody case in which Mr. Arbouw whom was abusive to his wife and three children abandoned his three children in the beginning of 2017 and he himself filed for divorce in the summer of 2018 on the grounds that he was not receiving enough sex and stated he had to desert the family because Ms. Lowe was an exorbitant spender because one year Ms. Lowe bought a grand piano for the children which costs \$1,100 out of an almost \$8,000 tax return. Judge determined there was no fault despite Mr. Arbouw having abandoned the family (20-91[6] and 20-95 abandonment).
  - a. Note Mr. Arbouw and Ryan Ferry continue to harass Ms. Lowe through large packets and letters on every family birthday stating Ms. Lowe give Mr. Arbouw \$6,000 or give Mr. Arbouw the piano he does not play and other assets which are not his.
2. Ms. Lowe was a stay at home mom and homeschooled and stayed at home since 2005 while Mr. Arbouw pursued his career and from the marriage three children were born of the ages 10, 12, and 14.
3. Mr. Arbouw abandoned Ms. Lowe, the children, and the property and debts, leaving Ms. Lowe with all of the debts and homeschool costs

of the children while Mr. Arbouw has not seen the children since the beginning of 2017.

4. Mr. Arbouw earns around \$130,000 per year, his company pays for his food, housing, iphone, and expenses, while Ms. Lowe earns \$0/ year and was abandoned an hour from the closest city and potentially 45 minutes to the closest employment yet Ms. Lowe has been out of work for so many years that Ms. Lowe has not found work that pays for a drive to the city and can cover child care and the children are far too advanced to enter the Brunswick County public schools which are barely accredited after having been homeschooled their entire life.
5. Mr. Arbouw and opposing counsel did not have to provide Discovery, Judge “In re, Petitioner” would not compel Mr. Arbouw’s income or retirement or any Discovery, Mr. Arbouw submitted more than \$51,000 in false assets on the day of trial on June 21st, 2019 and not in Discovery, and Judge “In re, Petitioner” would not accept affidavits or receipts or titles or a single motion and went so far as to tell Ms. Lowe she would be jailed if she were to submit a motion to court, and Mr. Ferry committed massive fraud on court, going so far as to submit orders never seen by Ms. Lowe and the court said Ms. Lowe had

seen the orders and waived her signature, including an order to auction the home of Ms. Lowe and her three children, of which Ms. Lowe's name is on the deed; and Mr. Ferry would continually submit false documents to court saying Ms. Lowe had requested such discovery when Ms. Lowe had not, and Mr. Ferry produced false letters with no dates stating they had been sent to Ms. Lowe.

6. Despite a massive paper trail identifying all of the laws broken, the court would not allow Ms. Lowe a defense and a "Final Order" was signed on December 16, 2019 based on fraud and when Ms. Lowe attempted to appeal, Judge "In re, Petitioner" sent out a personal letter stating the "Final Order" was not final and therefore not appealable.
7. Ms. Lowe with the help of state police was able to have Judge "In re, Petitioner" recuse himself along with the Guardian Ad Litem whom did not follow any rules under the Supreme Court regarding GAL's and the child support to the children was illegally garnished from the children in order to pay the GAL and as a result Ms. Lowe no longer keeps a bank account.

8. The Court replaced Judge “In re, Petitioner” with Judge “In re, Petitioner” out of retirement who came in biased and ready to punish Ms. Lowe out of retaliation.
9. Judge “In re, Petitioner” did state there had been massive ex parte communications that must be stopped but Judge “In re, Petitioner” told opposing counsel to place a Show Cause on Ms. Lowe for not paying a mortgage that is not in her name and that she is not court ordered to pay in order to bring harm to Ms. Lowe.
10. Judge “In re, Petitioner” was biased and said the most important thing is to put the children with their father despite not having heard any of the testimonies or evidence regarding abuse of Mr. Arbouw to the children.
11. Ms. Lowe sent a Cease and Desist requesting the court stop their illegal activities and violating the rights of her and her children, requested a judicial recusal, and stated judicial canons not being followed by Judge “In re, Petitioner” and if they continued to hold on hearing on June 26, 2020 in order to violate Ms. Lowe and her children’s rights, then Ms. Lowe would file a Civil Rights lawsuit against the judge, opposing counsel, and Mr. Arbouw.

12. In retaliation Judge “In re, Petitioner” held a hearing, pulled almost all support from Ms. Lowe and her three children, would not hear an order to determine support under the law including a previously fraudulently calculated support amount which had Ms. Lowe’s income as \$3337 when her income is \$0, and Mr. Arbouw’s income being \$4000 less than actual; Judge “In re, Petitioner” is forcing Ms. Lowe’s and the children’s address when Ms. Lowe and the children are part of the State’s Address Confidentiality program and Ms. Lowe stated the Virginia Codes that protect their records and address from their abuser, respectively VA Code 63.20-104.1 and 2.2-515; and Judge “In re, Petitioner” is allowing Mr. Arbouw to drop Ms. Lowe and her children as beneficiaries on policies despite the divorce not being final and the Virginia Code Section 20-111.1 allowing the wife or children to stay as beneficiaries and Ms. Lowe respectfully requested to pay for said policies in order for the children to have something in the event of a death; and forced psychological exams on the children when there is no VA Code section that allows the forced order of psychological exams on children in a divorce proceeding, the court is forcing the children to have an exam with the evaluator of opposing

counsel's choice, and Ms. Lowe argued forced tests are unconstitutional, violate the civil liberties of Ms. Lowe and her children, tests are for mentally ill people not happy and healthy children, and the outcome of such tests are based upon the bias of the evaluator as determined in the Saunders Study which was funded by the NIH; and forced psychological exam has been ordered for Ms. Lowe when custody has already been determined and Virginia code allows for the order for parents Virginia Code Section 20-111.1 but only with help in determining custody; forced reunification therapy with the children's abuser when the children's counselor, pediatrician, and one of the nation's leading domestic violence experts stated there should be no contact with their abuser.

13. Most importantly, Judge "In re, Petitioner" badgered Ms. Lowe over and over and over again to try to get Ms. Lowe to agree to psychological testing and told Ms. Lowe he was going to march her down to the jail if she didn't agree and he was going to put her in jail if she didn't do everything that was in the order including forced tests by an evaluator of opposing counsel's choice and giving the address of Ms. Lowe and her children which will put their lives at risk, and

forced reunification therapy of which Ms. Lowe did agree and set an appointment to speak directly to the evaluator that THEY chose, with no option for Ms. Lowe to choose an evaluator.

14. Despite all issues regarding divorce and custody having been decided the court will not release Ms. Lowe or grant a final divorce which is appealable in which Ms. Lowe can get relief, and Judge “In re, Petitioner” in retaliation and in an abuse of power told Ms. Lowe he would bring her back to court over and over and over again and Ms. Lowe would be seeing a lot of him and Ms. Lowe WOULD comply to the order or she would be jailed.
15. Ms. Lowe attempted all relief including an appeal to appellate court which was stopped by Judge “In re, Petitioner” because Judge “In re, Petitioner” does not want anyone to know what is happening in the lower courts; Ms. Lowe attempted to remove the case to federal court arguing the federal court can vacate orders based on fraud and remand issues in custody and support to a lower court with a fair and impartial judge, but Ms. Lowe was denied; Ms. Lowe contacted the Sheriff’s Office, Commonwealth’s Attorney, FBI, State Police, Senators, Delegates, Civil Rights Groups, Attorneys, Domestic

Violence programs, the Supreme Court of Virginia, the Governor's Office, and the Attorney General's Office seeking relief.

16. Ms. Lowe has had to stay in fear of jail when she has broken no laws and Judge "In re, Petitioner" even threatened to jail Ms. Lowe at Christmas time and place her children in foster care over Christmas if she dare file a motion, thus Ms. Lowe has had to be in direct communication with DSS, not leave her children anywhere unattended, and keep her farm gates locked in fear of judicial retaliation.
17. "Final Order" signed on December 16, 2019 did not equitably distribute assets, \$51,000 in false assets were submitted by Mr. Arbouw and Mr. Ferry on June 21st, 2019 with no receipts and not submitted in Discovery, and when Ms. Lowe tried to submit notarized affidavits from more than 20 people to dispute the assets, the judge would not accept the affidavits. Further, the judge did not distribute or divide the marital debt and left Ms. Lowe with \$21,000 in debt and around \$45,000 in student loans.
  - i. Mr. Ferry usually sends harassing mail on the birthdays of Ms. Lowe and her children so Mr. Ferry received right before the oldest



child's birthday on July 1st letter stating that Ms. Lowe must comply to the "Final Order" .

ii. The letter wants Ms. Lowe to give opposing counsel \$6,000 or "assets" that are completely NOT marital assets.

iii. If Ms. Lowe does not comply to orders based on fraud, despite orders based on fraud being void and voidable, the current judge will place Ms. Lowe in jail.

iv. Motion to Vacate filed in Appendix gives review of "Final Order"

18. It is with this Writ of Mandamus that Ms. Lowe requests an Emergency Stay of "Order" signed on June 26, 2020 and an Emergency Stay of the "Final Order" that is not final and not appealable signed on December 16, 2019.

19. It is also requested that under the Judicial Canons, that this Court review Crimes committed in this court as found in the Appendix and Memorandum of Law and report these crimes to the appropriate authorities in Virginia such that:

such that:

"(1) A judge who receives reliable information indicating a substantial likelihood that another judge has committed a violation of these

Canons should take appropriate action. A judge having knowledge of that another judge has committed a violation of these Canons that raises a substantial question as to the other judge's fitness for office should inform the Judicial Inquiry and Review Commission".

"(2) A judge who receives reliable information indicating a substantial likelihood that a lawyer has committed a violation of the Code of Professional Responsibility should take appropriate action. A judge having knowledge that a lawyer has committed a violation of the Code of Professional Responsibility that raises substantial question as to the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects should inform the Virginia State Bar

20. A stay on the "Order" will protect the lives of Ms. Lowe and her children, allow Ms. Lowe to continue to receive support under a Pendente Lite Order in 2019 which gives Ms. Lowe and her children some child support as Ms. Lowe was left in a most dire financial situation and the children deserve financial support under the law, a stay on forced psychological exams that are a violation of constitutional rights and civil liberties, particularly when the evaluator

is the choice of opposing counsel, and a stay to stop the removal of Ms. Lowe and her children as beneficiaries on life insurance policies which have been paid into for a long time.

21. Attached is an in-depth appendix for review to note the lack of due process, crimes committed, Virginia codes not followed, judicial abuse, constitutional and civil rights violations, and the motion “Response to Order from June 26, 2020”, will detail the Order for Review.

## **RELIEF SUMMARY**

1. Emergency Stay on “Order” and “Final Order”, which would keep a 2019 Pendente Lite Order in place provides some financial support, and maintain the no contact order to protect Ms. Lowe and the children, and prevent Ms. Lowe from being jailed for not violating her rights and giving Mr. Arbouw property that is not his.
2. Report crimes committed in court as according to the judicial canons.
3. Remove current Judge, move Kimberly Lowe’s case out of the district such as Mecklenburg or provide a location with a fair and impartial judge which will actually follow the law.

4. Without relief, Ms. Lowe will be incarcerated when Ms. Lowe has broken no crimes and cannot get relief or help from any avenue.

In conclusion, in 2020 it is important to uphold the Constitution and Virginia law. No court should be so lawless and there must be judicial oversight to protect our families in Virginia. Please stand up for justice, the Constitution, and the rights Americans have for so long fought for. Ms. Lowe has lost her home, almost \$45,000 in attorney fees, and \$153,000 in lost assets. In the pursuit of justice please protect the children and Ms. Lowe from such rampant judicial abuse and corruption and stay the order to protect the children and ensure they receive support under the law. The children are homeschooled, have homeschool costs of \$700/month, the eldest daughter has braces that cost \$6,000 and despite repeated requests the Civil Court will not have Mr. Arbouw contribute, and there was no equitable division of assets as Ms. Lowe was left with 100% of the debt. Please stay the "Order" of controversy, report crimes and judicial abuse of power as defined in the judicial canons, and with such a stay Ms. Lowe may be able to obtain relief under the law and find avenues for a fair trial, or at least a final and appealable order so Ms. Lowe can be released from Civil Court to be able

to seek relief. And most importantly, emergency relief is requested to prevent Ms. Lowe for being incarcerated if she does not follow fraudulent orders which violate the constitutional rights and civil liberties of her and her children or gives Mr. Arbouw property which does not belong to him.

## **MEMORANDUM OF LAW**

According to the Virginia Supreme Court rule 5:7, a memorandum of law citing relevant authorities must accompany each petition. Laws not followed in the “Order” include Virginia Code 63.20-104.1, 2.2-515, 2.2-515.2, 20-108.2D, 20-111.1, 20-107.1E, 20-107.1F, 20-111.1H, 20-108.2, 20-108.1, 20-108.1D, 20-91(6) 20-95, 20-107.3, Title 16.1 and Title 63.2.

### **I. VIRGINIA CODES NOT FOLLOWED OR BROKEN IN “ORDER”:**

1. Page 5, Number 10 and 11, and page 7, Number 17, “Order” states:  
“The parties shall give each other and the court.....written notice, in advance, of any change of address and any change of telephone number within 30 days after the change” and Page 8 Paragraph 2,  
“Pursuant to Code 20-124.6...neither parent, regardless of whether such parent has custody, shall be denied access to academic, medical, hospital, or other health records of that parent’s minor child, unless otherwise provided in this order”:
  - a. Virginia Code 63.20-104.1 allows confidentiality of records of persons receiving domestic and sexual violence services, thus this law supersedes access to the children’s medical records. Virginia

Code 2.2-515 protects address confidentiality of victims of domestic and sexual violence.

b. Code 2.2-515.2 address confidentiality program established to prevent victims of domestic violence, stalking, or sexual violence by authorizing the use of designated addresses for such victims.

c. Ms. Lowe and her three children are part of the Address Confidentiality Program and receiving services and have a case worker through the Southside Center for Violence Prevention.

i. Authorization 2020PMB298 for ACP card for Kimberly Lowe, 2020PMB298A for Eva Arbouw, 2020PMB298B for Arie Arbouw, and 2020PMB298C for Thijs Arbouw.

2. Page 5, Number 8, “Husband 69%, wife 31%” for unreimbursed medical and dental.

a. 20-108.2 D

“in addition to any other support obligations established pursuant to this section, any child support order shall provide that the parents pay in proportion to their gross incomes, as used for calculating the monthly support obligation, any reasonable and necessary unreimbursed medical or dental expenses”.

b. Ms. Lowe earns \$0 and Mr. Arbouw earns \$130,000, therefore Mr. Arbouw should be responsible for those costs.

3. Page 8, Paragraph 3 “Beneficiary designation”

a. Virginia Code Section 20-111.1, the code was amended in 2012 such that the code of Virginia “made payable to a former spouse may or may not be automatically revoked by operation of law upon the entry of a final decree....existing beneficiary designations may remain in full force and effect after the entry of a final decree of annulment or divorce.”

b. Virginia Code 20-108.1D under Title 16.1 or Title 63.2, on the issue of determining child support, the court shall have the authority to order a party to (1) maintain any existing life insurance policy on the life of either party provided the party so ordered has the right to designate a beneficiary and (ii) designate a child or children of the parties as the beneficiary of all or a portion of such life insurance for so long as the party so ordered has a statutory obligation to pay child support for the child or children.

e. Despite Ms. Lowe respectfully requesting from the judge several times that Ms. Lowe be allowed to continue to pay the life insurance



policies such that in the event of death the children would receive life insurance, the judge denied the request effectively resulting in the possible cancellation of policies that Ms. Lowe has paid into for many years, unless this Court does a stay to the "Order".

4. Page 4, Number 7 "The current amount of periodic spousal support is as follows, \$1,003 per month for six month and ending June 2020.
  - a. Virginia code 20-107.1 F. states "In contested cases in the circuit courts, any order granting, reserving or denying a request for spousal support shall be accompanied by written findings and conclusions of the court identifying the factors in subsection E which support the court's order. If the court awards periodic support for a defined duration, such findings shall identify the basis for the nature, amount and duration of the award and, if appropriate, a specification of the events and circumstances reasonably contemplated by the court which support the award.
  - b. Virginia Code 20-107 E: "The Court in determining whether to award support and maintenance for a spouse, shall consider the circumstances and factors which contributed to the dissolution of the marriage, specifically including adultery and other ground for divorce

under the provision of subdivision A(3) or (6) of Code 20-91 or Code 20-95. In determining the nature, amount and duration of an award pursuant to this section, the court shall consider the following (1) The obligations, needs and financial resources of the parties, including but not limited to income from all pension, profit sharing or retirement plans, or whatever nature; (2) the standard of living established during the marriage; (3) the duration of the marriage; (4) the age and physical and mental condition of the parties and any special circumstances of the family; (5) the extent to which the age, physical, or mental condition or special circumstances of any child of the parties would make it appropriate that a party no seek employment outside of the home; (6) the contributions, monetary and non monetary, of each party to the well being of the family; (7) the property interests of the parties, both real and personal, tangible and intangible; (8); the provisions made with regard to the marital property under code 20-107.3; (9) the earning capacity, including the skills, education, and training of the parties and the present employment opportunities per persons possessing such earning capacity; (10) the opportunity for, ability of, and the time and costs involved for a party

to acquire the appropriate education, training, and employment to obtain the skills needed to enhance his or her earning ability (11) the decisions regarding employment, career, economics, education and parenting arrangements made by the parties during the marriage and their effect on present and future earning potential, including the length of time one or both of the parties have been absent from the job market; (12) the extent to which either party has contributed to the attainment of education, training, career position or profession of the other party; and (13) such other factors including the tax consequences to each party and the circumstances and factors that contributed to the dissolution, specifically any ground for divorce, as are necessary to consider the equities between the parties.

c. The Court did not follow any of the above Virginia codes in determining support and for precise detail one can see the motion “Alimony/Child Support” submitted on June 23, 2020 which the judge refused to hear and all other motions to request child support and alimony were denied and not heard in 2019.

d. \$1,003/month for three children does not reflect Virginia code, does not use Mr. Arbouw’s actual income, and does not consider the

homeschool costs Ms. Lowe incurs at \$700/month, braces that cost \$6,000, or the fact that Ms. Lowe was abandoned with the total marital credit card debt which costs \$1000 per month to maintain, the fact that Ms. Lowe is an hour from work and has not been in the workplace since 2005, that Ms. Lowe has stayed at home with the children while Mr. Arbouw pursued his career, and that Mr. Arbouw earns around \$130,000/year and has no expenses because his company pays for his housing, food, and expenses while Ms. Lowe was abandoned in a 6,000 square foot 18 acre estate with a guest house and pool, three children, and all of the children's ponies and pets, and bills that come with such a large property.

5. Page 2, "Husband shall pay to Wife the sum of \$1,352.00 per month for the support and maintenance of the parties' minor children, Eva, Arie-Jan, and Thijs, but this was only for six months and ended in June 2020 and Ms. Lowe was left without support:
  - a. Virginia Code 20-108.2
  - b. Virginia Code 20-108.2 defines "gross income as:  
"all income from all sources, and includes, but is not limited to, income from salaries, wages, commissions, royalties, bonuses,

dividends, severance pay, pensions, interest, trust income, annuities, capital gains, social security benefits, veteran's benefits, spousal support, rental income, gifts, prizes, and awards.

c. Virginia Code 20-108.1 Determination of child or spousal support:

i. "In order to rebut the presumption, the court shall make written findings in the order, which findings may be incorporated by reference, that the application of such guidelines would be unjust or inappropriate in a particular case. The finding that rebuts the guidelines shall state the amount of support that would have been required under the guidelines, shall give a justification of why the order varies from the guidelines, and shall be determined by relevant evidence pertaining to the following factors affecting the obligation, the ability of each party to provide child support, and the best interests of the child: (1) actual monetary support for other family members or former family members; (2) arrangements regarding custody of the children, including the cost of visitation travel; (3) imputed income to a party who is voluntarily unemployed or voluntarily under-employed; provided that income may not be imported to a custodial parent when a child is not in school, child care services are not available and the cost of such child care services are not included in the computation and

provided further, that any consideration of imputed income based on a change in a party's employment shall be evaluated with consideration of the good faith and reasonableness of employment decisions made by the party, including to attend and complete an educational or vocational program likely to maintain or increase the party's earning potential; (4) any child care costs incurred on behalf of the child or children due to the attendance of a custodial parent in an educational or vocational program likely to maintain or increase the party's earning potential; (5) debts of either party arising during the marriage for the benefit of the child (6) direct payments ordered by the court for maintaining life insurance coverage pursuant to subsection D, education expenses, or other court ordered direct payments for the benefit of the child (7) extraordinary capita gains resulting from the sale of the marital abode; (8) any special needs of the child resulting from any physical, emotional, or mental condition; (9) independent financial resources of the child or children; (10) standard of living for the child or children established during the marriage; (11) earning capacity, obligations, financial resources, and special needs of each parent; (12) provisions made with regard to the marital property under code 20-107.3 where said property earns income or has an income earning

potential; (13) tax consequences to the parties including claims for exemptions, child tax credit, and child care credit for dependent children; (14) a written agreement, stipulation, consent order, or decree between the parties which includes the amount of child support; and (15) such other factors as are necessary to consider the equities for the parents and children

d. Virginia Code 16.1-278.17 Guideline Spousal Support Sheet, Fairfax.

i. Has Ms. Lowe's income as \$3,337 when it is zero

ii. Added child support as Ms. Lowe's income when the form instructions say to not add child support as income.

iii. Has Mr. Arbouw's income being \$4,000 less than actual.

e. The court was incredibly unjust, did not follow any Virginia codes, left Ms. Lowe and the children without support, did not write a explanation as to the determination of support, did not look at Mr. Arbouw's actual income including gross income as listed under Virginia code, and did not consider circumstances as listed in Virginia code, and would not hear motions from Ms. Lowe in order to defend and argue her case, although the court was notified in motions and

verbally told that the child support calculation was incorrect as was Mr. Arbouw's and Ms. Lowe's income, and Ms. Lowe stated her monthly expenses respectfully requesting the judge award child support and alimony under the law.

6. Page 8, Number 4 "Mother and Father shall each obtain a psychological evaluation for each of the minor children"
  - a. Virginia Code Section 20-111.1H. "In any proceeding before the court for custody or visitation of a child, the court may order a custody or a psychological evaluation of any parent, guardian, legal custodian, or person standing in loco parentis to the child"
  - b. There is no statute/law to give a judge permission to order psychological exams for children in a divorce and custody Civil hearing
  - c. The court already determined custody and there is no statute or procedure to suggest a psychological test to children
  - d. The judge said he would place Ms. Lowe in jail unless she obtained psychological tests for herself and the children despite there being no Virginia code that allows the judge to order such tests for children in a divorce and custody hearing.



e. The court is forcing psychological tests and reunification therapy with the therapist of opposing counsel's choice (psych tests) and the choice of the Court (reunification therapist)

**I. VIRGINIA CODES NOT FOLLOWED OR BROKEN IN "Final Order":**

1. 20-95(6) and 20-95: Abandonment. Judge decreed there was no fault despite Mr. Arbouw having abandoned his wife and three children.
2. 20-107.3: Judge did not follow VA Code at all in distribution of assets and left Ms. Lowe with 100% of the marital debt, accepted more than \$51,000 in false assets from Mr. Arbouw with no receipts that were not presented until the day of trial, and would not accept more than 20 notarized affidavits from people to refute said claims, the Judge even made up amounts for assets, and despite at each and every hearing and filing a motion to vacate which the judge refused to hear, Ms. Lowe was denied a defense and the court will more than likely put Ms. Lowe in jail unless she complies with the court order that is based on fraud and perjury with intent to harm.
  - a. Mr. Arbouw continues his abuse and coercive control through his attorney and says he will come take the children's couch and armoire (all non marital and purchased before marriage) and the children's

piano, and other items that are not his, and sends threatening letters asking for money and demanding compliance of an order that is based on fraud through his attorney on children's birthdays and Ms. Lowe's birthday rather than telling a child Happy Birthday.

### **III. FEDERAL VIOLATIONS**

#### **A. Federal Civil Liberty Crimes**

##### **1. Title 18, U.S.C., Section 241- Conspiracy Against Rights:**

a. Makes it unlawful for two or more persons to conspire to injure, oppress, threaten, or intimidate any person of any state, territory, or district in the free exercise or enjoyment of any right or privilege secured by him/her by the Constitution or the laws of the United States (or because his/her having exercised the same) with fine to imprisonment up to ten years

a. Judge "In re, Petitioner" threatened to jail Ms. Lowe unless she and her children had psychological exams by the evaluator of the choice of opposing counsel, while opposing counsel Ryan Ferry conspired by falsification and forgery of documents, fraud on court, falsified statements, forcing the evaluator of his choice, and through ex parte communications, and originally through judicial pressure the Guardian Ad Litem adhered to what the judge wanted not what experts

suggested therefore conspiring with the judge to remove the rights of the children.

- b. Judge “In re, Petitioner” badgered Ms. Lowe over and over and over again trying to get Ms. Lowe to agree to violating her civil rights and that of her children or he would walk her right to jail.
- c. Judge “In re, Petitioner” refuses to sign a final order despite all issues in divorce and custody being determined and said judge plans on bringing Ms. Lowe back to court over and over and over again.
- d. In a conspiracy between Judge “In re, Petitioner” and opposing Ryan Ferry along with original plaintiff in the divorce, Robert Arbouw, and court appointed Guardian Ad Litem, the rights of Ms. Lowe and her children were removed with threats to jail Ms. Lowe, place the children in foster care, and take child support which was done.
- e. Judge “In re, Petitioner”, Ryan Ferry, opposing counsel, and plaintiff Robert Arbouw, conspired to take the property of Ms. Lowe and her three children.
  - i. Ms. Lowe was never allowed to purchase her own property except after many pleadings she at one point was given twenty days when

the judge was well aware that the property needed work in order for anyone to obtain a loan.

ii. Opposing Counsel snuck an order in to auction the property and home in which Ms. Lowe and the children reside and the judge waived Ms. Lowe's signature stating she had seen it when she had not, and then the judge held the order for more than 30 days in order to prevent an appeal, and when Ms. Lowe attempted an appeal the judge stopped the appeal.

- f. Judge "In re, Petitioner", Ryan Ferry, opposing counsel, and plaintiff Robert Arbouw, and court appointed Guardian Ad Litem Amanda Jones conspired to remove the rights of children and Ms. Lowe in order to force psychological tests and reunification therapy with the therapists of THEIR choice.
- g. The Virginia law and constitution give children liberties which are being denied, such that, the children of ages 15, almost 13, and 11 (by December 2020) do not want to see their abuser, their father but the judge and GAL and opposing counsel conspired together to remove their rights.

- i. The judge decided early without listening to the evidence that the children would be reunited with their father and the judge would not speak directly with the children.
- ii. The GAL only briefly spoke with the children once in the beginning of 2019 and merely asked them what they like to eat and if they want to see their dad, and the children said no we don't want to see our dad.
- iii. The GAL would not take the time to speak with the children's counselor or pediatrician or one of the nation's leading domestic violence experts and Ms. Lowe had to pay for a meeting right before a hearing and after a 2 hour meeting with the counselor and pediatrician the GAL agreed there should be no contact but on the day of court the GAL succumbed to the wants of the judge in order to appease the judge so she can always be called in as GAL for that judge.
- iv. The judge would not allow Ms. Lowe to submit motions to court and all motions that had ever been submitted were denied and Ms. Lowe was told she would be placed in jail and the children in foster care if she submitted a motion to court and Ms. Lowe begged to be

able to submit an expert witness list but the judge gave her two days and said she was only allowed the name of the expert witness and their address; on the day of the custody hearing on December 16, 2019 the judge would not allow the expert witnesses to speak saying the expert witness list should also say exactly what they were going to say.

i. Ms. Lowe spent \$9000 in expert witness fees when the children's counselor and pediatrician were not allowed to testify and Barry Goldstein, one of the nation's leading domestic violence experts was barely allowed to speak and Ms. Lowe was not allowed to ask questions pertinent to the case.

ii. As soon as the hearing started the judge had already made his ruling that the children would be reunited with their father whom tried to murder his family and had not seen his family since the beginning of 2017

## **2. Title 18, U.S.C. Section 242 - Deprivation of Rights Under Color of Law:**

a. Makes it a crime for any person acting under color of law, statute, ordinance, regulation, or custom to willfully deprive or cause to be deprived

from any person those rights, privileges, or immunities secured or protected by the Constitution and laws of the U.S.

b. Acts under “color of any law” include acts not only done by federal, state, or local officials within the bounds or limits of their lawful authority, but also acts done without and beyond the bounds of their lawful authority; provided that, in order to unlawful acts of any official to be done under “color of any law”, the unlawful acts must be done while such official is purporting or pretending to act in the performance of his/her official duties. This definition includes judges and those are bound by laws, statutes ordinances, or customs.

c. punishment varies from fine or imprisonment up to one year and

- 1) the victim must have been an inhabitant of the US
- 2) defendant acted under color of any law
- 3) the defendant’s conduct deprived the victim of some right secured and protected by the U.S. Constitution
- 4) the defendant acted willfully, that is, with specific intent to violate the protected constitutional rights

- 5) Ms. Lowe and her children were deprived of the laws of Virginia, 1st, 4th, 5th, 9th, and 14th amendment rights (see Constitutional Violations in part C).
- 6) There is no law that authorized a judge in a divorce or custody proceeding to order psychological exams on children.
- 7) The actors in the court including the judge, Ryan Ferry, and Rob Arbouw took the property of Ms. Lowe and her children, including their farm and home, and have not allowed Ms. Lowe and her children to have a life free from court interference of the court and have held Ms. Lowe and her children in court for years since 2018 despite all matters in divorce and custody having been determined.

### **3. Title 42, U.S.C., Section 3631 - Criminal Interference with Right to Housing:**

- a. Makes it unlawful for any individual by the use of force or threatened use of force to injure, intimidate, or interfere with any person's housing rights because of that person's sex including the sale, purchase, or renting of a dwelling, the occupation of a dwelling, contracting or negotiating for any rights of those above.



b. up to \$1000 fine and one year of prison

c. At no point was Ms. Lowe ever allowed to buy her own home although her name was on the deed and the judge was biased to Mr. Arbouw and wanted to relieve him of any financial duties, except at one point after many pleadings Ms. Lowe was given 20 days to secure a loan which was not enough time to secure a loan.

d. The judge yelled at Ms. Lowe that her home would be auctioned to the highest bidder despite Ms. Lowe crying and begging that he not put her children on the street.

e. Ryan Ferry, opposing counsel, snuck an order in to auction off the home of Ms. Lowe and make her responsible for the costs, the judge signed saying Ms. Lowe had seen the order and waived her signature. The judge then with intent held the order and hid the order in order to prevent an appeal, and when the order was found the judge stopped an appeal to the appellate court.

f. The judge created a breach of contract and instructed Mr. Arbouw to not pay the mortgage on the property in which the mortgage is in his name.

g. The judge showed continued bias towards the male plaintiff and extreme lawlessness towards the female defendant Ms. Lowe.

- i. The judge removed a protective order from Ms. Lowe and the children in order to not “harm Mr. Arbouw’s record”.
- ii. The judge told Ms. Lowe to sell an alpaca to pay for the GAL not knowing how many alpacas Ms. Lowe had or if they were marital property or contributed towards income and the judge garnished child support to the children in order to pay the GAL making Ms. Lowe’s children not receive child support under the law.
- iii. The judge was continually saying he wanted to relieve Mr. Arbouw of financial responsibility and despite Mr. Arbouw even stating in a proffer that he is half responsible for the marital credit card debt, the judge left Ms. Lowe with 100% of the credit card debt and even instructed Mr. Arbouw to not pay the mortgage that is in his name.
- iv. The judge showed clear bias towards Mr. Arbouw because Mr. Arbouw is a man and the judge completely destroyed Ms. Lowe financially including illegally seizing her home.

- v. Mr. Arbouw is not even a U.S. Citizen but because he is a white man whom could continue to pay an attorney he received preferential treatment.

## **B. CRIMES COMMITTED UNDER VIRGINIA CODE**

### **1. Perjury**

- a. Code 18.2-435: Giving conflicting testimony on separate occasions as to the same matter, “It shall likewise constitute perjury for any person, with the intent to testify falsely, to knowingly give testimony under oath as to any material matter or thing and subsequently to give conflicting testimony under oath as to the same matter or thing. In any indictment for such perjury, it shall be sufficient to allege the offense by stating that the person charged therewith did, knowingly and with the intent to testify falsely, on one occasion give testimony upon a certain matter and, on a subsequent occasion, give different testimony upon the same matter. Upon the trial on such indictment, it shall be sufficient to prove that the defendant, knowingly and with the intent to testify falsely, gave such differing testimony and that the differing testimony was given on two separate occasions.”

- i. Ryan Ferry lied continuously at every hearing in order to defraud Ms. Lowe and successfully commit fraud on Court.
  - ii. Mr. Ferry withheld Mr. Arbouw's income and assets and lied about Mr. Arbouw's income and living situation.
  - iii. By January 15, 2020 Mr. Ferry actually submitted Mr. Arbouw's actual income which was far different than testimony, but still \$30,000 less than actual.
- b. Code 18.2-436 Inducing another to give false testimony
- "If any person procure or induce another to commit perjury or to give false testimony under oath in violation of any provision in this article, he shall be punished as prescribed in Code 18.2-434. In any prosecution under this section, it shall be sufficient to prove that the person alleged to have given false testimony shall have been procured, induced, counseled or advised to give such testimony by the party charged."
- i. Mr. Ferry had Mr. Arbouw also under testimony lie about his actual income in a June 21st, 2019 divorce trial.
  - ii. Mr. Ferry had Mr. Arbouw be dishonest about his living situation and financial condition.

2. OBSTRUCTION OF JUSTICE VA Code 18.2-460: “If any person without just cause knowingly obstructs a judge.....in the performance of his duties as such or fails or refuses without just cause” and “...any person who... knowingly attempts to....impede a judge....lawfully engaged in his duties as such, or to obstruct or impede the administration of justice in any court, is a guilty of a Class 1 misdemeanor.”

a. Mr. Ferry committed Fraud on Court. See detailed Fraud on Court in “Motion to Vacate”.

b. Mr. Ferry did not cooperate with Discovery and actually made up Discovery questions saying Ms. Lowe had asked those questions when she had not.

c. Mr. Ferry snuck in two orders on December 16, 2019, one a “Final Decree which version Ms. Lowe had not seen and despite Ms. Lowe saying it was based on fraud, it was signed, and the other order for an appointment of a special commissioner was snuck in saying Ms. Lowe had seen the order and then her signature was waived when Ms. Lowe had not seen either.

d. Mr. Ferry would lie about Discovery requests when Ms. Lowe was providing Discovery and then Mr. Ferry would not respond to Discovery and the judge would not compel Discovery.

e. Mr. Ferry lied about Ms. Lowe saying she had not contacted the reunification therapist when she had and told the judge Ms. Lowe could not be trusted when Ms. Lowe was the only person in the court room following the law.

f. For details see Appendix which includes disingenuous statements made by Ferry, Fraud on Court, and notice of perjury.

3. TORTIOUS INTERFERENCE OF A CONTRACT (1) existence of a contract (2) knowledge of the expectancy (3) intentional interference (4) improper means or methods to interfere (5) damages caused:

a. The judge told Mr. Arbouw he need not pay the mortgage and Mr. Ferry snuck in an order to auction the home in which Ms. Lowe and her children reside when Ms. Lowe had not seen such an order.

4. BREACH OF CONTRACT VA Code 59.1-507.1 “when a party....fails to perform an obligation in a timely manner” such that (b) the breach substantially deprived or is likely substantially to deprive the aggrieved party of a significant benefit it reasonably expected under the contract”

a. The Judge created a breach of contract by instruction Mr. Arbouw to NOT pay his mortgage which then resulted in the loss of the home for Ms. Lowe and her children, combined with the court not allowing Ms. Lowe to purchase her own home and sneaking in an order to auction off the home and then holding the order to hide it and preventing an appeal when Ms. Lowe attempted to appeal.

5. FORGERY VA Codes 18.2-168 and 18.2-170 Forging, uttering, etc., other writings such that: "If any person forge any writing, other than such as is mentioned in Code 18.2-168 and 18.2-170, to the prejudice of another's right, or utter, or attempt to employ as true, such forged writing, knowing it to be forged, he shall be guilty of a Class 5 felony."

a. Opposing Counsel presented \$51,000 in false assets with no receipts in order to defraud Ms. Lowe and only presented these false assets on the day of trial, not in Discovery and when Ms. Lowe had over 20 notarized statements to challenge the validity of the assets, the court would not accept the affidavits and the court would not vacate the motion based on fraud and not following VA code.

b. Ryan Ferry submitted a document to court stating Ms. Lowe had written it when she had not.

c. Ryan Ferry would make up letters stating he had sent them and leave them undated when he had not sent such communication.

6. FALSE PRETENSE Virginia Code 18.2-178 Obtaining money or signature, etc., by false pretense, such that: “A. If any person obtain, by false pretense or token, from any person, with intent to defraud, money, a gift certificate or other property that may be the subject of larceny, he shall be deemed guilty of larceny.

a. Mr. Ferry attempted to obtain money for items that were non marital by attempting to access the property and send threatening letters to come take items that do not belong to Mr. Arbouw that were falsely produced (also falls under conspiracy).

b. The judge verbally ordered the garnishment of child support to the children in order to pay the Guardian Ad Litem, Amanda Jones, and the GAL gladly accepted the money despite motions requesting an exemption from withholding and a cease and desist requesting the GAL return the money to the children (also falls under Conspiracy).

7. CONSPIRACY Virginia Code 18.2-23 Conspiring to trespass or commit larceny, “A. If any person shall conspire, confederate or combine with another or others in the Commonwealth to go upon or remain upon the



lands, buildings, or premises of another ,or any part, portion or area thereof, having knowledge that any of them have been forbidden, either orally or in writing, to do so by the owner, lessee, custodian or other person lawfully in charge thereof, or having knowledge that any of them have lands, buildings, premises or part, portion or area thereof at a place or places where it or they may be reasonable seen, he shall be deemed guilty of a Class 3 misdemeanor. B. If any person shall conspire, confederate or combine with another or others in the Commonwealth to commit larceny or counsel, assist, aid or abet another in the performance of a larceny, where the aggregate value of the goods or merchandise involved is more than \$200, he is guilty of a felony”.

8. CONSPIRACY Virginia Code 18.2-22 Conspiracy to commit felony “(a) If any person shall conspire, either within or without this Commonwealth, to commit a felony within this Commonwealth, or if he shall so conspire, confederate or combine with another within this Commonwealth to commit a felony either within or without this Commonwealth, he shall be guilty of a felony which shall be punishable”

a. Ryan Ferry, Robert Arbouw, Amanda Jones, and the Judge all conspired in order to take money from Ms. Lowe, the GAL took the children's child support, and Ryan Ferry, Robert Arbouw, and the judge conspired to take Ms. Lowe and the children's home and to try to take money by falsifying assets and by leaving Ms. Lowe with 100% of marital credit card debt rather than following the law particularly when Mr. Arbouw stole the credit cards, ran up the credit cards, and abandoned Ms. Lowe with the bill.

9. MALFEASANCE Virginia Code 2.2-3122 "Any persons who knowingly violates any of the provisions of this chapter shall be guilty of malfeasance in office of employment. Upon conviction thereof, the judge or jury trying the case, in addition to any other fine or penalty provided by law, may order the forfeiture of such office or employment"

a. There was massive malfeasance on the part of both judges.

### **C. CONSTITUTIONAL VIOLATIONS**

1. The children must be allowed the freedom under the Constitution and the laws under the State of Virginia, and as a matter of a right to be safe from their abuser, and the children be free from unwarranted psychological tests and reunification therapy with their abuser,

particularly considering one of our Nation's leading domestic violence experts, the children's pediatrician, and the children's counselor, said there should be NO contact with their abuser, Mr. Arbouw. The Civil Court is currently trying to force costly psychological tests and reunification therapy when the children do not want to see their abuser and constitutionally should be free from such invasions. At the ages of 14, 12, and 10 the children not only have rights but they have rights under the law such that:

a. In 2013, the Virginia Supreme Court found that parents have Fundamental Liberty interests in the care, custody, and control of their child. They also found that a child has liberty interests in establishing relationships with their parents, as stated in 2013 LF v. Breit, Virginia State Supreme Court such that "Although our analysis in this case rests on Breit's constitutionally protected rights as a parent, we recognize that children also have a liberty interest in establishing relationships with their parents".

b. Right to free association and right to exercise under the First Amendment supersede a court from depriving either parent's or the child's rights without due process measured by a scrutinized standard. The only

time in which a court has the right to enact *parens patriae* is in the case of a question of fitness of one parent, which in this case there is a question in parental fitness for Mr. Arbouw. Ms. Lowe and the children can assert their 4th amendment right to be free from unwarranted search from costly psychological exams Further the Fifth amendment prevents the deprivation of “life, liberty, or property, without due process of law”. *Santosky v. Kramer*, 455 U.S. 745, (1982), reflected the “Court’s historical recognition that freedom is personal choice in matters of family life is a fundamental liberty interest of natural parents in the care, custody, and management of their child”. Further Ms. Lowe and the children can enact the right to be free to live in safety without risk of life under the pursuit of life, liberty, and freedom.

i. Decisions over the welfare of the children were made without due process of law by not allowing the children’s counselor or pediatrician to testify who both say the children should have NO contact with their abuser, and one of the nation’s leading domestic violence experts who came to speak as an expert witness from New York was barely able to speak.

ii. The children have the right to remain happy, healthy, and free from state intervention that attempts to place them in harm with their abuser, Mr. Arbouw

c.. In a divorce hearing on June 21st, 2019, the GAL also specifically stated the children, ages 10, 12, and 14, do not want to see their father.

d. Forcing children to see their abuser/father is a clear violation of their constitutional rights and as Virginia is one of the states leading the rest of the nation on parental and child rights, the House of Delegates specifically put forth legislation to protect and give rights to children in 2013:

i. In 2013, the Virginia Supreme Court found that parents have Fundamental Liberty interests in the care, custody, and control of their child. They also found that a child has liberty interests in establishing relationships with their parents, as stated in 2013 LF v. Breit, Virginia State Supreme Court such that “Although our analysis in this case rests on Breit’s constitutionally protected rights as a parent, we recognize that children also have a liberty interest in establishing relationships with their

parents”; thus the Arbouw children have the right of choice and have a voice and this court has violated their rights.

- e. Right to free association and right to exercise under the First Amendment supersede a court from depriving either parent’s or the child’s rights without due process measured by a scrutinized standard.
  - i. The only time in which a court has the right to enact *parens patriae* is in the case of a question of fitness of one parent, which in this case there is a question in parental fitness for Mr. Arbouw.
  - ii. Absent a constitutionally appropriate finding that Mrs. Lowe is unfit, the court is without jurisdiction to deny or limit rights of a parent.
  - iii. Mrs. Lowe can assert her 4th amendment right to be free from unwarranted search into her fitness as a parent, and unwarranted decisions on the Arbouw children, and her rights to parent her children.
    - a. Forced psychological tests and forced counseling categorize as a 4th amendment right violation.
- f. Further the Fifth amendment prevents the deprivation of “life, liberty, or property, without due process of law”. *Santosky v. Kramer*,

455 U.S. 745, (1982), reflected the “Court’s historical recognition that freedom is personal choice in matters of family life is a fundamental liberty interest of natural parents in the care, custody, and management of their child”.

- i. There was no due process in the court with unequal treatment and not within the law.
- ii. The children have the right to safety and freedom from the risk of their life.
- iii. ACE studies and further research shows that children exposed to domestic violence and coercive control lose many years off of their lives along with other health issues, thus the children have the right to a long and healthy life.
- iv. Research shows psychological tests are for the mentally ill, not healthy children, they don’t diagnose or find “domestic violence”, and the outcome is based on the bias of the test giver (see the Saunders Study).
- g. The state lacks jurisdiction regarding decisions in visitation, such that the U.S. Supreme Court has ruled the following:

a. There is a presumption that parents act in their children's best interests, *Parham v. J.R.*, 442 U.S. 584, 602

b. there is normally no reason or compelling interest of the state to inject itself in the private realm of the family to further question a parent's ability to make the best decisions regarding their children.

*Reno v. Flores*, 507, U.S. 292, 304.

c. The state may not interfere in child rearing decisions when a parent is available. *Troxel v. Granville*, 530 U.S. 57 (2000).

d. A judge or attorney such as a Guardian Ad Litem dishonoring oath and working outside of constitutional bounds, is no longer covered by bond and are operating in their own capacity, at their own will, and are therefore no longer immune, and by forcing psychological tests, forced therapy by the therapist of their choice, and forced visitation with an abusive parent when the children have explicitly stated they want no contact, then that judge and Guardian Ad Litem are working outside of constitutional perimeters and hold no jurisdiction. Such that "Courts are constituted by authority and they cannot go beyond that power delegated to them. If they act beyond that authority, and certainly in contravention of it, their judgements and orders are



regarded as nullities; they are not voidable, but simply void, and this even prior to reversal”. Williamson v. Berry, 8 HOW. 945, 540 12 L.Ed 1170, 1189 (1850) and “a judgment obtained without jurisdiction over the defendant is void” Overby v Overby, 457 S.W. 2d 851 (Tenn. 1970), Volume 20; Corpus Juris, Section 1785.”

## **2. REGARDING UNEQUAL TREATMENT UNDER THE LAW**

- a. Neither divorce of the best interests of the child standard gives divorce court constitutional authority to diminish parental rights for the parent that is not in question.
- b. Divorce does not give the divorce court authority to invade the constitutional realm of family privacy between parent and child except for the parent whom is the alleged abuser.
- c. Appearing in divorce court is not a request for a court to take over your parental decision making authority.
- d. Fighting for your constitutional parental rights does NOT make you a bad parent.
- e. Divorce does not give mental health care professionals permission to substitute their opinions for those of the non abusive parent.

f. Divorce court is NOT an opportunity for the divorce court to force either parent to conform to societal norms beyond following the law just like everyone else, as there is a CLEAR and large bias held by the prior Guardian Ad Litem regarding homeschool and living on a farm in the country as opposed to conforming and having children attend public school and go to thousands of after school activities which cost a substantial sum of money. The Guardian Ad Litem in this case might as well send a message to everyone in her area, that the state is coming for all the children growing up on farms in the country and those whom are homeschooled. In particular the Guardian Ad Litem spoke saying "I'm concerned for the children because they are isolated and with their mother all the time", rather than being concerned about the abuse from their father. Oh, the horror, of living life in the country with a parent whom loves and cares for them and the bias exhibited by this statement not understanding that just because you live in the country and are homeschooled definitely does not mean you are isolated! This mindset does not call for psychological exams.

g. Divorce is NOT an opportunity for the Court to deny the child or fit parent their First Amendment rights or any other constitutional right.

h. The Supreme Court in its opinions supports the assertion that divorce is NOT one of the narrowly defined instances in which the State can intervene to overrule parents on the care, custody, or control over children.

i. The Court cannot simply assume that it has authority to rule based on the child's best interest, it first has to establish its authority to act against a parent who is assumed by law to be fit, and due to Supreme Court precedents, it cannot now be doubted that the due process clause of the 14th Amendment protects the fundamental right of parents to make decisions concerning the care, custody, and control of their children, except for the parent whom is an abuser. But the Civil Court does NOT hold the right or jurisdiction over Kimberly Lowe.

j. Our country was founded on individual liberties, NOT the power of the State, and as such state needs must be forgone if they impose on a Fundamental Liberty Interest.

k. The only time at State can intervene is the question of an unfit parent, as with Mr. Arbouw, not with Ms. Lowe and even then there has to be a strict level of scrutiny and due process as the Supreme Court has asserted it's opinions. The state must have a compelling interest, the law or policy must be narrowly tailored, and the law or policy must be the least restrictive means of achieving the policy. The state can only the enact Parens Patriae Doctrine as LAST RESORT and a divorce proceeding cannot be construed as sufficient to meet the Due Process bar for being an unfit parent. However, the State can intervene with a parental right if the parent's decisions jeopardize the health or safety of a child which is the case for Mr. Arbouw, not Ms. Lowe. Divorce is not a compelling factor to determine visitation or custody or force psychological tests or counseling for the parent not in question.

l. The 5th Amendment states "Nor shall any person be....deprived of life, liberty, or property, without due process of law and the 4th Amendment includes the same words and applies them for the first time to individual States such that "nor shall any State deprive any person of life, liberty, or property, without due process of law".

m. Divorce Court cannot act in the child's best interest when it denies the child's constitutional rights.

n. The State has a legitimate *parens patriae* interest where there are NO fit parents, however, Mrs. Lowe is a fit parent thus *parens patriae* does NOT apply.

I. Supreme Court rulings:

i. *Eisenstadt v. Baird* (1972), "It is true that in *Griswold* the right of privacy in question inhered in the marital relationship. Yet the marital couple is not an independent entity with a mind and heart of its own, but an association of two individuals with a separate intellectual and emotional makeup. If the right of privacy means anything, it is the right of the individual, married, or single, to be free from unwarranted governmental intrusion into matters so fundamentally affecting a person as the decision whether to bear or beget a child".

ii. *Griswold* 1965: "The principles laid down in this opinion affect the very essence of constitutional liberty and security. They reach farther than the concrete form of the case before the court, with its adventitious circumstances; they apply to all invasions on the part of the government and its employees of the sanctity of a man's home

and the privacies of life. It is not the breaking of his doors, and the rummaging of his drawers, that constitutes the essence of the offence [offense]; but it is the invasion of his indefeasible right of personal security, personal liberty, and private property; where the right has never been forfeited by his conviction of some public offence [offense]—it is the invasion of this sacred right which underlies and constitutes this essence of Lord Camden’s judgement”.

iii. Stanley v. Illinois (1972) - Parental rights are “private interests”, and in this Court case, the Court made it clear that the State may NOT define the term parent in a way to arbitrarily deny parental rights to a biological parent and divorce courts may not constitutionally apply a label “divorced” to parents and use that to deny parental rights.

iv. Meyer v. Nebraska (1923) - right attaches to the individual such that “While this Court has not attempted to define with exactness the liberty thus guaranteed, there term has received much consideration and some of the included things have been definitely stated. Without doubt, it denotes not merely freedom from bodily restraint, but also the right of the individual to contract, to engage in any of the common

occupations of life, to acquire useful knowledge, to marry, establish a home and bring up children, to worship God according to the dictates of his own conscience, and generally to enjoy those privileges long recognized at common law as essential to the orderly pursuit of happiness by free men”.

v. All people are created equally under the law, including divorced parents and divorced parents should be protected as “suspect class” under the Equal Protection Clause, and as such disagreements between parents is not sufficient grounds to deny parental rights except for Mr. Arbouw as he is a threat to the children and Mrs. Arbouw’s right not to have bodily harm and right of the liberty for the children to choose.

vi. *Loving v. Virginia* 1967), Equal Protection is extended to marriage, “The Fourteenth Amendment....under the Constitution, the freedom to marry, or not marry, a person...resides with the individual, and cannot be infringed by the State”.

vii. With regards to invasion of home to do a “home check” or “house study” by a Guardian Ad Litem, and forcing psychological tests and counseling, the Fourth Amendment explicitly affirms the “right of the

people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures” and the Fifth Amendment, in its Self Incrimination Clause, enables the citizen to create a zone of privacy which government may not force him to surrender to his detriment, and the **Ninth Amendment** provides “The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people (Griswold v. Connecticut 1965)”. The sheer cost of the forced psychological tests and counseling is an infringement of rights.

Undue burdens are placed when the court continually brings parents back to court hearing after hearing, forcing parents to spend money on Guardian Ad Litem, forced tests, and forced counseling.

viii. Casey v. Planned Parenthood South Eastern Pennsylvania - ruled the State may NOT introduce legislation or administrative procedures that unduly interfere with the exercise of Fundamental Liberty, in other words the State may not use backhanded or “sneaky” tactics to undermine a person’s ability to exercise a fundamental right. When the State makes the exercise of Parental Rights subject to severe administrative burdens, the State acts without constitutional



authority; and adult privacy rights must be protected with strict scrutiny.

ix. Children as individuals have rights that deserve protection such that they have a right to free association with their natural family, and a right to know and incorporate into themselves the religious, cultural, and social traditions of their family, and when the State intervenes in the custody rights of a fit parent, it also intervenes in the natural rights of the child.

x. The Divorce Court cannot grant parental rights to the natural parent, only God and nature can do that.

xi. *Smith v Organization of Foster Families* (1977) - the importance of the familial relationship, to the individuals involved and to the society, stems from the emotional attachments that derive from the intimacy of daily association, and from the role it plays in “promoting a way of life” through the instruction of children, as well as from the fact of blood relationship. (1st amendment, freedom of association).

xii. *Wisconsin v. Yoder* (1972) - (1st amendment - freedom of religion, expression, and association) - The duty to prepare the child for “additional obligations”, referred to by the Court, must be read to

include the inculcation of moral standards, religious beliefs, and elements of good citizenship. This case involves the fundamental interest of parents, as contrasted with that of the State, to guide the religious future and education of children. Thus forced associations and forced counseling or testing is purely unconstitutional. This case also points to the fact that an unfit parent, as in the case with Mr. Arbouw, loses that 1st amendment privilege "To be sure, the power of the parent, even when linked to a free exercise claim, may be subject to limitation under Prince if it appears that parental decisions will jeopardize the health or safety of a child, or have a potential for significant burdens". Clearly endangering the lives the Arbouw children and forcing the Arbouw children into counseling with their abuser is a significant social burden.

xiii. *Rotary International v. Rotary Club of Duarte* (1987) - The first amendment protects those relationships, including family relationships, that presuppose "deep attachments and commitments to the necessarily few other individuals whom one shares not only a special community of thoughts, experiences, and beliefs, but also distinctively personal aspect's of one's life".

xiv. *Meyer v. Nebraska* - the State may not, consistently with the spirit of the First Amendment, contract the spectrum of available knowledge. The right of freedom of speech and press includes not only the right to utter or to print, but the right to distribute, the right to receive, the right to read and freedom of inquiry, freedom of thought, and freedom to teach. The right to educate one's children as one chooses is made applicable to the States by the 1st and 14th Amendments. Thus the presumption is that forced counseling is unconstitutional.

xv. *Prince v. Massachusetts* (1944) - not only is religious freedom protected but the freedom to share political beliefs, moral beliefs, personal biases, and all secular thought, of age appropriate nature, with your child. Thus the Court cannot use Guardian Ad Litem bias against Mrs. Arbouw and use her bias as a reason to force psychological tests or counseling.

xvi. The Court is not immune from Constitutional restraints, the Court cannot infringe or deprive you of a constitutional protection without being able to prove that they had the right to do this, and the Court is not immune from the requirement to demonstrate probable cause. If

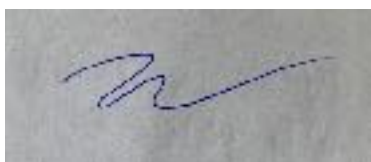
the Court wants to impose the invasion of psychological tests, a home study, or invasive counseling, then the Court MUST issue a warrant that can then be appealed under constitutional grounds or it MUST produce a U.S. Supreme Court opinion that gives them an exception, otherwise, it is a blatant disregard for the Constitution itself. In *Boyd v. United States* (1886), the Supreme Court ruled “any compulsory discovery by extorting the party’s oath, or compelling the production of his private books and papers, to convict him of crime or to forfeit his property, is contrary to the principles of a free government. It is abhorrent to the instincts of an Englishman; it is abhorrent to the instincts of an American. It may suit the purposes of a despotic power, but it cannot abide the pure atmosphere of political liberty and personal freedom”.

xvii. Cf. *Chicago v. Morales* (1999), when applied to judges, divorce court does not give judges sweeping and unconstrained discretion, and Justice Breyer notes when addressing police discretion: “The ordinance is unconstitutional, not because a policeman applied this discretion wisely or poorly in a particular case, but rather because the policeman enjoys too much discretion in every case. And if every

application of the ordinance represents an exercise of unlimited discretion, then the ordinance is invalid in all its applications”.

## **CERTIFICATE OF SERVICE**

It is hereby certified that a copy was hand delivered to the Brunswick County Civil Circuit Court on July 3rd, 2020, e-mailed to Ryan Ferry Opposing Council on this 3rd day of July 2020, electronically filed with the Supreme Court of Virginia which then provides four copies under Supreme Court Ruling 5:7.

A rectangular box containing a handwritten signature in blue ink, which appears to be "Kimberly Lowe".

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Kimberly Lowe  
4779 Rawlings Road  
Rawlings, VA 23876  
[kimbrynadine@yahoo.com](mailto:kimbrynadine@yahoo.com)  
(540) 529-3380

J. Ryan Ferry, Esq. (VSB #80353)  
Boyko Napier, PLLC  
5807 Staples Mill Road  
Richmond, VA 23228  
Phone: (804) 658-3418  
[jrferry@boykonapier.com](mailto:jrferry@boykonapier.com)

VIRGINIA:

## IN THE CIRCUIT COURT FOR THE COUNTY OF BRUNSWICK

ROBERT JAN ARBOUW,

Plaintiff,

v.

KIMBERLY LOWE ARBOUW,

Defendant.

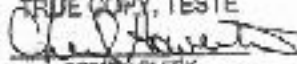
Case No. CL18-287

ORDER

COMES THIS DAY the Plaintiff, Robert Jan Arbouw (Social Sec. No.: see confidential addendum), by counsel, and the Defendant, Kimberly Lowe Arbouw, (Social Sec. No.: see confidential addendum), pro se, upon Plaintiff's Complaint for Divorce; upon Defendant's Answer; upon the evidence given at hearings on June 21, 2019, December 16, 2019, and January 15, 2020, such evidence being given *ex parte* by both parties and from a disinterested witness; and upon this Court's Final Decree of Divorce dated December 16, 2019, which reserved certain issues for resolution as more specifically set forth in said Decree, it is hereby:

ADJUDGED, ORDERED and DECREED that the Court does hereby incorporate the ruling of the Honorable Judge Allan Shattett (hereinafter referred to as "Judge's letter"), memorialized in his letter to the parties on August 26, 2019 (Attached as Exhibit "A"); it is further

ADJUDGED, ORDERED and DECREED that the house and farm owned by the parties, having an address of 4779 Rawlings Road, Rawlings, Virginia 23876, in the County of Brunswick, Virginia is marital property. The Court fixes the value of the property at \$283,000.00. As of June 2019, the balance of the indebtedness secured by the property is \$290,150.00.

TRUE COPY, TESTE  
  
 DEPUTY CLERK  
 CIRCUIT COURT COUNTY OF BRUNSWICK  
 COMMONWEALTH OF VIRGINIA

Page 1 of 10

Effective September 20, 2019, the Plaintiff shall be responsible for payment of one-half of the deed of trust indebtedness on the property, should the Defendant continue to reside there. Should the property remain unsold by January 20, 2020, and the Defendant continue to reside there, the Plaintiff shall be relieved of any court-ordered obligation to pay such indebtedness.

Effective December 16, 2019, Joseph E. Whirby, Esq. was appointed as Special Commissioner of Sale and ordered to sell and convey ownership or to otherwise effectuate the transfer of the marital residence, located at 4779 Rawlings Road, Rawlings, Virginia 23876. It is hereby ADJUDGED, ORDERED AND DECREED that the Court does hereby incorporate the Order of Special Commissioner. (Attached as Exhibit "B"); it is further

ADJUDGED, ORDERED and DECREED that the Defendant's Counterclaim is hereby dismissed. It is further

ADJUDGED, ORDERED and DECREED that Plaintiff shall pay to Defendant a fixed amount of spousal support in accordance with the Ruling of this Court on December 16, 2019: Husband shall pay to Wife the sum of one thousand and three dollars (\$1,003.00) per month beginning January, 2020 and continuing to be paid on the first day of each month thereafter for a period of six (6) months; it is further

ADJUDGED, ORDERED and DECREED that Husband shall pay to Wife the sum of one thousand three hundred and fifty two dollars (\$1,352.00) per month for the support and maintenance of the parties' minor children, Eva, Arlo-Jan and Thijs, beginning January 1, 2020, and payable on the first day of each month thereafter. Husband's child support obligation shall continue until modified by a Court of competent jurisdiction or until terminated as set forth below. This Court acknowledges the child support guidelines attached hereto as Exhibit A.



Pursuant to the requirements of § 20-60.3 of the Code of Virginia, 1950, as amended, the parties are hereby put on notice of the following:

1. That support payments may be withheld as they become due pursuant to § 20-79.1 or § 20-79.2 from earnings as defined in § 63.2-1900 without further amendments of this Order, and without application for services with the Department of Social Services.
2. That support payments may be withheld pursuant to Chapter 19 (§ 63.2-1900, *et seq.*) of Title 63.2 without further amendments to this Order upon application for services with the Department of Social Services.
3. The name, date of birth, and last four digits of the social security number of each child:

Child name: Twa Catherine Arbouw  
D.O.B.: July 2, 2005  
Soc. Sec. No. xxx-xx-7084

Child name: Arie-Jan Johannes Arbouw  
D.O.B.: September 30, 2007  
Soc. Sec. No. xxx-xx-0898

Child name: Thijs Alexander Arbouw  
D.O.B.: December 28, 2009  
Soc. Sec. No. xxx-xx-2724

4. The following information is provided for each parent of the minor children:

Father:	Robert Jan Arbouw
Date of Birth:	April 19, 1965
Soc. Sec. No.:	xxx-xx-3889
Drivers Lic. No.:	A69772504
Residential Address:	1500 Eastridge Rd Richmond, Virginia 23229
Phone:	(248) 736-9977
Employer:	ATS Applied Tech Systems
Address:	1055 East South Boulevard, Suite 120 Rochester Hills, MI 48307
Employer Phone:	(248) 406-4800
Mother:	Kimberly Lowe
Date of Birth:	October 13, 1975

Soc. Sec. No.:  
Drivers Lic. No.:  
Residential Address:

xxx-xx-  
4779 Rawlings Road  
Rawlings, Virginia 23876

Phone:  
Employer:  
Address:

Employer Phone:

5. Notice that, pursuant to § 20-124.2, support will continue to be paid for any child over the age of 18 who is (i) a full-time high school student, (ii) not self-supporting, and (iii) living in the home of the party seeking or receiving child support until such child reaches the age of 19 or graduates from high school, whichever occurs first, and that the court may also order that support be paid or continue to be paid for any child over the age of 18 who is (a) severely and permanently mentally or physically disabled, and such disability existed prior to the child reaching the age of 18 or the age of 19 if the child met the requirements of clauses (i), (ii), and (iii); (b) unable to live independently and support himself; and (c) residing in the home of the parent seeking or receiving child support.
6. Notice is hereby given that a petition may be filed for suspension of any license, certificate, registration or other authorization to engage in a profession, trade, business, occupation or recreational activity issued to the obligor by the Commonwealth of Virginia to a parent as provided in §61.2-1937 upon the occurrence of a delinquency for a period of ninety (90) days or more or in an amount of \$5,000.00 or more.
7. The current amount of periodic spousal support is as follows:

Spousal Support:	\$1,003.00 per month for six months
Beginning Date:	January 1, 2020
Arrearages:	None as of June 9, 2020

Page 4 of 10

Child Support:	\$1,352.00 per month
Beginning Date:	January 1, 2020
Arrears:	None as of June 9, 2020

8. Health Care Coverage: a) For the December 16, 2019 ruling of this Court, Husband shall continue to carry the minor children on his health and dental insurance plans, or on plans of equivalent coverage for as long as he is permitted to do so under the terms of his insurance plans, or until any of the children reaches the age of 21, whichever shall first occur. There is not an order for health care coverage for a spouse or former spouse. b) The parties agree that they will each be responsible for the following percentages of all reasonable and unreimbursed medical and dental bills, hospital bills, optometry bills, prescriptions, eyeglasses, or contact lenses: Husband; 69%, Wife 31%.
9. No arrangements exist as of June 9, 2020.
10. The parties shall give each other and the court and, if any payments are to be made through the Department, the Department of Social Services at least thirty (30) days' written notice, in advance, of any change of address and any change of telephone number within thirty (30) days after the change.
11. In the event that child support payments are ordered to be paid to the Department of Social Services, the obligor must keep the court and the Department of Social Services informed of the name, address and telephone number of his current employer, or if the payments are ordered to be paid directly to the obligee, the obligor must keep the court informed of the name, address and telephone number of his current employer.
12. In the event that child support payments are ordered to be paid to the Department of Social Services, the party obligated to provide health care coverage shall keep the

Department of Social Services informed of any changes in the availability of health care coverage for the minor child or children, or if payments are ordered to be paid directly to the obligee, the party obligated to provide health care coverage shall keep the other party informed of any changes in the availability of the health care coverage for the minor child or minor children.

13. Per the ruling of this Court on or about December 16, 2019, Husband shall pay to Wife the sum of \$1,352.00 per month for the support and maintenance of the parties' minor children beginning January 1, 2020, and payable on the first day of each month thereafter. Husband's child support obligation shall continue until modified by a Court of competent jurisdiction or until any of the parties' minor children attains the age of eighteen (18) or, if still a full-time high school student who is not self-supporting and is residing with Wife until he attains the age of nineteen (19) or graduates from high school, whichever occurs first.
14. Notice is hereby provided that in determination of a support obligation, the support obligation as it becomes due and unpaid creates a judgment by operation of law. Notice is further provided, pursuant to §20-78.2, that any judgment shall accrue interest on the arrearage at the judgment rate of interest established by §6,1-330.54 unless the obligee, in a writing submitted to the court, waives the collection of interest.
15. Notice is hereby given that the Department of Social Services may, pursuant to Chapter 19 (§§3.2-1900) of Title 63.2 and in accordance with §20-108.2 and §63.2-1921, initiate a review of the amount of support ordered by any court.
16. If any arrearages for child support, including interest or fees, exist at the time the youngest child included in the order emancipates, payments shall continue in the total

amount due (current support plus amount applied toward arrearages) at the time of emancipation until all arrearages are paid.

17. Notice is hereby given that in cases enforced by the Department of Social Services, the Department of Motor Vehicles may suspend or refuse to renew the driver's license of any person upon receipt of notice from the Department of Social Services that the person (i) is delinquent in the payment of child support by 90 days or in an amount of \$5,000 or more or (ii) has failed to comply with a subpoena, summons, or warrant relating to paternity or child support proceedings.

Pursuant to Section 20-124.5 of the Code of Virginia, 1950, as amended, the parties are hereby put on notice that any party intending to relocate or change address is required to provide thirty (30) days advanced written notice to the Court and the other party. It is further

As to the Custody and Visitation of the parties' minor children it is hereby ADJUDGED, ORDERED and DECREED as follows:

1. Mother shall have sole legal and physical custody of the minor children.
2. Father shall have visitation with the minor children only as agreed to by the parties.
3. Mother and Father shall immediately schedule and obtain an assessment on the appropriateness of reunification therapy from Charles Hodges, LCSW, CSOTP. Mother and Father shall make the children available to Mr. Hodges for purposes of the reunification assessment, and for any recommended treatment and services resulting therefrom as recommended by Mr. Hodges. Mother and Father shall follow all recommendations from Mr. Hodges regarding reunification therapy until discharged by Mr. Hodges or until both parties agree that it is no longer needed.

4. Mother and Father shall each obtain a psychological evaluation for themselves and

Mother shall obtain a psychological evaluation for each of the minor children. ~~For~~  
**ALL EVALUATIONS SHALL BE PERFORMED BY DR. STALGERS.** *MS*  
~~parties will work together to select an evaluator.~~ *KLA*

~~All future matters involving support, child custody or visitation are hereby referred to the~~  
~~appropriate Juvenile and Domestic Relations District Court.~~ *MS*  
*KLA*

Pursuant to § 20-124.6 of the Code of Virginia, 1950, neither parent, regardless of whether such parent has custody, shall be denied access to academic, medical, hospital or other health records of that parent's minor child, unless otherwise provided in this order.

Pursuant to the Virginia Code § 20-111.1(E), the following information is provided:

Beneficiary designations for any death benefit, as defined in subsection B of § 20-111.1 of the Code of Virginia, made payable to a former spouse may or may not be automatically revoked by operation of law upon the entry of a final decree of annulment or divorce. If a party intends to revoke any beneficiary designation made payable to a former spouse following the annulment or divorce, the party is responsible for following any and all instructions to change such beneficiary designation given by the provider of the death benefit. Otherwise, existing beneficiary designations may remain in full force and effect after the entry of a final decree of annulment or divorce.

Pursuant to Code Section 20-121.06, the Confidential Addendum is incorporated by reference. It is further

ADJUDGED, ORDERED and DECREED that all other terms and provisions of the Final Decree, entered December 16, 2019, which are not modified herein shall remain in full force and effect. It is further

Page 8 of 10

ADJUDGED, ORDERED and DECREED that to the extent that the content of this Order is different from any previously existing order (including the Final Decree entered December 16, 2019) this Order shall control.

It is hereby ORDERED that this matter be continued on the Court's active docket consistent with the terms described herein, and the clerk is further directed to send attested copies of this decree to counsel for the Plaintiff and the Defendant.

ENTER: 6 / 26 / 2020

  
Judge

ENDORSEMENTS ON THE FOLLOWING PAGE:

Page 9 of 10



SEEN AND AGREED IN PART AND OBJECTED TO DUE TO THE VALUATION OF THE MARITAL RESIDENCE BEING BASED ON AN APPRAISAL VALUED AS OF THE DATE OF SEPARATION AND NOT THE VALUE AS OF THE EVIDENTIARY HEARING, and objects to the award of school support and debts to Defendant.

J. Ryan Ferry, Esquire (VSB # 80353)  
BoykoNapier, PLLC  
5807 Staples Mill Road  
Richmond, Virginia 23228  
Phone: (804) 658-3413  
Fax: (804) 858-3441  
JR.Ferry@boykonapier.com  
Counsel for Plaintiff

SEEN AND based on frank video shots  
of federal civil liberties, no due  
process + not following the law

Kimberly Lowe ~~Attorney~~  
4779 Rawlings Road  
Rawlings, Virginia 23836  
*Defendant*

With this document I, Kimberly Lowe,  
reserve all of my rights without  
prejudice UCG-1-207.1

1 [Signature] do not agree with word and readable and does.

This Court has violated 1st, 4th, 5th, 9th, and 14th Amendment rights and the courts jurisdiction was abused, challenged so they lacked jurisdiction to proceed. The Court committed crimes under the color of the law as did opposing Counsel and Mr. Nelson and the GAZ.

Federal Violations: Title 18 USC Section 241 Conspiracy to Deprive Rights,  
Title 18 USC Section 242 Deprivation of Rights Under Color of Law,  
Title 42 USC Sections 3601-3606 Criminal Tax

Title 42 USC Section 3631 (Criminal Interference with Right to Marriage)  
VA has a child and parental rights ruling LP v. Britt which gives parents  
and children many interests. The court was notified of frustration consciously  
but the court noted disorder. These orders and the order is null  
and void under the law and VA Supreme Court rulings - See  
motion to Vacate submitted 6/9/2020, your order challenge, page 10 of 10  
and "in response to unsigned 'order' and Temporary Custody and Visitation  
order. I was threatened to be placed in jail if I did not violate  
my own civil liberties, and that of the children."





## SIXTH JUDICIAL CIRCUIT



COMMONWEALTH OF VIRGINIA

W. ALLAN SHARRITT, JUDGE  
 GREENSBORO COUNTY COURT HOUSE  
 P.O. BOX 600  
 WINSTON-SALEM, NORTH CAROLINA 27102  
 (704) 735-4222 FAX  
 (704) 735-4222 FAX

CIRCUIT COURT OF CITY OF FREDERICK  
 CIRCUIT COURT OF STURGEON COUNTY  
 CIRCUIT COURT OF GREENVILLE COUNTY OF NORTH CAROLINA  
 CIRCUIT COURT OF FREDERICK COUNTY  
 CIRCUIT COURT OF MARY COUNTY  
 CIRCUIT COURT OF FREDERICK COUNTY

August 26, 2019

Ms. Kimberly L. Arbouw  
 4778 Rowlings Road  
 Rowlings, VA 23876

J. Ryan Ferry, Esquire  
 BoykoNapier, PLLC  
 5807 Staples Mill Road  
 Richmond, VA 23228

Amanda D. Jones, Esquire  
 The Law Office of Amanda D. Jones, PLLC  
 302 Hickford Avenue, Suite D  
 Emporis, VA 23847

Re: Robert Jan Arbouw v. Kimberly Lowe Arbouw  
 Brunswick County Circuit Court Case No. CL18-287

Dear Ms. Arbouw and Counsel:

This letter serves to memorialize the issues decided by the Court in the above matter at the hearing held on June 21, 2019. Present at the hearing were Robert Jan Arbouw, the Petitioner; J. Ryan Ferry, Esq., Counsel for the Petitioner; Kimberly Lowe Arbouw, the Respondent, appearing *pro se*; and Amanda D. Jones, Esq., Guardian ad Litem for the children of the marriage.

The Court heard testimony *ex parte* from both parties and from a disinterested witness, who testified concerning the matters relevant to divorce pursuant to Section 20-91(a)(9)(a). It received numerous documentary exhibits from each side relevant to equitable distribution of both real and personal marital property, the marital debts of the parties; and specifically including matters relevant to the factors to be considered for equitable distribution under Section 20-107.3. It likewise listened carefully to the final arguments of both counsel for the Petitioner, the Respondent arguing *pro se*, and the Guardian ad Litem (on matters relating solely to custody and visitation of the children).

Upon careful examination and consideration of all the evidence and argument, the Court makes the following rulings:

## **DIVORCE**

The Petitioner is entitled immediately to a divorce *a vinculo matrimonii* from the Respondent on the grounds that the parties have lived separate and apart from one another, without cohabitation and without interruption for a period of greater than one year, pursuant to Virginia Code Section 20-91(A)(9)(a).

## **CUSTODY, VISITATION, AND USE OF MARITAL RESIDENCE**

The Orders of this Court dated April 1, 2019 (two orders) and May 10, 2019 (one order) shall remain in full force and effect insofar as they address these issues, and until further order of this Court, provided, however, that visitation may be modified in the discretion of the Guardian ad Litem.

## **CHILD, SPOUSAL, AND OTHER SUPPORT**

The Pendente Lite Order of this Court dated April 1, 2019 shall remain in full force and effect insofar as it addresses life insurance, health insurance, payment of the debt secured by a deed of trust on the realty owned by the parties, and combined child and spousal support, until September 20, 2019. At the hearing on that date, the Court will reconsider all of these matters, to the extent they are not addressed elsewhere in this letter and the resulting Order.

## **EQUITABLE DISTRIBUTION OF MARITAL PROPERTY**

In considering equitable distribution of the marital assets, the Court has first determined which assets are marital, and which are separate property; those determinations are set forth below. It has then placed a valuation on as many items of personalty as was possible from the evidence at the June 20, 2019 hearing. It then considered all the factors set forth in Section 20-107.3(E), as follows:

- 1) *The contributions, nonmonetary and monetary, to the well-being of the family*

The Petitioner has made virtually all the monetary contributions, and the Respondent virtually all the nonmonetary contributions. Petitioner was the sole breadwinner, and the Respondent has raised, nurtured, and home schooled the children.

- 2) *The contributions to the acquisition, care, and maintenance of the marital property.*

As above, the nonmonetary contributions were almost exclusively the Respondent's, and the monetary contributions almost exclusively the Petitioner's.

3) *The duration of the marriage*

The marriage lasted almost 11 years, and three children were born to it. It is not a marriage of short duration.

4) *The ages and physical and mental condition of the parties*

Neither of the parties are of advanced age, and neither appear to suffer from physical or mental disabilities. Both are of working age and employable.

5) *The circumstances...that contributed to the dissolution of the marriage.*

While there were clearly unhappy difficulties which led to the separation of the parties, and the resulting dissolution of their marriage, the only corroborated evidence was regarding a separation of greater than one year. The Respondent has accused the Petitioner of numerous outbursts and fits of rage; the Petitioner denies them, and points out that, while he was banished from the house, he was allowed to reside on the property in an outbuilding virtually adjacent to it. The Court found neither party inherently incredible, and accordingly affords this factor little weight.

6) *How and when specific items of...property were acquired*

This factor is of little significance in determining equitable distribution in this case.

7) *The debts and liabilities of each...and the properties which may serve as security for such debts*

The overbearing predominance of this factor is at the heart of the difficulty of equitable distribution in this case. The greatest asset is the marital residence, and the greatest debt is the note secured by the residence; and it very well may be that the balance on the debt exceeds the value of the property. That which has been the children's home, and which has driven their lifestyle and their upbringing, may simply have to be sold; the parties clearly cannot sustain it under the existing circumstances.

8) *The liquid or nonliquid character of all...property.*

The liquidity of the property is, at best, dubious. It may be quite difficult to find a buyer for the marital home; and, should the Respondent desire to sell the animals, that may prove a challenging task, as well.

9) *The tax consequences to each party*

The Court received no evidence regarding this factor.

10) *The...dissipation of...funds...in anticipation of...divorce...*

Likewise, the Court heard no evidence regarding this factor.

11) *Such other factors as the court deems necessary...*

To the extent this factor was considered, it is set out in the other sections of this letter.

In consideration of the evidence in light of these factors, the Court rules as follows regarding the marital property:

**Marital real estate**

The house and farm owned by the parties in Brunswick County, Virginia is marital property. It has a tax assessed value of \$380,800.00, and the Petitioner's expert, who did not visit the property, valued it between \$323,742 and \$397,524. The Respondent offered evidence that the house was in need of significant repairs, and submitted an appraisal from an expert who visited the property, valuing it at \$285,000. Considering all the evidence, the Court fixes the value of the property at \$285,000.

As of June 30, 2019, the balance of the indebtedness secured by the property is \$290,190.

Should either party desire to purchase the property at the above price, to include arrangements to immediately release the other party from the obligation of the existing debt, they shall undertake affirmative steps to do so by September 20, 2019, and shall present proof of their good faith intention and ability to do so at the hearing on that date. Should such evidence not be presented at the hearing, then the property shall be listed for sale with a realtor, and the net proceeds, if any, divided evenly between the parties.

Effective September 30, 2019, the Petitioner shall be responsible for payment of one-half of the deed of trust indebtedness on the property, should the Respondent continue to reside there. Should the property remain unsold by January 20, 2020, and the Respondent continue to reside there, the Petitioner shall be relieved of any court-ordered obligation to pay such indebtedness.

**Petitioner's Retirement**

The Court finds that the marital value of the Petitioner's retirement is \$1474.72, as of the time of the separation of the parties. The retirement shall be divided evenly between the parties.



#### Animals

The parties agree that the animals presently residing on the realty are marital property. The animals shall become the sole property of the Respondent.

#### Motor vehicles

There are two motor vehicles that are marital property: a Ford F350 in the Respondent's name; and a Chrysler van in both names. The Respondent shall have sole possession of both vehicles, and the Petitioner shall execute whatever documents necessary to transfer his interest in the van to the Respondent.

#### Household items

In addressing household items, the Court will refer to Petitioner's Exhibit #4 from the June 21, 2019 hearing. On the exhibit, the items designated with a number, 1-29, are the only ones the Court determines to be marital and/or of some value. From these items, the following, being for the direct and sole benefit of the children, shall be excluded from the items to be divided: #s 13, 16 ("kid's beds" only), 17, 23, 24, 25, and 26.

The court finds the value of the items to be the values assigned them in the exhibit.

The parties shall divide the items between them in such a way that each party retains items that represent 50% of the total value of the items.

Item #30 is the separate property of the Petitioner, who shall be entitled to immediate possession of the same.

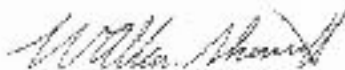
All items of personalty not set out in the above exhibit shall remain the sole property of the person now in possession of the item.

#### Marital debt

Besides the note secured by a deed of trust on the marital realty, each party shall remain responsible for the debts existing in their own name. The Springleaf Financial account indebtedness, if any, shall be borne equally by the parties.

Mr. Perry will please prepare and circulate an order reflecting the opinion of the Court, as set forth in this letter. He should forward the proposed order first to Ms. Aronow for her endorsement. After endorsing as she sees fit, Ms. Aronow should forward the order to the Guardian ad Litem, who should send it to the judge's chambers for the Court's execution.

Yours truly,



W. Allan Shurtett

WAS/ded

Cc: The Honorable V. Earl Stanley, Jr., Clerk

*Virginia:*

## IN THE CIRCUIT COURT FOR THE COUNTY OF BRUNSWICK

ROBERT JAN ARBOUW,  
Plaintiff,

v.

KIMBERLY LOWE ARBOUW,  
Defendant.

Case No.: CL18-287

ORDER

COMES NOW the plaintiff, by counsel, pursuant to his Motion for Court to Order Immediate Sale of Marital Residence and to Appoint Special Commissioner of Sale pursuant to Va. Code Sections 8.01-96 and 20-107.3.

UPON CONSIDERATION WHEREOF, it is hereby ORDERED that

Joseph E. Whitey, Esq. is appointed as Special Commissioner of Sale and shall sell and convey ownership or otherwise effectuate the transfer of the marital residence, located at 4779 Rawlings Road, Rawlings, Virginia 23876, which was a property distributed pursuant to this Court's Final Decree. Such authority of the Special Commissioner shall continue unabated until the conveyances of title and transfers of property made under his authority as Special Commissioner are secured. The Special Commissioner of Sale shall have authority to execute any Deeds, contracts, or other documents as may be required, including the execution of any agreements to employ commission or fee agents in furtherance of sale as the Commissioner deems appropriate. The Special Commissioner shall be permitted to list the residence for a price that they deem appropriate, giving due

consideration to the advice of any agents and any recent comparable property sales, and shall be permitted to accept a sales price that they deem appropriate. The Special Commissioner shall be paid a reasonable fee for their service, not to exceed 5% of the sales price of the residence—such fee shall be paid as part of the closing costs of sale, or directly by Defendant if there are insufficient funds from sale.

IT IS SO ORDERED.

ENTER: 12 / 16 / 19

By: William Sharr  
Judge

I ASK FOR THIS:

J. Ryan Perry  
J. Ryan Perry, Esquire (VSE #0353)  
BOYKONAPER, P.L.L.C.  
5807 Staples Mill Road  
Richmond, Virginia 23128  
Phone: 804-658-3418  
Fax: 804-658-3411  
Counsel for Plaintiff

TRUE COPY, TESTE  
Ann McConnell  
DEPUTY CLERK  
CIRCUIT COURT COUNTY OF BRIMSWICK  
COMMONWEALTH OF VIRGINIA

SEEN AND

Warrior, Rule 1:13; Defendant refused to sign  
Kimberly Lowe Arbores  
4779 Rawlings Road  
Rawlings, Virginia 23876



## COMBINED SUPPORT WORKSHEET

Robert Ambrose

v. Kimberly Lowe (Petitioner)

Under §15.1-228.12 (Printed Guideline Spousal Support)

Worksheet of Robert Ambrose

Consent No.

Date 4/2/20

Child support is payable for 3 children

Age:

## A. GROSS INCOME OF PARTIES

1. Monthly Gross Income of Each Party
2. Adjustment for Support of Other Children
3. Adjustment for Self-Employment Tax

Mother/MW Father/Childless

\$7,884 \$8,410

4. Adjusted Gross Income of Parties

\$7,776 \$8,410

5. Combined Adjusted Income: \$16,186

Spousal Support Payor

Mother

## B. SPOUSAL SUPPORT

1. Payor's Adjusted Income: \$7,776
2. Payor's Income X 28%: \$2,177
3. Payee's Adjusted Income: \$8,410
4. Payee's Income X 40%: \$3,364
5. Difference (Spousal Support due & Money to be to)
6. Proposed Adjustments to spousal Support

Guideline Spousal Support

\$1,003

Under Title 20A - 2096 (§15.1-228.12) ACR-AL (5 Printed Guideline)

7. Proposed Spousal Support Payable to:

Wife

Adjusted Spousal Support

\$8,003

## C. CHILD SUPPORT

Incomes with Guideline Adjustments including Spousal Support

Mother/MW Father/Childless

Adjusted Gross Income:

\$15,720

\$7,307 \$7,413

Income Shares

\$1,056 \$6,257

Each Party's Percent of Combined Gross Income

1. Schedule Amount for Basic Child Support
2. Working Child Care Costs
3. Medical Insurance for Child(ren)
4. Total Child Support (from items 1-3)
5. Child Support Obligation of Each Party
6. Child support need: R. Income Share
7. Child Payment of Medical Insurance
8. Each Party's Presumptive Guideline Share
9. Guideline Child Support Payable to:
10. Proposed Deviations from Guideline Support
11. Proposed Child Support Payable by Father to Mother

\$1,003

Custodian

Mother (custodian)

Child Support paid by:

Father

From Support Table

Child Support Need

\$1,280

Guideline Child Support

\$1,352

10. Sum of Proposed Deviations:

11. Proposed Child Support Payable by Father to Mother

Adjusted Child Support

\$1,352

## D. Net Child and Spousal Support, Payable To Wife/Mother NOT CHILD &amp; SPOUSAL SUPPORT

\$2,555

Submitted by:

Consent: Robert Ambrose

Date

VIRGINIA:

## IN THE CIRCUIT COURT OF THE COUNTY OF BRUNSWICK

ROBERT JAN ARBOUW

Plaintiff,

v.

KIMBERLY LOWE ARBOUW,

Defendant.

CASE NO.: CL18000287-0

PENDENTE LITE ORDER

This 18<sup>th</sup> day of March 2019 came the parties in person and by counsel upon each parties petitions for Pendente Lite Relief.

The court finds as fact that there are three (3) children born of this marriage Eve (age 13), Arie (age 11) and Taja (age 9).

That husband is employed, and by agreement of the parties wife did not work and the children are homeschooled by wife.

That the Court having heard the testimony of the parties, considered the petitions, and exhibits, and argument of counsel holds as follows:

1. Husband, Robert Jan Arbouw is ordered to:
  - a. Continue both life insurance policies in effect and pay for them;

- b. Maintain and pay for health insurance coverage for all three (3) children and wife, Kimberly Arbouw;
- c. Continue paying the mortgage on the house and farm the parties own;
- d. Pay combined spousal and child support of \$2,500.00 to Wife, Kimberly Arbouw;

This combined support is \$5,255.00.

- 2. All matters concerning attorney's fees are taken under advisement.
- 3. Physical custody of the children by agreement of the parties is with the wife, Kimberly Arbouw.
- 4. By agreement there will be no visitation of the children by the father, Robert Jar Arbouw pending the decision of this court April 1, 2019.

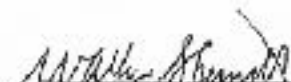
All matters concerning the Appeal of the Protective Orders from the Juvenile and Domestic Court which have not been decided by another order of this same date are to be considered on April 1, 2019 at 3:00 p.m. This hearing by specific agreement shall be physically held at the Circuit Court of Greeneville County.

At that time the court will consider wife's Petition for a Protective Order, and the appeal.

- 5. By agreement regarding the plaintiff's Motion to Compel, wife will provide husband with her mortgage statements, credit card statements, and bank statements by April 1, 2019.

<sup>\*\*</sup>See endorsements on the following page<sup>\*\*</sup>

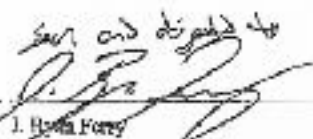
Enter 41129

  
Judge

Asked for in part and  
Objected to in part



William G. Shields, Esq. (VSB# 14200)  
The Shields Law Firm, PLLC  
11512 Alcegaire Parkway, Suite G  
N Chesterfield, VA 23233  
Tel. (804) 594-5966  
Fax. (804) 381-4535  
Billshieldsfirm@comcast.com  
Counsel for Defendant



J. Boyd Napier  
Boyd Napier  
5807 Staples Mill Road  
Richmond, VA 23228  
Tel. (804) 658-3418  
Fax: (804) 658-3441  
bnapier@boynapier.com

VIRGINIA:

IN THE CIRCUIT COURT OF BRUNSWICK COUNTY

ROBERT JAN ARBOUW,

Plaintiff

v.

CASE NO.: 0:18-297

JIMBERLY LOWE ARBOUW,

Respondent

ORDER ADDRESSING TWELVE MOTIONS FILED BY RESPONDENT

This Order addresses 12 motions filed by the Respondent in this cause, dividing them into four separate categories:

The Court takes under advisement the following motions until September 26, 2019, at which time the motions will be considered, if time permits after addressing the motions previously set for consideration of that hearing:

- 1) Contempt for non-payment of life insurance policies and support
- 2) Motion regarding child and spousal support
- 3) Contempt for June payments
- 4) Contempt for July payments

The Court declines to rule on the following motions, finding them to be moot:

- 1) Motion to strike the plaintiff's proffer
- 2) Notice of Subpoena for June 20, 2019 hearing

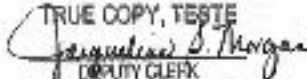
The Court declines to take action on the following motions, as they are not legally cognizable:

- 1) Notice of falsification
- 2) Notice of perjury
- 3) Notice of disingenuous statements

The Court denies the following motions without the necessity of a hearing:

- 1) Motion to Continue
- 2) Motion to terminate withholding of Guardian ad Litem fee
- 3) Request for removal of judge, and rehearing

Endorsement by the parties is waived. Rule 1:13.

TRUE COPY, TESTE  
  
 DEPUTY CLERK  
 CIRCUIT COURT COUNTY OF BRUNSWICK  
 COMMONWEALTH OF VIRGINIA

ENTRICK 21 MAYTAGLE, 2115

*Walter Spauld*

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF BRUNSWICK

ROBERT JAN ARBOUW

Plaintiff,

v.

KIMBERLY LOWE ARBOUW,

Defendant.

CASE NO.: CL18000287-0

TRUE COPY, TESTE  
*[Signature]*  
 DEPUTY CLERK  
 CIRCUIT COURT COUNTY OF BRUNSWICK  
 COMMONWEALTH OF VIRGINIA

ORDER

Re: Protective Order, Visitation, and use of Residence

THIS DAY came Kimberly Lowe Arbouw (hereinafter "Defendant"), individually by counsel, William G. Shields, Esquire and moved this Court for a Protective Order, and this day came Robert Jan Arbouw (hereinafter "Plaintiff"), individually and by counsel Ryan Perry, Esquire upon Plaintiff's Motion for Visitation and use of a portion of the marital premises for a residence.

The Court convened the parties and heard evidence from the Defendant One hour, and reviewed exhibits Defendant provided concerning abuse. At the conclusion of Defendant's evidence, Plaintiff moved to strike the Defendant's evidence on the Protective Order. The Court found that Defendant's evidence was of events nearly two years beforehand, and that Plaintiff has only incidentally visited his children in that nearly two years; and sustained Plaintiff's Motion to Strike Defendant's Motion for a Protective Order.

The Court however, having heard Defendant's evidence, does Order Plaintiff to have no contact with the Defendant or the three children of the parties until further Order of this Court; and awards exclusive use of the marital property to Defendant pending further Order of this

Court. The Court hereby appoints: Amanda D. Jones, Esq., as *Guardian ad Litem* for the parties three (3) children: Eva Arbouw, age 13, Arie Arbouw, age 11, and Thijs Arbouw, age 8.

The parties shall initially pay the Guardian equally; the Court reserves the apportionment of her fees to be determined hereafter.

Entered:

5/10/19

JUDGE

I ASK FOR THIS IN PART AND OBJECT IN PART:



William G Shields, Esq. (VSB# 14200)  
The Shields Law Firm, PLLC  
11512 Allectingie Parkway, Suite C  
N Chesterfield, VA 23235  
Tel (804) 594-3966  
Fax (804) 381-4515  
[Bill.shieldsfirm@comcast.com](mailto:Bill.shieldsfirm@comcast.com)  
*Attorney for Defendant*

I ASKED FOR THIS IN PART AND OBJECT IN PART:



J. Ryan Ferry, Esq. (VSB #80353)  
Boyko Napier, PLLC  
5807 Staples Mill Road  
Richmond, VA 23228  
Phone: (804) 658-3418  
Fax: (804) 658-3441  
Email: [jrferry@boykonapier.com](mailto:jrferry@boykonapier.com)  
*Attorney for Plaintiff*



VIRGINIA:

## IN THE CIRCUIT COURT FOR THE COUNTY OF BRUNSWICK

ROBERT JAN ARBOUW,

Plaintiff,

v.

KIMBERLY LOWE ARBOUW,

Defendant.

Case No. CL18-287

FINAL DECREE

COMES THIS DAY the Plaintiff, Robert Jan Arbouw (Social Sec. No.: see confidential addendum), by counsel, and the Defendant, Kimberly Lowe Arbouw, (Social Sec. No.: see confidential addendum), pro se, upon Plaintiff's Complaint for Divorce; upon Defendant's Answer; upon the evidence given *in* *testis* by both parties and from a disinterested witness, the Court finds the following:

UPON CONSIDERATION WHEREOF, the Court finds from the evidence, independently of the admission of the parties in the pleadings or otherwise, the following facts: (1) the parties are husband and wife having been lawfully married on December 29, 2004 in Roanoke, Virginia; (2) that both parties are over the age of eighteen and of sound mind; (3) that the Plaintiff is now and has been for at least six months preceding the commencement of this suit, an actual *bona fide* resident of and domiciliary of the State of Virginia; (4) that there were three minor children born of the parties, namely, Eva Catherine Arbouw, born July 2, 2005, Arlie-Jan Johannes Arbouw, born September 30, 2007, and Thijs Alexander Arbouw, born December 28, 2009, and that the Defendant is not currently pregnant from the marriage; (5) that the parties last cohabitated as husband and wife on or about May 31, 2017; (6) that neither the Plaintiff nor the Defendant is in the military service of the United States or its Allies; (7) that the parties last

cohabitated in the County of Brunswick, Virginia; (8) that the allegation that the parties have lived separate and apart intentionally without interruption for a period of more than one year has been fully proved by the evidence; and that (9) that there is no hope or probability of reconciliation between the parties

ADJUDGED, ORDERED and DECREED that Plaintiff, Robert Jan Arbouw, he, and he is hereby granted a divorce *a vinculo matrimonii* from the Defendant, Kimberly Lowe Arbouw, on the grounds that the parties have lived separate and apart without cohabitation and without interruption pursuant to Section 20-91(A)(9)(a) of the Virginia Code; and that the bond of matrimony created by the marriage between the parties on December 29, 2004, is hereby dissolved; it is further

ADJUDGED, ORDERED and DECREED that the Court does hereby incorporate the ruling of the Honorable Judge Allan Sharrett (hereinafter referred to as "Judge's letter"), memorialized in his letter to the parties on August 26, 2019 (Attached as Exhibit "A"); it is further

ADJUDGED, ORDERED and DECREED that the Orders of this Court dated April 1, 2019 (two orders) and May, 2019 (one order) which deal with the issues of Child Custody, Visitation, and Use of the Marital Residence shall remain in full force and effect insofar as they address these issues, and until further order of this Court; provided, however that visitation may be modified in the discretion of the Guardian *ad litem*.

ADJUDGED, ORDERED and DECREED that the Pendente Lite Order of this Court dated April 1, 2019 shall remain in full force and effect insofar as it addresses life insurance, health insurance, payment of the debt secured by a deed of trust on the realty owned by the parties, and combined child and spousal support, until September 20, 2019. At the hearing on

in both names and the Plaintiff shall execute whatever documents necessary to transfer his interest in the van to the Defendant.

ADJUDGED, ORDERED AND DECREED that regarding personal property items, the Court does hereby incorporate Plaintiff's Exhibit #4 from the June 21<sup>st</sup> hearing (Attached as Exhibit "B") and the Court finds that the items designated with a number, 1-29, are marital and/or of some value. The Court further finds that the value of these items are the values assigned to them and specified in the attached Exhibit. The parties shall divide the items between them in such a way that each party retains items that represent 50% of the total value of items 1-29.

Item number 30 is the separate property of the Plaintiff, who shall be entitled to immediate possession of the same.

All items of personalty not set out in Exhibit #4 shall remain the sole property of the person now in possession of the item.

ADJUDGED, ORDERED AND DECREED that except for the note secured by a deed of trust on the marital realty, each party shall remain responsible for the debts existing in their own name. The Springfield Financial account indebtedness, if any, shall be borne equally by the parties.

Pursuant to the Virginia Code § 20-111.1(F), the following information is provided:

Beneficiary designations for any death benefit, as defined in subsection B of § 20-111.1 of the Code of Virginia, made payable to a former spouse may or may not be automatically revoked by operation of law upon the entry of a final decree of annulment or divorce. If a party intends to revoke any beneficiary designation made payable to a former spouse following the annulment or divorce, the party is responsible for following any and

all instructions to change such beneficiary designation given by the provider of the death benefit. Otherwise, existing beneficiary designations may remain in full force and effect after the entry of a final decree of annulment or divorce.

Pursuant to Code Section 20-121.03, the Confidential Addendum is incorporated by reference.

It is hereby ORDERED that this matter be continued on the Court's active docket consistent with the terms described herein, and the clerk is further directed to send attested copies of this decree to counsel for the Plaintiff and the Defendant.

ENTER: 12 / 16 / 2019

  
Judge

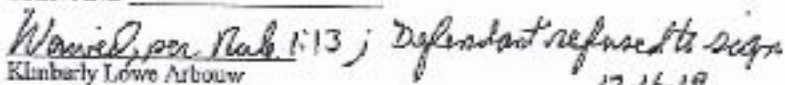
ENDORSEMENTS ON THE FOLLOWING PAGE:

Page 5 of 6

SEEN AND AGREED IN PART AND OBJECTED TO DUE TO THE VALUATION OF THE MARITAL RESIDENCE BEING BASED ON AN APPRAISAL VALUED AS OF THE DATE OF SEPARATION AND NOT THE VALUE AS OF THE EVIDENTIARY HEARING.

  
J. Ryan Perry, Esquire (VSB # 80353)  
BoykoNapier, PLLC  
5807 Staples Mill Road  
Richmond, Virginia 23228  
Phone: (804) 658-3418  
Fax: (804) 658-3441  
JRPerry@boykonapier.com  
Counsel for Plaintiff

SEEN AND

  
Kimberly Lowe Arbouw  
4779 Rawlings Road  
Rawlings, Virginia 23876  
Defendant  
12-16-19  
WLA

SEEN AND

  
Amanda D. Jones, Esquire (VSB # 89297)  
The Law Office of Amanda D. Jones, P.L.C.  
202 Hicksford Avenue, Suite B  
P.O. Box 269  
Emporia, Virginia 23847  
Phone: (434) 637-6407  
Fax: (434) 618-0884  
Adjones@amandajoneslaw.com  
Guardian ad Litem



## SIXTH JUDICIAL CIRCUIT



COMMONWEALTH OF VIRGINIA

W. ALLAN SHANNETT, JUDGE  
GREENSBORO COUNTY COURTHOUSE  
P.O. BOX 601  
EMPORIA, VIRGINIA 22847  
TELE: 349-4885 PHONE  
JUDGE: 349-3613 FAX

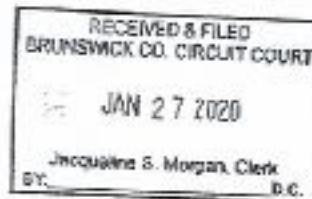
CIRCUIT COURT OF CITY OF SHREVEPORT  
CIRCUIT COURT OF BRUNSWICK COUNTY  
CIRCUIT COURT OF GREENSBORO COUNTY/CITY OF EMPORIA  
CIRCUIT COURT OF PRINCE GEORGE COUNTY  
CIRCUIT COURT OF SURRY COUNTY  
CIRCUIT COURT OF WARREN COUNTY

January 24, 2020

J. Ryan Ferry, Esquire  
BoykoNapier, PLLC  
3807 Staples Mill Road  
Richmond, VA 23228

Ms. Kimberly L. Arbow  
4779 Rawlings Road  
Rawlings, VA 23876

Aminda D. Jones, Esquire  
The Law Office of Aminda D. Jones, PLLC  
P.O. Box 269  
Emporia, VA 23847



Re: Robert Jan Arbow v. Kimberly Lowe Arbow  
Brunswick County Circuit Court Case No.: CL18-287

Dear Mr. Ferry, Ms. Arbow and Ms. Jones:

The Court has carefully reviewed the "Final Decree" entered by the Court on 12/16/2019, and determined that it is, in fact, not a "Final" Decree for several reasons.

First, it leaves "in full force and effect" three Pendente Lite orders from April 1, 2019 and May, 2019 which address issues of Child Custody, Visitation, and Use of the Marital Residence.

Second, the final paragraph of the order directs that "this matter be continued on the Court's active docket..."

Thus, by its very nature the order is not one "which disposes of the whole subject [...] gives all the relief that is contemplated, and leaves nothing to be done by the court ... On the other hand, every decree which leaves anything in the cause to be done by the court is interlocutory as between the parties remaining in the court." *Comcast of Chesterfield County, Inc. v. Board of Supervisors of Chesterfield County*, 277 Va. 293 (2009).

J. Ryan Ferry, Esquire  
Ms. Kimberly L. Arbour  
Amanda D. Jones, Esquire  
January 24, 2020  
Page Two

The most important effect of the order not being final is that it is not appealable as it presently stands. Accordingly, there are not, and could not be at this point, any deadlines for filing an appeal.

If any of you desire to be heard concerning the court's opinion regarding the finality of the order, please schedule through the Court Administrator's office a hearing regarding the same. The Court does not at present intend to revisit any of its ruling in the order, and will consider only its status.

Yours truly,



W. Allen Sharrett

WAS/ddc

✓Cc: The Honorable Jacqueline S. Morgan, Clerk

### **XXXIII. MOTION TO VACATE**

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF BRUNSWICK

ROBERT JAN ARBOUW

Plaintiff

v.

CASE NO.: CL18000287-0

KIMBERLY LOWE [ARBOUW],

Defendant

---

### **MOTION TO VACATE**

It is hereby respectfully and in the interest of justice requested that this Court vacate the “Final Decree” and “Appointment of Special Commissioner” signed by Judge Allen Sharrett on December 16, 2019 along with requested relief, based on extrinsic and intrinsic fraud, Fraud to the Court, a lack of jurisdiction, and working outside of the power delegated to the Court and outside of the Constitution, and as such the Final Decree and Order is not only void but also voidable according to both Virginia and Federal Supreme Court Rulings, and therefore open to collateral attack at any time, and can be vacated at any time without a direct appeal. Further in the absence of pleadings, depositions, admissions, or affidavits, the Court has no facts to rely on a summary of determination. In addition, the law states that relief is MANDATORY.



## I. VIRGINIA SUPREME COURT RULINGS

1. Virginia Supreme Court Rulings show that judgements obtained by extrinsic fraud are void. Extrinsic fraud is that which prevents fair submission of the controversy to the court, and therefore a collateral attack is allowed at any time rather than an appeal:

- a “A judgement obtained by extrinsic fraud is void, and subject to direct or collateral attack. Extrinsic fraud consists of conduct which prevents a fair submission of the controversy to the court. A collateral challenge to such a judgement is allowed because such fraud perverts the judicial processes and prevents the court or non-defrauding party from discovering fraud through regular adversarial processes” (1993-Peet v. Peet, 16 Va. App. 323). Further, “[a] judgement obtained by intrinsic fraud is merely voidable and can be challenged only by a direct appeal or by a direct attack in an independent proceeding. ‘Intrinsic’ fraud includes perjury, use of forged documents, or other means of obscuring facts presented before the court and whose truth or falsity as to the issues being

litigated are passed upon by the trier of fact.(Citing Peet v. Peet, 16 Va. App 323 (1993)).”

- b. There is clear evidence of extrinsic and intrinsic fraud and that fraud was documented and pointed out in court continually through submitted motions and verbally in court. See “Ryan Ferry Bar Association Complaint”.
- c. No motions to the court were accepted by Kimberly Lowe, Kimberly Lowe was specifically told she was not allowed to submit motions, Kimberly Lowe could not submit any notarized affidavits to the court based on actual assets, the court would not accept a \$650 home appraisal yet accepted a free Zillow report submitted by opposing council, the court accepted false assets not submitted in Discovery on the day of trial, and accepted a Proffer only submitted on the day of trial for all of which Kimberly Lowe had no chance to respond, in further hearings the judge would not accept signed and notarized affidavits to dispute the false assets, and would not accept actual bank account statements of Mr. Arbouw which had been subpoenaed by Kimberly Lowe to prove Mr. Arbouw’s actual

income, the court would not allow expert witnesses to speak, the court threatened to jail Kimberly Lowe and put her children in foster care if she dared to submit a motion.

- d. There is clear perjury, forgery, fraud, and misrepresentations, with massive detail in the attached Appendix.
2. Void judgements can be attacked and vacated in any court at any time:
- a. “It is firmly established that a void judgement may be attacked and vacated in any court at any time, directly or collaterally” (1994- Kelley v. Kelley, 248 Va. 295).
  - b. “A party may assail a void judgement at any time, by direct or collateral attack” (1997-Steinberg v. Steinberg, Va. Ct. of Appeals, Unpublished, No. 2557-96-2).
  - c. “An order which is void ab initio is a complete nullity, and it may be impeached directly or collaterally by all persons, anywhere, at any time, or in any manner. An order that is merely voidable is subject to direct attack any time before the judgement becomes final” (2012-Amin v. County of Henrico, 61 Va. App. 67).

3. In the absence of pleadings, an order is void:
- a. “A decree cannot be entered in the absence of pleadings upon which to found the same, and if so entered, is void” (1935-Potts v. Mathieson Alkali Wors, 165 Va. 196).
  - b. “Where there are no depositions, admissions, or affidavits the court has no facts to rely on for a summary of determination”  
Trinsey v. Pagliaro, D.C. Pa 1964, 229 F. Supp. 647
  - i. Not a single motion was heard in court which was submitted to the court by Kimberly Lowe other than a restoration of change of name and return of bond money when Judge Allen Sharrett prevented an appeal. (See attached Appendix for list of motions declined).
  - ii. Judge Allen Sharrett told Kimberly Lowe she was not allowed to file any motions to court and threatened her with jail and to put her children in foster care.
  - iii. Judge Allen Sharrett would not accept bank statements, signed and notarized affidavits, titles, or other evidence to prove the case or fraud.

- iv. Judge Allen Sharrett would ONLY accept pleadings and falsified documents from Opposing Counsel.

## II. FEDERAL SUPREME COURT RULINGS

- 1. Regarding Void Judgements:
  - a. “A void judgement is to be distinguished from an erroneous one, in that, the latter is subject only to direct attack. A void judgement is one which, from its inception, was a complete nullity and without legal effect”. *Lubben v. Selective Service System*, 453 F.2d 645, 649 (1st Cir. 1972).
  - b. The law is well settled that a void order or judgement is void even before reversal”. *Valley v. Northern Fire and Marine Ins. Co.*, 254 U.S. 348, 41 S.Ct. 116 (1920).
  - c. A void judgement is a nullity from the beginning, and is attended by none of the the consequences of a valid judgement. It is entitled to no respect whatsoever because it does not affect, impair, or create legal rights.” *Ex parte Seidel*, 39 S.W.3d 221, 225 (Tex. trim App. 2001), *Ex parte Spaulding*, 687 S.W.2d at 745 (Teague, J., concurring)

- d. It has also been held that “It is not necessary to have to take steps to have a void judgement reversed, vacated, or set aside. It may be impeached in any action direct, or, collateral.” *Holder v. Scott*, 396 S.W. 2d 906, (Tex.Civ.App., Texarkana, 1965, writ ref., n.r.e.).
- e. “It is a clear and well established law that a void order can be challenged in any court” (*Old Wayne Mut. L. Assoc. v. McDonough*, 204 U.S. 8, 27 S. Ct. 236 (1907).
- f. A void judgement may be attacked at any time by a person whose rights are affected (*El-Kareh v. Texas Alcoholic Beverage Comm’n*, 874 S.W.2d, 192, 194; *Tex. App.-Houston [14th Dist.] 1994, no writ*).
- g. Judgement is a void judgement is court that rendered judgement lacked jurisdiction of the subject matter, or of the parties, or acted in a manner inconsistent with due process, *Fed. Rules Civ. Proc., Rule 60(b)(4)*, 28 U.S.C.A, U.S.C.A. Const. Amend. 5-*Klugh v. U.S.*, 620 F. Supp. 892 (D.S.C. 1985).
- h. Courts are constituted by authority and they cannot go beyond that power delegated to them. If they act beyond that authority, and certainly in contravention of it, their judgements and orders are regarded as nullities; they are not voidable, but simply void, and this

even prior to reversal” (Williamson v. Berry, 8 HOW. 945, 540 12 L. Ed. 1170, 1189 (1850)).

a. The court did not follow the Virginia laws on distribution of assets and left Kimberly Lowe with 100% of the marital debt while releasing Mr. Arbouw from his mortgage (an illegal breach of contract of which the court has no jurisdiction), and the court did not follow the law in what constitutes a marital vs. non-marital asset, and did not follow the law regarding the rights of children and parents, and did not follow the law regarding alimony or child support under Virginia Guidelines, and the court went so far as to withhold income from CHILD SUPPORT to illegally pay the Guardian Ad Litem who did not submit any proper paperwork to the Supreme Court and to this day has yet been able to produce a bill.

2. One need not APPEAL:

a. Under Federal law which is applicable to all states, the U.S. Supreme Court stated that if a court is “without authority, its judgements and orders are regarded as nullities. They are not voidable, but simply **void**; and form no bar to a recovery sought, even prior to a reversal in opposition to them. They constituted no justification ; and all persons

concerned in executing such judgments or sentences, are considered, in law, as trespassers. A Party Affected by a VOID Judicial Action Need Not APPEAL. State ex. res. Latty, 907 S.W.2d at 486. It is entitled to no respect whatsoever because it does not affect, impair, or create legal rights” (Ex parte Spaulding, 687 S.W.2d, at 745, Teague, J., concurring).

- b. A Party affected by a void judgement need not Appeal (State ex. rel. Latty, 907 S.W. 2d at 486). If an appeal is taken, however, the appellate court may declare void any orders the trial court signed after it lost plenary power over the case, because a void judgement is a nullity from the beginning and is attended by none of the consequences of a valid judgement” (State ex rel. Latty, 907 S.W.2d at 486). The appeal is taken from a void judgement, the appellate court must declare the judgement void, because the appellate court may not address the merits, it must set aside the trial court’s judgement and dismiss the appeal (Ex parte Spaulding, 687 S.W.2d, at 745, Teague, J., concurring).



- c. When rule providing for relief from void judgements is applicable, relief is not discretionary, but is **mandatory**.( Omer. V. Shalala, 30 F. 3d 1307 [Colo. 1994]).
3. IT IS THE COURT’S RESPONSIBILITY TO CORRECT RULING WITH NO STATUTE OF LIMITATIONS:
- a. “The court has a responsibility to correct a void judgement. The statute of limitations does not apply to a suit in equity to vacate a void judgement.” (Cadanasso v. Bank of Italy, p. 569; Estate of Pusey, 180 Cal. 368, 374 [181 P. 648]). This rule applies to all void judgements.
  - b. No Statute of Limitations applies to void judgements, see Hazel-Atlas Col, Id., showing no statute of limitations applies to void judgements, because the case was voided 12 years after the original judgment. See also V.T.A., Inv., v. Airco, Inc. 597 F. 2d 220 (10th Cir. 1979).
  - c. “If the judgement is void, the slate must be wiped clean” (Armstrong v. Manzo, 380 U.S. 545, 552 (1962)).
4. REGARDING FRAUD MAKING ORDERS VOID:
- a. “An order procured by fraud, can be attacked at any time, in any court, either directly or collaterally, provided that the party is properly before

the court (Long v. Shorebank Development Corp., 182 F.3d 548, C.A. 7 Ill. 1999).

- b. Fraud upon the court: In the United States when an officer of the court is found to have fraudulently presented facts to court so that the court is impaired in the impartial performance of its legal task, the act, is known as “fraud to the court”, and is a crime deemed so severe and fundamentally opposed to the operation of justice that it is not subject to a statute of limitation.
- c. For a judgement which shows on its face that is was obtained by fraud is absolutely void” (Mahoney v. Insurance Company, 133 Iowa 570 1907; Friebe v. Elder, 181 Ind. 597 1913 ) It is, therefore, not a judgement, though bearing the form of one, and so to impeach it collaterally, is not, strictly speaking, a collateral attack upon a judgement. To permit impeachment under such circumstances is perfectly consistent with the general rule (Granger v Clark, 22 Me. 128 1842); Carpentier v. Oakland, 30 Cal.439 1866; Hart v. Hunter 52 Tex. Civ. App. 75 1908.
- d. Documents produced by way of “fraud in the factum” are void ab initial (they are as though they never existed), while documents

induced by fraud are voidable-subject to challenge. Fraudulent inducement - “representation of a material existing fact, falsity, scienter, deception, and injury” (Channel Master Corp v. Aluminum Ltd. Sales, 4 NY2d 403, 407 [1958]). Fraud in the Factum - a document executed by forgery or through false pretenses is void from the outset. “Void things are as no things” (Marden v. Dorthy, 160 NY 39, 56 [1899]).

### III. RULE 60(d)(3) Fraud on Court

#### A. MOTION TO VACATE based on Fraud on Court:

Request for orders be set aside in that:

1. The judgement against Kimberly Lowe was made by fraud, perjury, duress, mistake, and party failed to comply with disclosure requirements when the judgement was entered.
2. There are legal reasons to set aside in child and spousal/child support cases.
3. There are violation of the rules of civil procedure and professional conduct.
4. **Rule 60(d)(3)** Federal Rules of Civil Procedure, Fraud on the Court:

a. Basis for setting aside judgement; fraud on the court is “directed to the **judicial machinery** itself”. It is thus fraud where the impartial functions of the court have been directly corrupted” (Robinson v. Audi Aktiengesellschaft, 56 F.3d 1259, 1266 (10th Cir. 1995):

b. “makes fraud an express ground for relief by motion; and under the saving clause, fraud may be urged as a ground for relief by independent action insofar as established by doctrine permits. And the rule expressly does not limit the power of the court...to give relief under the savings clause.”

c. “60(d)(3) is intended to protect the integrity of the judicial process and therefore is not time barred.” (Bowie v. Maddox, 677 F. Supp 2d 276, 278 (D.D.C. 2010).

B. In Proving Fraud on Court:

Fraud on the court occurs when information is obtained through abusive discovery practices to obtain a favorable judgement:

1. Abusive Discovery as Fraud on the Court

i. Time consuming, costly, and continual Discovery to the point that \$36,000 in attorney fees had been eaten up even before getting to trial.

ii. Excessive Discovery with many of the same Discovery being requested four times while not actually answering any discovery questions sent to them and lying to the Court saying Discovery was not being provided by Kimberly Lowe.

ii. Trickery - Prize Energy Res., L.P. v. Cliff Hoskins, Inc., 345 S.W.3d 537, 573 (Tax. App. 2011) - false Discovery questions, withheld Discovery, Prepared false letters saying they had been sent, produced not up to to date income, falsifying the income of Kimberly Lowe and Robert Arbouw, producing falsehoods saying Kimberly Lowe had not done things such as submit Discovery when requested or not contacted the Special Commissioner or Reunification Therapist when she had, falsified Discovery questions saying the questions had been produced by Kimberly Lowe when they had not, falsifying assets.

iii Harassment (Id.; Adelman, 1990 WL 39147, at \*2) - threats to come take possessions that were non marital, threats to make Kimberly

Lowe pay for animals that were not the property of Mr. Arbouw;  
continually badgered to produce documents that had already been  
provided and lied in court to the judge saying his documents had  
been provided when they had not been, continued bombardment of  
mail with threats requesting money be paid to Mr. Arbouw.

iv. Threats (Prize Energy Res., 345 W.S.3d at 573; Florida Bar v.  
Ratiner, 46 So.3d 35, 37 (Fla. 2010) - threatening legal action  
continually, threatening to come take items that did not belong to Mr.  
Arbouw unless Mr. Arbouw received cash.

2. “A lawyer who seeks excessive discovery given what is at stake in the  
litigation, or who makes boilerplate objections to discovery requests  
without particularizing their basis, or who is evasive or incomplete in  
responding to discovery, or pursues discovery in order to make the  
cost for his or her adversary so great that the case settles to avoid  
the transaction costs, or who delays the completion of discovery to  
prolong the litigation in order to achieve a tactical advantage, or who  
engages in any of the myriad forms of discovery abuse that are so  
commonplace...is hindering the adjudication process, and....violating  
his or her duty of loyalty to procedures and institutions the adversary

system is intended to serve” (Mancia v. Mayflower Textile Servs. Co., 253 F.R.D. 354, 362 [D. Md. 2008])

3. Rule 26(g) Federal Rules of Civil Procedure:

- a. Requires that “every discovery request, response, or objection be signed by at least one attorney of record,....or by the [client], if unrepresented. The signature certifies that to the best of the person’s knowledge, information, and belief formed after a reasonable inquiry, the discovery is complete and correct, and that the discovery request, response, or objection is:
  - (i) consistent with these rules and arranged by existing law or by a non frivolous argument for extending, modifying, or reversing existing law, or for establishing new law; (ii) not interposed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation (iii) neither unreasonable nor unduly burdensome or expensive, considering the needs of the case, prior discovery in the case, the amount of controversy, and the importance of the issue at stake in the action”

- (ii) If a lawyer violates rules 26(g) then the Court must impose an appropriate sanction, which may include to pay reasonable expenses and attorney's fees caused by the violation.

C. Steps in Determining Fraud on Court

Courts may engage in a 4 step process to determine Fraud on the Court which involves 1. examination of the offender and his duties to the court 2. evaluation of the conduct and its effect 3. consideration of the victim's status and 4. consideration of the relief being sought

1. Examination of the Offender and his duties to the court

- a. "When an attorney misrepresent or omits material facts to the court, or acts on a client's perjury or distortion of evidence, his conduct may constitute a fraud on the court" (Trehan v. Von Tarkanyi, 63 B.R. 1001, 1007 [Bankr. S.D.N.Y.1986]), and furthermore, when an officer of the court fails to correct a misrepresentation or retract false evidence submitted to the court, it may also constitute fraud on the court" (In re McCarthy, 623 N.E.2d 473, 477 [Mass 1993]).

- i. See Appendix - Ryan Ferry Bar Association Complaint



- b. Lawyers and professionally and ethically responsible for accuracy in their representations to the court. Rule 3.1 of the Model Rules of Professional Conduct states that lawyers “shall not bring or defend a proceeding, or assert to controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous, which includes a good-faith argument for an extension, modification, or reversal of existing law” (Model Rules of Prof’l Conduct 3.1 [Am. Bar. Ass’n 2013]).
- c. Similarly, Rule 3.3 provides that “a lawyer shall not knowingly... make false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer” (Model Rules of Prof’l Conduct 3.3 [Am. Bar. Ass’n 2013]).
- d. In addition to the Professional Rules of Conduct, and an attorney’s duty of candor as an officer of the court, “Rule 11 [of the F.R.C.P.] imposes a duty on attorneys to certify that they have conducted a reasonable inquiry and have determined that any papers filed with the court are well grounded in fact, legally

tenable, and not imposed for any improper purpose” (Cooter & Gell v. Hartmarx Corp. 496 U.S. 384, 393 [1990]).

- e. The Supreme Court has held that Rule 11 “imposes on any party who signs a pleading, motion, or other paper—whether the party’s signature is required by the Rule or is provided voluntarily—whether the party’s signature is required by the Rule or is provided voluntarily—and affirmative duty to conduct a reasonable inquiry into the facts and the law before filing, and that the applicable standard is one of reasonableness under the circumstances” (Bus Guides, Inc. v. Chromatic Commc’ns Enters, Inc., 498 U.S. 533, 551 [1991]).
- f. Violations of Rule 26, Rule 11, or even the rules of professional conduct may give rise to fraud on the court claim, even when those violations were not directed to the court itself. When an adversary misrepresents certain relevant information, fails to disclose information, requests admissions that he knows to be false, lies during a deposition, or engages in any other deceitful form of discovery, he has clearly violated rule 26 and has potentially engaged in fraud, misrepresentation, or other

misconduct prohibited by ethical rules and state and federal rules of civil procedure.

- g. While an attorney “should represent his client with singular loyalty that loyalty obviously does not demand that he act dishonestly or fraudulently; on the contrary his loyalty to the court, as an officer thereof, demands integrity and honesty dealing with the court”, and when he departs from that standard of a case he perpetrates a fraud upon the court” (Kupferman v. Consolidated Research and Manufacturing Corp, 459 F.2d 1072, 1078 [2d Cir. 1972]). Such that “since attorneys are officers of the court, their conduct, if dishonest, would constitute fraud on the court” (H.K. Porter Co. v. Goodyear Tire & Rubber Co., 536 F.2d 1115, 1119 [6th Cir.1976]).
- h. It is held that “simple dishonesty of any attorney is so damaging on courts and litigants that it is considered fraud upon the court” (Estate of Adams v. Fellini, No. CV 24539 [Nev.5th List. Ct. Aug. 6, 2014]) at 6 (court order)). And citing rules of professional conduct, the court further held that “an officer of the court perpetrates fraud on the court a) through an act that is

calculated to mislead the court or b) by failing to correct a misrepresentation or retract false evidence submitted to the court” (Estate of Adams v. Fellini, No. CV 24539 [Nev.5th List. Ct. Aug. 6, 2014]).

2. Satisfies as fraud to the court under many requirements:
  - a. intentional fraudulent conduct specifically directed to the court itself
  - b. movant shows an unconscionable plan or scheme to improperly influence the court’s decision
  - c. The above is satisfied in that the party was responsible for undermining the integrity of the judicial process because it chose to recklessly present misleading or false evidence to the court and the court’s judgement was influenced by the conduct at issue, and as such the judgment should be set aside as fraud on the court. The conduct impeded the impartial task of adjudging the case.
  - d. Lawyers that use information obtained through discovery that has no basis in law or fact to support motions filed with the court are clearly misleading the court. Further lawyers that

choose to conduct discovery without making an inquiry reasonable under the circumstances and then present false or misleading information to the court in order to obtain a favorable judgement are guilty of fraud on the court. The lawyer knowingly withheld and presented false information.

- e. There is further evidence that mischaracterization and fraud had been rebutted throughout the case through motions filed and ignored by Kimberly Lowe.

#### IV. Regarding the Appointment of a Special Commissioner

- 1. Kimberly Lowe had never seen the order for the Appointment of a Special Commissioner.
  - a. The order was snuck in to the judge in a hearing on December 16, 2019 and signed by the judge saying Kimberly Lowe had seen the order and waived the right to sign said document, when at no point had Kimberly Lowe seen the document.
  - b. The Order was discovered in a hearing on January 15, 2020 when Ryan Ferry requested signed orders.
    - i. Judge Allen Sharrett said the Orders were in the file the entire time, and therefore perjured himself.

- ii. Kimberly Lowe called the Brunswick County Civil Clerk's Office weekly, sometimes daily, searched the file herself, and had the very honest Clerk's office search the file, and at no point did an Order enter that office.
- iii. Judge Allen Sharrett held both the "Final Order" and Order for the Appointment of a Special Commissioner in order to prevent an appeal due to major constitutional rights violations and knowing his conduct would be reviewed at a higher court.
- iv. While at this point there is no proof at this point, investigations are ongoing into properties held by Judge Allen Sharrett and The Virginia State Police Fraud Division has been pulled in due to a report regarding illegal property activities regarding Judge Allen Sharrett.
- v. At no point in trial was Kimberly Lowe offered the opportunity to purchase her own property, for which her name is on the deed and her three children reside and in a trial dated June 21st, 2019, Judge Allen Sharrett told

Kimberly Lowe she could not purchase her home and it would be sold to the highest bidder.

- vi. An anonymous tip suggested Judge Allen Sharrett may be buying properties at auction through a secondary party and reselling homes for profit.
- c. Judge Allen Sharrett stopped the appeal from said Orders by sending out a letter stating the order was not final and therefore not appealable.
- d. The State lacks jurisdiction of Security Interests/Contracts.
  - i. A judge can only uphold a contract with a Security Interest not order a Breach of Contract/Security Interest.
  - ii. Judge Allen Sharrett ordered Mr. Arbouw now pay his mortgage which is solely in his name (Kimberly Lowe's name is one the deed), therefore resulting in the foreclosure of the home and property in which Kimberly Lowe and her three children reside, and also which will result in the harmed credit of Mr. Arbouw.
  - iii. As such, the State lacks jurisdiction over a Security Interest/Contract and therefore the order is void.

a. "A judgement rendered by a court without personal jurisdiction over the defendant is void. It is a nullity. [A judgement shown to be void for lack of personal service on the defendant is a nullity]." *Sramek v Sramek*, 17 Kan. App. 2d 573, 576-77, 840 P2d 553 (1992), rev. denied 252 Kan. 1093 [1993].

b. "A judgment obtained without jurisdiction over the defendant is void" *Overby v Overby*, 457 S.W. 2d 851 (Tenn. 1970), Volume 20; *Corpus Juris*, Sec §1785.

c. "Once jurisdiction is challenged, the court cannot proceed when it clearly appears that the court lacks jurisdiction, the court has no authority to reach merits, but rather should dismiss the action" *Melo v. U.S.*, 505 F.2d 1026.

d. "A universal principle as old as the law is that a proceedings of a court [or the charging entity] without jurisdiction are a nullity and its judgement therein without effect either on person or property" *Norwood v. Renfield*, 34 C 329; *Ex party Giambonini* 49 P. 732



e. “An act done in complete absence of all jurisdiction cannot be a judicial act” (Piper v. Pearson, id., 2 Gray 120). It is no more than an act of a private citizen, pretending to have judicial power which does not exist at all. In such circumstances, to grant absolute judicial immunity is contrary to the public policy expectation that there shall be a Rule of Law.

i. Jurisdiction was challenged on March 30, 2020 (See Appendix), and therefore the Court should dismiss the order.

iv. Further, without Kimberly Lowe having seen the document:

a. “Parties whose rights are to be affected are entitled to be heard; and in order that they may enjoy that right they must be notified. It is equally fundamental that the right to notice and an opportunity to be heard must be granted at a meaningful time and in a meaningful manner” (Pernell v. Southhall Realty, 416 U.S. 363 [1974]). and,

b. “Failure to comply with Rule 1:13 renders an order voidable, not void ab initio. (citing *Singh v. Mooney*, 261 Va. 48, 51 (2001)).

c. And as such according to Virginia and Federal Supreme Court Rulings, this order is both VOID and VOIDABLE.

e. The Appointment of a Special Commissioner made Kimberly Lowe responsible for the payment of the Special Commissioner an any shortfall when Kimberly Lowe’s name is not on the mortgage and is therefore not responsible under the law and further Federal Rule of Civil Procedure 17 (a)(1) which requires that “a[n] action must be prosecuted in the name of the real party in interest”.

## V. Relief Sought

1. Vacate the “Final Order” and Order to Appoint a Special Commissioner

2. Disregard Ryan Ferry's request to have a current Final Order signed which is based on fraud, lack of jurisdiction, violation of Constitutional laws with a complete lack of due process, and does not follow the Virginia Codes on alimony, child support, or equitable distribution of assets, and in a future hearing to be scheduled to:
3. Determine Alimony and Child Support based on Virginia Law and Mr. Arbouw's actual income which was wrongfully withheld with intent to defraud Kimberly Lowe and her three children, and alimony/support based on the cost of homeschool for the three children of the marriage as Kimberly Lowe has been the sole provider for ALL homeschool costs for the three children of the marriage.
4. Determine Arrearages for children's medical costs, homeschool costs, moving costs, marital credit card bills which Kimberly Lowe was fully and illegally left with and inconsistent with following Virginia's law of equitable distribution, and attorney fees for which a request was made by Kimberly Lowe's attorney William Shields, and at no point were the request for attorney fees even heard. Please note Mr. Arbouw abandoned his family, and Mrs. Arbouw was left with

all of the bills, and Mr. Arbouw initiated divorce and put Kimberly Lowe through years of litigation based on fraud with intent to harm.

5. Request Mr. Arbouw actually answer Discovery Questions which at no point were answered despite Motions to Compel to determine his actual income, retirement, and other important information including his living arrangement and address, which is of utmost importance in determine matters of support.
6. Request life insurance policies be maintained after divorce with Ms. Lowe as continued beneficiary, such that the Virginia Code changed allowing such option in Va. Code 20-107.1:1. And, request an Order be signed for Kimberly Lowe to be able to contact life insurance providers to see if Mr. Arbouw is paying for the policies and within the final order that Mr. Arbouw may not change beneficiaries and he maintain said policies.
7. Any other issues which will give finality to a divorce decree including challenging the previous orders to be void as they are based on fraud, Constitutional rights violations, lack of due process, and lack of jurisdiction.

## VI. Conclusion

In Conclusion, both the Final Order and Order to Appoint a Special Commissioner are simply void and voidable. The Court lacked jurisdiction over a Security Interest and therefore the order is void, yet it is also voidable in that the Order was snuck in to the court without Kimberly Lowe every having seen the document and it is a clear violation of Rule 26 and Rule 11. Federal Supreme Court Rulings suggest when jurisdiction has been challenged than the Court should dismiss the action. Further in the absence of pleadings, depositions, admissions, or affidavits, the Court has no facts to rely on a summary of determination. Supreme Court rulings clearly show that orders based on fraud are simply void and “Where a court failed to observe safeguards, it amounts of denial of due process of law, court is deprived of juris”. Merritt v. Hunter, C.A. Kansas 170 F2d 739.

Respectfully and May Justice Prevail,

Kimberly Lowe

## **CERTIFICATE OF SERVICE**

It is hereby certified that a copy was hand delivered to the Brunswick County Civil Circuit Court and e-mailed to Ryan Ferry Opposing Council on this 9th day of June, 2020.

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Kimberly Lowe

Kimberly Lowe  
4779 Rawlings Road  
Rawlings, VA 23876  
(540) 529-3380  
kimberlynadine@icloud.com

Ryan Ferry  
5807 Staples Mill Road  
Richmond, VA 23228  
(804) 658-3418  
jrferry@boykonapier.com



