26CV003300-950

NORTH CAROLINA

WAYNE COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE NO. 26CV_____

JOHN RICHARD BELL, IV,
Plaintiff

VS

KELLI GURLEY BELL,
Defendant

COMPLAINT

Now comes the plaintiff complaining of the defendant and alleges and says:

1. That the plaintiff is a citizen and resident of Wayne County, North Carolina and has so resided for at least six months prior to filing this action.

2. That the defendant is a citizen and resident of Wayne County, North Carolina.

3. That the plaintiff and the defendant were married one to the other on the 28th day of August, 2010.

4. That the plaintiff and the defendant separated one from the other on the 19th day of January 2026.

5. That one child was born of the parties' marriage, namely Averi Kostin Bell born September 5, 2014.

6. That the defendant is not a member of the uniformed services under 50 USC App. § 511(1) Army, Navy, Air Force, Marine Corps or Coast Guard. The Servicemembers Civil Relief Act Website (https://scra.dmdc.osd.mil/) was used to determine the defendant's military status and the results from this use of that website are attached.

COUNT ONE – CUSTODY AND CHILD SUPPORT

7. That the allegations set out in paragraphs 1 through 6 of the plaintiff's complaint are incorporated herein by reference as if fully set out.

8. That pursuant to N.C.G.S. 50A-3 there exist facts justifying this Court in assuming jurisdiction to determine custody of the minor child, said facts being as follows:

(a) North Carolina is the home state of the minor child at the time and commencement of this proceeding; and it is in the best interest of the minor child that a Court of this State assume jurisdiction because the minor child and the parents have a significant connection with the State; and there is available substantial evidence relevant to the child's present or future care, protection, training and personal relationships.

(b) Plaintiff has not participated as a party, witness, or in any other capacity in any other litigation concerning custody of the minor child in this or any other State.

(c) Plaintiff has no information of any custody proceeding concerning the child pending in a Court of this or any other State.

(d) Plaintiff knows of no person who is not a party to this proceeding who has physical custody of the minor child or claims to have physical custody or visitation privileges with respect to the child.

(e) That the minor child is presently residing with the plaintiff/defendant as follows: From September 1, 2021 to January 19, 2026 the child resided with the plaintiff and the defendant at 501 Holland Hill Drive, Goldsboro, NC 27530; from January 19, 2026 to August 21, 2026 the child has resided with the plaintiff at 501 Holland Drive, Goldsboro, NC; 109 Ramblewood Drive Mount Olive, NC 28365; and 111 Sandlin Lane North Topsail Beach, NC 28460 and with the defendant at 501 Holland Hill Drive, Goldsboro, NC 27530; from August 21, 2026 to present the child has resided with the plaintiff at 1806 Westover Drive, Goldsboro, NC 27530, and with the defendant at 501 Holland Hill Drive, Goldsboro, NC 27530.

9. That the plaintiff is a fit and proper person to be awarded the primary care, custody and control of the minor child.

10. That since the birth of the child the plaintiff has been a primary caretaker of the minor child, caring for her health, education and welfare throughout her life when the defendant would allow the plaintiff to do so.

11. That the plaintiff has a significant bond with the minor child.

12. That the plaintiff has taken the minor child to her doctors' appointments, to activities, provided food and shelter, cared for all of her necessities as well as her wants and desires.

13. The plaintiff has the ability to provide fit and proper care of the minor child.

14. That it is in the best interest of the minor child to award the plaintiff custody of the minor child and set a visitation schedule for the defendant and the minor child after a psychological/parenting competency evaluation has been completed.

15. That the defendant is not a fit and proper person to be awarded custody of the minor child in that her behavior in the presence of the minor child is detrimental to the best interest of the minor child.

16. The defendant has:

a. Gone into rages, including yelling and screaming in front of the minor child.

b. Used vulgar language regularly in the minor child's presence.

c. Made false statements to the minor child about the plaintiff, including telling the minor child that he does not love her, that he is a "deadbeat dad", and he has had numerous affairs.

d. Belittled and insulted the plaintiff in front of the minor child.

e. Manipulated and/or pressured the minor child regarding her time with the plaintiff, including telling her she does not have to go with the plaintiff and that the defendant will come pick her up anytime she calls.

f. Consistently made plans or scheduled activities during the plaintiff's parenting time.

g. Told the minor child that the plaintiff does not give them any money or pay for anything.

h. Withheld information from the plaintiff regarding teacher meetings, sports schedules, school functions, social activities, and other events involving the minor child.

i. For years, spoken negatively about the plaintiff's family in the presence of the minor child with the intent to alienate the plaintiff's family from the minor child.

j. Provided the minor child with information that is false or misleading and then changing or denying what has previously been said.

k. Interfered with the free flow of communication between the minor child and the plaintiff.

l. Kept very little food in the home to feed the minor child.

m. Since the parties' separation, intentionally, become involved as a coach or assistant coach with essentially all of the minor child's sports activities at school which provides her with constant access and creates additional opportunities to interfere with plaintiff's parenting time and the plaintiff's independent relationship with the minor child.

n. Since the separation, exhibited repeated patterns of yelling, manipulation, extreme anger, and escalating behavior against the plaintiff in the presence of the minor child.

17. The defendant is hyper focused on her weight. She has the desire to be under 100 pounds, frequently discussing being an XXS and still needing clothes altered, and making comments to the minor child that they are the same size and can share clothes.

18. That the plaintiff is informed and therefore believes that the defendant is anorexic.

19. That the plaintiff is gainfully employed as a member of the NC House and self employed as a consultant earning approximately $100,000.00 annually in gross income.

20. That the defendant is gainfully employed by the Wayne County Public Schools, Amy Batten, DDS and as a travel agent and upon information and belief is earning approximately $66,000.00 annually in gross income.

21. That the plaintiff provides health insurance for the minor child at a cost of $373.00 per month.

22. That this Court should make inquiry into the appropriate amount of child support and order child support to be paid from the defendant to the plaintiff for the use and benefit of the minor child.

COUNT TWO: PSYCHOLOGICAL/PARENTING CAPACITY EVALUATION

23. That the allegations contained in paragraphs 1 through 22 of the plaintiff's complaint are incorporated herein by reference as if fully set out.

24. That based on the allegations set out above this court should order the defendant to undergo a complete psychological/parenting capacity evaluation with Lepage Associates or other provider as the court may deem appropriate.

25. That the best interests of the minor child would be served by ordering the defendant to undergo a complete psychological/parenting capacity evaluation with Lepage Associates or other provider as the court may deem appropriate.

COUNT THREE: EQUITABLE DISTRIBUTION

23. That the allegations contained in paragraphs 1 through 25 of the plaintiff's complaint are incorporated herein by reference as if fully set out.

24. That during the marriage of the parties they accumulated various items of marital and divisible property including what would be subject to equitable distribution pursuant to N.C.G.S. 50-20 et al.

25. That this Court should make an equitable distribution of the parties' marital and divisible property in accordance with N.C.G.S. 50-20.

26. That the plaintiff asserts that he is entitled to an unequal division of the marital property in his favor and further that the same would be equitable in this matter based on grounds that will be more specifically set out in his Equitable Distribution Affidavit and Pre-Trial Order in this matter.

27. That this Court should make such interim distribution and protective Orders as may be necessary to ensure the proper protection and safeguarding of all assets accumulated during this marriage and divisible property.

28. That the parties have a dog named Maxx.

29. That at present Maxx is residing with the defendant.

30. The plaintiff is concerned with the safety of the dog. His concerns are as follows:

a. The plaintiff has repeatedly found Maxx's urine on the floor when he has been

at the marital residence since the separation.

b. The plaintiff has noted when he has been at the marital residence that it does not appear that Maxx has access to clean water and food.

c. The plaintiff has noted when he has been at the marital residence that Maxx is being confined behind a gate in the utility room.

31. The defendant believes Maxx would be better cared for in his possession and requests the court make an interim distribution of Maxx to the plaintiff.

COUNT FOUR: WITHDRAWAL OF COUNSEL

32. That the allegations contained in paragraphs 1 through 31 of the plaintiff's complaint are incorporated herein by reference as if fully set out.

33. That Shelby Duffy Benton should be allowed to withdraw as attorney for the plaintiff upon the conclusion of this matter.

WHEREFORE, the plaintiff prays the Court as follows:

1. Award the plaintiff temporary and permanent custody of the minor child.

2. Order the defendant to complete a psychological/parenting capacity evaluation by Lepage Associates or other provider as the court may deem appropriate.

3. Award the defendant such visitation with the minor child as the court deems appropriate.

4. Make due inquiry into the appropriate amount of child support pursuant to the guidelines for the State of North Carolina and order the defendant to pay the plaintiff the same.

5. Make an equitable distribution of the marital and divisible property in this matter and award an unequal share awarding the plaintiff more than 50% of the marital property based on the evidence that will be shown at trial.

6. Enter an interim distribution order awarding the dog, Maxx, to the plaintiff.

7. That the Court enter any and all other interim distribution or protective orders in order to ensure the safeguarding of all marital and divisible property.

8. That Shelby Duffy Benton be allowed to withdraw as attorney for the defendant upon the conclusion of this matter.

9. For such other and further relief as the Court may deem just and proper.

This the 8th day of September 2026.

BENTON FAMILY LAW

BY: _____

Shelby Duffy Benton
State Bar No. 12840
Attorney for Plaintiff
Post Office Box 947
Goldsboro, NC 27533-0947
Telephone: (919) 736-3076

STATE OF NORTH CAROLINA

COUNTY OF WAYNE

JOHN RICHARD BELL, IV, being first duly sworn, deposes and says: That he is the plaintiff in the foregoing action; that he has read the foregoing Complaint and knows the contents thereof; that the same are true of his own knowledge except those matters and things alleged on information and belief and as to those matters, he believes them to be true.

John R. Bell IV (SEAL)

John Richard Bell, IV

Wayne, County, North Carolina

Sworn to and subscribed before me

by John R. Bell, IV

this 8th day of September, 2026.

Stephanie D. Crawford

Notary Public

Stephanie D. Crawford

(Printed name of Notary Public)

My Commission Expires: October 6, 2027

