

STATE OF INDIANA     )  
                                  ) SS.  
COUNTY OF RIPLEY    )

RIPLEY CIRCUIT COURT  
GENERAL TERM 2011

MELISSA BREWINGTON )  
                          ) Petitioner,  
                          ) vs.                     )  
                          )                             )  
DANIEL BREWINGTON  )                     )  
                          ) Respondent,         )  
                          )                             )

CAUSE NO. [REDACTED]

**REPLY MEMORANDUM**

The Petitioner maintains that “The judgment lien placed upon the trust as a result of this action only operates as to any amounts that Respondent, Daniel Brewington, is entitled to from the trust.” (2A, Motion to Dismiss)

The Friendship State Bank views the lien as applying to the entire property holdings of the Daniel P. Brewington Revocable Trust. Daniel P. Brewington has no interest in the property and the judgment entry/decree of divorce imperils the ability of Sue Brewington to finance her day to day living expenses. Daniel Brewington has no interest in the trust at the present time.

The Petitioner contends the “Respondent, Daniel Brewington, is responsible for the removal of the lien that has resulted from the Judgment in this action. Respondent, Daniel Brewington, has the power to satisfy this lien at any time, by paying to Petitioner, Melissa Brewington, the monies owed to her by virtue of the Decree entered in this action.” (2B, Motion to Dismiss) It is axiomatic that if Daniel Brewington has no current vested interest in the trust and no other assets available to satisfy the judgment lien, the decree of divorce affects only the interest of Sue

Brewington. The decree of divorce essentially grants Daniel Brewington total control over Sue Brewington's finances and her interest in the trust.

Daniel Brewington is currently incarcerated in the Dearborn County Law Enforcement Center (Jail). Mr. Brewington has a public defender and therefore the Court found Mr. Brewington to be indigent. Mr. Brewington's bond was set at \$500,000 surety bond plus \$100,000 cash bond! It would take \$150,000 cash to bail Mr. Brewington out of jail. (██████████) If Judge Humphrey, Heidi Humphrey, Edward Connor, and Prosecutor Negangard prevail on the various charges, Mr. Brewington will be in jail a long time and Mr. Brewington will never be able to satisfy the judgment lien.

The revenue from the trust is insufficient to make the payments on outstanding obligations and pay all other expenses associated with the trust. Sue Brewington was not made a party to the divorce action and had no way to present evidence or to cross examine anyone concerning this action. At no time did Sue Brewington anticipate her assets would be subject to attachment or a lien due to the actions of Judge Humphrey, Ms. Loechel, or the Petitioner. If the Petitioner desired to place Ms. Sue Brewington's assets at risk, Ms. Brewington should have been joined as a necessary party to the litigation.

In 2B, Motion to Dismiss, the Petitioner has acknowledged that there is a lien against the Daniel P. Brewington Revocable Trust. It is not logical to suggest that Sue Brewington, who is the beneficiary of the trust, is not an indispensable party to the divorce action as the trust cannot operate because of the judgment lien. Sue Brewington's entire financial future has been impacted

by the actions of the Petitioner placing a lien on property the Respondent has no interest in at the present time and may never possess an interest.

The court erred in not adding Sue Brewington as a party to this action. *In re Marriage of Dall*, 681 N.E.2d 718 (Ind. App. 1997), Id. At 723, states, “It is axiomatic that a divorce decree does not affect the rights of nonparties. *Sovern*, 535 N.E.2d at 566.)S (See Respondent’s original Motion to Set Aside Decree.)

According to the ████████ charges Judge Humphrey felt intimidated before issuing the final divorce decree. How can Judge Humphrey preside over the divorce action and issue a decision when he is in an intimidated state of mind?

Sue Brewington assures the Petitioner that there is nothing frivolous about Sue Brewington’s constitutional rights being violated nor should standing up for those rights EVER be considered harassment of anyone. (Point #4, Motion to Dismiss)

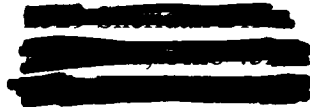
Sue Brewington seeks merely to set aside the Decree of Divorce as the Petitioner is using the Decree of Divorce to affect Sue Brewington’s assets without Sue Brewington or the trust ever being joined as a party to the original divorce action.

The law is settled that no one's rights may be adversely affected if he is not a party to the litigation under the jurisdiction of the court and a judgment cannot be rendered against one not a party unless such party by representation or succession comes into the litigation or intervenes or

is made a party. Sue Brewington has not been named a party, the trust has not been named as a party, and neither Sue Brewington nor the trust has entered an appearance by representation, succession, or intervened in the divorce action. To the extent the decree of divorce is being used to impose a judgment lien on assets Sue Brewington has the right to use as she deems appropriate, the trust and Sue Brewington should have been named as parties to the divorce action. The failure to include Sue Brewington and the trust as parties to the divorce action renders any judicial decision that affects either Sue Brewington or the trust void.

Respectfully Submitted,

Sue A. Brewington

A redacted signature consisting of three thick black horizontal bars obscuring the text.

Movant

I, Sue A. Brewington, affirm to the best of my recollection under penalties of perjury that the foregoing representations are true.

Sue A. Brewington

Movant