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No. 73736-8-1

Court of Appeals Division 1

FILED
MAY 11 2017
WASHINGTON STATE
SUPREME COURT

THE SUPREME COURT OF THE STATE OF WASHINGTON

In re to the marriage of Guadalupe Galindo Tovar and Christopher James Tafoya

MOTION FOR DISCRETIONARY REVIEW

Guadalupe Galindo Tovar

Petitioner

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Pro-se

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COURT OF APPEALS DIV 1
STATE OF WASHINGTON

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II. IDENTITY OF PETITIONER

Guadalupe Galindo Tovar asks this court to except review of the decisions designated in the appendix of this motion.

III. CITATION TO COURT OF APPEALS DECISION

Under RAP 2.3 (b) (2) and RAP 2.3 (b) (3) Guadalupe Galindo Tovar seeks review of the Division 1 Court of Appeals Decisions attached as Appendices A and B, affirming Superior Courts Decisions.

IV. ISSUES PRESENTED FOR REVIEW

Did the superior court commit probable error and substantially limit Guadalupe Galindo Tovar's ability to present evidence by rejecting secured rule 36 admissions at trial, such that review is warranted under RAP 2.3 (b) (2) and (3)?

Did the superior court commit probable error and substantially limit Guadalupe Galindo Tovar ability to rehabilitate from Domestic violence injuries, without holding the perpetrator accountable for medical restitution?

Did the superior court commit probable error and substantially limit Guadalupe Galindo Tovar's ability to reconcile the discrepancy of documents? These are the Divorce Decree and the Findings of Facts and Conclusions of Law, which have two different monetary awards that should match.

V. STATEMENT OF THE CASE

THE DISCREPANCY BETWEEN RULINGS THAT SHOULD MATCH, SUCH AS THE DIVORCE DECREE AND THE FINDINGS OF FACTS, SHOULD BE RECONCILED. IT IS NOT IN THE BEST INTEREST OF THE PUBLIC FOR INTERNAL CONTRADICTIONS TO PERSIST WITH COURT RULINGS.

What is to become of the Court System and the people, when one document stipulates an amount and the way to proceed to pursue it, and another document contradicts the first one?

The court entered a decree and findings of fact and conclusions of law that had mathematical errors and internal contradictions. Primarily, the principle judgment amount of \$19,000 does not include the amounts awarded from the bank accounts listed in the same document section 3.2. In fact, the money awarded in 3.2 appears now here in the judgment summary. The \$19,000 comes from section 2.21 of the findings of fact and conclusions of law. Secondly, medical expenses awarded in 3.5 also do not appear in the summary. Discrepancy of the Decree and the Findings of Facts and Conclusions of Law need to match. Without correction from this court, how are these documents suppose to be reconciled?

LENGTH OF MARRIAGE DOES NOT CONSTITUTE A FACTOR IN THE FINANCIAL RESTITUTION FOR THE INJURIES AND HARM IMPOSED UPON THE HEALTH OF A DOMESTIC VIOLENCE VICTIM.

What is to become of the people nationwide, if a Domestic Violence perpetrator is not held accountable for medical restitution to his/her victim just because the perpetrator's marriage lasted only a few years?

Absolute Denial from the court of any further medical restitution or care for the physical, dental and psychological injuries caused by the Domestic Violence

perpetrator, and rejecting Galindo- Tovar's presentation of Domestic Violence evidence within the context of untreated injuries to be rehabilitated, the Superior Court erred by mischaracterizing it as evidence of misconduct or fault. It is considered an Error and Abuse of Discretion in the following cases:

Marriage of Tower 55 Wn. App. 697, 780 P 2d 863 (Div. 1 1989)

Marriage of Foran 67 Wn. App. 242, 834 P.2d 1081

Marriage of Spreen 107Wn. App. 341, 28 P. 3d 769 (2001)

IF RULE 36 AND REQUESTS FOR ADMISSIONS ARE RENDERED OBSOLETE, REMAND OF THIS CASE IS IN THE INTEREST OF PUBLIC JUSTICE AND THE RULE SHOULD BE TAKEN OUT OF THE RULEBOOK.

What is to become of the outcome of every court case that continues to apply Rule 36 as if it had any effect whatsoever? Anyone in the nation that spends the time to follow the procedure of this rule and serving and filing useless documents should be challenged to a mental evaluation.

Valuable time was spent on the application of this Rule, time which could have been used for a very different course of action in the development of this case. Especially for someone pro-se. No state in this country should ever try to apply this rule under any circumstance if this rule is going to be rejected by judges that simply do not feel like following this rule.

Even without the application of Rule 36, Galindo- Tovar could have proven each one of the requests for Admissions with a longer trial time period, that would have required an additional week of trial time. The court gave only a limited amount of hours dispersed in three days. Galindo- Tovar attempted to shorten trial time with the Requests for Admissions, but at the end, the judge did not honor the rule nor gave Galindo-Tovar a fair chance to prepare and present the evidence covered by the rejected Admissions. ie a minimal 15 day continuance for Galindo Tovar to re-focus the presentation her case.

CASE HISTORY OF GALINDO'S APPLICATION OF RULE 36:

Tafoya was personally served four Sets of Requests for Admissions CP's 47, 48, & 49. The first three Sets were served on Feb. 9th 2015 and Set four on Mar.25th, 2015.

Pre-Trial Memorandum contained a long list of Undisputed Facts with references to the four sets of Admitted Requests for Admissions CP 103. The memorandum laid out a long list of uncontested facts cross-referenced to four sets of admitted Requests for Admissions. It also set forward a clear list of ten items of Disputed Issues of Fact and Law. The trial Judge at the very beginning of trial reads set four of admissions and disputed \$147,000 in assets before Galindo-Tovar even begins her opening argument, in which Galindo-Tovar explained had been secured by Requests for Admissions.

Galindo-Tovar's Opening Argument begins at RP June 1 at 17. At RP June 1 23-27 Galindo-Tovar testifies how the Admissions were secured and quotes three cases on CR 36 application. She concludes her opening by reiterating the ten items of Disputed Issues of Fact and Law RP June1 at 27-29.

Judge Galvan denies admissions again RP June 1 at 34-35. All evidence was admitted RP June 2 at 5.

In accordance with RAP 3.1, Galindo-Tovar is the aggrieved party seeking review. She seeks review under the following grounds: CR 59 (a) (1) Irregularity, CR 59 (a) (6) Error in assessment of Judgment, CR 59 (a) (8) Error in the law, RAP 2.3 (b) (3) Superior court has departed from acceptable and usual course of judicial proceedings and finally CR 59 (a) (9) Substantial justice has not been done.

The trial court abused its' discretion by refusing to enforce and hear property values and amounts conclusively established under CR 36 by unanswered Requests for Admissions. The Requests were made under the intent of the Rule to establish uncontested facts. . "Thus, the purpose of CR 36 requests is to help determine what facts need not be proven at trial. See Willener v. Sweetling, 107 Wn. 2d 388, 730 P. 2d 45 (1986). Properly drafted requests for admission can define the issues and expedite the trial..." Washington Practice

Series Vol. 3A 6th Edition p. 822. “ CR 36(a) specifies that request for admission may ask a party to admit one of four things: (1) the truth of statement of fact; (2) the truth of a opinion relating to a factual matter; (3) the truth of the application of law to fact; or (4) the genuineness of specified documents.” *Id.* p.823. “Requests for admission pertaining to things other than documents are also permissible. For example, a request could be submitted pertaining to tangible things, property, demonstrative trial exhibits, and the like.” *Id.* p. 825. This abuse of discretion cost Galindo-Tovar \$150,203.20 in un-awarded judgment.

The respondent Tafoya was found in contempt and intransigent and the petitioner Galindo-Tovar was awarded \$19,000 after offset (\$15,000 in personal separate property and \$6,000 60% of \$10,000 in community tangible property). Judge Galvan abused her discretion by ignoring Rule 36. Galindo-Tovar had secured Four sets of unanswered Requests for Admissions that conclusively established the value of separate property at \$147,700 and the value of community property at \$39,172. This abuse of discretion cost Galindo-Tovar \$150,203.20 in un-awarded judgment.

Prior to the first discovery cut-off date Tafoya was personally served the sets of Requests for Admissions. He answered none of them. Set One established the tax situation surrounding the marriage and business controlled by Tafoya, his responsibility to pay back taxes and the presence of at least \$13,500 in cash at home on the day of separation. Set Two established the incidents of Domestic Violence and the types of injury sustained by Galindo-Tovar. Set Three established that 100% of the physical property in the marriage both separate and community was in the care, custody and control of Tafoya and established the veracity of the lists of the property prepared by Galindo-Tovar shortly after separation.

Set Four was prepared with subpoenaed bank records and values placed on the admitted extensive property lists from Set Three. It established the community had \$29,472 in accounts, un-cashed checks, cash in the home and

collections of coins and currency. The extensive physical property (a 41 page list) required two large moving trucks to move it two weeks prior to the separation date, and there were several witness that Judge Galvan did not allowed to testified by the Judge's choice of limiting the time for trial. The bulk of the items were brought into the marriage by Galindo-Tovar. Culturally, she comes from a nation with corrupt financial and governmental institutions; it is normal in her culture to store wealth in cash and tangible property. Her property was given a value of \$147,700 using the garage sale standard. It included: automotive tools, landscaping equipment, office equipment, home and office furniture, catering equipment, salon quality beauty supplies and janitorial equipment from previous enterprises; extensive ski, sports and recreational equipment and appropriate wardrobes from previous employment in exclusive Park City, UT ski resorts; as well as an extensive professional and corporate casual accessorized wardrobe featuring at minimum 320 pairs of ladies shoes, also included were 5 oz. of gold bullion coins. The list of community physical property was valued at \$9,700 using the same method.

When confronted with the list in court Judge Galvan stated twice, " I'm (we're) not going to go through every single one of these items." RP Jun 2 at 68, How do we evaluate the items, without going thru them?

Set Four was personally served to Tafoya on March 25th two weeks prior to the second discovery cut-off date. Again, Tafoya did not answer.

The use of Requests for Admissions to establish the fact of the amount in controversy is within the proper application of Rule 36. By conclusively establishing damage amounts; it narrows the focus of the trial to contested issues which is the very purpose of Rule 36. The following case illustrates this very purpose:

"[2] ...Second, \$3,774.97 of the medical expenses were conclusively established as a result of Lackie's responses to requests for admissions. Under CR 36(b), "[a]ny matter admitted under this rule is conclusively established

unless the court on motion permits withdrawal or amendment of the admission." (Italics ours.) The admissions were neither withdrawn nor amended.

The \$2,217.65 verdict indicates that the jury did not follow the trial court's instruction 20. The instruction required the jury to award at a minimum the \$3,988.19 undisputed special damages, \$3,774.97 of which were conclusively established by virtue of the requests for admissions." Nichols v. Lackie 53 Wn. App 904,907 795 P.2d 722 (Div.2 1990).

The Nichols case revolved around a car accident and the medical costs were established by unanswered admissions. The trial court only had to establish negligence and additional damages for inability to work and loss of consortium.

Judge Galvan replied," Ms. Galindo-Tovar, I understand what you're saying about admissions and having those admitted and being fact, but I'm not going to do that. This is a court of justice as well as a court of law, and I understand that there's rules. Those rules are looked at holistically, and just because he didn't admit them doesn't mean that he can't rebut them. So the Court is going to allow that. ..." RP June 1 at 34-35.

Here we see the trial judge has deviated from the rule, allowing rebuttal of secured admissions and requiring Galindo-Tovar to prove them. "The plaintiff may still rely on the admissions of the defendant in support of his motion. The plaintiff's requests for admissions, because they were not timely answered, must be treated as admitted. CR36" Melby v. Hawkins Pontiac 13 Wn. App. 745 (Div. 2 1975). In the Melby case, the trial court incorrectly allowed rebuttal evidence to be considered as proof of contributory negligence, but the appellate court ruled that evidence moot because of the admissions. Melby had purchased an expensive sports car that spent months in the shop. He sued and secured an admission that the car was defective when sold to him. Rebuttal evidence that Melby misused the vehicle and contributed to it needing repairs was moot,

because it was deemed defective in the first place according to the unanswered requests for admissions.

The following Federal case is advisory to this Court on this matter. “ It is further ordered and adjudged by this court that on remand the District Court and the new Auditor-Master shall give full effect to appellant Rainbolt’s requests for admissions, which were automatically deemed admitted because they were not answered within thirty days. “Rainbolt v. Johnson 669 F.2d 767 (1981).”

VI. ARGUMENT

Review should be accepted because a significant question of law exists surrounding the effectiveness of Rule 36 admissions and there is a conflict between division one and division two in the application of Rule 36. The division one ruling, is allowing the trial judge to treat the admission like any other evidence and weigh it within its discretion. Furthermore this particular case is of substantial public interest. A domestic violence perpetrator, who refused to comply with the rules of discovery and single-handedly destroyed and dissipated the property at issue, is allowed to effectively spoliage the evidence at bar. The only proof of the extent of the physical property and its value was the admitted requests sets three and four. Abusive spouses in anticipation of dissolution would as a tactic, abscond with the property, liquidate and benefit with minimal consequence. Unless this is reviewed, the courts would inadvertently encourage that despicable practice.

The court of Appeals in its decisions makes reference to two Division 1 cases referring to CR 36: Reid Sand & Gravel, Inc. v. Bellevue Props., 7Wn App 701, 704, 502 P.2d 480 (1972) and Coleman v. Altman 7 Wn. App. 80, 85-86, 497 P. 2d 1338 (1972) The Reid case do not apply to this case, because deals with improper admissions that applied to the central facts in dispute. Specifically, the improper admission in Reid required the other party to admit to the loss of the suit.

In the Coleman case, do not apply to this case either. The admission would have place Coleman into two places at once and it contradicted prior filings by the requesting party. The court ruled that the inquiry itself was improper.

In this case, the request regarding the evaluation of the list was not improper, nor was it the central fact in dispute; the pre-trial memorandum specifically lists ten separate items of Disputed Fact and Law. Also, in this case no motion was made as to impropriety of the request like in Colman and no ruling was made that the request itself was improper.

Additionally, the court of Appeals sites a federal case Johnson v. DeSoto County Court Bd. Of Comm'rs, 204 F 3d 1335, 1341 (11th Cir 2000)

Johnson does not apply to this case in the least. The court uses this case as it's basis for Broad discretion by the trial court in regard to admissions.

A closer look at the Johnson case shows that the admission in question was not rejected out of hand, they applied to 1990 census data. The court made its decision based upon 1998 population figures because the more current data by 8 years was more relevant to the situation.

“In form and substance a Rule 36 admission is comparable to an admission in pleadings or a stipulation drafted by counsel for use at trial, rather than an evidentiary admission of a party. Unless a party securing an admission can depend on its binding effect, he cannot safely avoid the expense of preparing to prove the very matters on which he has secured the admission, and the very purpose of the rule is defeated.” U.S. v. 2204 Barbara Lane 960 F.2d 126 (1992) quoting the Advisory Committee on Rules.

If Washington courts are not going to hold Rule 36 admissions as binding, and the very purpose of the rule is defeated, why have the rule at all? Strike the rule from the rulebook, if admissions are subject to discretion and may be re-litigated. Otherwise I ask this court to affirm and clarify this rule.

If Rule 36 has become obsolete, Remand must be ordered, each one of the requests for Admissions prepared by Galindo-Tovar can still prove the value and existence of the harm and dissipated property by the same 148 exhibits of evidence presented at trial, and the current availability of the same witnesses that would have testified then.

VII. CONCLUSION

For the foregoing reasons, Guadalupe Galindo Tovar requests that this court grant Discretionary review, and order that petitioner's rule 36 admissions be given full force and effect, or Remand with time allotted to present evidence of the value of the 40 page list of property listed in sets 3 and 4 of the admissions.

The Divorce Decree and the Findings of Facts should be reconciled. No discrepancies should exist between these documents.

Restitution for Domestic Violence injuries inflicted upon Galindo-Tovar should have not been stopped by the trial judge. Previous Court Order should have continued to be enforced that had already established that the Domestic Violence perpetrator Christopher Tafoya "shall be made responsible for the uninsured medical expenses related to his assaults on the petitioner Galindo-Tovar, including, but not limited to the assaults in January and February 2014. Any such uninsured costs shall be a judgment against the respondent as incurred" (Page 2, line 23, of the Temporary Order) Length of marriage has nothing to do with any financial responsibility for the restitution and follow up with recovery of the victim, so that the victim is able to achieve normal functionality of her person, in order to work and survive on her own.

Respectfully submitted this 5th day of May 5, 2017



Guadalupe Galindo Tovar Pro-se

VIII. **APPENDIX**

Denial of motion to Reconsider

Court of Appeals Decision

Decree

Findings of Facts and Conclusions of Law

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

In the Matter of the Marriage of:)
GUADALUPE GALINDO-TOVAR,)
Appellant,)
and)
CHRISTOPHER JAMES TAFOYA,)
Respondent.)
_____)

DIVISION ONE

No. 73736-8-I _____

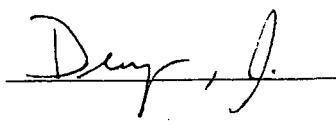
ORDER DENYING MOTION
FOR RECONSIDERATION

The appellant having filed a motion for reconsideration herein, and a majority of the panel having determined that the motion should be denied; now, therefore, it is hereby

ORDERED that the motion for reconsideration be, and the same is, hereby denied.

Dated this 7th day of April, 2017.

FOR THE COURT:



FILED
COURT OF APPEALS DIV. I
STATE OF WASHINGTON
2017 APR - 7 PM 1:00

RICHARD D. JOHNSON,
Court Administrator/Clerk

*The Court of Appeals
of the
State of Washington
Seattle*

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March 13, 2017

Christopher James Tafoya
PO Box 19412
Seattle, WA 98109

Guadalupe Galindo Tovar
7637 Beachwood Avenue NE
Poulsbo, WA 98370

CASE #: 73736-8-1

Guadalupe Galindo-Tovar, Appellant v. Christopher Tafoya, Respondent
King County, Cause No. 14-3-02524-0 SEA

Counsel:

Enclosed is a copy of the opinion filed in the above-referenced appeal which states in part:

"We affirm the trial court's orders."

Counsel may file a motion for reconsideration within 20 days of filing this opinion pursuant to RAP 12.4(b). If counsel does not wish to file a motion for reconsideration but does wish to seek review by the Supreme Court, RAP 13.4(a) provides that if no motion for reconsideration is made, a petition for review must be filed in this court within 30 days. The Supreme Court has determined that a filing fee of \$200 is required.

In accordance with RAP 14.4(a), a claim for costs by the prevailing party must be supported by a cost bill filed and served within ten days after the filing of this opinion, or claim for costs will be deemed waived. Should counsel desire the opinion to be published by the Reporter of Decisions, a motion to publish should be served and filed within 20 days of the date of filing the opinion, as provided by RAP 12.3 (e).

Sincerely,



Richard D. Johnson
Court Administrator/Clerk

lls

Enclosure

c: The Honorable Veronica Galvan

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

In the Matter of the Marriage of:)	
)	DIVISION ONE
GUADALUPE GALINDO-TOVAR,)	
)	No. 73736-8-1
Appellant,)	
)	UNPUBLISHED OPINION
and)	
)	
CHRISTOPHER JAMES TAFOYA,)	
)	
Respondent.)	FILED: March 13, 2017
_____)	

FILED
COURT OF APPEALS DIV 1
STATE OF WASHINGTON
2017 MAR 13 AM 9:51

DWYER, J. — Guadalupe Galindo-Tovar appeals the trial court's orders dissolving her marriage of nearly five years to Christopher Tafoya. Galindo-Tovar challenges the court's valuation of property and the award of maintenance. Because she fails to establish either any legal error or that the court abused its discretion in making any challenged ruling, we affirm.

1

Guadalupe Galindo-Tovar and Christopher Tafoya were married in April 2009. They had no children together. In 2011, Tafoya pleaded guilty to a domestic violence charge of assault in the fourth degree involving Galindo-Tovar.

The parties separated in February 2014. Shortly after, Galindo-Tovar petitioned for and obtained a domestic violence protection order against Tafoya. She also filed a petition to dissolve the marriage. Approximately nine months before the dissolution trial, a superior court commissioner entered a temporary order awarding maintenance to Galindo-Tovar of \$1,000 per month. The court also ordered Tafoya to pay Galindo-Tovar's uninsured medical expenses related to domestic violence assaults he committed prior to and on the date of separation.

The dissolution trial took place over three days in June 2015. Although the parties initially retained attorneys, both represented themselves at trial. The primary issues before the court were valuation and distribution of property and maintenance. In addition to the testimony of the parties, the court considered numerous exhibits and the testimony of two friends, a volunteer financial advisor, and an attorney who represented Galindo-Tafoya in a previous matter.

The court made findings at the conclusion of the trial.

1. The court finds that the actions of the respondent husband during the relationship fit the definition of domestic violence, pursuant to RCW 26.50.010. The court found the petitioner wife credible.
2. The court finds that petitioner wife is the economically disadvantaged spouse.
3. The court finds that the petitioner wife is a victim of domestic violence.
4. The court finds that the respondent husband maintained the care, custody and control of petitioner wife's personal belongings, including her immigration documents. As a result, petitioner wife has been unable to become employed since the parties separated.

5. The court finds that the respondent husband retained and/or destroyed petitioner's personal property and the court is assigning value to petitioner's personal property in the amount of \$15,000.00. The court determined this based upon a list of personal property that was provided to the court, along with evidence that the Petitioner had an extensive shoe collection, clothing, sporting equipment and other property. The court notes that the amount awarded is significantly less than that requested by the Petitioner, but relied heavily on the testimony of witnesses including the parties' volunteer financial planner.
6. The court finds that the parties owned at least \$10,000 in community property, all of which has been retained by the respondent husband. This community property includes, but is not limited to, supplies for the business and any cash assets maintained by the parties, including uncashed checks. Petitioner wife is awarded sixty percent of the value of that community property or \$6,000.
7. The court finds that respondent husband is awarded an offset of the judgments outlined above in the amount of \$2,000.00 based on the parties joint IRS Tax Debt.
8. Petitioner wife is awarded a total judgment in the amount of \$19,000.00.

The court entered a decree dissolving the marriage. The court awarded judgment of \$19,000 to Galindo-Tovar, representing the value of her separate property and her share of the community property. The court also awarded attorney fees of approximately \$9,500 to Galindo-Tovar for fees incurred, in part, due to Tafoya's lack of cooperation and compliance with discovery. The court allocated liability to Tafoya for approximately \$1,500 of outstanding medical bills. The court ordered continued monthly maintenance of \$1,000 for one year. The court also extended the previously entered domestic violence protection order for an additional 18 months.

Galindo-Tovar appeals.¹ Tafoya has neither appeared in this proceeding nor filed a responsive brief.

II

Requests for admission are generally deemed admitted against a party who fails to serve responses or objections to the requests within 30 days, unless the court orders otherwise. CR 36(a). Galindo-Tovar contends that the trial court erred when it failed to give conclusive effect to unanswered CR 36 requests for admission and, instead, determined the value of separate and community property based on evidence presented at trial. Had the court properly applied CR 36(a), Galindo-Tovar maintains that she would have been entitled to a judgment of approximately \$170,000, assuming that the court allocated the assets to the parties based on the same percentages.

In a dissolution action, the trial court must order a “just and equitable” distribution of the parties’ assets and liabilities, whether community or separate. RCW 26.09.080. All property is before the court for distribution. In re Marriage of Farmer, 172 Wn.2d 616, 625, 259 P.3d 256 (2011). In reaching a just and equitable property division, the trial court must consider the following nonexclusive factors: (1) the nature and extent of the community property, (2) the nature and extent of the separate property, (3) the duration of the marriage, and (4) the economic circumstances of each spouse at the time the property division is to become effective. RCW 26.09.080; In re Marriage of Rockwell, 141 Wn.

¹ Galindo-Tovar was initially represented by counsel on appeal. Although appellate counsel did not formally file a notice to withdraw from the case, at some point during the pendency of the appeal, he ceased communicating with his client and failed to file an opening brief. Galindo-Tovar has filed a pro se brief of appellant.

App. 235, 242-43, 170 P.3d 572 (2007). A just and equitable division "does not require mathematical precision," but must be fair in light of the circumstances of the marriage and future needs of the parties. In re Marriage of Crosetto, 82 Wn. App. 545, 556, 918 P.2d 954 (1996).

A court has broad discretion in valuing property in a dissolution action, and its valuation will not be reversed on appeal absent a manifest abuse of discretion. Rockwell, 141 Wn. App. at 242-43. A manifest abuse of discretion occurs when the discretion was exercised on untenable grounds. In re Marriage of Muhammad, 153 Wn.2d 795, 803, 108 P.3d 779 (2005). Valuation of property that is within the scope of evidence will not be disturbed on appeal. In re Marriage of Mathews, 70 Wn. App. 116, 122, 853 P.2d 462 (1993).

Contrary to her argument on appeal, the facts set forth in Galindo-Tovar's CR 36 requests for admission did not establish the value of all the property before the court. The record on appeal includes three sets of CR 36 requests for admission filed in February 2015. Included among these was a single request to admit the value of property. That request asked Tafoya to admit or deny that, when the parties separated, they possessed at least \$13,500 in "accumulated, unclaimed, and untaxed cash" as proceeds from the housecleaning business they operated for a period during the marriage. The remainder of the requests were related to matters such as tax filings, Tafoya's domestic violence conviction, the February 2014 incident that precipitated the separation, and reimbursement for medical expenses. The third set of requests pertained to the existence of personal property and included an approximately 40-page attached list identifying

personal property items Galindo-Tovar claimed she possessed when the parties married and property acquired during the marriage. Galindo-Tovar's requests sought to confirm the accuracy of the list, but did not seek a concession as to the value of the property. Galindo-Tovar maintains that a fourth set of requests, served on Tafoya in March 2015, established that the value of her separate property was \$147,700 and the value of the personal property acquired by the marital community was \$9,700. However, the record on appeal does not include a fourth set of CR 36 requests.

As such, Galindo-Tovar's claim that she was prejudiced by the trial court's failure to properly apply CR 36 is not supported by the record. The CR 36 requests in the record sought admission as to facts that were either irrelevant to the legal issues before the court or consistent with the court's findings. Treating the factual assertions in the CR 36 requests as admissions would not have prevented the court from making an independent determination of value. "It is well established that errors in civil cases are rarely grounds for relief without a showing of prejudice." Saleemi v. Doctor's Assocs., Inc., 176 Wn.2d 368, 380, 292 P.3d 108 (2013); see also Thomas v. French, 99 Wn.2d 95, 104, 659 P.2d 1097 (1983) ("[E]rror without prejudice is not grounds for reversal.").

Even if the CR 36 requests specifically addressed the value of all property at issue, the decision to admit evidence of value—a central fact in dispute—was within the court's discretion. See Hume v. Am. Disposal Co., 124 Wn.2d 656, 666, 880 P.2d 988 (1994) ("admission or refusal of evidence lies largely within the sound discretion of the trial court "); see also Johnson v. DeSoto County Bd.

of Comm'rs, 204 F.3d 1335, 1341 (11th Cir 2000) ("The scope and effect of admissions (like the scope and effect of stipulations) is a matter for determination by the trial court, in the exercise of its broad discretion."). CR 36 admissions must be evaluated in light of the purposes behind the rule, the disputed issues, and surrounding circumstances.

"Rule 36 is not a discovery device, and its proper use is as a means of avoiding the necessity of proving issues which the requesting party will doubtless be able to prove. 4 Moore's Federal Practice, 36.04[2]; Wright, Federal Courts, sec. 89 at p. 343. Accordingly, requests for admissions as to central facts in dispute are beyond the proper scope of the rule. Such requests have consistently been held improper. Kasar v. Miller Printing Machine Co., 36 F.R.D. 200 (W.D.Penn., 1964); Lantz v. New York Central R.R. Co., 37 F.R.D. 69 (N.D. Ohio, 1963); Fuhr v. Newfoundland-St. Lawrence Shipping Ltd., 24 F.R.D. 9 (S.D.N.Y. 1959)."

Reid Sand & Gravel, Inc. v. Bellevue Props., 7 Wn. App. 701, 704, 502 P.2d 480 (1972) (quoting Pickens v. Equitable Life Assur. Soc'y, 413 F.2d 1390, 1393 (5th Cir. 1969)). Nor can we say that it was an abuse of discretion for the trial court to conclude, as it did here, that its obligation to order a just and equitable division of property was best served by considering proof of value to support its decision.

"[Rules of court are] intended to promote and not to obstruct the administration of justice and thus enable the Court to do substantial justice rather than to decide cases upon technicalities which have no relationship whatever to the rights of the parties to the litigation. Consequently, [t]he admissions cannot be taken as controlling. Decisions should not be based on mere matters of pleadings or technical admission."

Coleman v. Altman, 7 Wn. App. 80, 85-86, 497 P.2d 1338 (1972) (first alteration in original) (citations and internal quotation marks omitted) (quoting Voisin v. Luke, 191 So.2d 503 (1966)). Galindo-Tovar fails to establish that the court abused its discretion or that she was prejudiced.

III

Galindo-Tovar next claims that the trial court abused its discretion by refusing to consider evidence of domestic violence and her related medical needs. Consequently, she argues that the court awarded maintenance that is insufficient in both amount and duration.

The purpose of spousal maintenance is to help support a spouse until he or she is able to become self-supporting. In re Marriage of Irwin, 64 Wn. App. 38, 55, 822 P.2d 797 (1992); In re Marriage of Luckey, 73 Wn. App. 201, 209, 868 P.2d 189 (1994). Under RCW 26.09.090(1), the trial court may award maintenance to either spouse in an amount and for a duration deemed just, considering six nonexclusive factors: (1) the respective financial resources and ability to independently meet needs, (2) the length of the marriage, (3) the time necessary for the spouse receiving maintenance to acquire employment-related education or training, (4) the standard of living established during the marriage, (5) the age, health, and financial obligations of the spouse receiving maintenance, and (6) the ability of the spouse paying maintenance to support himself or herself as well as the spouse receiving maintenance.

There is no entitlement to maintenance under RCW 26.09.090. Irwin, 64 Wn. App. at 55. And where a trial court awards maintenance, the court has considerable discretion as to the amount and duration of the award. Luckey, 73 Wn. App. at 209. The relevant consideration in determining the propriety of an award of maintenance is whether such an award is just. Luckey, 73 Wn. App. at 209.

The trial court did not disparage Galindo-Tovar nor did it refuse to consider any relevant evidence. The remarks that Galindo-Tovar relies on to support her argument are taken out of context. The court repeatedly advised Galindo-Tovar that evidence about domestic violence did not assist the court in determining the character and value of property. At the same time, the court expressly acknowledged that Galindo-Tovar was the victim of domestic violence during the marriage and that her resulting medical issues were relevant to her request for maintenance.

In particular, the court did not exclude the testimony of any witnesses who would have informed the court about the extent of Galindo-Tovar's need for continued medical care. The court admitted the evidence offered by Galindo-Tovar to establish the amount of medical expenses she incurred before and during the 15-month separation that Tafoya had been previously ordered to pay. The court excluded two of Galindo-Tovar's proposed witnesses on the third day of trial, but neither witness would have testified about the scope of medical treatment Galindo-Tovar needed or any other issue pertinent to future maintenance. According to the record, one witness would have testified that the parties considered purchasing a home during the marriage. The purchase did not occur and the court appropriately ruled that the testimony was not relevant. The court also excluded the testimony of a process server who would have testified that he assisted Galindo-Tovar with various tasks because of a domestic violence-related arm injury she sustained and her difficulty attending to matters

that require sustained concentration.² The court ruled that this evidence would not be helpful. The court explained to Galindo-Tovar that she could testify about her own health and medical issues and offered to take judicial notice of the fact that her arm was injured in a domestic violence incident for which she required medical care.

Galindo-Tovar's claim that the maintenance award is "arbitrary, unjust and inadequate" fails to recognize the court's broad discretion with respect to maintenance and that the court awarded maintenance to her even though she received the larger share of the parties' assets, the marriage was short-term, and the parties were relatively young and without dependents when they dissolved their marriage.³ Galindo-Tovar presented no evidence at trial to substantiate her assertion that she will require "tens of thousands" of dollars' worth of future medical care related to domestic violence.

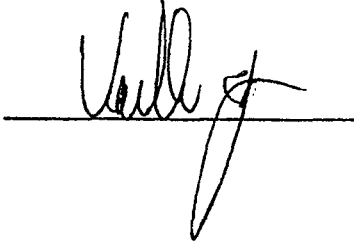
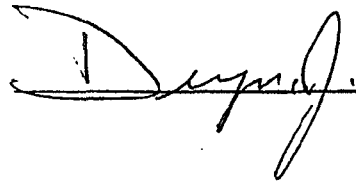
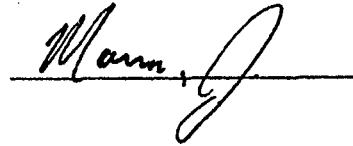
Galindo-Tovar also claims that the maintenance award is insufficient to allow her to maintain her predissolution standard of living. But there was conflicting evidence about the parties' standard of living and, while the standard of living maintained during the marriage is one factor to consider in determining maintenance, it is not controlling. The record reflects that the court properly considered the statutory factors set forth in RCW 26.09.090(1) as well as Galindo-Tovar's need for "continued medical care, portions of which are necessary due to the domestic violence that occurred during the marriage."

² Galindo-Tovar informed the court that she suffers from attention deficit disorder.

³ Both parties were under 40 years old at the time of the dissolution.

We affirm the trial court's orders.

We concur:

A handwritten signature in cursive script, appearing to be "Vall", written over a horizontal line.A handwritten signature in cursive script, appearing to be "Deryn", written over a horizontal line.A handwritten signature in cursive script, appearing to be "Mann", written over a horizontal line.

**Superior Court of Washington
County of King**

In re the Marriage of:

Guadalupe Galindo-Tovar,

Petitioner,

and

Christopher James Tafoya,

Respondent.

No. 14-3-02524-0 SEA

Decree of Dissolution (DCD)

Clerk's action required

Law Enforcement Notification, ¶ 3.8

FILED
 COURT OF APPEALS DIVISION
 STATE OF WASHINGTON
 2017 MAY 25 PM 4:44

I. Judgment Summaries

1.1 Real Property Judgment Summary:

Does not apply. Real Property Judgment Summary is set forth below:

Name of Grantor:	Name of Grantee:
Assessor's property tax parcel or account number:	
Or	
Legal description of the property awarded (including lot, block, plat, or section, township, range, county and state):	
See Page _____ for full legal description	

1.2 Money Judgment Summary:

Does not apply. Judgment Summary is set forth below.

- A. Judgment creditor Guadalupe Galindo-Tovar
- B. Judgment debtor Christopher James Tafoya
- C. Principal judgment amount \$ 19,000.00
- D. Interest to date of judgment \$ _____
- E. Attorney fees \$ 9,561.14
- F. Costs \$ _____
- G. Other recovery amount \$ _____
- H. Principal judgment shall bear interest at 12 % per annum, if not paid in full within one year of date of entry of the Decree of Dissolution.
- I. Attorney fees, costs and other recovery amounts shall bear interest at _____ % per annum
- J. Attorney for judgment creditor _____

K. Attorney for judgment debtor _____

L. Other:

End of Summaries

II. Basis

Findings of Fact and Conclusions of Law have been entered in this case.

III. Decree

It is decreed that:

3.1 Status of the Marriage

The marriage of the parties is dissolved.

3.2 Property to be Awarded the Petitioner

The petitioner is awarded as separate property the property set forth in Exhibit _____. This exhibit is attached or filed and incorporated by reference as part of this decree.

The petitioner is awarded as separate property the property set forth in the separation contract or prenuptial agreement executed by the parties on (date) _____. The separation contract or prenuptial agreement is incorporated by reference as part of this Decree. The prenuptial agreement or, pursuant to RCW 26.09.070(5), the separation contract is is not filed with the court.

The petitioner is awarded as separate property the following property (list real estate, furniture, vehicles, pensions, insurance, bank accounts, etc.):

- Sixty percent of the value of respondent's PERS II retirement account as of February 26, 2014, pursuant to a QDRO, executed consistent with the court's ruling.
- Sixty percent of the value of respondent's Deferred Compensation account as of February 26, 2014, pursuant to a QDRO, executed consistent with the court's ruling
- Sixty percent of the value of the Chase Bank Account, valued at \$7,832.49, for a total of \$4,429.49. (Exhibit 1)
- Sixty percent of the value of the Bank of America business account, valued at \$3,213.11, for a total of \$1,927.87. (Exhibit 2)
- Sixty percent of the value of the Bank of America joint account ending is 0050, valued at \$561.86, for a total of \$337.12. (Exhibit 3)
- Sixty percent of the value of the Bank of America joint account, valued at \$576.03, for a total of \$345.62. (Exhibit 4)
- Sixty percent of the value of the Bank of America account, valued at \$110.19, for a total of \$66.11. (Exhibit 5)

Other:

3.3 Property to be Awarded to the Respondent

The respondent is awarded as separate property the property set forth in Exhibit _____. This exhibit is attached or filed and incorporated by reference as part of this decree.

The respondent is awarded as separate property the property set forth in the separation contract or prenuptial agreement referenced above.

The respondent is awarded as separate property the following property (list real estate, furniture, vehicles, pensions, insurance, bank accounts, etc.):

- Forty percent of the value of respondent's PERS II retirement account as of February 26, 2014, pursuant to a QDRO, executed consistent with the court's ruling.
- Forty percent of the value of the Chase Bank Account, valued at \$7,832.49, for a total of \$3,403.00. (Exhibit 1)
- Forty percent of the value of the Bank of America business account, valued at \$3,213.11, for a total of \$1,285.24. (Exhibit 2)
- Forty percent of the value of the Bank of America joint account ending in 0050, valued at \$561.86, for a total of \$224.74. (Exhibit 3)
- Forty percent of the value of the Bank of America joint account, valued at \$576.03, for a total of \$230.41. (Exhibit 4)
- Forty percent of the value of the Bank of America account, valued at \$110.19, for a total of \$44.08. (Exhibit 5)

Other:

3.4 Liabilities to be Paid by the Petitioner

Does not apply.

The petitioner shall pay the community or separate liabilities set forth in Exhibit _____. This exhibit is attached or filed and incorporated by reference as part of this decree.

The petitioner shall pay the community or separate liabilities as set forth in the separation contract or prenuptial agreement referenced above.

The petitioner shall pay the following community or separate liabilities:

<u>Creditor</u>	<u>Amount</u>
-----------------	---------------

Other:

Unless otherwise provided herein, the petitioner shall pay all liabilities incurred by the petitioner since the date of separation.

3.5 Liabilities to be Paid by the Respondent

Does not apply.

The respondent shall pay the following community or separate liabilities:

<u>Creditor</u>	<u>Amount</u>
-----------------	---------------

Medical debt to Group Health in petitioner's name	\$700.00
---	----------

Medical expenses in petitioner's name	\$814.89
---------------------------------------	----------

IRS Tax Debt	Remaining Balance .
--------------	---------------------

The court offset the judgment in an amount equal to what would have been the Petitioner's portion of the debt.

Other:

Unless otherwise provided herein, the respondent shall pay all liabilities incurred by the respondent since the date of separation.

3.6 Hold Harmless Provision

- Each party shall hold the other party harmless from any collection action relating to separate or community liabilities set forth above, including reasonable attorney's fees and costs incurred in defending against any attempts to collect an obligation of the other party.
- Other: Any party found in contempt for failing to comply with the provisions of this order may be responsible for the opposing party's attorney fees.

3.7 Maintenance

- Does not apply.
- The petitioner respondent shall pay maintenance as set forth in Exhibit _____. This exhibit is attached or filed and incorporated by reference as part of this decree.
- Maintenance shall be paid as set forth in the separation contract or prenuptial agreement referenced above.
- The petitioner respondent shall pay \$ 1,000.00 maintenance. Maintenance shall be paid weekly semi-monthly monthly, on the 15th and 28th of every month. The first maintenance payment shall be due on (date) 7/15/2015. Maintenance payments shall be made for a period of one year.

The obligation to pay future maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance unless otherwise specified below:

Payments shall be made:

- directly to the other spouse.
- to the Washington State Child Support Registry (only available if child support is ordered).
- to the clerk of this court as trustee for remittance to the other spouse (only available if there are no dependent children).
- If a maintenance payment is more than 15 days past due and the total of such past due payments is equal to or greater than \$100, or if the obligor requests a withdrawal of accumulated contributions from the Department of Retirement Systems, the obligee may seek a mandatory benefits assignment order under Chapter 41.50 RCW without prior notice to the obligor.
- The Department of Retirement Systems may make a direct payment of all or part of a withdrawal of accumulated contributions pursuant to RCW 41.50.550(3).
- Other:

3.8 Restraining Order

No temporary personal restraining orders have been entered under this cause number.

All **temporary Restraining Order(s)** signed by the court under this cause number are terminated. **Clerk's Action.** The clerk of the court shall forward a copy of this order,

on or before the next judicial day to: _____ law enforcement agency where **the protected person** resides which shall enter this order into any computer-based criminal intelligence system available in this state used by law enforcement agencies to list outstanding warrants.

- The parties shall comply with the final Restraining Order signed by the court on this date or dated _____, under this cause number. The Restraining Order signed by the court is approved and incorporated as part of this decree.

3.9 Protection Order

- Does not apply.
 The parties shall comply with the domestic violence antiharassment Order for Protection signed by the court on this date, originally issued under cause number 14-2-19857-4 KNT, and consolidated under cause number 14-3-02524-0 SEA. The Order for Protection signed by the court is approved and incorporated as part of this decree.

3.10 Jurisdiction Over the Children

- Does not apply because there are no dependent children.

3.11 Parenting Plan

- Does not apply.

3.12 Child Support

- Does not apply.

3.13 Attorney Fees, Other Professional Fees and Costs

- Does not apply.
 Attorney fees, other professional fees and costs shall be paid as set forth in the separation contract or prenuptial agreement referenced above.
 Attorney fees, other professional fees and costs shall be paid as follows:

Respondent shall pay petitioner's attorney fees in the amount of \$9,561.14 as noted above.

3.14 Name Changes

- Does not apply.
 The respondent's name shall be changed to (first, middle, last name) _____.
 The petitioner's name shall be changed to (first, middle, last name) _____.

3.15 Other

In light of the above findings, the court declines to further sanction the defendant for any prior contempt matters. The defendant has an outstanding balance due of \$500 on the current maintenance order and either proof of payment or payment in full of the outstanding balance must be provided to the court no later than July 15, 2015.

Dated: 6-8-15



Judge/Commissioner

Petitioner or petitioner's lawyer:

A signature below is actual notice of this order.

Presented by:

Approved for entry:

Notice for presentation waived: *of the order*

received the order, need clarification elements & did not understand

Signature of Petitioner or Lawyer/WSBA No.

Guadalupe Galindo-Tovar

Print or Type Name

Date

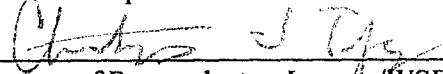
Respondent or respondent's lawyer:

A signature below is actual notice of this order.

Presented by:

Approved for entry:

Notice for presentation waived:



Signature of Respondent or Lawyer/WSBA No.

Christopher James Tafoya

Print or Type Name

Date

**Superior Court of Washington
County of King**

In re the Marriage of:

Guadalupe Galindo-Tovar,

Petitioner,

and

Christopher James Tafoya,

Respondent.

No. 14-3-02524-0 SEA

**Findings of Fact and
Conclusions of Law
(Marriage)
(FNFCL)**

I. Basis for Findings

The findings are based on:

- agreement.
- an order of default signed by the court on this date or dated _____.
- trial. The following people attended:
 - Petitioner.
 - Petitioner's Lawyer.
 - Respondent.
 - Respondent's Lawyer.
 - Other:

II. Findings of Fact

Upon the basis of the court records, the court ***Finds:***

2.1 Residency of Petitioner

The Petitioner

- is a resident of the state of Washington.
- is not a resident of the state of Washington.
- is a member of the armed forces and has been stationed in this state for at least 90 days.

2.2 Notice to the Respondent

The respondent

- appeared, responded or joined in the petition.
 was served in the following manner:

2.3 Basis of Personal Jurisdiction Over the Respondent

- There are no facts to establish personal jurisdiction over the respondent.
 The facts below establish personal jurisdiction over the respondent.
- The respondent is currently residing in Washington.
 The parties lived in Washington during their marriage and the petitioner continues to reside, or be a member of the armed forces stationed, in this state.
 The parties may have conceived a child while within Washington.
 Other:

2.4 Date and Place of Marriage

The parties were married on (date) April 24, 2009 at Seattle, WA.

2.5 Status of the Parties

Petitioner and respondent separated on (date) February 9, 2014.

2.6 Status of Marriage

- The marriage is irretrievably broken and at least 90 days have elapsed since the date the petition was filed and since the date the summons was served or the respondent joined.

2.7 Separation Contract or Prenuptial Agreement

- There is no written separation contract or prenuptial agreement.

2.8 Community Property

- The parties do not have real or personal community property.
 The parties have real or personal community property as set forth in Exhibit _____. This exhibit is attached or filed and incorporated by reference as part of these findings.
 The parties have real or personal community property as set forth in the separation contract or prenuptial agreement referenced above.
 The parties have the following real or personal community property:
- Respondent's PERS 2 Retirement account.
 - Chase bank account, with a value of \$7,832.49. (Exhibit 1)
 - Bank of America business account In His Hands, with a value of \$3,213.11. (Exhibit 2)
 - Bank of America joint account, ending in 0050, with a value of \$561.86. (Exhibit 3)

- Bank of America joint account, with a value of \$576.03. (Exhibit 4)
- Bank of America account, with a value of \$110.19. (Exhibit 5)

Other:

2.9 Separate Property

- The petitioner has no real or personal separate property.
- The respondent has no real or personal separate property.
- The parties have separate property as set forth in the separation contract or prenuptial agreement referenced above.
- The petitioner has real or personal separate property as set forth in Exhibit _____. This exhibit is attached or filed and incorporated by reference as part of these findings.
- The respondent has real or personal separate property as set forth in Exhibit _____. This exhibit is attached or filed and incorporated by reference as part of these findings.

The petitioner has the following real or personal separate property:

- Various separate personal property, valued at \$15,000.00
- Any vehicles in her possession.

The respondent has the following real or personal separate property:

- Personal property currently in his possession.
- Any vehicles in his possession.

Other:

2.10 Community Liabilities

- There are no known community liabilities.
- The parties have incurred community liabilities as set forth in Exhibit _____. This exhibit is attached or filed and incorporated by reference as part of these findings.
- The parties have community liabilities as set forth in the separation contract or prenuptial agreement referenced above.
- The parties have incurred the following community liabilities:

<u>Creditor</u>	<u>Amount</u>
Medical debt to Group Health in petitioner's name	\$700.00
Medical expenses in petitioner's name	\$814.89
IRS Tax Debt	\$4000

Other:

2.11 Separate Liabilities

The petitioner has no known separate liabilities.

- The respondent has no known separate liabilities.
- The petitioner has incurred separate liabilities as set forth in Exhibit _____. This exhibit is attached or filed and incorporated by reference as part of these findings.
- The parties have separate liabilities as set forth in the separation contract or prenuptial agreement referenced above.
- The respondent has incurred separate liabilities as set forth in Exhibit _____. This exhibit is attached or filed and incorporated by reference as part of these findings.
- The petitioner has incurred the following separate liabilities:

<u>Creditor</u>	<u>Amount</u>
-----------------	---------------

- The respondent has incurred the following separate liabilities:

<u>Creditor</u>	<u>Amount</u>
-----------------	---------------

- Other:

2.12 Maintenance

- Maintenance was not requested.
- Maintenance shall be paid as set forth in the separation contract or prenuptial agreement referenced above.
- Maintenance should not be ordered because:
- Maintenance should be ordered because: Petitioner has a need for maintenance and respondent has the ability to pay. Maintenance is awarded to petitioner to allow her to cover her own continued medical care, portions of which are necessary due to the domestic violence that occurred during the marriage, and due to her unemployability at this time.
- Other:

2.13 Continuing Restraining Order

- Does not apply.
- A continuing restraining order against the petitioner respondent both parties is necessary because:
- Other:

2.14 Protection Order

- Does not apply.
- The domestic violence antiharassment Order for Protection under cause number 14-2-19857-4 KNT signed by the court on this date, has been consolidated under cause number 14-3-02524-0 SEA, is approved and incorporated as part of these finding.

2.15 Fees and Costs

- There is no award of fees or costs.
- Attorney fees, other professional fees and costs shall be paid as set forth in the separation contract or prenuptial agreement referenced above.
- The petitioner respondent has the need for the payment of fees and costs and the other spouse has the ability to pay these fees and costs. The petitioner respondent has incurred reasonable attorney fees and costs in the amount of \$9,561.64 These are awarded due to respondent's intransigence and the continuing need for petitioner to submit motions to compel discovery, obtain personal property, subpoena financial records and continued contempt of court orders. Other:

2.16 Pregnancy

- Neither spouse is pregnant.

2.17 Dependent Children

- The parties have no dependent children of this marriage.

2.18 Jurisdiction Over the Children

- Does not apply because there are no dependent children.

2.19 Parenting Plan

- Does not apply.

2.20 Child Support

- Does not apply.

2.21 Other

1. The court finds that the actions of the respondent husband during the relationship fit the definition of domestic violence, pursuant to RCW 26.50.010. The court found the petitioner wife credible.
2. The court finds that petitioner wife is the economically disadvantaged spouse.
3. The court finds that the petitioner wife is a victim of domestic violence.
4. The court finds that the respondent husband maintained the care, custody and control of petitioner wife's personal belongings, including her immigration documents. As a result, petitioner wife has been unable to become employed since the parties separated.
5. The court finds that the respondent husband retained and/or destroyed petitioner's personal property and the court is assigning value to petitioner's personal property in the amount of \$15,000.00. The court determined this based upon a list of personal property that was provided to the court, along with evidence that the Petitioner had an extensive shoe collection, clothing, sporting equipment and other property. The court notes that the amount awarded is significantly less than that requested by the Petitioner, but relied heavily on the testimony of witnesses including the parties' volunteer financial planner.

6. The court finds that the parties owned at least \$10,000.00 in community property, all of which has been retained by the respondent husband. This community property includes, but is not limited to, supplies for the business and any cash assets maintained by the parties, including uncashed checks. Petitioner wife is awarded sixty percent of the value of that community property or \$6,000.00.
7. The court finds that respondent husband is awarded an offset of the judgments outlined above in the amount of \$2,000.00 based on the parties joint IRS Tax Debt.
8. Petitioner wife is awarded a total judgment in the amount of \$19,000.00

III. Conclusions of Law

The court makes the following conclusions of law from the foregoing findings of fact:

3.1 Jurisdiction

The court has jurisdiction to enter a decree in this matter.

3.2 Granting a Decree

The parties should be granted a decree.

3.3 Pregnancy

Does not apply.

3.4 Disposition

The court should determine the marital status of the parties, make provision for a parenting plan for any minor children of the marriage, make provision for the support of any minor child of the marriage entitled to support, consider or approve provision for maintenance of either spouse, make provision for the disposition of property and liabilities of the parties, make provision for the allocation of the children as federal tax exemptions, make provision for any necessary continuing restraining orders, and make provision for the change of name of any party. The distribution of property and liabilities as set forth in the decree is fair and equitable.

3.5 Continuing Restraining Order

Does not apply.

3.6 Protection Order

Does not apply.

A domestic violence antiharassment Order for Protection should be entered.

The domestic violence protection order under cause number 14-2-19857-4 KNT, dated 8/11/2014, has been consolidated under cause number 14-3-02524-0 SEA and extended. The Order for Protection should be issued.

3.7 Attorney Fees and Costs

- Does not apply.
- Attorney fees, other professional fees and costs should be paid.

3.8 Other

Dated: 6-15-15



Judge/Commissioner

Presented by:

Approved for entry:
Notice of presentation waived:

Signature of Party or Lawyer/WSBA No.

Signature of Party or Lawyer/WSBA No.

Guadalupe Galindo-Tovar

Print or Type Name Date

Christopher Tafoya

Print or Type Name Date

DECLARATION OF SERVICE

The undersigned declares under penalty of perjury under the laws of the State of Washington that the following is true and correct:

That on May 5, 2017, I arranged for service of the foregoing

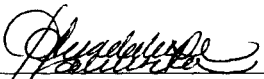
Motion for Discretionary Review by Appellant

to the court and the parties to this action as follows:

Office of Clerk
Washington Court of Appeals, Division I
One Union Square
600 University Street
Seattle, WA 98101
Via: personal delivery

Mr. Christopher J Tafoya, Respondent Pro Se
PO Box 19412
Seattle, WA 98109
Via: U.S. mail

Dated at Seattle, Washington this 5th day of May, 2017



Guadalupe Galindo-Tovar, Appellant

2017 MAY -5 PM 4:54

FILED
COURT OF APPEALS DIVISION I
STATE OF WASHINGTON