

Cynthia L. Fernandez  
24520 Thunderbird Dr.  
Chugiak, Alaska 99567  
(907) 230.2704

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

AFFIDAVIT OF CYNTHIA FERNANDEZ

I, Cynthia Fernandez, do here hereby swear and attest to the following statements.

1. I respectfully request action upon my Federal Question: due process claim regarding concerns with regards to Judge Suddock.
2. Judge Suddock was assigned to my case in THE STATE OF ALASKA SUPERIOR COURT THE THIRD JUDICIAL DISTRICT AT ANCHORAGE. The case number is 3AN-86-9323CI.

**PROCEDURAL HISTORY PRIOR TO COURT INVOLVEMENT**

3. I have a child support order that was reduced to judgment against Mr. Fernandez in the amount of \$118,000. Attached for your consideration is a copy of the judgment. (Exhibit A)
4. Mr. Fernandez acknowledged that he owes the debt.
5. The fact pattern is complicated. Mr. Fernandez and I married in 1979. We divorced in 1986, but continued to live together as married until 1997. In 1997, we ended our martial relationship, and Mr. Fernandez left me with all of the marital debt, in the amount of \$80,000 along with the house in foreclosure. I have dutifully paid that debt off.
6. Mr. Fernandez and I cohabitated again from 2001-2008. During that time period, our children were still minors. From 2001-2005, we did not share any finances, as I had my job, which paid for the house the children's living expenses. Mr. Fernandez had his own income (85K year) and expenses. We did not co-mingle finances.
7. Mr. Fernandez purchased a triplex in the Mountain View area of Anchorage during our separation, he also lived there. While we were together (2001-2008), he purchased multiple vehicles, boats and a cabin, which he sold in 2007.
8. Mr. Fernandez also received rental income from all three rental units at the Mountain View triplex that he rented out. In addition, he worked, and had VA benefits.
9. The focus of the negotiations took into account that Mr. Fernandez is considered to be fully disabled due to his Post Traumatic Stress Disorder. While I do not dispute this diagnosis, Mr. Fernandez fully demonstrated his earning capacity.
10. Mr. Fernandez has the means to bring in income/revenue (6,000.monthly), despite his PTSD disability.
11. I work as a substance abuse counselor and make \$32,000 a year. However, from that, I did support our children.
12. Mr. Fernandez purchased a \$47,000 Mercedes for me in 2005: this was a gift.
13. In 2005, I left my job, and Mr. Fernandez began contributing (33K) toward the Thunderbird House payments 2005-2007. I contributed 28K. Moreover, Mr. Fernandez specifically pocketed around \$48K by renting out his personal apartment, within the triplex, while living at the Thunderbird address.

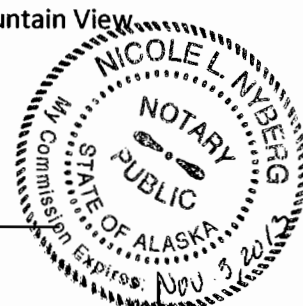
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14. While we were living together, Mr. Fernandez made on average of \$8000 per month.
15. We separated in 2007. The house payment was behind and facing foreclosure for the second time; I took a loan out against the Mercedes to keep the house from foreclosure. Mr. Fernandez was aware that I took out the loan, as per the attached October email (Exhibit B)
16. Mr. Fernandez asked to barrow the Mercedes from me in 2008 and refused to return it. I have not had it since, and until recently, I have had to borrow a vehicle from my son to drive back and forth to work.
17. I have not had the Mercedes in my possession since Mr. Fernandez took it. The value of the vehicle has dropped to \$15,000. The vehicle is in a storage unit on base, where I do not have access. I was awarded a \$12,000 credit with the judge granting Mr. Fernandez permission to sell it for what he could get for it and that would just be extra money in his pocket.
18. Mr. Fernandez had asked me to have CSSD stop collection (2005) so that he could buy real estate.
19. In 2010, I requested a recalculation of Mr. Fernandez's child support as State of Alaska Child Support Services had reversed a \$13,700 credit and sent it to Mr. Fernandez's first wife and child. I had also neglected to ask that CSSD collect from the actual ending of the martial relationship date in 1997. I requested the re-calculation so that the amount that was to be requested and collected upon would be true and accurate to Mr. Fernandez.
20. Upon being advised, from me, (in 2010) that CSSD was to re-calculate arrears Mr. Fernandez re-opened the divorce granted in 1986, and motioned the court to modify child support arrearages and too equitably divide domestic partnership property.
21. Mr. Fernandez, prior to filing a Pro Se case, quit claimed all interest in the Mountain View triplex to his new wife, Ms. Peggy Fernandez-Smith in August 2010.

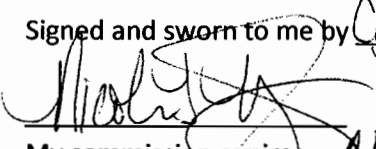
FURTHER AFFIANT SAYETH NOT

Dated: 1.3.12

  
Cynthia Fernandez



Signed and sworn to me by Cynthia Fernandez in Anchorage Alaska on January 3, 2012.

  
My commission expires Nov. 3, 2013

I hereby certify that a copy of the above (AFFIDAVIT) was served upon Judge John Suddock by mail at 825 W. 4<sup>th</sup> Avenue, Anchorage, AK 99501-2004 on January 3, 2012

  
Ms. Cynthia L. Fernandez