

**COURT OF APPEALS OF GEORGIA  
DOCUMENT RETURN NOTICE FOR APPLICATIONS**

**November 16, 2015**

**To:** Mr. Douglas Robert Gordy, 718 Beerdsville Road, Sylvania, Georgia 30467

**Docket Number:** N/A **Style:** Douglas R. Gordy v. Martha Laines

Your document(s) is (are) being returned for the following reason(s).

1.  Your Application was not accompanied by the statutory filing fee, \$300.00 civil; \$80.00 criminal, or a sufficient pauper's affidavit. OCGA§5-6-4 and Rule 5 Please be advised that your pauper's affidavit should be notarized by a notary public.
2.  Portions of the record included were not tabbed and indexed. Rules 30 (e) and 31 (c).
3.  **A stamped "filed" copy of the trial court's order to be appealed was not attached to your Application. Rules 30 (b) and 31 (e)**  
**Please note: You mention two case numbers for the orders but you only have one order.**
4.  A stamped "filed" copy of the Certificate of Immediate Review was not attached to your Interlocutory Application. Rule 30(b)
5.  Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)
6.  There were an insufficient number of copies of your document. Rule 6
7.  No Certificate of Service accompanied your document(s). Rule 6 You should provide a copy of your filing to the District Attorney and include his/her name and address on your Certificate of Service.
8.  Your Certificate of Service did not include the complete name and /or mailing address of each opposing counsel and pro se party. Rule 1(a) and 6
9.  Your document exceeds page limits. Rules 24(f) , 30(e) and 31(c)
10.  Your request for court action must be submitted in motion form. Rule 41 (a)
11.  No extension of time for filing an interlocutory application will be granted . Rule 30 (g) . No extension of time will be granted for filing a discretionary application unless the motion for extension is filed on or before the due date of the discretionary application.
12.  The type font was smaller than 10 characters per inch; type was not double-spaced or/and type was on both sides of the paper. Rules 1(c), 24(b), 37(a) and 41(b).
13.  Your motions were submitted in an improper form (joint, compound, or alternative motions in one document). Rule 41 (b)
14.  Margins were too small or paper size was incorrect. Rules 1(c), 24(c), 30(e), 31(c) and 41(b).
15.  Your document was submitted for filing more than 30 days after the date of the order granting, denying or dismissing the application or the order granting, denying or dismissing the Motion for Reconsideration. Rules 30(j) and 31(j).
16.  **Other: No Certificate of Immediate Review.**

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For Additional information, please go to the Court's website at: [www.gaappeals.us](http://www.gaappeals.us)

COURT OF APPEALS OF GEORGIA  
DOCUMENT RETURN NOTICE FOR APPLICATIONS

11.13.15 MB

To: Douglas Robert Gordy

Docket Number: N/A Style: Douglas R. Gordy v. Martha Laines



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15.  Your document(s) was (were) not securely bound at the top with staples or round head fasteners. Rules 1(c), 30 (e) and 31 (c)
16.  Your document was submitted for filing more than 30 days after the date of the order granting, denying or dismissing the application or the order granting, denying or dismissing the Motion for Reconsideration. Rules 30(j) and 31(j).

~~OTHER~~ ~~wrong order filed~~ ~~Improper certificate of service, wrong party.~~  
For Additional information, please go to the Court's website at: [www.gaappeals.us](http://www.gaappeals.us)  
 No certificate of immediate review.

Original.

APPLICATION FOR LEAVE TO APPEAL INTERLOCUTORY ORDER

(Based on O.C.G.A. § 5-6-34(b) and COURT OF APPEALS RULE 30)

IN THE COURT OF APPEALS STATE OF GEORGIA

FILED IN OFFICE

NOV - 9 2015

COURT CLERK  
CLERK COURT OF APPEALS OF GA

RECEIVED IN OFFICE  
2015 NOV 12 PM 3:55  
COURT OF APPEALS STATE OF GEORGIA

DOUGLAS ROBERT GORDY,

Plaintiff,

vs.

MARTHA LAINES,

Defendant,

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CIVIL ACTION NO. SUISDR177T

CIVIL ACTION NO. 1S15DR091T

APPLICATION TO APPEAL INTERLOCUTORY ORDER

- I. The Court of Appeals of the State of Georgia has jurisdiction to hear this appeal under O.C.G.A. § 5-6-33(a)(1).
- II. The October 4<sup>th</sup> and 5<sup>th</sup> order from SUISDR177T and 1S15DR091T is erroneous and will cause a substantial error at trial by depriving the Plaintiff of the right to fair and equal access to the Court and of access to his (2) two minor children.
- III. The delays in filing this application are due in part to inaction by the Superior Court Judge and actions taken by Attorney April Stafford to cause further delay.

COMPLAINT

PLAINTIFF alleges the following:

- 1. This action is brought by Plaintiff Douglas Robert Gordy to comply with Title II of the Americans with Disabilities Act of 1980, as amended ("ADA"), 42 U.S.C. §§ 12131-12134, and its implementing regulation, 28 C.F.R. Part 35, and Section 504 of the

Rehabilitation Act of 1973 (29 U.S.C. § 794.) against the Honorable Judge John R. Turner, acting in the position of Judge of Superior Court in the above styled cases, through the Ogeechee Judicial Circuit, Bulloch and Screven Counties. Honorable Judge John R. Turner in his capacity as Superior Court Judge is an agent of the Ogeechee Judicial Circuit. The Ogeechee Judicial Circuit is responsible for the administration of justice in civil and criminal cases in Bulloch, Jenkins, Effingham, and Screven Counties in the State of Georgia. Honorable Judge John R. Turner is one of (3) three judges in the circuit and has violated the ADA by failing to inquire about and provide reasonable accommodations to the disabled Plaintiff in the Bulloch and Screven County Superior Courts prior to a September 24, 2015 hearing held at the Bulloch County Judicial annex despite the Filing of a Motion for Reasonable Accommodations filed by the Plaintiff several months prior to the hearing.

2. This action is also brought to compel the trial court to equitably enforce the rules of discovery dictated by O.C.G.A. § 9-11-26.
3. This action is also brought to compel the trial court to rule upon motions in a reasonable time-frame before any scheduled hearing dates under the Due Process Clauses of the 5<sup>th</sup> and 14 Amendments to the United States Constitution and Article I of the Constitution of the State of Georgia.
4. This action is also brought to remedy error committed under O.C.G.A § 46-7-12, by the combination of civil case number 1S15DR091T, a Screven County case filed by Defendant Laines, with case number SUISTR177T without having a hearing on the matter and without allowing the 30 days granted by law for Plaintiff Gordy to respond to the “new case filing”.

## **JURISDICTION AND VENUE**

IV. This Court has jurisdiction of this action under O.C.G.A. § 5-6-33(a)(1).

Venue is proper in the Court of Appeals of Georgia, in that all of the claims and events giving rise to this action occurred in the Ogeechee Judicial Circuit.

## **V. INTRODUCTION**

Background:

Plaintiff is a Disabled American Veteran, Fire-Fighter, and Paramedic. Plaintiff has multiple recognized disabilities and uses a walker for ambulation and requires the assistance of his Service Dog. Plaintiff filed a motion for downward modification of child support due declines in health and extraordinary medical expenses. Defendant answered the motion with a counter-claim for a modification of child custody. The original action is Bulloch County Case SUIADR177T. Trial Court issued a temporary custody order on what appears to be filed for record on October 4<sup>th</sup>, 2015 in Bulloch County and October 5<sup>th</sup>, 2015 in Screven County.

Plaintiff however did not receive the order or notice of the existence of any order until receipt of a letter from opposing counsel dated October 13, 2015. Plaintiff filed a request for a certificate for immediate review within the 10 days from receipt of the order. Trial court delayed in responding to the request and then denied the request for the certificate for immediate review claiming that the Plaintiff had not asked for the certificate within the 10 days allowed by law.

Plaintiff was temporarily incapacitated during the hearing due to medical and mental health conditions caused by the actions of the trial judge and opposing counsel April R. Stafford. (Submitted as attachment one is a copy of the date stamped envelope from opposing counsel that shows the date of actual mailing of the order. Receipt was approximately 2 days later and this

pleading is within the time frame allowed by law). Plaintiff was unable to hear or participate in actions regarding at least one witness and required a response from 911/Bulloch County EMS and actions by his Service Dog Jack to recognize, treat, and stabilize his conditions.

Plaintiff now files this formal petition for interlocutory appeal and request for temporary stay of the October 4<sup>th</sup> and 5<sup>th</sup> orders to include full reinstatement of shared legal custody and visitation until such time as this appeal may be decided.

**I. Enumeration of errors:**

- a. Failure of the trial Court to rule on Motion for Reasonable Accommodations filed under the Americans with Disabilities Act of 1980 and Section 504 of the Rehabilitation Act of 1973. 29 U.S.C. § 794 deprived the Plaintiff from Rights to Due Process guaranteed to all citizens under the 14<sup>th</sup> Amendment to the United States Constitution and Section I, Paragraph II of the Georgia Constitution. Said failure resulted in a medical emergency during the September 28, 2015 hearing. Disabilities can affect participation in the justice system in diverse ways.
- b. Failure of the Court to rule on a total of eight (8) motions, five (5) of which involve discovery deprive the Plaintiff of the right to timely and comprehensive discovery and the right to adequately prepare for and to confront the testimony of adverse witnesses and documentary evidence.
- c. Trial Court erred by refusing to enforce Discovery. Discovery was within the scope allowed under O.C.G.A. § 9-11-26. Refusal to enforce Discovery violated protections found in the Due Process Clause of the 14<sup>th</sup> Amendment to the United States Constitution which provide for the fair opportunity to confront witnesses and materials that are intended to be used at trial. The purpose of Discovery is to

avoid trial by ambush. Plaintiff properly and timely filed discovery requests. After requests to opposing counsel and the two non-parties were totally ignored, Plaintiff sent good faith requests to meet and resolve discovery issues. The good faith letters were also ignored by all parties and non-parties. Plaintiff then exercised his legal remedy of requesting compulsory discovery. The Court failed to rule upon any of the discovery motions until the date of hearing and then only allowed the Plaintiff access to unauthenticated discovery documents from one of the witnesses while the witness was testifying.

- d. Court erred by allowing Defendant to combine Screven County case 1S15DR091T that was filed (4) four days prior to the hearing date with Bulloch County Case SUISTR177T. Plaintiff is allowed 30 days to file an answer to a new complaint or motion. The new Screven County case is a new complaint and Plaintiff was unfairly denied the statutory time by which to respond.
- e. Court erred by what Defendant claims is a temporary cessation of parental rights and visitation order in that the Court's Failure provide Reasonable Accommodations, Failure to rule on motions, Refusal to enforce discovery, and illegal combination of (2) separate trials without the (30) days allowed by Statute resulted in a total deprivation of the Due Process rights of the Plaintiff and also resulted of the deprivation of the Plaintiff to continue the most fundamental right to custody and visitation with his (2) two minor children.

**II.** The Court of Appeals of the State of Georgia has jurisdiction to hear this appeal under O.C.G.A. § 5-6-33(a)(1).

**III.** The interlocutory appeal is necessary in order to protect the due process rights of the Plaintiff and other similarly situated litigated from the adverse effect of alienation from the (2) two minor children without a fair and equal opportunity to participate in the most basic parts of the judicial process. Plaintiff has not seen either minor child since September 17, 2015 and is at imminent risk of loss of Thanksgiving Visitation and also the Birthday of Minor female child J. Gordy, date of birth, 12/02/2005.

**IV.**

#### **ISSUES OF LAW**

- a) Plaintiff was denied reasonable accommodations mandated under federal law.
- b) Plaintiff was denied equal protection under the law.
- c) Plaintiff was denied due process due to unfair and unethical testimony from witnesses who refused to participate in Discovery.
- d) Court demonstrated a lack of adequate training and demonstrated no effort to comply with lawful request for reasonable accommodations.

#### **Citations of law.**

1. 5<sup>th</sup> Amendment to the United States Constitution and Section I of the 14<sup>th</sup> Amendment to the United States Constitution:
  - a. *Truax v. Corrigan*, 27 U.S. 312, 42 S.Ct. 124 (1921)
  - b. *Mathews v. Eldridge*, 412 U.S. 319, 96 S. Ct. 893, 47 L. Ed. 2d 18 (1976)
  - c. *Troxel v. Granville*, 500 U.S. 57, 120 S. Ct. 2054, 147 L. Ed. 2d 49, (2000)
  - d. *Henrietta D. v. Bloomberg*, 331 F.3d 261, 282 (2<sup>nd</sup> Cir. 2003)

- e. Alexander v. Choate, 469 U.S. 287, 301 105 S. Ct. 712 (1985)
  - f. Dred Scott v. Sandford
  - g. Santosky v. Kramer,
  - h. Meyer v. Nebraska
  - i. Allgeyer v. Louisiana
  - j. Marbury v. Madison
2. Section I, Paragraph II of the Georgia Constitution. Said failure resulted in a medical emergency during the September 28, 2015 hearing.
  3. Title II of the American's with Disabilities act of 1980 (A.D.A.)
    - a. 42 U.S.C. §§ 12101 et seq.
    - b. 28 CFR Part 35 (Title II, Department of Justice)
  4. Section 504 of the Rehabilitation Act of 1973. 29 U.S.C. § 794
  5. Tennessee v. Lane, 541 U.S. 509 124 S. Ct 1978 (2004),
  6. Popovich v. Cuyahoga County Court of Common Pleas, 276 F. 3d 808 (6<sup>th</sup> Cir. 2002),
  7. URSC 19.1 D
  8. URSC 24.2

Petition is pro-se and requests permission to proceed in Forma-Pauperis. A copy of the original filed Pauper's Affidavit and Order from the Trial Court approving the Affidavit are attached for reference. Appellant also requests a password to allow for electronic submission of documents.

This the 8<sup>th</sup> day of November, 2015



Douglas Robert Gordy, Plaintiff  
718 Beardsville Road  
Sylvania Georgia 30467  
(912) 978-1595

CERTIFICATE OF SERVICE

A copy of this Petition for Interlocutory Appeal has been served upon the Defendant via means of depositing same in the United States mail with adequate postage attached and address to opposing counsel at the following address.

April R. Stafford  
117 South Zetterower Avenue  
Statesboro GA 30458

This the 8th day of November, 2015

  
Douglas Robert Gordy, Plaintiff  
718 Beardsville Road  
Sylvania Georgia 30467  
(912) 978-1595

IN THE SUPERIOR COURT OF BULLOCH COUNTY  
STATE OF GEORGIA

DOUGLAS ROBERT GORDY.

Plaintiff.

vs.

MARTHA ISABEL GORDY/LAINES

Defendant.

CIVIL ACTION NO. SUISDR1771

AFFIDAVIT OF POVERTY

I am filing this Affidavit of Poverty under O.C.G.A. § 9-15-2. to ask that I be relieved from paying costs of filing and service in this case. I hereby swear or affirm. before a notary public, that the following information is true:

1.

Because I am indigent, I am unable to pay the filing fee, service fee, and other costs which are normally required by the Court.

2.

My monthly income and expenses are contained in the attached Exhibit "A".

3.

My assets and liabilities are contained in the attached Exhibit "B".

4.

I support the following dependents who live with me: Emily Ballovar Gordy, Jayden Robert Gordy, and Jillian Emily Gordy, and my Service Dog "Jack".

5.

I have the following special financial circumstances: I am totally and permanently disabled and am under the care of 8 different physicians and specialists and has had 127 medical appointments at the VA hospital in Augusta Georgia, and 6 outside provider appointments between 05 2013 and the present. Extensive travel is required and is not reimbursed. I also am required to take 14 different medications each month, each of which require separate co-pays, and have medical bills from surgery in 08 2014 in excess of \$10,000. I have had the presence and custody of the two minor children who live with the defendant every break from school and most of the summer vacation periods each year since 2013. Finally, I have a prescribed and medically necessary Service Dog that I have to support and provide any needed veterinary care for. My spouse, Emily Ballovar Gordy, is now unemployed due to the need of her being at home to help care for my medical needs and the care of our two (2) small children. They are Jayden Robert Gordy, born 5 19 2011, and Millan Emily Gordy, born on 8 23 2013.

I have read (or had read to me) the above questions and answers and they are true and correct. The Undersigned swears that the information given herein is true and correct and understands that a false answer to any item may result in a criminal charge of false swearing.

This \_\_\_ day of \_\_\_\_\_, 2015

*Kelvi O'Brien*

Notary Public:

My Commission Expires on: \_\_\_\_\_

**My Commission Expires  
June 16, 2018**



EXHIBIT A-MONTHLY INCOME & EXPENSES

Income:

Salary	none
Overtime	none
Bonuses	none
Commiss. on Sales/Tips	none
Income from Real Estate	none
Rental Income	none
Interest and Dividends	none
Social Security Security Disability	\$1000 - -
Retirement Benefits	none
Worker's Comp Benefits	none
Unemployment Benefits	none
Alimony	none
Lottery winnings	none
Gifts	none
Other income or cash receipts	none

Expense:

Rent/House payment:	\$350.00
Car Payment:	\$350.00
Other note payments:	none
Credit card:	none
Store accounts:	none
Gas-Auto:	\$100.00 per month - -
Insurance:	
Life:	none
Health: (Medicare)	\$107
House:	\$78
Car:	\$75
Utilities:	
Power:	\$350
Gas:	\$0
Water:	\$0
Telephone:	\$100
Cable/Satellite:	\$95
Groceries:	\$296 (foodstamps since 3/15)
Clothing:	\$0
Doctor/Hospital:	\$0
Prescriptions:	\$100 - -
Other:	
Total monthly expense:	\$1400 - -
Net (Income-Expense)	\$ -

## EXHIBIT B-ASSETS & LIABILITIES

### Assets:

Cash:	\$0
Stock and Bonds:	\$0
Bank Accounts (list each)	\$3 in Farmers Merchants
Retirement Accounts:	none
Money owed to you:	none
Tax Refund owed to you:	none
Real Estate Home	\$0 We rent.
Automobiles:	Owe \$9000 on 2007 Kia Van
Life Ins. (Cash value)	none
Jewelry:	none
Other Assets (list each)	none
Total Assets:	\$3

### Liabilities:

Mortgage:	rent is \$350.00
Vehicle loans:	\$9000
Credit card debt:	none
Medical Bills:	>\$10,000.00
Accounts at business:	none
Other debts:	none
Total debts:	>\$19000.00
Net (assets less debts):	-\$19000.00

IN THE SUPERIOR COURT OF BULLOCH COUNTY  
STATE OF GEORGIA

FILED  
BULLOCH COUNTY  
CLERK OF COURT

2015 APR 23 PM 3:11

RECEIVED  
CLERK OF COURT

DOUGLAS ROBERT GORDY,

Petitioner,

vs.

MARTHA ISABEL GORDY/LAINES,

Respondent.

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CIVIL ACTION NO. 2015DR177

ORDER ON AFFIDAVIT OF POVERTY

The *pro se* Petitioner has filed an *Affidavit of Poverty* with the Clerk of Court. Pursuant to O.C.G.A. §9-15-2(d), the Court as reviewed the *Affidavit* and the other initial pleadings and it appears to the Court that the affiant is unable to pay the filing fees and associated costs of this action. Therefore, the affiant's pleadings shall be filed, and the affidavit shall be relieved from paying the filing fee, sheriff's service fee, and other costs normally required.

The Petition for Modification of Child Support, having been read and filed, the Court finds that same is incomplete, and before a final decree can be granted, the following missing documentation must be completed and filed with the Bulloch County Clerk of Court:<sup>1</sup>

- Domestic Relations Financial Affidavits - For each party (signed and notarized) NOT IN FILE
- The Court will re-review the file on - May 20, 2015. Please make sure all necessary documents are complete, correct, and filed by that time SO THAT THE COURT MAY schedule a hearing in your case.

SO ORDERED, this 22<sup>nd</sup> day of April, 2015.

  
\_\_\_\_\_  
JOHN R. TURNER  
Judge, Superior Court of Bulloch County  
Ogeechee Judicial Circuit

<sup>1</sup> Acting as your own lawyer in court is a legal right in the United States; if you proceed without an attorney, i.e., *pro se* (a Latin phrase meaning "for one's self"), it is your responsibility to determine the proceeding appropriate to your situation. It is also your responsibility to properly complete all paperwork, which must either be typed or legibly printed, and to assure the sufficiency and accuracy of all information provided. Neither the Clerk of Court, nor any Deputy Clerk, nor the Judges, or any other court personnel, are allowed to answer any questions for you concerning the preparation of these forms. THE OFFICE OF THE CLERK OF COURT IS ONLY ALLOWED TO ACCEPT YOUR PAPERWORK FOR FILING AND CHARGE THE APPROPRIATE FILING FEE; THEY CANNOT PROVIDE ADVICE AS TO WHETHER ALL PAPERWORK HAS BEEN COMPLETED PROPERLY. The only person allowed to help you is a licensed attorney. If you need assistance, it is strongly recommended that you seek the advice of an attorney; in the event you choose not to seek the advice of an attorney, there are self-help websites. As well, there is a Family Law Workshop sponsored by the Mediation Center in Savannah, Georgia to assist Pro Se litigants and answer some of the basic questions concerning the filing of divorce or domestic relations petitions. For more information, please visit the Court's website at [www.ogeecheecircuit.org](http://www.ogeecheecircuit.org).

NOV - 9 2015

COURT CLERK  
CLERK COURT OF APPEALS OF GA

FORM 2 - PAUPER'S AFFIDAVIT

COURT OF APPEALS OF GEORGIA

RECEIVED IN OFFICE  
2015 NOV 12 PM 3:55  
CLERK/COURT APPEALS DIVISION  
COURT OF APPEALS OF GA

Douglas Robert Gordy

APPELLANT

vs

Martha Laines

APPELLEE

CASE NUMBER \_\_\_\_\_

PAUPER'S AFFIDAVIT

Comes now Douglas Robert Gordy (Appellant's name) first being duly sworn, deposes and states I am financially unable to pay the filing fee required for filing costs in the Court of Appeals of Georgia, and I request I be permitted to file Petition for appeal (Appellant's Brief or Appellant's Application) without having to pay filing fees. I further swear that the responses which I have made to the questions and instructions below are true.

1. Are you presently employed?  Yes  No

If the answer is "Yes", state the amount of your salary or wages per month, and give the name and address of your employer: \_\_\_\_\_

If the answer is "No", state the date of last employment and the amount of the salary and wages per month which you received: 07/2011 Disch'd w/ret  
amount varied until date of discharge

2. Have you received within the past twelve months any money from any of the following sources?

- Business, profession or form of self-employment?  Yes  No
- Pensions, annuities or life insurance payments?  Yes  No
- Rent payments, interest or dividends?  Yes  No
- Gifts or inheritances?  Yes  No
- Any other sources?  Yes  No

If the answer to any of the above is "Yes", describe each source of money and state the amount received from each source during the past twelve months: \_\_\_\_\_

1150 social security Disability

FORM 2 - PAUPER'S AFFIDAVIT page 2

3. Do you own any cash, or do you have money in a checking or savings account? (Include any funds in prison accounts)  Yes  No

If the answer is "Yes", state the total value of the items owned: \_\_\_\_\_

4. Do you own any real estate, stocks, bonds, notes, automobiles or other valuable property (excluding ordinary household furnishings and clothing)?  Yes  No

If the answer is "Yes", describe the property and state its approximate value: \_\_\_\_\_

5. List the persons who are dependent upon you for financial support, state your relationship to those persons, and indicate how you contribute toward their support:

Emily Gordy - wife Jillian Gordy - daughter all is shared  
Jayden Gordy - son  
Jimi Gordy - daughter - child support John Gordy son - child support

I understand that a false statement or answer to any question in this affidavit will subject me to penalties for perjury and that state law provides as follows:

(a) A person to whom a lawful oath or affirmation has been administered commits the offense of perjury when, in a judicial proceeding, he knowingly and willfully makes a false statement material to the issue on point in question.

(b) A person convicted of the offense of perjury shall be punished by a fine of not more than \$1,000 or by imprisonment for not less than one nor more than ten years, or both. OCGA §16-10-70.

I, Douglas R. Gordy, do swear and affirm under penalty of law that the statements contained in this affidavit are true. I further attest that this application for in forma pauperis status is not presented to harass or to cause unnecessary delay or needless increase in the costs of litigation.

This the 9th day of November, 2015

Douglas Robert Gordy  
(Your name printed or typed)

Douglas R Gordy  
(Sign your name.)

718 Beardsville Road  
Sylvania GA 30467 (912) 978-1595  
(Your complete address and telephone number)

Sworn to and subscribed before me

this the 9th day of Nov., 2015.

Vickie L. Parker Notary Public

