

Case No. 96 DR 372

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**VERIFIED MOTION TO DISMISS THIS CASE NO. 96 DR 372; REPLY TO  
MESA COUNTY'S MOTION TO MODIFY CHILD SUPPORT.**

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In Re the Marriage of:

JOHANNA C. WILKENSON, Petitioner,

and

DAVID E. WILKENSON, Respondent,

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COMES NOW, the Defendant, DAVID E. WILKENSON, pro se, pursuant to C.R.Civ.P. Rule 12, C.R.Civ.P. 61, and the inherent equity powers of the Court, and requests the Court to dismiss case no. 96 DR 372, and hereby replies to Mesa County Delegate Child Support Services Division's 6/26/15 Motion to Modify Arrears Payment mailed to Father on 7/20/15.

Defendant specifically requests the extra latitude he is entitled to by the intent and spirit of C.R.Civ.P. Rule 61 ("The court at every stage of the proceeding must disregard any error or defect in the proceeding which does not affect the substantial rights of the parties") and CAR Rule 35(e) ("The appellate court shall disregard any error or defect not affecting the substantial rights of the parties"), *Haines v. Kerner*, 404 US 519, 30 L Ed 2d 652 (1972), *Puckett v. Cox*, 456 F2d 233, and *Picking v. Pennsylvania Railway*, 151 F 2d 240, etc. in all matter related to form. The court should construe his pleadings without regard to technicalities.

**RELEVANT FACTS:**

1. The Mesa County Department of Human Services- Child Support Services Division (MCDHS-CSSD) created a child support case/account naming Father, with the Colorado Family Support Registry which is 05882279 and lists District Court case no. 96 DR 372 filed on 4/19/96, and lists a support order from a different case 96 JV 180 issued on 5/6/97. (See attached documents.)

