73367-2

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IN THE COURT OF APPEALS

OF THE STATE OF WASHINGTON--DIVISION I

NO. 73367-2-I

MASHAWNA AUSLER, APPELANT

v.

FOSTER JONES, RESPONDENT

BRIEF OF APPELLANT

Pro Se

Mashawna Ausler

8606- 45th Ave South

Seattle,
WA 98118

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APPENDIX B

These documents regard the same parties and the same trial judge, but from two different cases so they are not in the docket of this subject superior court case 14-3-02976-8 SEA on appeal:

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Statutes

I. Assignments of Errors

1. The trial court erred in not allowing Appellant her timely requested short, reasonable continuance of trial to allow for getting counsel on board to assist appellant who needed such assistance.

2. The trial court erred in awarding the joint tenancy house to Respondent, thinking Respondent was the only one on the loan due to his misrepresentations without providing documents, and importantly, leaving Appellant liable on the loan indefinitely for 30 years but no interest in the property, eliminating Appellant's ability to get another loan, and exposing Appellant's credit to the perils of Respondent's ability and willingness to pay the mortgage.

3. The trial court erred in considering a real estate agent's opinion of value of only one of the properties that was contradicted by respondent's own declaration in the case and should have required an appraisal.

4. The trial court erred in awarding Respondent offsets against Appellant's interest in the family home for amounts not Appellant's responsibility and not related to the subject property

5. The court erred in vacating Appellants restraining order protection against respondent for being void ab initio and erred for granting respondent a TWO YEAR restraining order against Appellant without any testimony or findings, contrary to statute and for certainly too long of a period.

6. The court erred in requiring Appellant to Move within 7 days of the trial.

7. The trial court erred in being BIASED against Appellant as shown by the record and rulings before and at trial requiring a new trial and new judge on remand.

8. The trial court erred in converting Respondent's Petition for Dissolution of Intimate Committed Relationship to only a Quiet

Title Action, thereby denying Appellant fair and equitable division of all the assets, including the couple's personal property, the joint tenancy titled property and Appellant's interest in Respondent's separate property rentals.

Issues Pertaining to Assignments of Error

1. Did the trial court err in not allowing Appellant her timely requested short, reasonable continuance of trial to allow for getting counsel on board to assist appellant who needed such assistance ? (*Assignment of Error 1.*)

2. Did the trial court err in awarding the joint tenancy house to Respondent, thinking Respondent was the only one on the loan due to his misrepresentations without providing documents, and importantly, leaving Appellant liable on the loan indefinitely for 30 years but no interest in the property, eliminating Appellant's ability to get another loan, and exposing Appellant's credit to the perils of Respondent's ability and willingness to pay the mortgage? (*Assignment of Error 2.*)

3. Did the trial court err in considering a real estate agent's opinion of value of only one of the properties that was contradicted by respondent's own declaration in the case and should have required an appraisal? (*Assignment of Error 3.*)

4. Did the trial court err in awarding Respondent offsets against Appellant's interest in the family home for amounts not Appellant's responsibility and not related to the subject property? (*Assignment of Error 4.*)

5. Did the court err in vacating Appellants restraining order protection against respondent for being void ab initio and err for granting respondent a TWO YEAR restraining order against Appellant without any testimony or findings, contrary to statute and for certainly too long of a period? (*Assignment of Error 5.*)

6. Did the court err in requiring Appellant to Move within 7 days of the trial? (*Assignment of Error 6.*)

7. Did the trial court err in being BIASED against Appellant as shown by the record and rulings before and at trial requiring a new trial and new judge on remand? (*Assignment of Error* 7.)

8. Did the trial court err in converting Respondent's Petition for Dissolution of Intimate Committed Relationship to only a Quiet Title Action, thereby denying Appellant fair and equitable division of all the assets, including the couple's personal property, the joint tenancy titled property and Appellant's interest in Respondent's separate property rentals? (*Assignment of Error 8.*)

II. STATEMENT OF THE CASE

This is an appeal of a judge trial regarding a Petition for Dissolution of Committed Intimate Relationship (CP1-4), erroneously converted by the trial court to a Quiet Title action. The trial 4/15 was riddled with error by the biased judge and it cries out for reversal and appointment of a new judge.

I, Appellant, and respondent were in a committed intimate relationship for over 12 years starting in 2002, raising two children, and holding ourselves out to the world as husband and wife. He worked full time and paid our mortgage, which included property taxes and insurance and I took care of the house, did all the shopping, cooking, cleaning, laundry, caring for his 2 dogs, which essentially became mine, paid the gas bill and other utilities and solely managed his 2 rental houses from before we started our union. This was no easy feat because I worked full time and was cutting back to go back to school to become a paralegal, but had to give up

that career to do everything for all our household and run our rental business. This is more difficult than it sounds because these houses in South Seattle required lots of maintenance, finding and leasing with difficult tenants, handling all the maintenance, yards, tenant payment issues and other tenant- related drama and the many City Code violation issues that would come up, given this type of rental housing and type of lower income tenants. This was a near full time job. I collected all the rents in cash (typical for this area of town and tenants), gave a receipt (he has the receipt books ,as I was evicted after ordered to leave homeless within only 7 days of the 4/15 trail decision by the biased trial judge and not allowed to pack and my belongings strewn into the street), and never received or took any of the monies. Five years into the relationship, in 2007, he gave me a wedding ring and a promise of marriage and we bought our own home, together on the original deed and both were borrowers on the new mortgage with almost nothing down. We moved into it and rented out our prior residence and the second rental. Two years later, in 2009, for two months (I found out later) he re-married his former divorced wife from a marriage in the 1980s, but immediately left her and returned to me and filed for and received a Declaration of Invalidity, erasing this short mistake. I forgave him, witnessed her

promissory note /contract to pay him back $75,000 he did not have her pay for another house when he told me he was paying the mortgage on that house but did not and instead put it in jeopardy of foreclosure, giving her a place to live without payment, because of his errors he ended up giving the house away to an investor to avoid foreclosure. After this, we went on living as husband and wife as we always had. However, in 4/14 we had an argument that ended our committed relationship and it led him to file the Petition for Dissolution of Committed Intimate Relationship (CP1-4) and us each filing for protection orders against each other (Respondent v. me 14-2-09891-0 and Me v. Respondent 14-2-10108-2,both filed 4/14 and orders in Appendix B). His was denied for lack of basis and mine was granted 6/6/14, but Presiding sent the case on Revision to the same judge as became our Dissolution trial judge (Judge Spector) and she denied respondent's revision, but overruled the commissioner and without any factual explanation ruled mine void ab initio. See Appendix B. However, at the dissolution/quiet title trial, with no supporting facts or testimony at all, the judge erroneously and contrary to her 7/14 ruling, and with bias, now ruled that Respondent should have a restraining order against me for two years.

I, as a pro se not understanding my rights and the law supporting them, opposed his characterization of our loving martial-like relationship as "meretricious" because of all the negative connotations (e.g. CP11-21), BUT I always argued that I was entitled to keeping the family home for me and my daughter because it is mine by deed and my mortgage and due to my role keeping up and doing everything about our family life throughout our long term 12 year relationship and as the one doing all the work about the house an rentals, for which I should be fairly treated by being able to keep the house and take over the mortgage payments and cash him out without being evicted and homeless for my daughter (e.g. see CP11-21). There is no reason for him to have the house over me and my daughter, as he has no children and he has at least 2 other houses. I have the monthly income to make the payments (CP 90).

The court erred and converted our Petition For Dissolution of Committed Intimate Relationship to a Quiet Title Action only and this led to numerous errors on appeal herein. The court erroneously relied on a 6/4 /14 Order that denied Respondent's request to restrain me from going to my property when the court ruled that we needed to civilly resolve the issue of who has title to the property in civil court instead of family law (CP 22) because at that time

Respondent had changed his mind and wanted to argue that we were not in a meretricious relationship and I was totally against that label but was pro se and not understanding the law about it I agreed we were not a meretricious relationship though I should get all the advantages of one doing all the work on all the properties though out the relationship and should not lose my home for my daughter and he should just have one of his other homes (CP 11-21). From that, the commissioner thought we were in agreement to not dissolve a committed intimate relationship and suggested the Petition for Dissolution of Committed Intimate Relationship be converted to a Quiet Title action. Respondent brought the matter before the trial judge on the Dissolution matter and, without taking any evidence at all, ruled on 10/22/14 that the Dissolution of Committed Intimate Relationship matter would be converted to only a Quiet Title Action and she ruled that I would not be able to request fair and equitable division of our assets but would be limited to only proven contributions to the one property I was on title. See VRP 10/22/15. This is error because the trial court ruled on the ultimate issue of the Petition for Dissolution, denying a committed relationship without any trial or hearing on it at all and no testimony and no Pennington factors analysis or rulings (discussed below). Then, in saying it would be a

quiet title action, she erred and told me I have to prove what I put in for time and money and labor. That is absolutely incorrect because I am a joint tenant and have equal interest with him in the property under Washington State property law regardless of contribution. Respondent claimed in several places that I was only a tenant in common, but that is absolutely untrue given his signed ,initialed, notarized, and recorded deed with me, stating I am an unmarried joint tenant" This is in several documents CPs, but easiest location on appeal is COA filed 7/6/15 Appellant's Supplement for Motion for Stay. The court erred and is just wrong about real estate law and carried this error over into the 4/15 trial and used the absolutely wrong standard of my interest in the property and said I failed to prove my exact contributions (but then in error charged me for thousands of offsets against my interest because she said I was getting an interest in our one home we lived in for doing ,in part, all the property management of his other properties she was not dividing so that I should be responsible for losses from those properties. However, this is just dead wrong under the law and an abuse because I was on title to our house and a joint tenant and received my interest just from that and the trial court said that because this was a quiet title action only at

trial she would NOT be ruling on other losses and damages issues between us and only those associated directly to the title of our home in question. After my requests for continuance of trial (due to medical problems and just recently found attorneys who could potentially financially work with me) were denied, a short trial occurred 4/9/15 and I moved for reconsideration, new trial, for stay of enforcement, and for this appeal.

III. SUMMARY OF ARGUMENT.

This is an appeal from a Dissolution of Committed Intimate Relationship trial erroneously converted by the trial court to a Quiet Title action in a trial 4/15, during which the court ignored that I am on title to our family home, and am the borrower on the mortgage and recorded deed of trust, ignored that I can afford the mortgage and should continue to live where I have since 2007 with my daughter and ordered me out of the house and homeless within the seven days. The court erroneously denied my request for continuance of trial to get my new attorney on board to properly prepare and present evidence to the court, ignoring my medical problem preventing this before we trial . The trial court erred in making me pay for things that

have nothing to do with the house in a quiet title action as offsets against my interest in our home, despite saying the trial court had no authority to do so and would not do so. The court erred in entering a restraining order only against me (CP 80-85), saying that there is obviously conflict between us now due to the case but made no findings or took no evidence about it and just chose Only ME to be restrained, like I was a stranger to the property awarded to him, contrary to the factors for consideration in the statutes involved and amazingly the same court already found no basis for protection orders for either of us from almost a year before but now after no new facts restrained me for 2 years without any new events. The court did not follow the law, ignored the facts, and made every biased decision against the "wife" and in favor of the "husband" in this 12 year definitely intimate and internally and externally to the world committed relationship. The case should be remanded for a new trial and a new judge assigned, as this judge has made so many erroneous and biased rulings against me that justice cannot be done here by her.

IV. ARGUMENT

The trial court erred in not allowing Appellant her timely requested short, reasonable continuance of trial to allow for getting counsel on board to assist appellant who needed such assistance

On March 30,2015, Appellant filed a motion for a CR16 conference and for mediation because she found two attorneys who would represent her as her attorney for the first time ,but needed funds for them and she moved the court for respondent to pay for her attorney fees. See Appendix A. In error, these motions did not get decided upon and on April 1, 2015 (before the April9, 2015 trial), Appellant requested a continuance of the trial . See emails in Appendix A and CP 90. I requested this because I was admittedly not ready for trial and had been ill and not capable to understand these complicated legal issues and evidence and proof needed. [See Dr Giedt letter in CP 146-48 and VRP 4/9/15 at 7 L 20]. On 4/1/15, the court's clerk responded that we could continue trial by agreement. On 4/6/15 respondent's attorney responded that they were "willing to delay the trial until Judge Spector" was available again and gave 2 "bad" days to reschedule. Unfortunately, the clerk did not get this arranged with the judge's schedule and instead emailed on 4/7/15 that the trial would proceed on 4/9/15. Id. At the outset of the trial, Appellant requested a continuance. The court responded that it was not timely offered and denied because "you

don't just do it on the day of trial." [VRP 4/9/15 at2 L9] However, this was error due to the timely earlier requests and the excellent reasons for continuance.

The case met all factors for continuance, as justice required it and there certainly was no prejudice to respondent by a short continuance and it would have saved judicial resources, avoiding appeal and remand. My inability to hire an attorney and to prepare for trial in no way represented a willful, unjustified, or repetitive disregard for the rules or orders of the court. Nor had there been any showing that continuing the hearing could have in any way prejudiced the Respondent.

In light of the legitimate basis of my requested continuance, my diligent efforts to comply with the timetables as best as could be managed under the circumstances, the timeliness of my attempts to negotiate a new trial date with counsel, and the absence of prejudice which would have resulted from a brief continuance, this court's denial of continuance is utterly contrary to Washington courts' strong preference and "overriding policy which prefers that parties resolve their disputes on the merits." Showalter v. Wild Oats, 124 Wn.App. 506, 510, 101 P.3d 867 (2004).

In fact, the strength of that continuing policy was recently recognized in even stronger language, with the courts emphatically holding that **"every reasonable opportunity should be afforded to permit the**

parties to reach the merits of the controversy." Business Services of America II, Inc. v. WaferTech LLC, 159 Wash.App. 591, 245 P.3d 257 (2011), review granted 171 Wash.2d 1024, 257 P.3d 664, affirmed 174 Wash.2d 304, 274 P.3d 1025 (emphasis added).

The denial of trial continuance is primarily responsible for many of the issues of error on appeal herein. The trial court and respondent would say that I had adequate warning of required items for trial and therefore I am responsible for it being an under only two hour trial of all issues and for all the consequences to me from losing my home, eviction in only 7 days, homelessness, bankruptcy, restraining order against me from the trial judge, etc. , BUT a short, reasonable continuance would have allowed my attorney to get on board and the likelihood of the true facts and evidence coming to light instead of respondent's lies (such as I allegedly not being a borrower on the mortgage), would have been much greater. The matter should be remanded for a new trial on the merits.

The trial court erred in awarding the joint tenancy house to Respondent, thinking Respondent was the only one on the loan due to his misrepresentation without providing documents, and importantly, leaving Appellant liable on the loan indefinitely for 30 years but no interest in the property, eliminating Appellant's ability to get another

loan, and exposing Appellant's credit to the perils of Respondent's ability and willingness to pay the mortgage

Respondent misrepresented to the trial court that, though Appellant and Respondent were both on the original deed to 7414 So. 114th St, the loan was only in his name. [VRP 4/9/15 16 L6-25]. It is believed that this turned out to be a major factor in the trial court's decision to award the property to Respondent and evict Appellant after one week. While it was significant error for the trial court to not express anywhere a single word in her ruling or findings or Order explaining her factors for awarding the house to Respondent, it is believed that the trial court felt that the contributions of Appellant to the utilities, maintenance, and cleaning of the family residence for 12 years and the property management of the two rentals was not significant weight versus the full mortgage payment made monthly by Respondent. See discussion above about the trial court errors about the hours and role of Appellant regarding the

properties while holding a full time job with Seattle Public schools and the court's erroneous belief that the hours were few or none and not worth half the mortgage payments. The court did not say it (because the court erroneously gave no explanation at all), but leaving the property to the one with the mortgage sometimes makes sense (though of course, not the majority of time when the house is awarded to the main caregiver of children, as here, to stay in the house until the children are gone even though the obligor often remain on the mortgage making payments) and so his misrepresentation is significant.

At trial, Appellant thought this was the case that Respondent was the only one on the mortgage because he had told her there was a re-finance after their original joint loan obligation. But this too turned out to be false and the trial court was aware of it at trial from the lender's Deed of Trust in the case. After trial, Appellant timely sought reconsideration of the decision when

she received the deed of trust on the property showing her as a borrower on the Deed of trust for the loan and this was provided to the court again. Appellant moved for the court to allow her to keep her home and loan and cash-out Respondent's equity, but the court erroneously denied it without any explanation whatsoever [CP 135-142;CP 149-150;CP 190;CP 220],kept Appellant on the 30 year mortgage obligation, impacting Appellant's credit and ability to get another loan and putting her credit at the mercy of respondent's ability to timely pay the mortgage. This, of course was a very discriminatory violation of US Constitutional and WA State Constitutional rights towards the woman not getting the chance to keep her house and loan but giving it to the man with several properties without explanation. The trial court significantly erred and saw Appellant not as a holder of title as a joint tenant for this property for some 8 years being obligated on the mortgage, but instead as a stranger to title that just had been living there

and holder of no rights or at least equal footing with the man. The trial court erroneously ruled:

[VRP 4/9/15 starting at 71 L 5]

"COURT'S ORAL RULING

THE COURT: All right, the Court is gonna award Mr. Jones the house. The fact that you've been in the house doesn't give you legal standing to be in it. That's not the law in the State of Washington. You've presented and provided the Court and opposing counsel with absolutely no information about your status as a full-time employee with the Seattle Public School District. If I were to believe you, Ms. Ausler, you would have -"

First, the trial court is absolutely wrong about the law of joint tenancy. Both owners on title in joint tenancy are equal one half interests and have equal standing as owners and have legal standing to remain in the property until divided. Second, if they are on the mortgage as a borrowers they have standing AND OBLIGATIONS AND IT IS

DEFINITELY ERROR FOR THE TRIAL COURT TO NOT ADDRESS ON-GOING DEBT OBLIGATIONS OF THE PARTIES POST-TRIAL. Appellant requests that the Court take judicial notice here that this issue comes up in family law all the time that a couple's house has a mortgage and the court goes through the factors about who should have the house (if not sold) such as children remaining ion the same home for school, friends, accustomed to living there, etc. with the primary caregiver being given preference, and then how with the other's credit and loan ability be improved by a set time for sale or other cash-out of the original loan. It was error of the court to not do this and not explain legitimate factors for the award to the man here and the woman should be put on at least equal footing, but actually tipped in her favor given that she still has a child at home.

Appellant has the ability to pay the approximate $309,000 mortgage of about $2,063 mortgage and has filed her proof of income from

shortly before the trial [CP 242-245] and testified to her $3300 income at trial[VRP 4/9/15 at7 L11; at 65-67]. It was error for the court to deny the reconsideration and especially without explanation—twice and the motion for stay based on the same information about respondent's misrepresentation to the court and doing the right thing to have Appellant the opportunity to stay in the home and mortgage.

The trial court erred in considering a real estate agent's opinion of value of only one of the properties that was contradicted by respondent's own declaration in the case and should have required an appraisal

Respondent filed a declaration with the trial court that the subject property at 7414 So 112th St. Seattle was purchased by the couple in 2007 for $389,000 for only a mere $10,000 down (under 3% down) and worth $420,000 when the petition was filed in 5/14. CP 5-7. However, at trial he used a different, conflicting, ***lower*** real estate agent's estimate and this significantly reduced the cash-out figure here to the person who

ultimately will lose the property and at the trial it provided an unreasonable figure for court use. This was error and an appraisal is the best evidence, is what is called for statutorily in partition and quit claim actions, should have been used here, and should be ordered on remand.

The trial court erred in awarding Respondent offsets against Appellant's interest in the family home for amounts not Appellant's responsibility and not related to the subject property

It was Appellant's position at trial that she bought the house at 7414 So. 114th St. Seattle with Respondent [VRP 4/9/14 at7 L11] and that they were both on the deed as joint tenants [VRP 4/9/14 at12 L25; at 13 L 2; at 65-67]. The court agreed that this was undisputed [VRP 4/9/14 at13 L4]. Appellant's position was that this gave her an equal interest in the house [VRP 4/9/14 at12 L24]and that she should be able to keep it given that she lived in it the last 8 years with children and maintained it and paid the utilities [VRP 4/9/14 at 8- 11;at65-67] and would be homeless

while he has 2 other houses [VRP 4/9/14 at13 L8;at 65-67]and she can make the mortgage payments because she has adequate $3,300 per month income [VRP 4/9/14 at7 L11; at 65-67] . This presumes she cashes out his ½ equity share, which she argued should be reduced by fair compensation Respondent owed her for 12 years of managing his 2 other rental properties [VRP 4/9/14 at12 L15; at 65-67], which she calculated at$345,000 [VRP 4/9/14 at69 L1] (equating at the low $15/hr. requested for 52 weeks per year times 12 years works out to an average of only 5.26 hours per day and NOT the 24 hours /per day the trial court erroneously thought Appellant asked for [VRP 4/9/14 at 71 L 18] and because of that the trial court ruled she could not have 2 full time jobs and therefore was going to say Appellant really did not do much property management given full time work at the Seattle Schools and therefore her rent equivalent at the joint home was more than fair compensation for the property management [VRP 4/9/14 at 73 L 6].

First, this is a major error of math, so the conclusion of the court does not follow and second, it is simply not true that Appellant could not do both jobs and their hours. Many small time investors with a few properties work full time 40 hr week jobs elsewhere and then put in another 36 hours a week on evenings and weekends on their properties, especially when you consider all the dealings with tenants, collection of rents, leasing, maintenance and upkeep, dealing with repair people to get them in, etc. and on-going maintenance, repairs and regular improvements of painting interiors and exteriors, roof, windows and turnover time major involvement, evictions, disputes over returns of deposit, City Code inspections and compliance, and, of course, the hours of accountings and tax returns. All of these property management things take hours and during certain times of the year they are much heavier than other times, but they all add up to a large number of hours and increase with each additional

property. Appellant handled all of this for the joint house and the 2 rentals.

Importantly, the trial court noted that under a quiet title action about the joint tenancy home it would be **"an error of law"** [strong words for a trial court to set as a restriction for itself and the requests of the parties], clearly reversible on appeal here, unless she only offset items **"appropriate for this house, not the other rentals"** [VRP 4/9/14 at 5 L3], such as other monies the trial court erroneously ended up offsetting for Respondent claims regarding the other rentals.

The trial court awarded the house to Respondent and granted her one half equity (erroneously determined at a value too low) BUT erroneously did not grant Appellant any compensation for property management for 12 years, ruling that Appellant could not work full time for the Seattle Public School System and also have time for any property management. **[VRP 4/9/15 at 73 L 2]**. Not only did the trial court NOT compensate her for

property management ,the trial court ALSO erroneously, in a "catch-22", ruled her the property manager anyway and then erroneously held her to a higher standard than all other property managers, contrary to contract law and property management law and held her personally liable for, and made her pay for offsets against her house equity she was to receive from Respondent, the Respondent's tenant's obligations for water bills, rent, eviction attorney fees, **Transfer station fees, and Locksmith --all having to do with the 2 other rental properties (46th and 47th Ave So rentals), as alleged by respondent [VRP 4/9/15 at 4] and NOT the family home at 7414 So. 114th St. Seattle under the Quiet Title Action. The trial court erroneously awarded Respondent offsets in the Order on Quiet Title Action:**

"Water bill 46th Ave s.	$1,175.00
Water bill 47th Ave s.	$1,402.53
Rent on 47th Ave S. per court order	$1,000.00
Attorney fees for Evan Loeffler for evictions	$3,813.93
Transfer station fees	$323.35

Locksmith	$430.00
TOTAL	$8,144.81"

(CP 75-79).

None of the testimony at trial by anyone indicated that these amounts had anything to do with the subject joint tenancy house and the testimony of Respondent was clear that these were about the rental properties and were incurred by the tenants [VRP 4/9/15 at 4]. Even if the trial court were trying to say that Appellant's one-half interest in 7414 So 114th St Seattle was maintained by her doing all the property management on the Respondent's 2 other rentals and that is why she did not have to pay one-half the mortgage Respondent paid each month and did not have to pay cash for the rent equivalent for living in her house [VRP 4/9/15 at 73 L 2 : "You've admitted to being the property manager. You've essentially lived rent-free there for years, and that's your compensation, and that's -- that's all that the Court can do for you based on the information that's been provided to the Court. The rent is considerable considering that you were working full-time in the last eight years for Seattle School District as a secretary.

I can accept that on its face, but you don't get double salary when you've absolutely provided no information or the documentation to the Court."], it was error to rule that Appellant must pay for debts caused by Respondent's tenants. Appellant did not incur or cause any of these offsets. No one would do property management if the property managers were personally responsible to pay the tenants' utilities, rent, eviction costs, and trash and locks. As owner of the two rentals, respondent was fully aware of these tenants and these issues and he needed to act on them, especially if he were arguing Appellant was not his paid property manager, as he did here. He testified that she only rented to the tenants and was not to do anything else—not even collect rent or pay any rental bills [VRP 4/9/14 at 44L 9-15] ***and these words from Respondent alone show the error of the trial court in making Appellant responsible for tenant payments and bills about the rentals*** and she testified that she did everything about managing the properties and paid him the rent [VRP 4/9/14 at 10 L 9]. Importantly, the trial court ruled that it could not find that he was missing rent or that she did not pay him the collected rent and therefore did NOT include in the award some $27,600 in missing

rent alleged by Respondent [VRP 4/9/14 at 72 L 8], so we know that missing rents was NOT the reason the trial court erred in granting offsets against Appellant's interest in the subject joint tenancy house for other bills tenants did not pay. These offsets must be reversed as having nothing to do with Appellant's interest in the family home, as the trial set out at the beginning of trial that she would not offset if they did not have a clear nexus to the subject property under quiet title action, and they are clearly obligations of Respondent's rental properties.

The court erred in vacating Appellants restraining order protection against respondent for being void ab initio and erred for granting respondent a TWO YEAR restraining order against Appellant without any testimony or findings, contrary to statute and for certainly too long of a period

The trial court erred in entering a two year restraining order against only Appellant and in favor of Respondent in a Quiet title Action. CP First ,it is not part of a quiet title action and was not requested at trial, so the court just raised this without due process warning to Appellant and it was not litigated at trial but just ruled upon sua sponte. Second, no allegations as a

basis were ever testified to by anyone and the court only expressed one sentence of explanation:

THE COURT:

There will be a continuing restraining order against you. There's enough hostility between the two of you, and I think it falls in favor of Mr. Jones.…There's not a Protection Order.

[VRP 4/9/15 at 73 L 11]

Minimally, the court should have followed the statutory factors and examined recent negative interactions between the couple for reasonableness of fear of imminent harm, but that did not happen as there were none because the couple had been separated and living apart for a year, there were no incidents, pending hearings on same, etc., and importantly the same trial judge had denied the Respondent's motion for reconsideration of a dismissal of Respondent's request for a protection order from a year before [See Appendix A documents

in his different cause number than this case.] and now without any testimony, examples, findings this court just went ahead and granted the same thing and for twice as long. There was absolutely no reasonable basis to issue the restraining order due to some unexplained "hostility" between litigating couples which is to be expected and certainly not a basis or we would need one in almost all family law cases and civil and criminal litigation. It is simply too vague and overbroad of a reason and factors must be spelled out in granting one, an error here. The impacts on Appellant's record for employment, future court requests, protection orders, etc. due to this entered into the computer for years is supposed to make these entered not lightly, as the court did in error here. At the very least, for such an unsupported basis, it should have been made mutual but instead discriminated against the woman gain over the man without basis and ignored that his earlier request for protection order was denied but hers against

him was granted until this same judge reversed a lower court ,saying it was void ab initio without ever giving a reason for this and this was error here, too and shows a clear bias against Appellant without any basis other than to punish her for some unstated reason.

The court erred in requiring Appellant to Move within 7 days of the trial

THE COURT:

...So, you have one week to vacate the premises and move all your stuff out. And I need you to sign a Quit Claim Deed to Mr. Foster Jones here in Court. [VRP 4/9/15 at 71 L15]

In the trial court's ruling, Appellant was required to move from her family home of the prior 8 years within only seven days. Appellant was treated like a squatter who had just taken up residence versus having established a life there. This was wholly unreasonable timing to locate a residence and move everything, as there was significant testimony that this would leave Appellant homeless because, unlike respondent, she did not have 2 other homes to move to. This, of course required a move before any

court hearing could be had for reconsideration, new trial, or appeal and hearings to stay enforcement, etc. It clearly shows the trial court's bias and punishment against Appellant.

The trial court erred in being BIASED against Appellant as shown by the record and rulings before and at trial requiring a new trial and new judge on remand

In assigning a new judge on remand, a recent Washington State appeals court ruled, approvingly citing Ellis v. U.S. Dist. Court, 356 F.3d 1198, 1211 (9th Cir. 2004) that an appeal court must first determine whether the trial court has shown personal bias (Ellis) ,but even if a trial court has not, higher courts consider whether unusual circumstances support reassignment. They find unusual circumstances if it appears that the trial court would have substantial difficulty overlooking its previously stated views and findings or that reassignment would preserve the appearance of justice. Ellis, 356 F.3d at 1211. They also consider '"whether reassignment would entail waste and duplication out of proportion to any gain in preserving the appearance of fairness.'" Ellis, 356 F.3d at 1211 (quoting United Nat'l Ins. Co. v. R&D Latex Corp., 242 F.3d 1102, 1118-19

(9th Cir. 2001)). The court went on to rule in that case that the record very strongly suggests that the trial court would have difficulty overlooking its previously stated views and findings, so remanding the matter to a different judge would preserve the appearance of justice in the case. Although remand to a different judge would require a new hearing on the relocation matter, the remand would essentially require a new hearing anyway thus, the reassignment would not entail a disproportional amount of additional resources.

Here, the lower court did not analyze the factors in a committed intimate relationship and failed to grant a reasonable, timely requested short continuance so that she could get her newly hired attorney on board and help her marshal the merits and facts of all issues, including but not limited to appraisal evidence, her rental role and finances involved, and offsets requested by Respondent necessary for fair determination of this matter could be presented. The trial court limited the testimony to quiet title issues only and would not allow testimony about equitable and fair division and said that she would not allow testimony about the subject house and then allowed some $8,000 in offsets not having to do with the house, but instead the rentals. The trial

court then only allowed 7 days to move out or be evicted, granted an eviction order, entered at trial a TWO YEAR restraining order against me in his favor (until 4/9/17 CP 80-82) without ever taking testimony on it and without any finding of reasonable fear of immediate harm and in fact found his allegation for a protection order in 4/14 to be denied for reconsideration and also reversed the commissioner that granted my protection order against him and ruled it void ab initio without any fact findings, let alone compliance with statutory basis for denying protection orders, denied my reconsideration motions of appellant showing that respondent had lied about me not being a mortgage borrower and the trial court denied these reconsideration motions supported by documentary proof of deed and deeds of trusts without any findings or explanation at all-- twice. And then the trial court went on to deny a stay of eviction pending appeal. It is clear I cannot get a fair re-trial with this judge even if the Court of appeals specifically asks her on remand to rule a certain way because would so repudiate her actions.

Therefore, Appellant requests that the court remand this case for directing the superior court to award her the subject house and re-finance Respondent out of the mortgage or otherwise sell the house to

relieve him of all liability on mortgage within three years or alternatively for new trial recognizing all of Appellant's interests in all of Respondent's claimed property, for a new lower court judge, and other relief just and equitable.

The trial court erred in converting Respondent's Petition for Dissolution of Committed Intimate Relationship to only a Quiet Title Action, thereby denying Appellant fair and equitable division of all the assets, including the couple's personal property, the joint tenancy titled property and Appellant's interest in Respondent's separate property rentals

I hate the label "meretricious" relationship and have repudiated it clearly in several of my pleadings (e.g.CP 11-21) because of all the negative and derogatory baggage that comes along with it (like the label "illegitimate" demeans someone born to two unmarried people), instead of describing what our 12 years of "marriage-like" relationship was--a loving, committed relationship of same goals of raising family as our own (my 2 daughters and he had family), staying employed, getting ahead, saving for college and retirement and pursuing our goal of a rental house business for profit. It was for this type of a relationship that I worked so hard. I argued against 'meretricious", but argued for fair treatment of me for all I had done

for the relationship and should be able to keep me and my family in our home of the last 8 years and be allowed to pay my mortgage, as only fair for all I had done and contributed to our life together and I and my daughter should not be tossed from our family home and be homeless while he keeps our home and I get no benefit of mostly my labor in maintaining, managing, and improving our assets (CP 11-21).

The family law Commissioner erred in his 6/14 ruling that because I argued that I should not be limited by what "meretricious" law provides and that I should be granted all the rights of a married person, this was now outside of family law fair and equitable division and it must now go through a quiet title action.

The court ruled in In re Long and Fregeau, 158 Wn.App. 919, 244 P.3d 26 (2010):

Our Supreme Court has noted "**meretricious**" *carries negative and derogatory connotations* and has chosen to substitute "*committed intimate relationship*" for meretricious relationship. *Olver v. Fowler,* 161 Wash.2d 655, 657 n. 1, 168 P.3d 348 (2007). Intimacy and commitment are just two non-exclusive relevant factors a trial court can consider in deciding if equity applies to support an equitable property division.

The seminal case regarding unmarried, committed, intimate relationship termination law is In re Marriage of Pennington, 142 Wn.2d. 592 (2000). There, the court held:

Under *Connell,* we further established a three-prong analysis for disposing of property when a meretricious relationship terminates. First, the trial court must determine whether a meretricious relationship exists. Second, if such a relationship exists, the trial court then evaluates the interest each party has in the property acquired during the relationship. Third, the trial court then makes a just and equitable distribution of such property. [Pennington court citing *Connell v. Francisco* 127 Wn.2d 339, 342 (1995).]

Pennington laid out five factors for determining a committed intimate relationship:

1) Continuous cohabitation – "continuous enough to evidence a stable cohabiting relationship."

2) Duration of the relationship – In Pennington, the court held that, despite multiple separations and reconciliations of the couple in that case, the court agreed with the trial court that this factor was satisfied because "their relationship, while not continuous, spanned 12 years." Breaks in the intimate, committed relationships, just like breaks in a marriage, trial separations, affairs, etc., do not

deprive the parties of all the laws associated with such relationships.

.3) Purpose of the relationship – finding general characteristics of a marriage such as "companionship, friendship, love, sex, and mutual support and caring"

4) Pooling of resources and services for joint projects – evidence that parties invested their time, effort, or financial resources

5) Intent of the parties – "intent to live in a stable, long term, cohabiting relationship"

I entered into a financial obligation with Respondent as co-borrowers on a home loan in 2007, going on the deed as a co-owner and on the deed of trust at the same time as unmarried "joint tenants", and by legal definition under Washington state law I therefore own equal shares in our home at 7414 So. 112th St., Seattle, WA. This qualified the shared property as "community property" by applying the same theories used in the *Connell* case where the court held "that property that would have been characterized as community property had they been married and is owned

by both parties was therefore before the court for a just and equitable distribution". To further establish the relationship between us as an intimate and committed, our relationship was sexual and emotional and all the other things that come with martial relationships. It lasted for 12 years, satisfying the first element of "stable"; He made all the mortgage payments on the property while I paid the gas bills and kept up the general maintenance of the home and did all the work regarding our joint project rentals, an arrangement similar to that of a husband and wife, satisfying the second element of "marital-like". While he owns other properties in addition to the one he co-owns with me, I do not have another home other than the one I resided in for the past 8 years and am homeless pending this appeal. We raised two of my children in the home, for the entire 8 years I resided there.

I am pro se. I and my 17 year old high school daughter have been homeless and surviving on the goodness of others since April 2015, awaiting the outcome of this appeal allowing us to move back to our home where we have lived since 2007, though my relationship living full time with respondent, Foster Jones, goes back to 2002. Though we were never married, until the split in April 2014 and his filing of the underlying Petition for Dissolution of Committed Intimate

Relationship on May 6, 2014 (CP1-4), we always lived outwardly to the world and internally within our relationship as married husband and wife. He gave me the wedding ring on 8/17/2007 in Las Vegas, NV, where we were celebrating our relationship together, and he has always called me "wife" to third parties and always said we were going to have a ceremony up until April 2014. That is the reason he filed it as a Dissolution of Committed Intimate Relationship. The trial court here got it wrong in saying that we were only business partners in the subject house and that I was only a property manager for his two other rentals and that the action must be only a quiet title action.

Foster and I have always shared the same bedroom and bed since we began cohabitating in November 2002. At first we lived as husband and wife at 8414 47th Ave South, Seattle WA 98118. He slept on the left side of the bed and I slept on the right. There were two shared closets in the bedrooms where we both kept our clothes and shoes. We lived there 5 years until 11/2007 when we moved into the house we bought together on title for us at 7414 South 114th St. Seattle, WA, 98178. We have resided at this location since 11/2007 and have never left until the trial court evicted me this summer of 2015. Foster and I shared the Master bedroom and bath

where he slept on the left side of the bed and I slept on the right. We shared the double closet where my clothes and shoes were on the left side of the closet and his clothes and shoes on the right. Foster and I continued our intimate relationship for the entire time and even after he filed this case. On 10/22/14 Foster and I were in Divorce Court and just six days later on his 56th Birthday he came to our house and spent the night with me in our bedroom. The first thing he did upon entering our bedroom was to undress pants first. He did not leave until 3:00 AM.

Foster Jones has been stepfather to my two daughters, Atisha and Danisha McNair, since Atisha was age 4 and Danisha was age 5. Atisha is now 17 years old and a senior in high school struggling due to being homeless. Although she has a relationship with her biological father, she was raised by Foster and really looked upon him as a father figure, as she spent most of her life with Foster as her dad. She has really been emotionally crushed by Foster's irrational behavior towards us. My other daughter, Danisha, is also mentally and emotionally crushed by the Foster, whom she looked upon as her dad and told everyone at her 12th birthday party at the bowling alley that she had two fathers. Foster used to take Danisha with him to the store and to shop for a gift for me on my birthday.

Foster use to give both of them a bath at bedtime. Had he not been their stepfather, I would not have allowed him to give them a bath when they were younger as they were young girls. He often took my daughter to the stores to purchase personal female items.

Foster and I along with my two daughters attended his employer family annual Longshoremen Family Picnic as a family every year since 2003, which was held at Lake Sammamish.

We went on trips, vacations and outings as a family. Atisha was with Foster and me on our last family vacation in August 2013 that we took to Las Vegas with another family. Foster attended the funeral services with me as my spouse when my Sister Shelia Stephens died in January 2004, my oldest Sister Linda Lee died in September 2005, my mother Rev. Walker Geraldine died in November 2005, all unexpectedly, and my sister, Sunira, who was one year older than I am died February 2009. Foster was with me at each of the services where he sat with me as my spouse/family on the front bench.

I became employed by Seattle Public Schools on 11/8/2007 as Office Specialist II Level 17 p/t. At the time the house was purchased, I had just got hired part-time so the unpaid labor and

work I was performing for Foster was being credited as my monetary contribution. I later advanced to Assistant Secretary Level 18 in which I am and have been at the highest step level. Attendance Secretary High school Level 19 in which I am also at the top of the pay scale. I worked in between district layoffs as a Clerical Substitute.

Foster trusted me to collect the rent from our rentals, which in our part of Seattle almost always pays with cash, and I always gave all this cash to Foster and I kept a receipt book for tenants receipts but he has at home since my eviction.

Request for Attorney Fees and Costs

Appellant pro se has incurred attorney fees in all steps taken since the underlying trial and is homeless and cannot afford an attorney except to advise me. Appellant requests all reasonable attorneys fees and costs under all statutes, court rules, and case law applicable to this appeal or available through the court's equitable powers. If the court does not award any of these, appellant requests that the attorneys fees and costs on appeal be reserved for determination of reasonableness by the trial court after any remand.

Appellant requests attorney fees under RAP 18.1, and RCW 26.09.140, and RCW 7.52.480 allows an award of attorney's fee in a partition action, as should RCW 7.28 Quieting Title actions.

Courts have authority to award attorney fees and expenses in marriage dissolution proceedings both at trial and on appeal. Buchanan v. Buchanan, 150 Wn.App. 730, 207 P.3d 478 (2009). RCW 26.09.140.

RCW 26.09.140 Payment of costs, attorneys' fees, etc.

The court from time to time after considering the financial resources of both parties may order a party to pay a reasonable amount for the cost to the other party of maintaining or defending any proceeding under this chapter [RCW 26.09 Dissolution Proceedings—Legal Separation] and for reasonable attorneys' fees or other professional fees in connection therewith, including sums for legal services rendered and costs incurred prior to the commencement of the proceeding or enforcement or modification proceedings after entry of judgment.

Upon any appeal, the appellate court may, in its discretion, order a party to pay for the cost to the other party of maintaining the appeal and attorneys' fees in addition to statutory costs.

The court may order that the attorneys' fees be paid directly to the attorney who may enforce the order in his or her name.

RCW 26.09.140 does not require that the moving party prevail on appeal. In re Marriage of Rideout, 150 Wn.2d 337, 357, 77 P.3d 1174(2003).

RCW 7.52.480 allows an award of attorney's fee in a partition action, as should RCW 7.28 Quieting Title actions.

It is clear that have a need for attorney's fees making only $3,000 gross per month and receiving only $400 from the case at trial, while Mr. Foster has the ability to pay: CP 32-37, his financial declaration showing $9,889 per month gross.

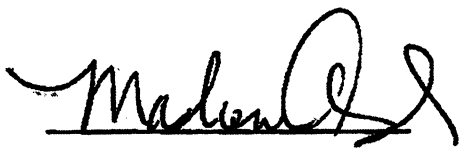
V. CONCLUSION

Therefore, Appellant requests that the court remand this case for directing the superior court to award her the subject house and re-finance Respondent out of the mortgage or otherwise sell the house to relieve him of all liability on mortgage within four years or alternatively for new trial

recognizing all of Appellant's interests in Respondent's claimed property, new lower court judge, and other relief just and equitable.

Dated this 1st day of November, 2015.

Respectfully submitted,



Mashawna Ausler, Pro Se

APPENDIX A

RECEIVED

2015 MAR 30 PM 12:02

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

Foster Jones

Plaintiff/Petitioner,

vs.

Mashana Ausler

Defendant/Respondent.

Request Motion CR 16 Conference

NO. 14-3-02976-8 [ ] SEA [ ] KNT

Motion For CR 16 Conference

I am experiencing a financial hardship. I have children. I am single head of household.
I am requesting a CR 16 conference.
If this is possible, I would also like to participate in Alternative Dispute Resolution. I have been financially unable to afford legal counsel although I have consulted with 2 that were willing to take my case. ($2,500)
I am requesting that the Petitioner Foster Jones pay my attorney legal representation fees since he is financially able. I believe this would be fair to me.

Thank You
Mashana Ausler
mashanaausler@yahoo.com
(206) 229-8074

c:/forms/cashiers/gr14coversheet

A-1

From: Court, Spector [mailto:Spector.Court@kingcounty.gov]
Sent: Tuesday, April 07, 2015 9:19 AM
To: Ruth Kimball; 'Mashana Ausler'
Subject: RE: Jones/Ausler

Hello Ms. Kimball and Ms. Ausler,
The trial is scheduled to go forward this Thursday, April 9th at 9:00am before Judge Spector.
Thank you,
Pam Roark

From: Ruth Kimball [mailto:ruth@kimball-law.com]
Sent: Monday, April 06, 2015 12:06 PM
To: Court, Spector; 'Mashana Ausler'
Subject: RE: Jones/Ausler

Ms. Roark

Foster Jones has asked me to advise you of 2 items regarding trial scheduling. First, he is willing to delay the trial until Judge Spector is available, since she is already familiar with the case. Second, if the case does not go out until next week, he is not available April 15-17 and I have a conflict April 15.

Ruth I. Kimball
Attorney at Law
15 South Grady Way, Suite 535
Renton WA 98057
Phone (425) 271-4437
FAX (425) 255-6609
www.Kimball-Law.com

From: Court, Spector [mailto:Spector.Court@kingcounty.gov]
Sent: Wednesday, April 01, 2015 10:11 AM
To: Mashana Ausler; ruth@kimball-law.com
Subject: RE: Jones/Ausler

Hello Ms. Ausler,
Your case has already been placed on standby to be sent out for trial next week.
Unless the court receives a stipulated order of continuance or a notice of settlement/dismissal signed by both you and Ms. Kimball the case will proceed as scheduled.
Thank you,
Pam Roark

A-2

From: Meshana Ausler [mailto:meshanaausler@yahoo.com]
Sent: Wednesday, April 01, 2015 9:40 AM
To: Court, Spector
Subject: Fw: Jones/Ausler

Dear Judge Spector,

I am requesting a continuance of this case as I am not "Trial Ready" please accept my apology.
Please attached email below to Attorney Ruth Kimball requesting an "Agreed Upon Continuance" in for the trial date f i.
Please let me know if there is anything additional I need to do further to expedite this request please and thank you.

Meshana Ausler
meshanaausler@yahoo.com
(208)228-8074

On Wednesday, April 1, 2015 8:53 AM, Meshana Ausler <meshanaausler@yahoo.com> wrote:

Dear Ms. Kimball,

I have been off on medical leave and unable to pursue this matter for health reasons, please accept my apology for the delay.
As I am NOT prepared for the "Trial Readiness" for this case I am respectfully requesting an "Agreed upon Continuance of the trial please and thank you. Your consideration of my request will be greatly appreciated.

Meshana Ausler
meshanaausler@yahoo.com
(208)228-8074

A-3

APPENDIX B

FILED
KING COUNTY, WASHINGTON
JUN - 6 2014
SUPERIOR COURT CLERK
BY Maureen Bell DEPUTY Sarah Hudson

PM 01

Superior Court of Washington
For King County

No. 14-2-10108-2 SEA

Petitioner (Protected Person) M. Foster Jones

vs.

Respondent (Restrained Person) Mushana Ausler

Denial Order
- ☒ Domestic Violence
- ☐ Antiharassment
- ☐ Vulnerable Adult
- ☐ Sexual Assault
- ☐ Stalking

(Optional Use) (ORDYMT)
- ☐ Clerk's Action Required

Next Hearing Date/Time: _____

At: _____

This Matter having come on for hearing upon the request of (name) Foster Jones for a:

☐ Temporary Order ☒ Full Order ☐ Renewal Order
☐ Modification Order ☒ Termination Order

and the ***Court Finding:***

☒ Petitioner ☒ Respondent did appear.
☐ Petitioner requested dismissal of petition.
☐ The order submitted has not been completed or certified upon penalty of perjury.
☐ This order materially changes an existing order. A hearing after notice is necessary.
☐ No notice of this request has been made or attempted to the ☐ vulnerable adult ☐ opposing party.
☐ The petitioner has failed to demonstrate that there is sufficient basis to enter a temporary order without notice to the ☐ vulnerable adult ☐ opposing party.

Domestic Violence:

☐ The domestic violence protection order petition does not list a specific incident and approximate date of domestic violence.
☒ A preponderance of the evidence has not established that there is domestic violence.
☐ The respondent proved by a preponderance of the evidence that the respondent will not resume acts of domestic violence against the petitioner or the petitioner's children or family or household members when the protection order expires.

B-1

☐ For Respondent's motion to modify or terminate a domestic violence Order for Protection effective longer than two years.

☐ A preponderance of the evidence failed to establish that:

☐ the modification is warranted.

☐ for a modification to shorten the duration or remove restrictions against domestic violence acts or threats, or for termination, there has been a substantial change of circumstances such that the respondent is unlikely to resume acts of domestic violence against the petitioner or other persons protected in the order, to wit:

☐ since the protection order was entered, the respondent ☐ has committed or threatened domestic violence, sexual assault, stalking, or other violent acts; ☐ has exhibited suicidal ideation or attempts; ☐ has been convicted of criminal activity; ☐ neither acknowledged responsibility for the acts of domestic violence that resulted in entry of the protection order nor successfully completed domestic violence perpetrator treatment or counseling;

☐ the respondent has continued to abuse drugs or alcohol, if such was a factor in the protection order.

☐ the petitioner ☐ has ☐ has not voluntarily and knowingly consented to terminating the protection order

☐ the respondent or petitioner moving further away from the other party will stop acts of domestic violence.

☐ other:_____.

☐ the respondent proved that there has been a substantial change of circumstances; however, the court declines to terminate the Order for Protection because the acts of domestic violence that resulted in the issuance of the Order for Protection were of such severity that the order should not be terminated.

Sexual Assault:

☐ The sexual assault protection order petition does not list a specific incident and approximate date of nonconsensual sexual contact or nonconsensual sexual penetration.

☐ For a temporary sexual assault protection order, reasons for denial of the order are:

_____

_____

_____.

☐ A preponderance of the evidence has not established that there has been nonconsensual sexual contact or nonconsensual sexual penetration.

Vulnerable Adult:

☐ The vulnerable adult protection order petition does not list specific incidents and approximate dates of abandonment, abuse, neglect, or financial exploitation of an alleged vulnerable adult.

☐ A preponderance of the evidence has not established that there has been abandonment, abuse, neglect, or financial exploitation of an alleged vulnerable adult.

☐ The vulnerable adult protection order petition does not demonstrate that the petitioner is an "interested person" under the definition as stated in RCW 74.34.020(9).

Stalking:

- ☐ The stalking protection order petition does not list specific incidents and approximate dates of stalking conduct.
- ☐ A preponderance of the evidence has not established that there has been stalking conduct.
- ☐ The respondent proved by a preponderance of the evidence that the respondent will not resume acts of stalking conduct against the petitioner or the petitioner's children or family or household members when the protection order expires.

Harassment:

- ☐ The harassment protection order petition does not list specific incidents and approximate dates of harassment.
- ☐ A preponderance of the evidence has not established that there has been harassment.
- ☐ The respondent proved by a preponderance of the evidence that the respondent will not resume harassment of the petitioner when the protection order expires.

Other:

SO Respondents petition filed in 14-2-10908-2 Cell is reissued for six months less 1 year order.

The court orders that:

- ☐ The request to waive the filing fee is denied.
- ☐ The request for a temporary order is denied and the case is dismissed.
- ☒ SO The request for a full order is denied, and the petition is dismissed. Any previously entered temporary order expires at 10:02 a.m. today.
- ☐ The request for a temporary order is denied and the clerk is directed to set a hearing on the petition.
- ☐ The request before the court is denied, provided that it may be renewed after notice has been provided to the ☐ vulnerable adult ☐ opposing party according to the Civil Rules.
- ☐ The request to modify, terminate, or renew the order dated _____ is denied.
- ☐ The parties are directed to appear for a hearing as shown on page One.

The requesting party shall make arrangements for service of the petition/motion and this order on (name) _____ via law enforcement, professional process server, a person who is 18 or older who is not a party to the case. A Return of Service shall be filed with the clerk at or before the hearing.

Failure to Appear at the Hearing May Result in the Court Granting All of the Relief Requested in the Petition or Motion.

This order is dated and signed in open court.

Date June 6, 2014 Time 10:02 am

Judge/Commissioner Melinda Johnson-Taylor

Copy Received:

Petitioner Date

Copy Received:

Respondent Date

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF KING

FOSTER JONES,

Petitioner,

v.

MASHAWNA V. AUSLER,

Respondent.

No. 14-2-09891-0 SEA

ORDER OF ASSIGNMENT

(CLERK'S ACTION REQUIRED)

The motion for revision is assigned to Judge Julie Spector, Department 3. The moving party shall contact Judge Spector's bailiff to schedule a hearing for oral argument.

DATED: 06/23/2014

The Honorable Marianne C. Spearman
Chief Civil Judge

B-4

CLERK'S MINUTES

SCOMIS CODE: MTHRG

Judge: Julie Spector
Bailiff: Pamula Roark
Court Clerk: Andrew Havlis

Dept. 3
Date: 7/25/2014

Digital Record: E 815
Start: 10:06:20
Stop: 10:13:57

KING COUNTY CAUSE NO.: 14-2-09891-0 SEA; 14-2-10108-2 SEA

FOSTER JONES vs. MASHAWNA AUSLER

Appearances:

Petitioner Foster Jones present and represented by counsel Mark C. Blair

Respondent Mashawna Ausler present and appearing pro se

MINUTE ENTRY

Petitioner's Motion for Revision of Court Commissioner Melinda Johnson Taylor's ruling, dated June 6, 2014.

Respective parties address the Court.

As to 14-2-10108-2 SEA, the Court GRANTS Petitioner's Motion for Revision of Court Commissioner Melinda Johnson Taylor's ruling, dated June 6, 2014. Under cause number 14-2-10108-2 SEA, the Order for Protection is void ab initio. The Court finds that there is insufficient evidence to establish a bases to issue an order for protection.

As to 14-2-09891-0 SEA, the Court DENIES Petitioner's Motion for Revision of Court Commissioner Melinda Johnson Taylor's ruling, dated June 6, 2014. The Court finds that the Commissioner's denial of Mr. Foster Jones' request for a protection order will remain in effect because there is insufficient evidence to support a a finding that he was a victim of domestic violence.

B-5

FILED

2014 JUL 25 AM 10:43

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA.

SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KING COUNTY

Taylor Jones
Plaintiff/Petitioner,
vs.
Marshanda Fuller
Defendant/Respondent.

NO. 14-2-09891-0 SEA

ORDER ON CIVIL MOTION

The above entitled court having heard a motion for Revision

IT IS HEREBY ORDERED that Petitioner request for issuance of a protection order is denied on the bases that the Petitioner failed to submit a declaration that he was a victim of domestic violence

DATED: 7/25, 2014

JUDGE JULIE SPECTOR JULIE SPECTOR

Presented by:

Attorney for Plaintiff / Petitioner
WSBA# 25255

Copy Received:

Attorney for Defendant /Respondent
WSBA#

B-6

ORIGINAL

FILED

2014 JUL 25 AM 10:42

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA.

ISSUED

SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KING COUNTY

MASHAWNA V. AUSLER
Plaintiff/Petitioner,

vs.

FOSTER JONES
Defendant/Respondent.

NO. 14-2-10108-2 SEA

ORDER ON CIVIL MOTION

The above entitled court having heard a motion FOR REVISION

IT IS HEREBY ORDERED that THAT PORTION OF THE TEMPORARY ORDER FOR PROTECTION ON 6/6/14 IS VACATED AS MOOT AND THAT THE COURT IS INSUFFICIENT TO ESTABLISH A BASIS TO ISSUE AN ORDER FOR PROTECTION. ONE CERTIFIED COPY OF THIS DOCUMENT IS ORDERED TO BE PROVIDED TO FOSTER JONES AT NO COST TO PETITIONER.

DATED: 7/25, 2014.

JUDGE JULIE SPECTOR

JULIE SPECTOR

Presented by:

Attorney for Plaintiff / Petitioner
WSBA# [redacted]

Copy Received:

Attorney for Defendant/Respondent
WSBA# 7120

B-7

ORIGINAL

THE COURT OF APPEALS DIVISION I
OF THE STATE OF WASHINGTON

In re the Relationship of: FOSTER JONES, Respondent, V. MASHAWNA AUSLER Appellant.	)	No. 73367-2-I APPELLANT'S DECLARATION OF SERVICE

CERTIFICATE OF SERVICE

I certify that on the 2nd day of November, 2015, I caused a true and correct copy of Appellant's Brief and this document to be served on the following in the manner indicated below:

Clerk of the Court
( ) U.S. Mail
(X) Hand Delivery
( ) E-filing by e-mail
( ) Via Fax (206) 389-2613

Address:
One Union Square
600 University St
Seattle, WA 98101
Counsel for Respondent

Christopher Daniel Cutting
Evan Lee Loeffler
Loeffler Law Group
500 Union St. Ste 1025
Seattle, WA 980101-2300
( ) U.S. Mail
(x) Hand Delivery
( ) by e-mail to
( )Via Fax

DATED this 2nd day of November, 2015 at Seattle, Washington.

Mashawna Ausler, Pro Se
Appellant

COURT OF APPEALS
STATE OF WASHINGTON
2015 NOV -2 PM 3:22