

# **González de Alcalá vs. Wilcox**

## **Time line from June 2007 to present**

*All documents pertaining to my case, and referred to herein are posted on <http://www.worldpulse.com/node/50602> and <http://www.worldpulse.com/node/52011>*

**June 2007** – My ex-husband threatened to take away my children, all of my money and throw me onto the streets with nothing, if I did not stop my work on Global Expats ([www.global-expats.com](http://www.global-expats.com)). He assured me that everything had been “planned” and he would and could do exactly as promised. At the time I responded “Don’t be ridiculous Spain is now a democracy, you can’t do that!” Since then I have learned not only did he have the power to do as he said, but that my case is not as uncommon as one might assume; with reports by Amnesty International<sup>1</sup> demonstrating that the problems I have encountered within the Spanish system are widespread for victims of domestic abuse.

**July 2007** – I found bank statements indicating that my ex-husband was irresponsibly invested in the stock market. He had lost all of the family savings 10 years before in reckless investments, wiping us out financially. Once again he was risking not only all of our liquid capital, but our home. I knew that the financial market collapse was inevitable and that it would be globally felt. I instructed my ex-husband to get out of the market and even proposed investing in short positions, but as usual he ignored my advice and wishes.

I was panicked; until Global Expats started producing an income for me and my children we were totally dependent on my husband, whose behavior was becoming increasingly erratic and violent. I consulted several lawyers who assured me that my only recourse in protecting the family assets was through a divorce.

**August 2007** – EVERYTHING in Europe closes in August, so I spent the entire month waiting and writing. My writing, my children, the support of a few friends, and hours in the gym are the only thing that has kept me going in the past years.

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<sup>1</sup> By Amnesty International - *More Rights, The Same Obstacles* – 2006; *HAY QUE ACTUAR A TIEMPO DETECCIÓN DE LA VIOLENCIA DE GÉNERO Y ATENCIÓN A LAS VÍCTIMAS EN EL ÁMBITO SANITARIO ESPAÑOL*- 2006; *The Law Against Gender Violence: Two Years After Victims Continue to Encounter Obstacles* – 2007; *MÁS RIESGOS Y MENOS PROTECCIÓN MUJERES INMIGRANTES EN ESPAÑA FRENTE A LA VIOLENCIA DE GÉNERO* – 2007; *ENCUENTRO LEY CONTRA LA VIOLENCIA DE GÉNERO\_ DOS AÑOS DESPUÉS LAS VÍCTIMAS SIGUEN ENFRENTANDO OBSTÁCULOS*, Resumen de las ponencias- 2007; *Obstinada Realidades*, Inter alia.

**September 2007** – My ex-husband’s violent out-breaks escalated to the point that he spent an entire day pursuing me and threatening to kill me before ever letting me leave him. I knew the violence would just escalate in the ensuing months, and that in one of his violent rages he was capable of carrying out his threats.

My husband moved out of our home that day as he also realized that he was completely out of control. The next day I filed a formal complaint against him for his threats in hopes that someone might finally start listening to me. I had repeatedly requested that members of his family, our marriage counselor, and even some long-time friends speak with him about seeking help for his emotional problems, but no one wanted to become involved.

A Spanish lawyer, found on the American Embassy’s website, Señor Gonzalo Martinez de Haro of Vinander, Carlos y Asociados, and with whom I had met in July “defended” me in the trial the next day. Upon leaving the court house he informed me that I would lose custody of my children, because my husband had accused me of being an alcoholic and drug addict. I found this ridiculous and knew I had to look for a new lawyer.

**September – November 2007** - I visited the local Domestic Abuse Crisis Center, requesting assistance. For 3 months the civil servants of this Center sent me to meeting after meeting with everyone “reading me my rights” and quoting law after law, but failed to offer any concrete assistance in obtaining a lawyer. I also asked anyone and everyone I knew if they could recommend a lawyer from the private sector; all to no avail.

I presented myself 3 times to the American and French Consulates requesting assistance under The Convention of Consular Affairs, but was told that it was not their job to assist me.

As I refused to renounce my quest for a lawyer and initiate divorce proceedings in October 2007 my husband filed for divorce, and in his petition he accused me of being a drug-addict and alcoholic. The petition was filled with “testimonies” from friends of my husband who barely knew me, a neighbor, and our Brazilian maid with whom I have reason to believe he was having an affair. I was later to learn that he had gone to absolutely everyone in the neighborhood asking for letters defaming me.

The petition was also filled with references to 20 different divorce cases of institutionalized drug-addicts and psychotics, which had no bearing or similarity to my own case or divorce. As I examined it, I thought “This is ridiculous. It is just more proof of how abusive and deranged my husband is!!!!”

My immediate concern, however, was that it stated that if I did not present myself to the courts in the presence of a defending lawyer, I was in effect admitting to being a drug-addict and alcoholic, and in contempt of court.

Not only had I not been able to find a lawyer in the past 6 months, but I had no funds with which to pay them. My husband had cancelled all of my credit cards, and had set up all of

our bank accounts, so that I could not access any of our funds. This fact is more than substantial proof of abuse. Financial control is THE first sign of an abusive relationship.

In my desperation, I returned to the list of lawyers from the American Embassy website and called the only American name on the list. He did not handle divorce cases, but recommended a lawyer, Señora Belen Garcia Martin, who specialized in international divorce. I sold everything of value I owned to pay her retainer fee.

I was informed that during the *medias a la previa* my lawyer would solicit temporary alimony and sufficient funds to cover future legal expenses. I produced bank statements, monthly bills and prepared a detailed financial analysis of household expenses for this lawyer.

The day before the hearing my lawyer presented me with the *contestacion*<sup>i</sup> which she would be presenting to the courts, and which explained the facts of the case as they were. However, during the hearing my lawyer failed to present all of the facts of the case. She established that there was no evidence or basis to me being a drug-addict or alcoholic, but failed to establish any abuse on the part of my husband. I did not expect her to depose all evidence during a pre-trial hearing, but I did expect her to establish the fact.

**January 2008**- My lawyer refused to return my repeated phone calls, requesting when I could expect a decision from the judge. Luckily, I called the court asking when the courts resumed after the holidays, and could expect a decision from the judge. I was informed that my lawyer had already been served with the judge's decision. I subsequently went down to the court house to obtain a copy of the decision. I learned that the *contestacion* from my lawyer had not been drafted in a legal form, and therefore was inadmissible, basically leaving me with no defense to the accusations of my husband or request for transference of funds with which I could pay future legal fees.

In the hearing decision, the judge granted me a living allowance of €500/month with responsibility for all of the household expenses (€3-4,000/month) even though my husband recognized that his monthly income was apx. €8,200. Under common property law, ½ of my husband's income is mine; therefore this judge and lawyer effectively misappropriated €41,000 (€4,100/month) of my money during 2008. I was awarded custody of my children, but was not enough funds with which to pay for their daily expenses.

I informed the courts that I was dismissing my present lawyer and petitioning a court-appointed lawyer as well as a "stay" on the legal proceedings.

The file clerk handling my case repeatedly produced incorrect paperwork, and provided false information as to clerical procedures for the stay. My petition for a court appointed lawyer was refused by the local *colegio de abogados*, under the false contention that it was not complete. It was not accepted until presented in the presence of 2 witnesses and at 2 different offices in Madrid.

I was then presented with incorrect paperwork for the stay on my case by the file clerk handling my case in the local courthouse (*juzgado de Mostoles*). Additionally, my petition for a court-appointed lawyer was not properly registered with *colegio de abogados* in Madrid until I returned insisting that it be done properly. It was only due to my diligence in reading all of the fine print, double checking all procedures, and my repeated insistence, that I was finally granted a court-appointed lawyer within the time limit under the law.

If I was not fluent in Spanish and do not allow civil servants to give me the run around, my paperwork would have never been processed in the time allotted. Once again, I would have been without legal representation for my divorce, and in effect admitting to being a drug-addict/alcoholic and in contempt of court.

During all of these months my husband was stalking me and constantly screaming threats of incarceration. “You’ll see we are going to lock you up and dope you up for the rest of your life!!! “It’s all been planned! We do this all of the time....!!!” After 17 years of marriage I know my ex-husband and his ranting and raving; these were not idle threats. (Unfortunately, testimonies in *Abbott vs. Abbott*, Amnesty International, inter alia, demonstrate that my case is far from unique).

**February 2008** –I could not understand why I was having so many problems within the entire judicial system until a local lawyer unwittingly told me that the *juzgado de Mostoles* works under a tight-knit, nepotistic, networking system. Within this jurisdiction corruption scandals are a daily occurrence involving local government officials, law enforcement and judicial civil servants.

My ex-husband’s cousin is a member of the police force of Mostoles, ex-military, and whose wife divorced him for his violence and abuse of her many years ago. He would truly enjoy using his influence to hurt me as I am the only woman in the family who has ever dared to stand up to the degrading way that he treats the immigrant woman that lives with him.

At this point I realized that my husband’s had the power to carry out his repeated threats of the past 8 months. I had found that no one in Spain, including my Consulates (I have dual American/French nationality), were ever going to help me, and I would be forced to return to the USA in order to continue by battles. I also knew that I could not leave Spain until the courts literally threw me out onto the streets with nothing. If I left before then I would have been accused of abandoning my children, and if I attempted to leave with them, I would have ended up in prison under international child abduction charges.

As to why my lawyers had consistently failed to protect my interests, and that of my children, is a matter of speculation, and a question that only they can answer.

**March – June 2008** During those months the stalking and threats of my husband continued to escalate; I was harassed by local police, and custody of my children was illegally taken

from me. I filed official complaints against all of my husband's infractions of the law, but they were always absolved in sub sequential judicial proceedings.

Additionally, I received repeated reports from friends and family around the world of phone calls and emails from my husband accusing me of psychosis, alcoholism, drug-addiction, and suicidal tendencies. (My husband "rantings and ravings" at the time included "It's not my fault if you have an accident or commit suicide.") They all told me that his dialogues were obsessive and so well rehearsed that they would have believed him if they had not known me all of these years. I even learned that he had been spreading these rumors to anyone who would listen since our arrival in Spain.

**June 2008** – By this time my neighbors and friends finally recognized that my case was not "normal" and recommended a lawyer, Señor Jorge Capell of the law firm Cuatro Casas, even offering to loan me the money to hire him. As I walked into my first meeting, I learned that this lawyer had gotten custody of his own children and could not help thinking "Did he play this same game with his ex-wife?" (Statistics demonstrate that 70+% of abusive men who seek custody of their children obtain it, with the percentage being even higher with those who work within the judicial system).

I had no choice, but to accept his services. If I had refused this new lawyer's services, under the contention that I could not trust him, I would have appeared to have been the paranoid idiot that my husband was trying to make everyone believe.

Also, this new lawyer is a partner in one of the most prestigious and expensive international law firms in Madrid. I thought he would hardly jeopardize his and the law firms' reputation over a simple divorce and international scandal.

**July 2008** - His negligence's in my divorce proceedings were as follows:

1. He informed me that there exists a special domestic abuse court in Mostoles, but failed to petition a transfer for my case.
2. When I insisted on presenting drug-tests as part of my defense, he informed me that tests for drugs or dopage do not exist. Anyone who owns a TV or reads tabloids knows that this is not true.
3. He did not appeal the interview of the presiding judge, Señora Pilar Sandaña Cuesta with my sons (see attached Interview with minor children in divorce 1143/2007) which was clearly discriminatory against me and in favor of Senor Gonzalez (see. P. 16-18 in the analysis of judicial decisions).
4. He failed to inform my forensic psychiatrist as to the date of my hearing. It was only by chance that I called this doctor 3 days before my hearing, and he was flabbergast,

informing that he would not have time to properly prepare his report. His testimony and several articles written by me in 2006 more than clearly document the abuse of my ex-husband and his family. The failure to present Dr. Orengo's oral and written testimony (see document # 5) were essential as they were key to my defense.

5. Senor Capell admitted (in an email) that he had not even received the report by the psico-social team that was very, very defamatory and discriminatory against me and favored Senor Gonzalez. **A detailed and complete revocation of the accusations of the psico-social team was absolutely essential in preparing my defense**, but Senor Capell did not even take the time to read the psico-social report.

**The level of professional negligence and failure to act in the interest of his client is incredible and very disconcerting considering that Senor Capell manages important financial and commercial cases and any negligence by him could have very serious consequences for multinational clients and international business relations for Spain. As demonstrated in the report *Domestic Abuse and Discrimination Against Women in the Courts – Human and Civil Rights Violations* one reason that impeccable integrity and total transparency of a judicial system is necessary, is the confidence (or lack of confidence) that foreign investors will have over their investments in said country. In my own case Senor Capell knew that my own case not only involved my well-being of my children and the family patrimony, but a company with potential revenues of millions of euros, thousands of employees and which would have been headquartered in Spain if I had not been obliged to leave the country as a direct result of his negligence.**

6. In March my court appointed lawyer refused to introduce testimony from Atrid Betancourt (sister of Ingrid Betancourt, Colombian presidential candidate and former FARC captive), (see document #3) and her written testimony as well as that of another long-time friend and pschiatrist Doctor Piedad Rojas Gil, documented my excellence as a mother and person as well as her preoccupation for my security and Senor Gonzluez's extensive, world wide defamation campaign against me that was totally unfounded (see document #2). Señor Capell told me he would introduce these letters into the court documents as well as in the verbal audience as part of my defense but failed to do so.

7. The judge refused to allow introduction of testimonies from my neighbors and friends during the divorce hearing, but my lawyer failed to protest to this violation of my rights under due process.

8. From the beginning I was more than clear if custody of my children was awarded to my husband, I would appeal the decision. My lawyer refused to appeal and when I insisted, he sent me a bill for €5,800 (plus the €3.000), refusing to proceed with any further action until the bill was paid (see document #8). From what I understand, a lawyer cannot refuse to

defend a client because the client owes them money? And, refusal to defend said client under this basis is it not a case of serious professional negligence?

Additionally, he sent me the email proposing said appeal on November 14, 2008, when in fact he had received the court decision on November 5, 2008 with 5 days to appeal it. Even, if I had been able to come up with the money and send it to him, the time to appeal had already expired. **Is it possible that Senor Capell did not, and does not know, that one cannot file an appeal after the time accorded to appeal it has expired? Is it possible that he would be unaware of something so basic in terms of court procedure?**

**Whether Senor Capell's negligence was intentional or not is unimportant under the principle of due diligence. The result of his actions ended in discrimination against me in judicial procedures and decisions, as well as what resulted in a defamatory judicial decision against my character.**

9. He had refused to initiate liquidation of my assets from the onset, as provided for under the law, and is also why I lacked funds to pay him and proceed with my appeal.

10. I would find out 1 ½ years after my divorce decree, and 2 lawyers later, that I am responsible for the mortgage on our home. Effectively, **after 17 years of marriage, and having given up a career to follow my husband around the world, I was thrown on the street with nothing and a court order to pay €2,100/month to my ex-husband. Yet my lawyer did not believe this decision should be appealed?**

**At the time my lawyer informed me that he had filed an appeal for my alimony, but not the custody of my children. It is my understanding that he never filed any appeal whatsoever. Since this time access to court documents pertaining to my case has been denied to me by legal counsel, therefore, I am unaware of what has transpired.**

**September – October 2008** – I was without legal representation and someone recommended another lawyer, Senor Alberto Fontes, who agreed to represent me. He told me that the case was “under appeal” (see document #9). I gave him instructions to initiate liquidation of joint assets and assure that my ex husband pay the alimony on a timely basis.

I returned to the USA with the intention of initiating legal proceedings against my Florida based web-designers, “liberate” my website, get my Global Expats project moving forward again, and return to my children in Spain as soon as possible. In July 2007, my web designers had disabled membership registration, as well as CMS and advertising functionality, but due to my legal battles in Spain, I had been unable to do anything about it. I have reason to believe that my ex-husband is involved in the contractual problems with my web designers, but will not know for sure except through pending litigation.

**November 2008 – February 2009** - I arranged my affairs in Spain, and told my children that I was obligated to return to the USA for a little while, but would return to Spain as soon as possible. My children are totally unaware of the circumstances surrounding my case, other than their parents have gotten a divorce and all of a sudden they are not allowed to see their mother.

I further explained to them that I would do everything in my power to assure that what happened to us would not happen to other women and children. One of the few things that has sustained me in the past years, is that my children, more than anyone in this world, know who I am, what I stand for, to what extent they are the center of my existence, and how deep and undying my love for them is. At present all I live for is the day that I might once again be re-united with them; they have always been the greatest joy of my life.

I went to the USA with the intention of initiating legal proceeding against my web designers, liberate my website, return to the promotion of Global Expats, and then return to Spain and my children. In July 2007, my web designers had disabled user registration, uploading of banner ads, as well as content management, but because of my on going legal problems in Spain, I could not do any of it. I have reason to believe that Senor Gonzalez is implicated in the contractual problems with my web designer, but I will only know for sure through pending litigation against them, which I cannot initiate at present without any funds.

**2009** - During 2009 my lawyer consistently failed to inform the courts of my ex-husband's refusal to pay alimony and initiate liquidation of my assets. I have provided him will all pertinent documentation necessary to do this. His only response was been "send me money!" and "bank statements are not admissible evidence in Spanish judicial proceedings." I have repeatedly requested a detailed billing for services rendered, informing him that I could not pay a debt for which I have no receipt or explanation of services.

**June 2009** – I requested that the Spanish Consulate assist me in procuring a court-appointed lawyer, as well as assistance from the US State Department in assuring that the Spanish Consulate complies with their legal obligations, as defined under the Spanish Constitution and Convention of Consular Affairs. The Spanish Consulate has returned my petition unread, and the US State Department has failed to respond to my correspondence.

**August 2009** - I noticed that liens of €800 were ordered against my bank account in Spain by the courts. The only logical explanation is that my ex-husband had informed the courts that I have failed to pay him child support; a criminal offense. I immediately transferred funds into my Spanish bank account and sent instructions to pay this lien. The debt was never paid and



now the lien no longer exists on my account. Once again speculation on my part, but this appears to me to be improper procedure.

In the past months, my lawyer has insisted that I must present myself IMMEDIATELY to his office; otherwise he will renounce my case. Once again only speculation, but is it possible that he is unaware of my possible incarceration if I return to Spain, under present circumstances?

**November 2009** - The American Overseas Domestic Crisis Center contacted the State Department in my behalf, but to date I have not received any concrete assistance in procuring a lawyer in Spain.

My ex-husband petitioned the courts to remove his alimony responsibility to me under the contention that he was fired from his job. The judge reduced my monthly alimony payments to €350 /month, stating that I am in **perfect mental and physical health**, therefore, capable of supporting myself financially. Once again, my lawyer failed to appeal this decision, asking for proof as to my ex-husband's unemployed status as well as presenting evidence as to my own precarious employment and financial situation in the USA.

The veracity of my ex-husband unemployment has yet to be proved. In Europe it is only under extreme cases of incompetence, negligence, or illegal activity that a life-long employee could be fired without an extremely generous severance package. If he was fired after more than 25 years of employment with the same European bank, within the year following our divorce and without substantial financial benefits, this constitutes further proof as to his unstable emotional state and capacity to care for our children.

Additionally, does this judicial decision not once again put into question the impartiality of judicial decisions during my entire divorce? Is it reasonable to believe that before and during my divorce, my alleged precarious mental state and substance abuse constituted an imminent danger to my children, yet now I am of **perfect mental and physical health?** Logic and reason would dictate that after the extreme emotional strains under which I have lived for the past 4 years, my psychological and physical state would have deteriorated rather than “miraculously” disappeared.

**December 2009 – February 2010** – Since the Spanish Consulate refused to comply with their obligation under the Spanish Constitution to assist me in procuring a court-appointed lawyer in Spain, I finally found yet another lawyer, Señor Ignacio Gonzalez Martinez and his partner Señor Miguel Martinez Lopez de Asiain, in Spain to take my case.

It took the entire year for paperwork transfers, petitions, etc. to occur and for my lawyer in Spain to inform me that he finally had received all necessary documents.

**February 2010 – February 2011** - Since 2008 I have been investigating the realities of judicial systems, divorce courts, and domestic abuse. I have read through thousands and thousands of pages of reports, statistics, amicus briefs, advocacy group websites, national and international legislation, constitutions, civil codes, penal codes, human rights law, UN recommendations, government agency websites, personal testimonies on the Internet, etc., etc. examining every single aspect of how our systems (and societies) are failing to protect victims of domestic abuse. (See [www.worldpulse.com/node/36851](http://www.worldpulse.com/node/36851) for the results of my research).

Also, since I was receiving very little effective assistance or communication from my present lawyers in Spain as to what was occurring in my case or how they proposed to defend me, I prepared a proposal for them. While my proposal is admittedly “non-traditional,” it is primarily based on recommendations laid down in *Project on a Mechanism to Address Laws that Discriminate Against Women*, by the Women and Gender Rights Unit of the United Nations as well as international law precedents set by *Velasquez vs. Honduras* and *A vs. UK*, international treaties (particularly Convention on Elimination of Discrimination Against Women (CEDAW)), and the newly passed Spanish *Acto de Igualdad 2007*. (See <sup>ii</sup>for said proposal).

In February 2011, I sent this proposal to my lawyers in Spain, but have yet to hear from them in spite of numerous emails and telephone calls requesting a response.

**February 2011 - Present** – I was finally able to return to the creation of Global Expats / [www.global-expats.com](http://www.global-expats.com), and develop a promotional campaign on LinkedIn and Facebook in preparation for the “inauguration” of my new website. The response from those in the global mobility industry (executive and HR directors of multinationals, relocations companies, cross-cultural coaches, “trailing spouses,” members of “Expatriate wives associations,” etc.) has been absolutely spectacular, showing great interest and praise for the project.

The new website will cost approximately \$20,000 to build, and in order to cover these expenses I have repeatedly requested that my lawyers in Spain reclaim back alimony from my ex-husband (\$20,000+). These monies are the only portion of funds owed to me that cannot be contested and/or tied up in litigation for years to come, but my lawyers have refused to comply with my instructions.

Other venues that I am pursuing in order to procure the funds necessary are as follows:

1. A micro-loan through the Washington Women’s Business Center, operated by the National Community Reinvestment Coalition. (I have no credit history in the USA and all of my assets are in Spain, so traditional loans are unavailable to me).

2. "Seed money" from prospective sponsors (See Business Plan and Presentation for Sponsors <http://www.worldpulse.com/node/44543>).
3. Prospective investors.

At the end of November 2011 my lawyer Senor Miguel Martínez López de Asiain and Ignacio González Martínez initiated the liquidation of common assets with the court date set for May 11, 2012.

*"AL JUZGADO DE PRIMERA INSTANCIA*

*DOÑA M<sup>a</sup> PILAR POVEDA GUERRA, Procuradora de los Tribunales, y de DOÑA QUENBY ANN WILCOX, según consta ya acreditado en el procedimiento arriba referenciado, y asistida por el Letrado Don Miguel Martínez López de Asiain, colegiado n<sup>o</sup> 51.298, ante el Juzgado comparezco y, como mejor proceda en Derecho, DIGO:*

*Que al amparo de lo dispuesto en el artículo 808 de la LEC, por medio de este escrito vengo a SOLICITAR LA FORMACIÓN DE INVENTARIO de los bienes integrantes de la sociedad de gananciales existente entre mi representada y Don Javier González de Alcalá, con domicilio en calle Castillo de Malpica n<sup>o</sup> 132, Urb. Villafranca del Castillo, de Villanueva de la Cañada. Para ello, procedo a efectuar la siguiente PROPUESTA DE BIENES A INCLUIR EN EL INVENTARIO a la que se acompaña la documentación justificativa de los mismos.*

*I. ACTIVO:*

*A) INMUEBLES:*

*1. FINCA n<sup>o</sup> 3.027 de Villanueva de la Cañada, inscrita en el Registro de la Propiedad n<sup>o</sup> 2 de Navalcarnero, sita en la calle Castillo de Malpica n<sup>o</sup> XXX Urb. Villafranca del Castillo. Se adjunta como documento n<sup>o</sup> 1 nota simple registral donde consta la misma a nombre de mi representada y Don Javier González de Alcalá, con carácter ganancial.*

*B) CUENTAS BANCARIAS:*

*2.- Depósito en la cuenta del BBVA n<sup>o</sup> XXXX con saldo de 13.000 euros a fecha 17-7-2007.*

*3.- Depósito en la cuenta del BBVA n<sup>o</sup> XXXX con saldo de 94.000 euros a fecha 17-7-2007.*

*4.- Cuenta de BBVA n<sup>o</sup> XXXX, con saldo de 3.156,99 euros a fecha 25-10-2007.*

*5.- Depósito en la cuenta de BBVA Miami Branch n<sup>o</sup> XXXX, con saldo de 403,84 dólares USA, a 31-10-2007.*

6.- Depósito en la cuenta de BBVA Miami Branch n° XXXX, con saldo de 3.678,45 euros, a 31-10-2007.

7.- Depósito a plazo en la cuenta de BBVA Miami Branch n° XXX, con saldo de 89.312,63 euros, a 31-10-2007.

8.- Cartera de renta variable en BBVA Miami Branch, de 4.917 acciones de Telefónica S.A., a 31-10-2007.

9.- Cartera de renta variable en BBVA Miami Branch, de 66 acciones de Antena 3 Televisión. Se adjunta como documento n° 2 copia de la documentación bancaria que fue aportada en el procedimiento de divorcio, y donde constan los datos reseñados.

**D) OTROS BIENES MUEBLES:**

10.- Mobiliario y ajuar de la vivienda familiar

**II. PASIVO:**

No se conoce que haya pasivo. Y por lo expuesto,

*SUPLICO AL JUZGADO que tenga por presentado este escrito junto con los documentos acompañados, y por solicitada la formación de inventario para la liquidación de la sociedad de gananciales de Doña Quenby Ann Wilcox y Don Javier González de Alcalá, y tras los trámites procesales oportunos, dicte resolución aprobando el inventario propuesto por esta parte. Es Justicia que pido en Móstoles a 21 de noviembre de 2011.*

***“En cuanto a la duración del procedimiento, depende mucho de cada Juzgado, pero los pasos que hay que dar son los siguientes:***

***1.- Fijación del inventario: para ello se convoca a las partes en el Juzgado para fijar los bienes que se incluyen, así como las deudas de haberlas. Si hay acuerdo se pasa a la siguiente fase, si no lo hay, entonces se celebra después un juicio para que el juez resuelva.***

***2.- Una vez fijado el inventario, debe procederse a su valoración y formación de lotes. Se puede hacer también por acuerdo, o si no, se nombra a un contador-partidor, que es una persona independiente del juzgado (normalmente un abogado, que se elige por sorteo por el propio Juzgado). Este lo que hace es valorar los bienes (puede ser necesario también el nombramiento de un perito para ello) y hace las dos partes para repartir.***

***3.- Una vez que el contador-partidor presenta su propuesta de lotes para el reparto, puede haber acuerdo al respecto, y si no lo hay, se celebra un nuevo juicio para que se decida sobre ello.***

***Por tanto, puede durar desde unos pocos meses hasta varios años, ya que cada juicio tiene su consiguiente recurso ante un tribunal superior. Todo depende de si es posible llegar a acuerdos en alguna de las fases.***

***Mi idea es que una vez que sepamos que le ha llegado nuestra solicitud al demandado, ponerme en contacto con su abogado (lo normal sería que me llamase él a mí) para intentar negociar al respecto. En caso de que me llame y antes de tomar ninguna decisión le consultaré a Ud.” Saludo Miguel Martínez López de Asiain***

My claims to assets in Spain amount to \$2 million, however, I have lost all confidence in the Spanish judicial system and I imagine that these funds will never be awarded me. But, I know I am lucky, I am still alive and I have an idea for a company that will assure me and my children's future. It is only a question of time until Senor Gonzalez losses all of the family assets (if this has not already happened) the house included.

All that I have desired since the beginning, and continue to desire, is the possibility to develop my project, work and live in peace, and take care of my children. I believe this is a fundamental right, which not only is the Spanish judicial system denying me, but is being denied many women around the world.

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<sup>i</sup> “Contestacion formulated by the procuradora of tribunals Ms. Maria Pilar Lantero Gonzalez in name of and as representative of Ms. Quenby Ann Wilcox accredited by written power of procuradora duly delivered, accepted and introduced #1 en the autos of Medidas Provisionales Previas a la Demanda against her husband Javier Gonazalez de Alcala.

Preview- About the Defendant, Postulation and Defense.

The defendante, Ms. Quenby Ann Wilcox, of French nationality, of legal age, domiciled in the neighborhood of Villafranca del Castillo (Madrid), at calle Castillo de Malpica, 132. Represented by procuradora Ms. Maria Pilar Lantero Gonzalez and under the direction of licenced lawyer by the Illustre Colegio de Madrid, Ms. Belen Garcia Martin, with professional office en calle O'Donnell #15, 9-left, Madrid 28009, tel. 91-575.69.34. fax.91-575.69.34. and email address [belengm@ctv.es](mailto:belengm@ctv.es)

Preliminary – With previous character of response to all and each of the points which are included in the accusations en the Medidas Previas deducting the contrary, this representation should consider an important circumstance as capital, which is the fact of the counterpart, the existence of clear ABUSE OF RIGHTS AND BAD FAITH in exercising his rights, has used the judicial procedure to untrue facts, falsified from the reality in order to advance his own interests and benefits.

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In effect, article 711 of the Ley de enjuiciamiento civil introduce new rules regarding Medidas Previas a la Demanda with respect to applicable rules until 2000, which CLEARLY STATE THE ONLY IN CASES OF EXTREME URGENCY WILL *MEDIDAS JUDICIALES PREVIAS A LA DEMANDA* OF SEPARATION OR DIVORCE BE INITIATED.

But these reasons of urgency DO NOT EXIST, ARE NOT REAL AND ARE ONLY FALSIFIED BIASES AND MANIPULATION OF REALITY with the clear abusive objects, this being the facts and arguments of the defense.

But, since norms require THE NECESSITY THAT EXISTS AND FOR REASON OF ABSOLUTE URGENCY IN RELATION TO THE COUPLE, THE CHILDREN, THE DOMICILE IN ORDER TO SAFEGUARD THE COMMON ASSETS DEMANDS THE ADOPTION OF AN IMMEDIATE JUDICIAL RESOLUTION.

In the case at hand NOTHING EXISTS THAT DEMONSTRATES URGENCY OR DANGER, the actors pretensions are based on nothing more than exaggerated alterations of reality, with which he intends to distort the absolute reality, using lies and false accusations against the mother of his children as we will see during the following deposition. Here we call attention to the powerful that the date of this petition is October 31, 2007. If there existed any urgency, logically the medidas a la previa would have been presented in the first days of September 2007 (date of initiated the separation, as recognized by the actor) given as fact that for such initiation the assistance of a neither lawyer nor procurador is necessary. If his children had been in any clear or imminent danger, the most logical would be that in order to protect them Javier would have taken his children away from an alcoholic and drug-addict mother, but to the contrary, Javier left the home of his own accord, and dedicated almost 2 months to prepare his petition (not only the previa but petition of divorce as he admits) in order to construct evidence that intends to destroy the image of his wife and mother of his children, with clear intentions to financial benefits.

The facts and reality are contrary to the declaration of actors, which we intend to demonstrate in this deposition.

Having said this we wish to declare that no opposition is made to adoption of Medidas Provisionales Previas, as the separation – that occurred in September 2007 - having been in limbo since then. Given the disparaging adoption of the Medidas Previas, the situation of the defendant and her children will be prejudiced as various months occurs before obtaining autos de medidas provisionales in the process of divorce or separation.

Therefore, this given and the enormous amount of work that tribunals are faced with, we declare absolutely necessary judicial adoption of medidas provisional's previas, but providing for the motives presented in the document.

FIRST AND SECOND – conforming to the correlations

THIRD – ABOUT THE FACTS OF THE SEPARATION – Unfortunately, the crisis in this marriage is not recent, it has existed since before the family moved to Spain four years ago, since their days in Colombia, country in which the family lived during six year (concretely Bogota) for motive of the husband and father's work.

Mr. Javier Gonzalez de Alcala was sent by el BBVA to Bogota as director of the “currency trading” department. The job entailed a high level of responsibility that was above Javier's capabilities

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personal and professional. As consequence of the tremendous losses of the department he managed and for which he was ultimately responsible (and during which the bank lost enormous amounts of money,) and with the threat of being fired by the Director General of the bank in Colombia, the actor's responsibilities were removed during 9 months, in his last year there. The prohibition of access to his office, the removal of his personal computer and all documents were all an enormous humiliation for him. The marginality, the humiliation that this implied for Mr. Gonzalez de Alcala as it was common knowledge amongst Bogota society was a tremendous blow to the ego of the plaintiff, translating into his aggressive, violent and degrading attitude towards his wife, who became the object of his frustrations.

Since the beginning of their marriage, THE ACTOR NEVER PERMITTED HIS WIFE TO WORK OUTSIDE OF THE HOME, a clear reflection of his controlling personality, obsession and possessiveness towards my client en particular, and in general everything and everyone around him. Javier obligated Quenby to remain in the family home, although he did allow philanthropic and voluntary work, as is later explained. Javier had and has the necessity to completely control everything that his wife does, with whom she speaks, what she says, how she dresses, etc. It a situation filled with his paranoids.

However, Ms. Wilcox has always remained at her husband's side, and was thanks to her support and strength that they maintained a social and personal life in Bogota in spite of the rumors, widespread remarks, ostracization and professional discredits suffered by Mr. Gonzalez de Alcala. Thanks to her, Javier did not leave the bank, but moved forward. Thanks to her he was able to remain within the BBVA structure, avoiding termination and accepting a job in Spain (which he finds himself today.) Thanks to her, even though her husband was removed from his professional post, they maintained their status and reputation there (that is to say that Quenby was able to assure that the bank continued to pay the house in Bogota, school for their children, their security service – necessary in this country, company car, etc.) In the meantime, Javier, threw all of his frustrations on his wife, who understanding the difficult personal situation he was experiencing, kept quiet the good of her family, above all for her children.

It was Quenby who, due to the indolence of her husband, 5 years ago looked for and found their new home in Madrid, prepared and painted the house literally with her own hands, looked for a school for her children, and assured that the new life in Spain was stable and dignified for her children, in spite of the aggressive attitude of her husband towards her.

But, his personality caused him to have an aggressive attitude, controlling and including violent verbal attacks against his wife, since their installation in their home in Spain, the psychological abuse towards my client continued and increase, each day becoming more and more frequent and humiliating, to the point that in September 2007, Quenby was no longer able to support them and found no other recourse than to file an official complaint. This was not the only time that the police came to the family home, given that it was frequent than in full session of his insults, generally in front of her children, Quenby closed herself and her children in the bedroom, and Javier, from the outside terrace, started to hit the windows and doors of the bedroom. More than twice she, terrorized, had to call the police for assistance. To this end we direct the courts to the archives of the Guardia Civil de Villafranca del Castillo.

Effectively, as it says in the juicio de faltas, el Juzgado de Instruccion #4 de Mostoles, not recognizing the complaint presented by Quenby, in the decision September 5, 2007, which has been duly appealed by my client. We introduce document #2 of the stamped letter written by my client demanding an appeal and designate the archives of said tribunals and procedures.

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In effective the marriage has been broken for the past 3 years, date of which marital life has ceased and that Javier has taken up residence in the guest house next to the pool, or in the playroom of their children. These, and no other, is the reality, the authentic causes of their separation, causes that are irrelevant from a judicial point of view (since by judicial order divorce and separation no longer need be for cause,) but is important so the judge may have a complete vision and understanding of the reality of the situation, assisting in dictating Medidas Provisionales Previas that we are requesting.

It is the plaintiff himself the recognizes in his petition that the couple have been receiving marriage counseling, in order to solution the problems that they have experienced since before 2004, but what Javier **presents in his documents are partial, only his,** without presenting to the judge the psychological studies of both spouses. To this end we introduce document #3, the certificate from psychologist JOAQUINA PEREZ MATEOS December 4, accrediting:

1. Quenby and Javier since 2004 have sought marriage counseling since 2004, together and individually, trying to solution their marital problems. That is to say the marital crisis is not recent or those which the actor contends.
2. Quenby manifested since the first moment of therapy the existence of domestic abuse from her husband **who never let her work outside the home.**
3. Since living in Spain, Quenby did not want to accompany her husband to his continual and constant parties, preferring a life more simple and within their means.
4. What is the most important in front of the accusations of her husband as to her constant and abusive consumption of alcohol and marijuana, **Quenby never presented herself in consultations under the influence of alcohol or drugs.** We see that the professional that has been treating the couple for the past 4 years, **COMPLETELY DENIES THE FACT THAT MY CLIENT IS AN ALCOHOLIC OR DRUG-ADDICT,** as it is injuriously indicated.

In reference to the aforementioned, it is clear that THE ACTOR HAS TRIED TO DESCRIBE AND CONSTITUTE A SITUATION THAT IS CLEARLY INJUST AND FALSE, IN ORDER TO OBTAIN FINANCIAL BENEFITS WITHIN THE JUDICIAL PROCESS. This attitude cannot under any circumstances, obtain judicial preference by these declarations that have no bearing on the reality, HE INTENDS TO JUSTIFY A FALSE URGENCY FOR A SITUATION THAT HAS OCCURRED AND BEEN PROLONGED FOR THE PAST 4 MONTHS.

FOURTH – ABOUT THE ECONOMIC AND LABORAL REALITY OF QUENBY WILCOX –  
Negating the veracity of the plaintiff

In effect it is absolutely false that Quenby Wilcox is the successful businesswoman that is described, to the contrary. And it there exists a humorous ironic that the plaintiff describes his wife as a successful businesswoman, **when he has never allowed her to work outside of the home, when he never permitted it or facilitates her efforts to work outside of the home, all the while when she also wished to do so.**

It is curious that Javier wishes to make us believe that his wife, 44 years old, without any separate assets, a foreigner in Spain, dedicated to her family and home since she married, is described as a successful businesswoman of several disciplines.

In order not to weary the attention of the judge, we will destroy one by one the affirmations, and demonstrating the contrary, in corresponding order:



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1. It is false that Quenby Wilcox in 1998 opened an artisanal jewelry making business in Colombia. And, it is false as Javier well knows, because the only activity related with jewelry that my client was involved in, were classes of jewelry making and design that she did as a hobby. Never did she have a store or factory, or anything similar, and never was she remunerated for her work. The plaintiff has not presented even the minimum evidence as to the existence of said business, not photographs, not advertisements, not invoices, not even business cards, etc. The responsibility of proof lies with Javier, and his failure to do so reflect and affirms the complete falsification of his affirmations.

2. Also it is false that she had an international marketing company of luxury textiles, as contends her husband. Never existed this business, as is demonstrated by the vague manner in which the actor describes what he contends, above all, with absolute lack of even a minimum of proof.

3. Nor is it true that exists a company related with a website for expatriates. It is true that my client has spent several years trying to organize a portal on the Internet, that assists the spouses of expatriated employees living in Spain, providing information and relocation services, schools for their children, leisure activities, etc. This portal does not yet exist in its entirety, as what exists is a website [www.global-expats.com](http://www.global-expats.com), in which Ms. Wilcox personally explains that the project is under construction, and that the portal is not complete, and that for the moment she is the only participant of the project, and that only she can only offer her personal experience as an expatriate and her personal experiences after living many years abroad due to her husband's work as an expatriate.

4. It should be highlighted that the website (that your honor the judge and the Ministerio Fiscal) Ms. Wilcox resumes her academic qualifications and work experience. Expressing and confirming (copied directly from the website.)

“Quenby Wilcox I am originally from Tucson, Arizona and moved abroad for the first time to London, England in 1977. Since then I have lived in Virginia, Louisiana, Washington DC, Paris, Miami, Madrid, Brussels, Bogota, and In 2003 I returned to Madrid. I speak English, French, and Spanish, hold a BBA in international marketing, worked on Capitol Hill and for American stock-brokerage firms about 10 years, studied jewelry design and fabrication, gemology, and also served for 5 years on the board of various expat associations. My hobbies are equitation, kickboxing, STEP, skiing, cooking and entertaining, reading, and recently paddle.

It remains definitely demonstrated that my client has never worked outside of the home, defectively she has always had projects and ambitions, but given the elevated position of her husband (as Executive Director of BBVA in its subsidiaries abroad) and as required of her, dedicated her time to voluntary social work, particularly during her time in Colombia. Here she was involved in project with the Ninas de Vera Cruz in Bogota, a school for abandoned girls, where she gave English classes, of course for no financial remuneration. Also, she collaborated in activities organized for expatriate communities by Embassies and American and French expat association. Once again, work which was non-remunerated and altruistic.

Once in Spain, and given the social structure very different than that of Colombia, Quenby studied the viability of her website portal, but unfortunately, for a woman of 44 years old and recently arrived in Spain, without influential contacts, no capital, it has been very difficult to advance her project. For the moment, and in front of the impossibility to find a sponsor – including her husband's bank, who she has requested help – lack of materials and human resources to carry forward her project as she desires. Thanks to her brother in the USA, she has contacted a website designer to construct and technically maintain her website, however, to date for lack of funds, it is only a project that hopefully will one day be fruitful.

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**(CORRECTIONS IN SENORA BELEN MARTIN'S CONTESTATION- *The website covers information on every country of the world, not just Spain, and I had found my American web designers on the Internet not through my brother, and with whom I am in litigation against for continual breach of contract and extortion.*)**

Nevertheless, Quenby is completely dedicated to her children, not only is it she who takes them to school every day (always on time, contrary what is contended by the plaintiff,) chauffeurs them to their extra-curricular activities, and helps them with their studies, and it would be traumatic for them to be separated from her. She personally takes care of her home, with little outside help, as has always been the case. She makes sure that her children spend every alternative week-end with their father, invites the friends and schoolmate to the house, etc. Additionally, she has always been involved in her children's school, to the point of serving as chaperone during a week long voyage to France with her youngest son's class.

Finally, we call attention to the fact that in the petition Javier says that he is ignorant as to the revenues of his spouse "with no documents to calculate the investments and revenues of his spouse." The couple files their tax return together. How would Javier not know the revenues of his wife?. The only revenues that the family have together, as it may be noted in the documents deposited in the plaintiffs petition.

#### FIFTH – THE ECONOMIC REALITY OF JAVIER GONZALEZ DE ALCALA

We deny the partial and incorrect information, which is far from the reality.

Effectively, the plaintiff, is the Senior Relationship Director and Manager of BBVA. During his professional years he has developed a career within the same bank, always with elevated responsibilities and as an executive director. After the terrible work related problems he suffered in Colombia, 4 years ago he accepted this position.

His revenue is not only what is reflected in his petition. The declared €3.555,51 /month is a certain part of his income, but IS NOT THE TOTALITY OF HIS REVENUE.

1. This amount is his net salary, that is to say after the monthly mortgage of 2.396 €/month is paid.
2. Additionally, his monthly salary, as is well known by everyone, is composed of an ANNUAL BONUS that is awarded in relation to his departments results, that is paid generally in the first trimester of the year. It is clearly an example of bad faith that Javier has forgotten to allude to this important part of his salary that in effect doubles his annual salary. As you can not in the February 2007 bank account statement of the family (Mr. Gonzalez de Alcala and Ms. Wilcox) (see attached document #4.) As can be observed on February 20, 2006, a bonus of €26.809,31 was deposited into his account under the title of BBVA payroll.) If this portion of his salary, €26.809,31 is pro-rated over 12 months, we see that in reality Javier Gonzalez de Alcala's monthly salary in 2007 was as follows:

- a) € 3.555,31(base salary)
- b) € 2.396 (family housing assistance payment)
- c) € 2.234,10 (pro-rated bonus)
- d) TOTAL: € 8.185,41/MONTH

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This is to say that THE MONTHLY INCOME OF JAVIER GONAZALEZ DE ALCALA FOR THIS YEAR IS € 8.185,41. How can it be explained that the family expenses described in the petition are superior to the only revenue that he says he receives?

3. However, what is even more important sum, is that the family receives returns on in investments, produced by the important investment portfolio under communal property, held in the BBVA Miami office. The assets of this portfolio consists of stock investments of Antena 3 TV and TELEFONICA. In accord with the statement of BBVA (Miami office, USA) October 31, 2007, the account holds the following investments:

a)	Real Assets .....	€ 4.082,29
b)	Certificates of Deposit .....	€ 89.312,63
c)	Variable assets (A3TV and Telefonica).....	€ 163.057,89
TOTAL	.....	€ 256.048,97

Javier has withdrawn from these funds on more than one occasion in order to cover family expenses. Access to these assets, although in a joint name account and communal property, is facilitated by the husband for his connections within the bank, and could be in danger. For this reason, in order to guarantee and assure the rights of my client and her children, it is absolutely necessary for the courts to notify the manager of the BBVA office in Miami so that these accounts be blocked of all investments, certificates of deposit and bank accounts, so than any access to or orders on this account be accepted only upon written consent of both parties or corresponding judicial authorization.

1. In regards to family property in addition to the above mentioned financial investments, in addition to the house in Villafranca del Castillo, they own a vacation home in Puerto Banus (Marbella,) whose value my client is unaware, but estimated at € 500.000.

***(CORRECTIONS TO SENORA BELEN MARTIN'S CONTESTACION – The investment and assets held in BBVA were divided between accounts in a Miami office (single account – Javier G de Alcala) and Madrid office (joint name account.) In July 2007 I attempted to withdraw funds from the Madrid office, but was refused. I was informed that the joint account was dependent upon an account in Javier's name, and therefore funds could not be accessed before being transferred to the single name account, thereby without his permission and signature.***

***THE LEGALITY OF A PRACTICE WHERE FUNDS FROM A JOINT ACCOUNT CAN BE TRANSFERRED INTO A SINGLE NAME ACCOUNT, I VEHEMENTLY CONTEST. ANY LAW WHICH SANCTIONS THIS PRACTICE IS DE JURE DISCRIMINATION. IT GIVES THE ILLUSION THAT THE SPOUSE HAS ACCESS TO FUNDS IN HER NAME, WHEN THIS IS NOT THE REALITY, AND EXISTS WITH DESIGNS TO DECIEVE.***

***Additionally, the vacation home in Puerto Banus is a time-share, and worth about €25 – 30.000.)***

Once again, Javier Gonzalez de Alcala has lied, describing things as fact, when in truth they are completely far from the reality with the intention of obtaining unfair judicial advantages.

**SIXTH – ABOUT FAMILY EXPENSES** - The list of family expenses presented is only a partial list, and noting that at the moment we wish to only include the basic family expenses. Apart from the expenses directly withdrawn from the family bank account, the four members of the family pay with their respective VISA ORO credit cards off of the family account with BBVA, which makes it very easy to demonstrate family expenses and charges. The custom to pay everything with a credit card,

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while not common in our country is the custom of the countries where the Gonzalez de Alcala – Wilcox family have lived.

In effect, in addition to certain expenses that amount to 5.000.month, several others to include to monthly family charges are as follows:

- Telefonica (land line and mobile) and Internet .....€ 86
- Family medical insurance ..... € 150
- Gardiner ..... € 284
- Family car maintenance.....€ 53
- Repsol/Iberdrola (gas) .....€ 300
- Leisure activities (children included)..... € 357
- Veterinary..... € 15
- Pharmacy.....€ 42
- Haircuts.....€ 14
- TOTAL .....€ 1.301
- TOTAL MONTHLY FAMILY EXPENSES ..... € 6.301

We introduce document #6, a BBVA bank statement with monthly expenses and charges (under the name of Javier Gonzalez de Alcala) from 2007. One can easily see that the amounts stated above correspond with the quantities within this document.

***(CORRECTIONS PERTAINING TO THE BANK ACCOUNT STATEMENTS 2007 – This same document was included by Javier Gonzalez de Alcala in his divorce petition and medias a la previa, however, they were CLEARLY AND PLAINLY FALSIFIED. The name of Javier Gonzalez de Alcala on the account title had been whited-out and Quenby Wilcox was HANDWRITTEN IN ITS PLACE.***

***IT CAN ONLY BE ASSUMED THAT THE INTENT WAS TO DECIEVE THE COURTS INTO BELIEVING THAT ALL EXPENSES AND CHARGES WERE EXCLUSIVELY QUENBY WILCOX.)***

We wish to call the judge’s attention to the fact that credit cards charges to the account of my client are normal, habitual and nothing exceptional; groceries, gasoline, sports clothes for her children, family sports expenses, and a few restaurants, for example Burger King!!!!

Additionally, my client ignores the expenses associated with the maintenance of the house in Puerta Banus (Marbella) expenses that minimal that they may be must be included in total calculations.

How can one explain a net monthly income to € 3.300 (excluding mortgage) that have to easily cover family expenses of approximately € 4.000 (except mortgage)? Because precisely the income, and net monthly salary of Mr. Gonzalez de Alcala is not the quantity that he contends, but rather it exceeds € 8.145/month.

None of the bills or family expenses have ever gone unpaid or returned due to lack of funds in bank accounts. How does one explain such a difference between expenses and income, when it has been demonstrated that Quenby Wilcox has never received a salary or other revenues and always has lived within the income of her husband? Precisely, because Javier has flagrantly lied in his petition – said only in absolute necessity of defending my client.

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The lifestyle and standard of living is the only criteria that the judge must take into account in order to truthfully examine the financial situation of the family, and establish child support. And in this case the indications of the standard of living are flagrant and speak for themselves, demonstrating that the income declared by the plaintiff is not the truth, but that what we have introduced.

SEVENTH – ABOUT THE CUSTODY OF THE MINOR CHILDREN AND THE ALLEGED PRESUMPTION OF MY CLIENT’S INABILITY TO ASSUME THEIR GUARD – We negate the injurious and untrue accusations in the petition

In the first place we must express that the allegations in the petition of the plaintiff contradict the reality, AS SINCE THE SEPARATION HAS OCCURRED AT THE BEGINNING OF SEPTEMBER 2007, THE MOTHER HAS SHOWN, BY FACT, HER COMPLETE CAPACITY TO ASSUME THE CUSTODY AND GUARD OR HER MINOR CHILDREN WITH THE CONSENT OF HER HUSBAND AND THEIR FATHER.

We will rebut one by one the arguments demonstrating the contrary, noting that we will not enter into a dialectic war and understand that in front of such grave accusations exist the licensed professionals of this court (in concrete the psychologists) to study and evaluate the accusations, and for the moment leave to the side.

Additionally, once again we must remark that in virtue of the principle dispositive in any civil process, rest the burden of proof upon the accuser, and Javier Gonzalez de Alcala has not proved nor even summarized, that his wife suffers from an addiction to alcohol or drugs as he pretends. The acts manifested in private documentation, reconstructed, false and prepared – professed by spurious actors, are not accreditation of illness or pathologies. There is no medical report, psychological or psychiatric or any concrete episode, nothing of nothing. And for this, simply because the allegations are false and untrue.

In order to obtain the custody of his children (which implicates economic advantages – child support, use of the family domicile, etc.) he has created in two months (since the principle of September – date which the separation occurred, until October 31 – date of the petition) a false reality, created ex novo in order to discredit the maternal figure and her capacities as mother.

Extremely Machiavellian.

But we resume to demonstrate the reasons that we are called to the tribunal, ratification of the Medida Previa consistent with the attribution of the custody of the minor children to the mother. We say ratified because since September, Quenby has by liberal decision and act assumed this role by the conscious and voluntary decision of both parties.

1. It is false that Javier Gonzalez de Alcalahas flexible work hours and time to dedicate to his children. How can one believe that a Executive Director of BBVA with a high level of responsibility in a corporate structure, with extensive work hours and asphyxiating work is of total and free disposition of his time? It is impossible and not true. It the character and nature of directive positions and big companies, that they precisely do not have flexible hours, that his work day is subject to interminable uncertainty and that easily he finishes at very late hours of the night. The certificate that presents the plaintiff no is significant, and it is illogical to think that he signed it himself, or a co-work signed it in order to assist him, even though what is certified lacks all logic and truth.

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Additionally, we cannot forget that after the grave problem Mr. Gonzalez de Alcala had during his term in Colombia, with his position in the bank in such danger since his arrival in Spain, Javier had and has had to work very hard to maintain his professional prestige and category. This has cost him even more efforts within the bank, which of course does not translate into absolute liberal work hours as he would like us to believe.

2. Quenby Wilcox does not work and has always dedicated her time, heart and soul to her family and home. My client never has worked outside of the home, and the activities philanthropic and voluntary that she has participated in during all of these years, were not even all day long and lasted a few hours. She has always been attentive to take her children to school and back personally and to their extra-curricular activities; she has been responsible for the maintenance and organization of her home (and except now, has always had domestic help;) has helped her children with their homework (as she has always done.) Definitively, she has all of her time to dedicate to her children, that now in full adolescence, one must be more vigilant, and to this end constantly invites friends of her children to the house to study, play, etc. In this way she assures that they are not in danger places or situations.

3. Quenby does not have any alcohol or drug addiction. Effectively she has acknowledge without any problem, including in court, that she consumes alcohol (wine only) at parties and that occasionally has smoke marijuana. She has recognized this fact without any problem. As has the plaintiff and their common friends, as do many of us, drink wine and on occasion smoked a “joint.” **But, she does not smoke or drink daily, nor has she in great quantities, nor has it ever prevented her from having a normal life, nor has it produced problems with her family or relations, nor has she had traumatic episodes, nor medical problems, nothing of nothing.**

Madam, who in a social reunion has not had a little bit too much to drink or gotten drunk? My client, foreigner in Spain, integrated into the social life of her husband, conforming herself to his friends and relation of all of his life in our country. In this context, where she has occasionally drank, or smoke marijuana, as does everyone, which is not a crime nor incapacitating for other things, and has taken care of her home and children. On the other hand my client does not smoke or ever smoked tobacco, for which it is even more strange that she is accused of smoking “joints” by herself.

It is a clear manifestation of his controlling and abusive personality that her husband had to arrive at these tremendously false accusations in order to discredit his wife in front of his children, neighbours and friends. He has even used the former maid (Brazilian nationality) to make a declaration that seems to have directly come out of the office of a psychologist, such terms and pathologies seems like a mental health report!!! To this respect, we would like to call attention that ON JULY 12, 2007, JAVIER GONZALEZ DE ALCALA OFFERED AND PAID FOR A SURPRISE BIRTHDAY PARTY FOR LARA COSTA BARBOSA EN A BRASILIAN RESTAURANT IN MADRID. Of course Javier participated in this party and paid with his credit card the entire dinner, amounting to € 525 as one can see in the bank statement and document #6 attached, concretely in page 7 (that is marked with a post-it.) miss Costa Barbosa was well thanked in exchange for her written testimony.

My client is not privy to the extraprofessional relation that unites her husband with the former maid (who quit working in her home at the beginning of September 2007, coinciding with the separation.) We would like to point out that at the moment Miss Costa Barbosa works as a maid in a neighbour’s home, who curiously, also has presented derogatory “manifestations” against my client.

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4. In respect to other “manifestations” that are included, we must express our surprise at the complete lack of judicial precision that has been employed in these letters, which pretend to be a series of simple letters by singular writers, as they appear to be public documents. They are called official acts of manifestation with declarations made and signed before a notary public giving authenticity in their date and content. **In this case what is attention grabbing is that none of these declarations were made in front of a notary public**, all being only simple cards dated between September 24 and 29 of 2007, whose content cannot be, nor should be accredited as testimonies or evidence. Additionally, they are people who do not live nor have had habitual contact with the Gonzalez de Alcala – Wilcox family and definitely do not constitute proof as to my clients alleged addiction. Nothing has to do with the reality of the family and of course cannot be used to spoil the image or capacity of my client to assume custody and guard of her children.

- a) Three of these “witnesses” are French citizens who live in Toulouse, and do not live with the family
- b) The rest are a few acquaintances that have coincided in a few social events in the neighbourhood

5. **If his children were in such danger with their mother, and she was so incapacitated to assume the guard and custody, how is it that Javier Gonzalez de Alcala did not take his children with him when he left the family domicile in September 2007?** The answer is simple, in the first place, because the circumstances did not necessitate it. In second place, because Morgan (15 years old) and Alexandre (13 years old) would never have wanted to leave their mother or home. And finally, because Javier expressively established a situation of acts that attributed the guard and custody of the mother, establishing a visitations that she since has respected religiously.

6. **How is it since 2004, the couple has been in marriage counselling to resolve their matrimonial problems and the he never alleged or signalled any alcohol or drug addiction of Quenby? How is it that the psychologist that has been treating them did not mention in her report (attached to this present document as evidence) this presumed addiction and solutions?** Precisely, because the accusations are false and being used by Javier Gonzalez de Alcala to obtain benefits exclusively economic (not to have to pay child support and be able to live in the family domicile.) For this reason the plaintiff cannot present medical documents from psychologists of any kind, and has had to search out these other irregular means that we have been presented.

7. But, the most important is that the two children (who are most in necessity of protection) are perfectly and voluntarily with their mother since the separation has occurred. Morgan and Alexandre continue in their home, with their mother, as is customary. They are going to school with their mother, and in this last trimester (already separated their parents) their grades and school results have been excellent. They practice sports with their mother, who also takes them to all of their extra-curriculum activities, are with their father every other week-end and definitively have not been negatively affected by the separation of their parents. This well-being, this equilibrium and stability is what should decide this judicial resolution and put an end to this process. Madam, all of this demonstrated that they should remain with the mother and under her guard and custody.

In conclusion, the facts of the reality demonstrate that Quenby Wilcox is and always has been in perfect capacity to assume the exclusive guard and custody of her children, for which in this resolution we have shown what has happened in reality, and that has not been demonstrated to the contrary.

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Madam, given the age of the minor children (15 and 13 years old) they should be heard, their opinion should be taken into account, and in accord with the court psychologists of this tribunal, or by a recognized practitioner, which will leave for a more opportune process.

EIGHTH - MEDIDAS PROVISIONALES PREVIAS THAT SHOULD BE ADOPTED – As consequence of all the aforementioned, WE SUMMARIZE, and continue, our solicitation is as follows, MEDIDAS PROVISIONALES PREVIAS A LA DEMANDA DE DIVORCIO:

1. The provisional separation of the couple (ARTICLE 102 C.C.)
2. The revocation of consent that either of the parties have accorded each other, also as stated in ARTICULO 102 CC.
3. Award the guard and custody of the minor children to the mother (that has been established by act since the separation of the parents,) with whom they reside actually and will reside, in the residence of both partners.
4. Ratify provisions of communication, vacations and visits for the father that have been accorded since the separation has occurred in September 2007, consistent with alternating week-ends, from Fridays after school until Sunday afternoon. And divide the upcoming Christmas vacation in two periods.....
5. That the use and enjoyment of the domicile, call Castillo de Malpica, 132, Villafranca del Castillo (Madrid) to the mother and the custody of her sons.
6. As we have shown the of which consistent the family expenses of the children and wife, and in attention of the income of the father, we establish the obligation of JAVIER GONZALEZ DE ALCALA to apy the following:
  - A. € 1.200/MONTH of child support FOR EACH MINOR CHILD
  - B. € 700 alimony for his wife
  - C. MORTGAGE PAYMENTS OF THE FAMILY HOME

These quantities (except what corresponds to the amortization of the mortgage) that will be paid on a monthly basis before the first of the month, designated by the beneficiary

7. What protection that is established in ARTICLE 104 in relation to ARTICLE 103.4 BOTH OF THE CODE CIVIL, and with the object of guarding the integrity of the family patrimony, which shall be directed towards the BBVA Miami office, in order to block all financial investment, certificates of deposit and bank account in joint or separate name accounts of Javier Gonzalez de Alcala and Quenby Wilcox, in order to access these accounts the written authorization will be required, or judicial correspondence....

**ii PROPOSED SETTLEMENT IN**  
**JAVIER GONZALEZ DE ALCALA VS. QUENBY WILCOX**

I am requesting financial settlement and liquidation of assets in consideration of the *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power* and the *Equality Act 3-2007*.

*Declaration of Basic Principles of Justice for  
Victims of Crime and Abuse of Power*



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- Art. B 18. "Victims" means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, **economic loss** or **substantial impairment of their fundamental rights**, through acts or omissions that do not yet constitute violations of national criminal laws but of **internationally recognized norms relating to human rights**.

- Art. 19. States should consider incorporating into the national law norms proscribing abuses of power and providing remedies to victims of such abuses. In particular, such remedies should include **restitution and/or compensation**, and necessary material, medical, psychological and social assistance and support."

### **Equality Act 3 – 2007**

- Article 11. Positive action

*"In order to ensure the effectiveness of the constitutional right to equality, public authorities will adopt specific measures favouring women to correct situations of obvious de facto inequality with respect to men. Such measures, which will be applicable while the situation subsists, must be reasonable and proportional to the objective pursued in each case."*

- Article 13. Burden of proof

*"Pursuant to procedural law, in proceedings in which the plaintiff alleges discriminatory conduct on the grounds of sex, it will be incumbent upon the defendant to prove the absence of discrimination in the measures adopted and their proportionality.*

*For the intents and purposes of the provisions of the preceding paragraph, where deemed useful or relevant, judicial bodies may request a report or opinion from the competent public bodies, ex parte."*

In consideration of the following financial settlement it should be noted that since 2007 I have been asking (and asking) that my legal counsel petition the courts a subpoena requesting that BBVA deliver all financial information regarding salaries, bank statements, deposits, and any and all assets and/or liabilities in the name of Javier Gonzalez de Alcala under common property law (as defined by art. 1316, 1318, 1319, 1322, 1328, 1344, 1345, 1346, 1351, 1361, 1371, 1375, 1376, 1377 y 1390, inter alía of the civil code) during our marriage (1991 until October 2008), under art. 33.3 of the Spanish Constitution, art. 23 *International Pact of Civil and Political Rights*, art.15 and 16 the *Convention on the Elimination of Discrimination of Women*, inter alia. **The failure of my lawyers and the presiding judge to access this information as well as all funds and assets that belong to me under common property law are in violation of art. 252, 250.7, 267, 512, 29, 17.2, 22.1, 22.2, 22.4, 22.5, and 22.6 of the penal code.**

And, since these acts have been due to discriminatory traditions and customs (see Instituto de Mujer Denuncia - Quenby Wilcox – Discrimination against Women by the Courts) and constitutes indirect discrimination under art. 6 of the Equality Act, the burden of proof of the inexistence of the following assets, liabilities and/or financial reparations fall on Senor Gonzalez de Alcala (or any other person who has incurred a financial liability for damages

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caused under art. 17, 22, 28 and 29 of the Spanish penal code) under art. 10, 11 and 13 of the Equality Act.

1. **€ 1.200.000 for lost personal income (salary as Managing Director of Global Expats) in the past 2007 – 2012 (Salary of €200.000/year).**

In July of 2007 my ex-husband threatened to take away my children, all of my assets and throw me on the street with nothing, if I did not stop working on this project. Additionally, these threats continued into 2008, escalating to threats on my life, assuring me that he had the power and connections to do as he promised.

Everything that occurred in the past years has been with the expressed intention of preventing me from creating and developing my company; or more concisely under terminology of the UN Commission on Human Rights reports “punishment” for my “disobedience.”

*Project on a Mechanism to Address Laws that Discriminate Against Women  
-Office of the High Commissioner for Human Rights - Women's Rights and Gender Unit*

*Obedience Laws - Husband's marital power*

*... All States include leaving the home without permission or disobeying instructions about working or not working outside the home as conditions likely to lead to a wife being said to be disobedient.<sup>489</sup> This denial of a woman's independent or unfettered right to work outside the home may be because the husband is supposed to support her. However, the effect is to create dependence...*

*The obvious question is to why? The response is simply. Abuse of power whether it be in the home or community at large is about control, domination, and submission. And, the greatest weapons abusers have are the ignorance, misinformation, short-sightedness, and prejudice of people as well as the network the abuser has at his disposal.*

*Additionally, my ex-husband's efforts to prevent me from creating Global Expats violate his duties and responsibilities to me under art. 67 and 68 of the Spanish civil code, and should be held financially answerable for his failure to live up to these obligations.*

*Whether any public or private authority (s) intentionally or unintentionally, knowingly or unknowingly, participated in actions that infringed upon my rights under Spanish or international law is immaterial. The State has an obligation of due diligence in assuring that my rights are protected. I cite the following:*

***Spanish Constitution***

- *Art. 35.1 "All Spaniards (and aliens under art. 13.1) have the duty to work and the right to employment, to free choice of profession or trade, to advancement through their work, and to sufficient remuneration for the satisfaction of their needs and those of their families; moreover, under no circumstances may they be discriminated against on account of their gender," and*
- *Art. 38 "Free enterprise is recognised within the framework of a market economy. The public authorities shall guarantee and protect its exercise and the safeguarding of productivity in accordance with the demands of the economy in general and, as the case may be, of its planning."*

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### **Declaration of Human Rights**

- *Art. 5 "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."*
- *Art. 7 "All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination."*

### **Convention on the Elimination of Discrimination Against Women (CEDAW)**

- *Article 2 "States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake: (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination; (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation; (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise; (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women."*
- *Art. 11.1. "States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular: (a) The right to work as an inalienable right of all human beings; (c) The right to free choice of profession and employment,"*
- *Art. 15. 1. "States Parties shall accord to women equality with men before the law."*
- *Art. 15.2. "States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals. (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration."*

### **Covenant on Civil and Political Rights**

*Art 2.3. Each State Party to the present Covenant undertakes:*

*(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;*

### **International Covenant on Economic, Social and Cultural Rights**

- *Art. 6.1 "The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right."*
- *Art. 15.1 "The States Parties to the present Covenant recognize the right of everyone: (b) To enjoy the benefits of scientific progress and its applications; (c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author."*

The target market of Global Expats

- Consists of 50 million expatriated families around the world

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- Expatriated families generate €11,5 trillion/year, enabling advertisers on Global expats website to reach these markets
  - At present, Global Expat audiences produce 20-25 million page views/month on expat websites, with [www.global-expats.com](http://www.global-expats.com) (with total inability to develop the product) consistently generating 75,000 page views per month since its inception. Target “page view/months” by FY2-3 of new website is estimated at 10-20 million page view/months.
  - Global Expats LinkedIn.com and Facebook.com social media campaign in 2011-2012 has generate almost 2000 members and much interest from companies within the global mobility industry, HR department of multinationals, US State Department – Foreign Service HR Division, members of Family in Global Transitions (FIGT – [www.figt.org](http://www.figt.org)), and trailing spouses around the world.

Additionally, the project will generate hundred of employment opportunities for unemployed, expatriated homemakers in the first 5-10 years, and thousands thereafter (see prospectus on [www.global-expats.com/expat.aspx?section=english/about-company](http://www.global-expats.com/expat.aspx?section=english/about-company).)

Not only has my ex-husband, and person or persons implicated, denied me my right to free choice of employment, and any and all fruits of my labors, but have hampered my ability to produce gainful employment for many other women.

## **2. €450.000 of lost savings and investment capital during the marriage**

Under Art. 1371, 1375, 1376, 1377 and 1390 of the Spanish civil code during our marriage not only was my ex-husband obligated to consult me and respect my wishes in regards to the management of family assets and savings, but he can be held financially responsible for my portion of losses.

Under the aforementioned articles of the Spanish civil code as well as CEDAW, Article 16.1. (h) *“States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women: The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.”*

I am asking for damages and financial reparations for the extraordinarily irresponsible trading loss incurred by my ex-husband in 1997-98. He bought and lost €450.000 (the family savings in its entirety) of new-issue stock in a highly volatile speculative industry. Not only was this done without my consent, but was done against my expressed instructions. It should be noted that the two low risk/moderate return investment options that I had proposed to him at the time would be worth €1.285.700 or €2.791.800 today.

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Under the reasonable person principle it is impossible to consider that his actions were in any way shape or form, investing. They broke every single basic rule of investing and financial management, and for a **currency trader of 20 years/Director of the Treasury Department of an international bank**, it is absolutely **inexcusable**.

Initial investment of €450.000 and at a compounded interest of 4.5% (average of certificates of deposit in past 12 years) it would be worth today **€763.146,64 ÷ 2 = €381.573**

3. As mentioned before under Art. 1375, 1376, and 1377 of the Spanish civil code not only was my ex-husband obligated to consult me and respect my wishes in regards to the management of family assets and savings, under art. 67 he was obligated to act in the best interest of his family.

In June 2007 I found bank statements indicating that my husband was once again irresponsibly invested in the stock market.

In the ensuing months, by every means, I tried to impress upon him the inevitability of a market crash, and the riskiness of his stock position. He adamantly refused to listen to me, even threatening to take all of our saving and “lose it all on purpose.” Under the reasonable person principle, purposely losing all family savings, or threatening to do so, is not in the best interest of one’s family.

I sent him a certified letter, through his lawyer in early 2008, requesting that he liquidate his long position and that we start examining global options markets in order to invest € 20.000 (7% of savings and .7% of assets,) in a variety of derivative, short positions. It is difficult to calculate the lost opportunity cost, but **the return on investment could have easily reached €1.000.000 or more** . Financiers who went “short” before the 2008 crash made literally a fortune.

I abstain from including lost opportunity costs of 2008 in my calculations, as they are speculative, but would like to introduce them as evidence to as to my ex-husband’s continual refusal to respect my wishes in investment decisions, which even before my marriage were always based on principles of responsible financial management. = **€0.0**

4. €175.000 - Renounced higher education opportunities in deference to my ex-husband’s career.

In addition to sacrifices to my career and financial benefits during my marriage, I sacrificed educational opportunities. If I had possessed these degrees at the time of my divorce, then my marketability and income level would have been substantially higher than my present income of \$24,000/ year. I am requesting replacement value of lost educational opportunities.

- Law degree in international law, renounced in 1989 (Miami) - \$150.000 usd **€120.000**

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- MBA, renounced in 1993-1994 (Brussels) (in court documents there is reference to my “masters in GMAT.” GMAT’s is the entrance exam into an American MBA programs NOT a degree or diploma! \$70.000 usd **€55.000**

- Master in Jewelry Design and Fabrication, renounced in 1996 (Paris) - \$44.000 usd **€33.000**

**TOTAL = €175.000**

5. Sept 2007 – Dec 2008 – Retention of ½ of my husband’s income, which under art. 1347 of the Spanish civil code belonged to me. (During these months my ex-husband cancelled my credit cards on 3 occasions in violation of art. 1318, 1319, 1362, 1366, 1368\*, 1369, 1374, 142, 143 y 154 of the civil code). This information should have been introduced as evidence as to his abuse during judicial proceedings, but my lawyers failed to include it. = (€155.000 annual salary ÷ 12) X 14 months ÷ 2 = **€90.400 (minus €500 alimony paid X 10 = €5000 and minus €1.500 X 10 child support = €15.000) = €90.400 – €20.000 = €70.400**

\*art. 1368 - Common property shall also be liable for obligations entered into by only one of the spouses, in the event of de facto separation, to attend to maintenance, insurance and education expenses of the children for whom the community of joint assets is responsible.

**Income withheld from me September 2007 – October 2008 = €70.400**

6. Dec 2008 – April 2012 – Back alimony minus child support payments as agreed upon in December 2008. **€ 15.200**

7. **€256.045 of stocks and time deposit in single and joint name accounts plus compound interest of 3% 2007-2010**

It should be noted that the joint name account was opened in May 2007, and in July 2007 I attempted to withdraw funds from it as consequence to my husband’s repeated threats to purposely lose all of our savings. The bank denied me access to these funds as they contended that the joint account was dependent on my husband’s single name account; therefore, no funds could be withdrawn without his authorization. However, after our divorce the bank allowed him to withdraw all funds from this joint name account without my authorization.

Why after 17 years of marriage, keeping all bank and investment accounts under his name, he chose to open a “false” joint account is a matter of speculation. And, it is a question my lawyers should have raised during divorce proceedings. Additionally, the possible existence of such account in Spain is in violation of:

- Spanish Constitution Article 33. 3. *“No one may be deprived of his or her property and rights, except on justified grounds of public utility or social interest and with a proper compensation in accordance with the provisions of the law.”*

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- CEDAW Arts. 15.3 and 3. “States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.”

Additionally, under art. 3 of the Spanish Equality Act. 3- 2007 I deserve to be compensated for any discriminatory actions or consequences therein that were a direct or indirect result (art. 6.2 of Equality Act 3-2007) of the existence of said bank account and whose legality is dubious. If the bank had provided me access to my funds of said account in July 2007 not only would I have had provided monies with which to cover legal fees for my divorce, but also funds with which to initiate legal proceedings in Florida against my web designers ([www.global-expats.com](http://www.global-expats.com)) and their ongoing breach of contract.

- Equality Act 3-2007 Article 10. “Legal consequences of discriminatory conduct - Any act or clause in legal transactions constituting or causing discrimination on the grounds of sex will be considered to be null and void and will give rise to liability both through a system of redress or indemnity that will be real, effective and proportional to the injury suffered and, as appropriate, through an effective system of deterrents consisting in penalties to prevent discriminatory conduct.”

8. **€ 200.000** - One half of €400.000 legal expenses incurred during divorce proceeding, including 20% of liquidation of final property settlement. As all legal expenses of my ex-husband were paid with from common property funds, and as Senor Gonzalez de Alcala is, and has, illegally retained my funds since September 2007, under art. 1390, 1391, 1766, 1767, 1094, 1098, 1101, 1102, 1106, inter alia of the civil code, and art. 11, 12, 15, 17, 21, 22, 23 250.7 and 252, inter alia of the penal code. I request equal treatment and compensation for damages under articles 9, 10, and 11 of the Equality Act 3-2007.

1.	€ 1.200.000
2.	€ 381.573
3.	€ 0.0
4.	€ 175.000
5.	€ 70.400
6.	€ 15.200
7.	€ 144.095
8.	€ 200.000
<b>TOTAL</b>	<b>€ 2.027.132</b>

Additionally, as no mortgage exists on our home, nor is there any legal justification as to why I should have been held 100% responsible for any alleged mortgage, I will retain 50% equity, and ½ of the proceeds upon the sale of our home at fair market value. Market value in 2012 is €950.000

It still remains unclear to me exactly where any loan or credit is held in my ex-husband's name, or even if said loan, amortized at €2,150/month in salary deduction for the past 5 years, exists. However, under art 1385 of the Spanish civil code my ex-husband will assume this debt in its entirety, regardless of whether it exists in fact or on paper.

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If Javier González de Alcalá is unable to pay the € 2.027.132 up front, I will accept a payment of € 800.000 in cash, with monthly installments of € 5.113 over 20 years. Upon failure to comply with monthly payments, Xavier Gonzalez de Alcala will be held responsible for all and any legal costs associated with their reclamation. Inability to conclude full payment will cause full equity of our home to revert to me, and Xavier Gonzalez de Alcala will vacate the premises, forfeiting all and any rights to proceeds upon its sale.

**However, in order to avoid any further litigation in Spain, AND ABOVE ALL IN INTEREST OF OUR CHILDREN, I will accept the following:**

- Settlement of € 850.000 that Javier González de Alcalá shall pay to Quenby Wilcox, to be paid € 600.000 in cash and monthly payments of € 5000/month for the next 5 years. I will be willing to waive these payments and forgive any pending debt when my company starts generating financial independence and security for me and my children. This is contingent upon his abstinence from aggression, harassment or any other form of abuse towards me and our children. Failure to comply in the next 10 years will be grounds for my reclamation of any pending debt and payments.
- Both parents will be responsible for assuming the financial needs of our children until they have finished any and all studies. However, during the time it takes to create my business and generate revenues, I will be responsible for child support payments at a rate of €75/month per child.
- I will reside in Spain as long as my children wish to continue their studies and/or live there. But, I retain the right to travel outside of Spain with them with no reprisal or retention of financial support from their father in case of such trips. Failure to comply will result in modification of this agreement.
- If need be, upon my return to Spain in 2012, I will reside in the pool house for the period it takes me to find and rent proper accommodations in Villafranca del Castillo/Villanueva del Pardillo/Majadahonda area. This period will not exceed 6 months. I promise that I will not have any over-night guests, other than perhaps members of my immediate family (ie. niece, nephew, sister, brother, etc.) During this time, my ex-husband will refrain from any harassment, aggression, or any other form of abuse towards me or our children. Failure to comply will result in modification of this agreement.

It should be noted that I will do everything possible to minimize the amount of time of residence in the pool house. I intend on staying with friends upon my immediate arrival in Spain, and depending on the ease and rapidity of finding rental accommodations, my residence in the pool house may not be necessary.

If my ex-husband threatens, bullies, or uses any coercive forces on our children, or if I believe that their safety or well-being is in jeopardy, I will solicit sole custody and domicile of our home from the courts, until which time they have finished their studies.

- Javier may continue to reside in our home for as long as he wishes, but will refrain from using it as collateral in any loan application. Additionally, he will assume all costs in



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regards to its proper maintenance and repairs and failure to do so will be grounds for modification of this agreement. No reforms or modification to the home will be made without my written consent.

As long as I have no financial need for my portion of the equity of this home, I agree that it will remain common property of my family and not be sold, and the principle residence of Javier Gonzalez de Alcala. It has always been my desire that a residence in Spain, as my desire for one in the USA, be maintained for the use of my children and their future families.

- One half of the furniture and household items of our home will be made available to me upon my installation in proper housing in Spain. All of my jewelry making equipment and machines as well as the 3 lots of emeralds, and personal objects remove from me by my husband in 2007-2008 shall also be returned. Replacement value of these goods, €70,000, will be added to the financial settlement, if they are not returned.
- The VW Golf 1989, matriculation M 5087 MM, will be awarded to me, with any damages to its interior or exterior repaired before delivery, the cost of which will be assumed by Javier. It was in perfect working condition in January 2009, with only a few “cosmetic” wear-and-tears. Additionally, all cost associated with its maintenance, taxes, etc., from 2009 until delivery will be assumed by Xavier Gonzalez de Alcala.
- Additionally, Xavier Gonzalez de Alcala will agree to withdraw any judicial proceedings against me and refrain from initiating new ones in the future. He will also cease and desist his harassment and stalking of me in all forms. Failure to do so will result in modification of this agreement.
- I will be provided with all tax return information and pertaining documentation from 1990 -2008 in the name of Xavier Gonzalez de Alcala. *(This is based on the assumption that any monies received by me in Spain from my ex-husband, will be considered revenue and produce a tax liability. Since these monies are just a transfer of title of assets under common property law, and which have already been taxed as income revenue, I intend on contesting any tax liability generated. I, therefore, will require appropriate documentation of income and corresponding tax payments. If my assumption is erroneous, I will not require tax returns, etc.)*
- While I will not include as stipulation to the agreement, I hope that Xavier will seek help for his anger management issues, recommending Luis Bonino or other specialist referred by a competent psychiatrist. If he is willing to seek COMPETENT professional help we might one day be able to have an cordial relationship. One of my greatest regrets is the degree to which gross incompetence and negligence of marriage counselors in Colombia and then Madrid, contributed to the demise of our marriage. One of the projects I am involved in at present is in the area of prevention of domestic abuse, rather than crisis management after the fact; **THE PRIMARY REASON SO MANY WOMEN AND CHILDREN ARE BEING KILLED EACH YEAR.**

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If Javier does not wish to accept the €850.000 agreement, nor does the judge's decision comply with the conditions set forth in my proposed settlement and € **2.027.132** financial settlement, I wish to exercise my rights to file a *recurso de amparo* with the Constitutional Courts of Spain under art 12 of the Spanish Equality Act 3 -2007. I do realize only violations of articles under section 1 of Chapter 2 of the Spanish Constitution (excluding section 2) are admissible in *recurso de amparo* may but I do intend on citing violations under section 1 in conformity with international treaties, particularly the CEDAW, as well as the homemakers right to recognition as a "legitimate job" and right to work under art. 35 of the Spanish Constitution.

If I am unable to arrive at an equitable financial settlement with Senor Javier Gonzalez de Alcala, and/or liabilities incurred by negligent legal counsel in Spain, I will be seeking reparations within international tribunals for personal financial and moral damages, as well as financial damages incurred by Global Expats (lost income and profits) from 2007 until which time a settlement is reached.