

**FILED**  
At 3:00 O'clock P M

No. 9284

DEC 18 2000

IN THE MATTER OF §  
THE MARRIAGE OF §  
§  
AVIAN ANN BIEDERMANN §  
AND §  
KENNETH KYLE BIEDERMANN §  
§  
AND IN THE INTERESTS OF §  
KYL A RAE BIEDERMANN, §  
EMILY LAINE BIEDERMANN, §  
LOREN NOEL BIEDERMANN AND §  
DANA TRUE BIEDERMANN, MINOR §  
CHILDREN §

IN THE DISTRICT COURT OF  
BARBARA MEYER  
DISTRICT CLERK  
GILLESPIE COUNTY, TEXAS  
*By Jane M. [Signature] Deputy*

GILLESPIE COUNTY, TEXAS

216th JUDICIAL DISTRICT

**PETITIONER'S SUPPORTING AFFIDAVIT**

Avian Ann Biedermann appeared in person before me today and stated under oath:

"My name is Avian Ann Biedermann. I am competent to make this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

"I am the Petitioner in this Original Petition for Divorce.

"I am presently married to Kenneth Kyle Biedermann ("Kyle") and I am the mother of Kyla Rae Biedermann (8 years old), Emily Laine Biedermann (7 years old), Loren Noel Biedermann (6 years old), and Dana True Biedermann (4 years old).

"On numerous occasions throughout our marriage Kyle has exhibited a violent temper, drastic mood swings and erratic behavior. Kyle has been physically, emotionally and verbally abusive towards me.

"Kyle has thrown objects at me and hit me with what I believe is his attempts to injure me.

"Thanksgiving Day this year, Kyle suddenly flew into a rage and threw a boot and hit me. I was apprehensive that he would do something else to hurt me in front of our children.

"Kyle has berated me on many occasions in front of our daughters and members of his family and my family, calling me "fucking stupid," "fucking bitch," "white trash," and other obscene and accusatory names. He has frequently screamed and yelled at me in public, shouting "you are so stupid" and "you make me sick," causing me to be completely humiliated and embarrassed.

"Kyle frequently tells our daughters that I am a jerk, that I do not care about them or do the things a mother should do. He constantly makes me the object of his jokes that are clearly meant to hurt me and alienate my children from me. He has told me that he does not love me, but that he does not want a divorce.

"Kyle's erratic and violent behavior against me has escalated in the last year and his behavior toward our children has become more abusive and disturbing. He has begun to show anger toward the children, yell at them and threaten to punish them while simultaneously teasing and playing with them.

"Kyle discusses adult topics with our children, particularly Kyla. Kyla has come to me very upset and frightened that we have no money and cannot pay bills or buy the things we need. I have told Kyle not to concern our children with financial matters, especially exaggerating the situation.

"My daughter, Kyla in conversation with me has described pregnancy, cesarean section procedures and has told me that her father discusses these things with her in relation to a friend's wife's pregnancy.

"Kyle has told our daughter, Kyla that I am ugly because I had my children by cesarean section and that he hopes Julie, his friend's wife does not have one.

"Kyla, who is 8 years old, has become obsessively concerned about her weight because of the criticism and derogatory comments she receives from her father.

"I am extremely concerned that my daughter, Kyla has been placed in some kind of 'surrogate wife' role and that she has suffered irreparable emotional damage. I am afraid that she will stop eating, or become anorexic and bulimic because of the pressure from her father.

"Kyle demonstrates inappropriate behavior when he plays with the children. I have observed him becoming aroused with an erection while he is playing with all four children.

"I am extremely concerned for my daughters' emotional and mental well being.

"Kyle is not concerned with our children's' physical well being. He will not let me take the children to a dentist although they all have excessive tooth decay and pain from abscesses. He tells me that it is not necessary, that we do not have the money to take them to the dentist and that their baby teeth will fall out anyway. My daughters exhibit embarrassment and pain because of their father's indifference to their needs.

"While playing at church, Kyla fell and hurt her wrist. Although she was experiencing excruciating pain, Kyle would not let me take her to the ER. I was distraught with worry knowing my daughter was hurt. One week later, she fell again, injuring the other wrist. Again, Kyle did not think she needed to see a doctor. He said that it was only sprained and that it was nothing. I pleaded with him to let me take her to the doctor and finally, after several days of watching my daughter wench in pain, arguing and pleading with Kyle and becoming an emotional wreck myself, I secretly took her to the doctor. X-rays showed both wrists to be broken. Kyle showed no concern or remorse at all for the physical and emotional damages that Kyla suffered.

"I believe that Kyle, with the help and participation of his family, is attempting to alienate my children from me.

"On several occasions they have gone away on family vacations of which I was not invited. While they are away, I have a very difficult time communicating with the children. I am not given adequate contact telephone numbers or addresses. When I am able to call, I am told that the children are not available, there is no answer at the number I am given or I am told not to call back.

" Kyle wants to take the children to Florida for a family vacation with his family during the present Christmas holidays and has told me that I am not invited to come with them. Kyle's family is wealthy and have a home in Florida. Kyle works with his father in a family business and I am never told about any of the business or personal plans concerning my husband or my family.

"I am very concerned and afraid that Kyle will keep the children in Florida away from me. When I attempt to talk to Kyle about this trip he says, "Let's just ask the children what they think about it." He continually involves our daughters in any disagreement or dispute that we have concerning issues relating to them. Although I have told him that I believe this involvement is damaging to their emotional health and well being and that we should shield them from those issues, he clearly takes pleasure in discussing everything with them making me appear to be the "bad guy."

"My children are my life and every concern, and I am afraid that Kyle will carry out his threats, and take the children away from me. I believe that Kyle is capable of punishing me by alienating our daughters from me, even though this action would severely injure them.

"Because I love them with all my heart and I believe that Kyle's violent behavior will cause irreparable harm to all of us, I am requesting relief from this Court. Money will not compensate me if harm comes to me or to my children, or if my children are left without me. I do not have any other adequate remedy at law and in light of the above, there is a substantial likelihood that I will succeed on the merits of this action."

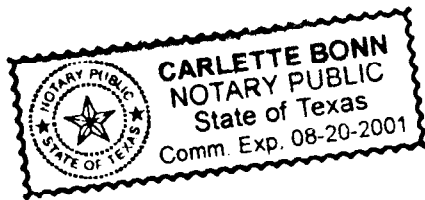
VERIFICATION

THE STATE OF TEXAS §  
                  *Gillespie* §  
COUNTY OF ~~HARRIS~~ §

BEFORE ME, the undersigned NOTARY PUBLIC, personally appeared Avian Ann Biedermann, known to me to be the person whose name is subscribed to the foregoing affidavit and after having been duly sworn stated on her oath that she is the Petitioner in the above captioned case, that she has read the foregoing affidavit and that it is true and correct.

*Avian Ann Biedermann*  
Avian Ann Biedermann

SWORN TO AND SUBSCRIBED before me by the said Avian Ann Biedermann on this the 18 day of December, 2000.



*Carlette Bonn*  
Notary Public in and for the  
State of Texas

GILLESPIE COUNTY, TEXAS  
DISTRICT CLERK  
EMERSON MEYER

11 01:00 PM  
FILED