

AFFIDAVIT


In the District Court
held at Pukekohe

Between Axel Schmidt of Germany

and Lisa Hopfengartner of Coromandel

I Nicholas Michael Preece of Auckland solemnly and sincerely make oath and swear as follows;

1. That is my full name.
2. This is a Sworn Affidavit of TRUTH.
3. I am making this affidavit in support of Axel Schmidt in relation to his appeal hearing in the High Court at Tauranga.
4. I am resident in Buckland Waikato and I live with my wife Emma Preece and our two children Millicent and Florence.
5. I have a third daughter to a prior relationship, Jamie Preece, who has been alienated from our life, by her mother.
6. It is important to tell the truth.
7. Our entire legal system is based on telling the TRUTH.
8. Truth is sovereign.
9. And yet I have seen a concern within the NZ family courts where the Truth is not held in high regard. In fact the opposite has been my observation, where lies and false accusations reign supreme.
10. Where in civil litigation the balance of probabilities allows for any story to be told, with little requirement to present facts, evidence or witnesses to support any allegation.
11. I have personally been subjected to 14 years of false accusations and alienation of my daughter from my life, by my ex wife, who has consistently falsely accused me of being violent, threatening, abusive and all manner of other character attacks and gas lighting imaginable, when there is no evidence, no history to ever support these lies.

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12. During my family court experience, and after some five years of parental Alienation, which I had filed numerous affidavits of concern before the court, and to which all court officers and lawyers, were very well aware existed, I was finally offered by the NZ Family courts, a psychological examination of my child, Jamie Preece, and her family members.
13. We welcomed this independent examination and reporting by an independent expert appointed by the Family Courts of NZ.
14. I also would like to note, that it was not my role to request this report, since as per the NZ family court guidelines it was the role of the lawyer for child to request such a report given the concerns which were evident and thoroughly reported on, with a five (5) year history of concerns for the child's wellbeing, and her suffering serious harm by way of alienation at the hands of the mother.
15. The lawyer for child at that time for my daughter Jamie Preece, was one Alex Ashmore, the lawyer currently representing Lisa in this hearing.
16. It was ASHMORE'S role to seek a psychological assessment of the mother given the history of Alienation, but he refused to initiate this report and forced me to seek it at huge cost to me personally.
17. The Independent psychologist Sarah Calvert appointed by the Family court on my successful application, immediately raised concerns with the mothers mental health and the serious harm the child was suffering at the hands of the mother by way of alienation of the child from the father and his family.
18. What concerns me, is that when questioned by the court, in the absence of CALVERT, about these concerns, the then lawyer for child, Alex Ashmore, lied to the courts, told the court the concerns were simply about schooling, when it was very evident from the extensive court file and past history, that the concerns were about alienation and the mental health of the mother.
19. Ashmore's statement to the courts that the concerns of Calvert were simply about schooling, was a blatant lie.
20. I refer to the attached report I prepared for Sarah Calvert as to what Ashmore did in her absence. ASHMORE Perverted the course of justice .
Refer Exh.....X.....
21. The first lawyer for child, one Ann Day, had also refused to allow me extended time with my daughter Jamie, even after I purchased a home on the boundary of her school.
22. Jamie could walk out of the rear garden gate of this property directly into



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school.

23. The intention of Emma and I at that time was to move permanently to this address if we could be permitted more time with the child.

24. This request was denied by Ann Day, and we were left with one weekend every fortnight, so the permanent move to be there for the child was not supported by the lawyer for child against a background, even at that early stage, of parental alienation by the mother.

25. I mention all this as I give evidence for Axel the father to Clara, because it describes a New Zealand fathers experience in the NZ Family courts, where there has been a deliberate and clear bias towards a father having time with his own child.

26. Where the lawyers have protected the mother, and lied to the courts, even when confronted with evidence that the mother is harming the child and where there were expert concerns for the mothers mental health.

27. False accusations destroyed my very successful business career, as did the parental alienation of my child from my life.

28. I do not know Axel well enough to give a character reference for him as a father, since I only contacted Axel after I read the recent judgement on this case in the news.

29. On or about the **12th August of 2016** our family met Lisa and her family Simon, Clara and Lotty, during a music night at our local Hot water cafe Hot waves Open Mic nite.

30. As part of the homeschooling program we have for our daughter Millicent, we have her learning Piano and Singing.

31. For Millicent to sing in from of a live Audience at the open mic night, is a great boost to her confidence. Milly taught Clara a song and they both performed the on stage together.

32. During my discussions Lisa told me about her concerns with her ex partner who I now know to be Axel.

33. Lisa wanted my help.

34. Before I helped Lisa I asked her to tell me the truth as to what was going on.

35. Lisa told me she had lawful custody of Clara and that she left Germany

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lawfully with Clara.

36. I have a text message from Lisa on the **3rd march 2017** stating in answer to my question about custody and the Hague Convention - Lisa replies - "thanks, yes I left Germany legally and had full custody at this time."

37. Lisa told me that she was in fear of her ex husband.

38. That he was violent and abusive and that he had run over her new partner Simon's foot using a vehicle.

39. Lisa was very anxious, nervous, very stressed, visibly nervous and visibly distressed as she told me all her concerns.

40. I would have to say she presented as highly strung, very on edge and very unsettled. Lisa was NOT calm.

41. I would not say Lisa and her family were very settled at all, given they were most definitely on the run, trying to avoid Clara's Father.

42. Lisa told me that Axel had a lot of money and that he was only after Clara for her money.

43. In a text message from Lisa on the **13th April 2017** Lisa referred to Axel as the "GERMAN PSYCHO"

44. On the **3rd May 2017** I referred Lisa to Psychologist Sarah Calvert.

45. On the **12th May 2017** I suggested lisa just make allowances for Axel to have time with his Daughter.

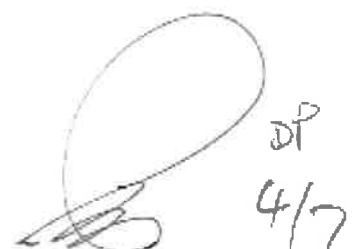
46. Refer to the print out of that text dialogue between Lisa and me.
EXH.....B.....

47. I tried to persuade Lisa to allow Clara and her father to have some time together.

48. Lisa was adamant that this was not going to happen and Lisa would not even entertain the idea even if that time was managed using a mediator.

49. As a father who has also been alienated from his child, I saw the need to try and get Lisa to understand that it was important for Clara to see her father and for her father to see Clara.

50. Lisa was having none of this.



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51. There was NO flexibility at all from Lisa to even consider this as an option.
52. Refer to the text messages from Lisa which I can read to the court detailing some of these discussions between Lisa and myself.
53. I am concerned having read the recent Court Ruling, that Lisa had lied to our family and to me, as to her circumstances.
54. I have read the German Court Files and it is clear to me, that Simon, Lisa's new partner was the aggressor who ran over the foot of the Father Axel.
55. This is important because Lisa had told us and her children and my children that Clara's father was the aggressor, who had run over Simon's foot with a car.
56. This lie has been perpetuated by Lisa to gas light the father to the children, and to others Lisa has met so as to paint the Father Axel in a very bad light, most dishonestly.
57. I have personally experienced the exact same concerns with my ex wife who lied to the courts and sought protection orders based on those lies.
58. Had I not had the money, time and resources to defend these false accusations she might well have been successful.
59. I am concerned that before Axel arranged for Australian Detectives to uplift Clara in accordance with warrants under the Hague Convention, Lisa and her family were very unsettled, they were moving around, changing cell phone and land line numbers, changing schools, and homes, and actively ducking and diving so as not to be found.
60. We were told not to take photos of Clara, or post any we had on social media.
61. All this ducking and diving would have been very distressing on the children.
62. On the **24th September 2016** we entertained Lisa and Simon and their children at a Party for our daughter Florence at our home, where Lisa and Simon stayed the night in a caravan, the next day Lisa and Simon, left CLARA in our Care, as they went off with their naturally born daughter Lotty for over two hours.
63. My wife and I felt this was very unusual, since Lisa did not know us very well at that time, and yet she was happy to leave Clara in our care.



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64. I am concerned that fathers are being subjected to lies and false accusations and that police and agencies in NZ are all too quick to act on these lies with little if any supporting evidence or witnesses.
65. My ex wife exploited our daughter for money, lied, gas lighted me to the child, made false accusations about me, alienated the child from me, and directly harmed the child, to ensure she kept full control over the child for that sole purpose, even when I was paying maximums in child support and had paid out property very generously.
66. There was simply no need for this.
67. There was also a lot of jealousy and envy from my ex wife, towards my new wife, Emma and this also played a part in my ex wives horrible antics over the years which also contributed to the harm to the child.
68. I know how destructive and damaging Alienation can be for a child, and the father, and I know how difficult and damaging it can be for a father to suffer false accusations and lies, to be gas lighted and character assassinated, which in turn destroys his reputation and character and diminishes his ability to work and earn an income.
69. I have lived with this for 14 years.
70. I have sought help at great expense from the NZ Police, from CYFS, from the NZ family courts and from lawyers only to see nothing given by any justice officer to protect the child from this known and identified harm.
71. This I find to be a very sad indictment on the Nz Justice system which claims to put the best interests of the child - first.
72. Lisa was consulting with me, bleeding me for information, since my experience was exactly what she was doing to Axel and so my reactions and views no doubt helped Lisa plan what she was doing to Axel, that is now my view after being lied to and deceived by Lisa.
73. I am concerned that the services we go to for help in protecting children, are not protecting children at all, but are in fact also exploiting the conflict for their own personal reward.
74. Lastly Simon and Lisa both discussed with me that they were looking to purchase a boat to live on and perhaps leave NZ.
75. They told me they had found a boat in Asia and that Simon was heading overseas to purchase this boat and sail it back to NZ.



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76. I received a text message from Lisa, on the **5th June 2017**, wanting to catch up as she wanted my help with this court case, and in this text message she told me that Simon was back in NZ.

77. I have not seen the boat if one was in fact purchased.

78. On the **28th September 2017** I received a text from Lisa wanting me to call her urgently.

79. Lisa left yet another cell phone number +64 27 521 5700 to call her on.

80. The previous cell number I had for lisa was +64 27 476 5432.

81. On the **29th September 2017** Lisa told me by text that Clara had been "kidnapped".

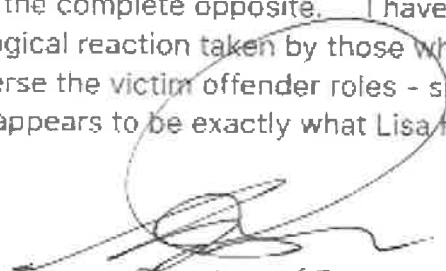
82. On the **8th October 2017** I asked Lisa if that was her in the media reports.

83. Lisa replied " yes my ex went to the press after his kidnapping wasn't as successful as planned".

84. My last Text message from Lisa was on the **24th October 2017** " Can we talk I really need your help."

85. I had by this time decided not to engage with Lisa, because she had lied to us about her immigration status and having full custody of Clara when she did not, so I then had concerns as to what else she had lied to me about. When I contacted the Australian Detectives in Sydney who referred me to the father Axel, and I was handed German Court Documents, I was then in a position to tell Axel that Lisa was falsely accusing him of harming Simon with a vehicle, when in fact the truth was the complete opposite. I have studied DARVO, which is a known psychological reaction taken by those who are lying, they Deny an accusation, they reverse the victim offender roles - since being the victim has more power. This appears to be exactly what Lisa has done.

Sworn at Pukekohe District Court


Signature of Deponent.

This 1st day of March 2018

DEPUTY REGISTRAR Pao-Vaafusuaga
DISTRICT COURT Deputy Registrar
PUKEKOHE

Before me


(Deputy) Registrar

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