

FILED
SUPREME COURT
STATE OF WASHINGTON
5/14/2019 10:28 AM
BY SUSAN L. CARLSON
CLERK

S. Ct. No. 96967-1

SUPREME COURT OF THE STATE OF WASHINGTON

In re the Marriage of:

KERT A. CARLSON,

Petitioner,

and

REBECCA M. CARLSON, (now EISMANN),

Respondent.

PETITIONER'S REPLY TO ANSWER TO PETITION FOR REVIEW

Kenneth H. Kato, WSBA # 6400
Attorney for Petitioner
1020 N. Washington St.
Spokane, WA 99201
(509) 220-2237

A. ARGUMENT

In response to respondent Rebecca Eismann's request for attorney fees under RAP 18.1(j), petitioner Kert A. Carlson points out she did not ask for attorney fees in the Court of Appeals and none were awarded. In relevant part, RAP 18.1(j) provides:

If attorney fees and expenses are awarded to the party who prevailed in the Court of Appeals, and if a petition for review to the Supreme Court is subsequently denied, reasonable attorney fees and expenses may be awarded for the prevailing party's preparation and filing of the timely answer to the petition for review.

Since the Court of Appeals did not award Ms. Eismann attorney fees, she has not satisfied that prerequisite and cannot be awarded such fees in responding to this petition for review. See *Manary v. Anderson*, 176 Wn.2d 342, 362, 292 P.3d 96 (2013).

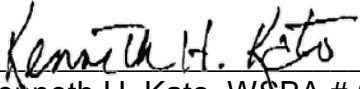
In any event, Mr. Carlson is not intransigent for exercising his absolute right to seek review by the Supreme Court. In his financial declaration, he shows he does not have the ability to pay and has further disputed Ms. Eismann's income as she has not included her self-employment income. (App. A).

Mr. Carlson limits his reply to the request for fees (the only new issue raised in the response) as allowed by RAP 13.4(d).

B. CONCLUSION

Based on the foregoing, Mr. Carlson respectfully urges this Court to grant his petition for review and deny Ms. Eismann attorney fees under RAP 18.1(j).

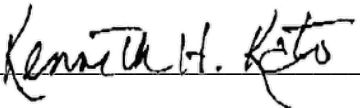
DATED this 14th day of May, 2019.



Kenneth H. Kato, WSBA # 6400
Attorney for Petitioner
1020 N. Washington St.
Spokane, WA 99201
(509) 220-2237

CERTIFICATE OF SERVICE

I certify that on May 14, 2019, I served a copy of the reply to the answer to petition for review through the eFiling portal on Hailey Landrus at her email address.



APPENDIX A

Superior Court of Washington, County of Spokane

In re:

Petitioner/s (person/s who started this case):

KERT A CARLSON

No. 96967-1

Financial Declaration of
(name): KERT A CARLSON

(FNDCLR)

And Respondent/s (other party/parties):

REBECCA M CARLSON

Financial Declaration

1. Your personal information

Name: KERT A CARLSON

Highest year of education you completed: 16 Your job/profession is: SALES - SCREEN AND Emb

Are you working now?

Yes. List the date you were hired (month / year): Sept 5th, 1993

No. List the last date you worked (month / year): _____

What was your monthly pay before taxes: \$ 7728⁰⁰ - Filed Feb 27th 2017 in court

Why are you not working now? _____

2. Summary of your financial information

(Complete this section after filling out the rest of this form.)

1. Total Monthly Net Income (copy from section 3, line C. 3.)	\$ <u>1366⁰⁰</u>
2. Total Monthly Expenses After Separation (copy from section 7, line 1.)	\$ <u>7328⁵⁰</u>
3. Total Monthly Payments for Other Debts (copy from section 9)	\$ <u>1741⁶⁸</u>
4. Total Monthly Expenses + Payments for Other Debts (add line 2 and line 3)	\$ <u>9070¹⁸</u>
Gross Monthly Income of Other Party (copy from section 3, A.)	\$ <u>5340⁰⁰</u>

3. Income

List monthly income and deductions below for you and the other person in your case. If your case involves child support, this same information is required on your *Child Support Worksheets*. If you do not know the other person's financial information, give an estimate.

Tip: If you do not get paid once a month, calculate your *monthly* income like this:
 Monthly income = Weekly x 4.3 or 2-week x 2.15 or Twice a month x 2

A. Gross Monthly Income (before taxes, deductions, or retirement contributions)		
	You	Other Party
Monthly wage / salary	—	
Income from interest / dividends	—	
Income from business	\$7728 ⁰⁰	
Spousal support / maintenance received (Paid by: <u>REBECCA - \$1186⁰⁰ CURRENTLY ON A STRAY</u>)	Ø	
Other income		
Total Gross Monthly Income (add all lines above)	\$7728 ⁰⁰	
Total gross income for this year before deductions (starting January 1 of this year until now)		

B. Monthly Deductions		
	You	Other Party
Income taxes (federal and state)	—	
FICA (Soc.Sec. + Medicare) or self-employment taxes	\$99 ⁰⁰	
State Industrial Insurance (Workers' Comp.)	—	
Mandatory union or professional dues	—	
Mandatory pension plan payments	—	
Voluntary retirement contributions (up to the limit in RCW 26.19.071(5)(g))	—	\$500 ⁰⁰ Spousal/Maint + Child Support
Spousal support / maintenance paid	\$704 ⁰⁰	\$204 ⁰⁰ Additional Child Support
Normal business expenses	\$5559 ⁰⁰	
Total Monthly Deductions (add all lines above)	\$6362 ⁰⁰	

C. Net Monthly Income		
	You	Other Party
1. Total Gross Monthly Income (from A above)	\$7728 ⁰⁰	
2. Total Monthly Deductions (from B above)	\$6362 ⁰⁰	
3. Net Monthly Income (Line 1 minus Line 2)	\$1366 ⁰⁰	

4. Other Income and Household Income

Tip: If this income is not once a month, calculate the *monthly* amount like this:
 Monthly income = Weekly x 4.3 or 2-week x 2.15 or Twice a month x 2

A. Other Income (Do not repeat income you already listed on page 2.)		
	You	Other Party
Child support received from other relationships	—	
Other income (From: _____)	—	
Other income (From: _____)	—	
Total Other Income (add all lines above)	\$ 0	

B. Household Income (Monthly income of other adults living in the home)		
	Your Home	Other Party's Home
Other adult's gross income (Name: _____)	—	
Other adult's gross income (Name: _____)	—	
Total Household Income of other adults in the home (add all lines above)	\$ 0	

5. Disputed Income – If you disagree with the other party's statements about anyone's income, explain why the other party's statements are not correct, and your statements are correct:

Respondent is not including self employed income (travel + transport) Plus other self employed income she is not reporting. Plus I question the Franke income of only \$2000 when he is the bread winner of the family.

6. Available Assets

List your liquid assets, like cash, stocks, bonds, that can be easily cashed.	
Cash on hand and money in all checking & savings accounts	\$ 250 ⁰⁰
Stocks, bonds, CDs and other liquid financial accounts	\$ —
Cash value of life insurance	\$ —
Other liquid assets	\$ —
Total Available Assets (add all lines above)	\$ 250 ⁰⁰

7. Monthly Expenses After Separation

Tell the court what your monthly expenses are (or will be) after separation. If you have dependent children, your expenses must be based on the parenting plan or schedule you expect to have for the children.

A. Housing Expenses		F. Transportation Expenses	
Rent / Mortgage Payment	\$2573 ⁵⁰	Automobile payment (loan or lease)	—
Property Tax (if not in monthly payment)	11K	Auto insurance, license, registration	\$300 ⁰⁰
Homeowner's or Rental Insurance	11K	Gas and auto maintenance	\$200 ⁰⁰
Other mortgage, contract, or debt payments based on equity in your home	—	Parking, tolls, public transportation	—
Homeowner's Association dues or fees	—	Other transportation expenses	—
Total Housing Expenses		Total Transportation Expenses	
\$2573 ⁵⁰		\$500 ⁰⁰	
B. Utilities Expenses		G. Personal Expenses (not children's)	
Electricity and heating (gas and oil)	\$275 ⁰⁰	Clothes	—
Water, sewer, garbage	\$180 ⁰⁰	Hair care, personal care	\$50 ⁰⁰
Telephone(s)	\$325 ⁰⁰	Recreation, clubs, gifts	—
Cable, Internet	\$110 ⁰⁰	Education, books, magazines	—
Other (specify):	—	Other Personal Expenses Pest Control	\$90 ⁰⁰
Total Utilities Expenses		Total Personal Expenses	
\$890 ⁰⁰		\$140 ⁰⁰	
C. Food and Household Expenses		H. Other Expenses	
Groceries for (number of people): 3	\$900 ⁰⁰	Life insurance (not deducted from pay)	—
Household supplies (cleaning, paper, pets)	\$50 ⁰⁰	Other (specify): Parent Loan Mom	\$500 ⁰⁰
Eating out	\$25 ⁰⁰	Other (specify): Parent Loan Dad	\$500 ⁰⁰
Other (specify):	—	Other (specify): BTO Lien Payment	\$1000 ⁰⁰
Total Food and Household Expenses		Total Other Expenses	
\$975 ⁰⁰		\$2000 ⁰⁰	
D. Children's Expenses		List all Total Expenses from above:	
Childcare, babysitting	—	A. Total Housing Expenses	\$2573 ⁵⁰
Clothes, diapers	\$100 ⁰⁰	B. Total Utilities Expenses	\$890 ⁰⁰
Tuition, after-school programs, lessons	\$100 ⁰⁰	C. Total Food and Household Expenses	\$975 ⁰⁰
Other expenses for children	\$50 ⁰⁰	D. Total Children's Expenses	\$250 ⁰⁰
Total Children's Expenses		E. Total Health Care Expenses	\$0
\$250 ⁰⁰		F. Total Transportation Expenses	\$500 ⁰⁰
E. Health Care Expenses		G. Total Personal Expenses	\$140 ⁰⁰
Insurance premium (health, vision, dental)	—	H. Total Other Expenses	\$2000 ⁰⁰
Health, vision, dental, orthodontia, mental health expenses not covered by insurance	—	I. All Total Expenses (add A - H above)	\$7328 ⁵⁰
Other health expenses not covered by insurance (STATE Subsidised)	—	Use section 10 below to explain any unusual expenses, or attach additional pages.	
Total Health Care Expenses		\$0	

8. Debts included in Monthly Expenses listed in section 7 above

Debt for what expense (mortgage, car loan, etc.)	Who do you owe (Name of creditor)	Amount you owe this creditor now	Last Monthly Payment made
COG / Mortgage	NATHIE CARLSON (MOM)	\$ 244,783 ⁹⁵	Date: 5/7/19
COG	TERRY CARLSON (DAD)	\$ 81,331 ²⁵	Date: 5/5/19
Lien Payment B+O	DEPT OF REVENUE	\$ 6000 ⁰⁰	Date: 5/10/19
		\$	Date:

9. Monthly payments for other debts (not included in expenses listed in section 7)

Describe Debt (credit card, loan, etc.)	Who do you owe (Name of creditor)	Amount you owe this creditor now	Last Monthly Payment (Date and Amount)	
Prosper Loan	Prosper	\$ 11,230 ⁰⁰	Date: 5/5/19	\$ 384 ¹⁸
LOAN (COG)	ZUSTY NANNIE	\$ 4800 ⁰⁰	Date: 2/21/19	\$ 1000 ⁰⁰
Bookkeeping Fees	SHAWNA MONKEY	\$ 2820 ⁰⁰	Date: 4/12/19	\$ 157 ⁵⁰
Artist Fees	CHRIS LAUBERBACH	\$ 2604 ⁸⁷	Date: 3/12/19	\$ 200 ⁰⁰
COG - NET 30	SANMAR	\$ 12,600 ⁰⁰	Date: 5/1/19	\$ 2500 ⁰⁰
	↳ Pay Monthly OFF TERMS	\$	Date:	\$
*(see attached)			Total Monthly Payments for Debts \$ 4241 ⁶⁸	

10. Explanation of expenses or debts (if any needed):

(see attached documentation/orders/judgements)

11. Lawyer Fees

List your total lawyer fees and costs for this case as of today.

Amount paid	\$ 76,500 ⁰⁰	Source of the money you used to pay these fees and costs: <u>Family -</u>
Amount still owed	\$ 35,000 ⁰⁰	Describe your agreement with your lawyer to pay your fees and costs: SPENCER HAZARDINGTON - \$ 4000 (still due NO ARRANGEMENT IN APPEAL) DANIEL ADAMS - \$ 31,000 ⁰⁰ (still due NO ARRANGEMENT IN APPEAL)
Total Fees/Costs	\$ 111,500 ⁰⁰	

I declare under penalty of perjury under the laws of the state of Washington that the facts I have provided on this form are true.

Signed at (city and state): Spokane, WA Date: 6/13/19

Sign here

Print name

9. Monthly Payments for other debts (not included in expenses listed in section 7)

- Sept 2018 I was scammed in the Wells Fargo Fake Bank account scam and was stuck with two credit cards that are currently in a Fraud Alert and the debt is frozen, I do not owe this money as a Company I was working for Global Procurement stuck me in this scam but both Citi and Sears Credit Card Companies say I am ultimately responsible for the debt but I am fighting.
- Citi - \$27,555.95
- Sears - \$3887.35

10. Explanation of Expenses or Debts (if any needed):

- **The Respondent owes debt to the Petitioner** for an order approved by Commissioner Tony Rugel for a Modification of Child Support when the Respondent gave up the oldest daughter (at the time 15 years of age) and Krystal middle daughter (at the time 12 years of age), on January 12th 2015. This order was filed on Sept 11th, 2015 in which Commissioner Rugel granted a modification of child support. (see order attached Mark as Exhibit A, filed in this court Sept 11th, 2015).
- DCS held a telephonic hearing on January 25th, 2016 and made a final order Feb 12th, 2016 as to the following as to Kylee and Krystal now living with the Petitioner: Support payment Rebecca Carlson shall be required to pay \$1186.00 a month beginning March 1st 2016. Back support Ms. Carlson shall pay \$4141.00 on back support for a period of Nov 15th through February 29th, 2016. (see order attached Mark as Exhibit D, filed in this court Feb 13th, 2017).
- Then on Feb 25th, 2016 (see order attached Mark as Exhibit C, filed in this court Feb 25th, 2016) with a signature stamp, no date Commissioner Rugel puts a stay on the DCS Final Order of Child support to be zero \$0.00 for the Respondent.
- After this the Commissioner was advised by his superiors to rescue himself from this case as initial investigation was that he was bias against the Petitioner, but was never confirmed by anyone, just inferred by this court. To this day no court will consider a modification or change to the Child Support order, as Judge Clarke as well denied a change in circumstances which that order as well is filed in this court.
- To date based off a final order by DCS the Respondent has a debt owed to the Petitioner of \$4141.00 (back support) and 36 months at \$1186.00 (child support) to equal \$42,696.00 for a grand total of \$46,837.00 from March 2016 through March 2019. Now Judge Clarke stated in his order that he denied a change in circumstances, the Child support issue will need to be resolved someday and yes it needs to be as Kylee the oldest daughter turned 19 in March and so child support for Krystal only needs to be addressed.
- **The Petitioner has additional expenses tied to liens filed on behalf of the Respondent**, DCS and Dept of Revenue on the title of his home that will never allow him to refinance or sell based on the home is so far upside down: (see attached, First American Title Report Schedule B, Part II).

Deed of Trust \$360,000 1st Mortgage

Deed of Trust \$90,000 2nd Mortgage

Judgement attorney fees Respondent \$15,862.07

Judgement attorney fees Respondent \$6,798.03


WSSR \$45,016.04 (Spousal Support, Maintenance, Child Support and Attorney fees)

Judgement attorney fees Respondent \$53,009.00

Grand total liens against my home \$120,685.14

The Respondent had the affair, she cheated on me, she asked for the divorce, but yet she continues to ask for attorney fees that I can never pay, ever, as my debt to income ratio is out of this world and beyond.

She has an obligation to pay for her own lawyer fees as she made this decision to divorce me and should live with the consequences.


Kert A Carlson

5/13/19
Date

(Exhibit A)

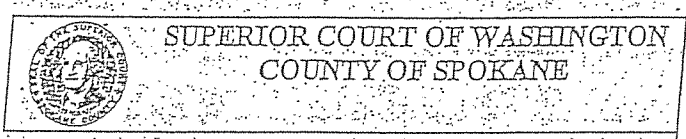
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SEP 11 2015

SPOKANE COUNTY CLERK

SPOKANE COUNTY CLERK

(Clerk's Date Stamp)



SUPERIOR COURT OF WASHINGTON
COUNTY OF SPOKANE

Petitioner(s): Kert A. Carlson

CASE NO. 13-3-01337-0

vs.

Respondent(s): Rebecca M. Carlson

ORDER RE: Amendment of
(OR) Petitioner's Petition for
Child Support with identical

I. BASIS

Petitioner moved the court for an order allowing
his Petition for Modification of Child Support to be
amended to add as a ground for Modification that two
of the children are now residing with him.

II. FINDING

After reviewing the case record to date, and the basis for the motion, the court finds that:

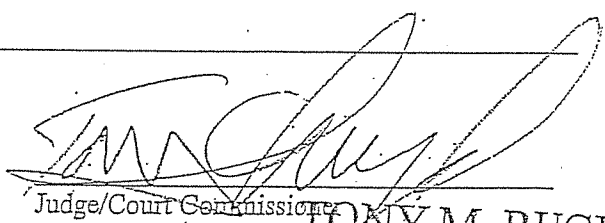
there is good cause to allow the petitioner
to so modify his Petition for Modification of
Child Support

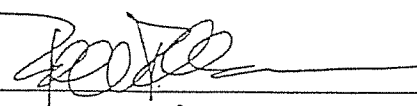
III. ORDER

IT IS ORDERED that:

The petitioner's oral Motion to Amend
the petition for modification of Child Support
as indicated is granted.

Dated: 9-11-15


Judge/Court Commissioner
TONY M. RUGEL

Presented by:

WSBA 24747

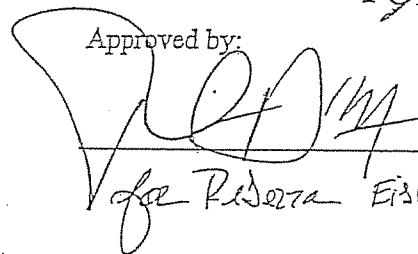
Approved by:

#34927
Rosa Eizmann

Exhibit D

COPY
Original Filed

WASHINGTON STATE
OFFICE OF ADMINISTRATIVE HEARINGS

FEB 13 2017

In the matter of:

Rebecca Carlson,
Noncustodial Parent

Kert Carlson,
Custodial Parent

Docket No. 12-2015-DCS-06354

Timothy W. Fitzgerald
SPOKANE COUNTY CLERK

FINAL ORDER - ESTABLISHMENT

Agency: Department of Social and Health Services
Division of Child Support (DCS)
(support establishment notice)

D# 2598361

ISSUES

Shall Rebecca Carlson be required to pay child support for Kylee and Krystal Carlson and, if so, how much?

RESULT

Support Amount: Rebecca Carlson shall be required to pay \$1,186.00 a month, beginning March 1, 2016.

Back Support: Ms. Carlson shall pay \$4,141.00 in back support for the period November 15, 2015, through February 29, 2016.

Uninsured Health Care, Child Care, and Special Child Rearing Expenses: Rebecca Carlson shall be required to pay 40.5% of uninsured health care, child care, and special child rearing expenses and Kert Carlson shall be required to pay 59.5% of them.

Health Coverage: The parties shall maintain health insurance coverage as set forth below.

HEARING

Hearing: The hearing was held by telephone on January 25, 2016.

Administrative Law Judge: ALJ Matt Perkins presided over the hearing.

Noncustodial Parent: Rebecca Carlson is the noncustodial parent.

DiNenna, Jr.

Custodial Parent: Kert Carlson appeared.

MAILED

FEB 12 2016

SEATTLE-OAH

Office of Administrative Hearings
One Union Square, Suite 1500
600 University Street
Seattle, WA. 98101-3126
(206) 389-3400 1-800-845-8830
FAX (206) 587-5135

pay their share of reasonable and necessary child care/day care and special child rearing expenses in addition to the basic child support obligation in the same proportional share as their incomes from the Worksheet, line 6. WAC 388-14A-6300; RCW 26.19.080(4). Thus, Rebecca Carlson is responsible for 40.5% of such expenses and Kert Carlson is responsible for 59.5%.

11. Back Support Debt: Rebecca Carlson has an accrued debt of \$4,141.00, calculated as follows:

Period	Calculation	Amount Owed
November 16-30, 2015	15/30 x \$1,186.00	\$593.00
December 2015. – February 2016	3 x \$1,186.00	\$3,558.00
	Total:	\$4,151.00

She shall receive a credit for all payments made through the Child Support Registry.

12. Termination/Suspension of Support Obligation: WAC 388-14A-3810 sets forth the conditions for termination or suspension of a child support order.

ADMINISTRATIVE SUPPORT ORDER

1. Current/Future Support Obligation: Rebecca Carlson's current and future child support obligation for Kylee and Krystal Carlson is \$1,186.00 per month, payable on the 1st day of each month commencing March 1, 2015. This amount includes \$507.22 for Kylee, \$507.23 for Krystal, and \$171.55 per month toward the health insurance premium being paid by Mr. Carlson.

2. Back Support Debt: Rebecca Carlson owes \$4,141.00 in back support for the period of November 16, 2015, through February 29, 2016. Ms. Carlson must repay that back support debt in monthly amounts to be determined by DCS. The Department shall give her credit for any payments made through the Washington State Support Registry.

3. Medical Expense: Rebecca Carlson's share of uninsured medical expenses is 40.5% and Kert Carlson's share is 59.5% of them.

circumstances change, the parties' medical support obligations will be enforced as provided in RCW 26.18.170. RCW 26.09.105(5).

8. **Uninsured Medical Expenses:** Both parents are obligated to pay their share of uninsured medical expenses. Rebecca Carlson shall pay 40.5% of such expenses and Kert Carlson is responsible for 59.5% of them.

9. **Day Care and Other Special Child Rearing Expenses:** If not otherwise established as a fixed amount in this Order, Rebecca Carlson shall pay 40.5% and Kert Carlson shall pay 59.5% (each parent's proportional share of income from the Worksheet, line 6) of reasonable and necessary child care/day care expenses incurred for the children at issue in this Order. A parent must petition to modify this support order to change any child care costs included in this Order as a fixed amount.

Actual day care provided and actual costs incurred are subject to an annual accounting as set forth in RCW 26.19.080(3). Kert Carlson should retain all evidence of daycare (child care) expenses for future use. Rebecca Carlson may have the right to recover daycare expenses not incurred for which she has paid. Kert Carlson will have to prove that he or she incurred the child care expenses; WAC 388-14A-4300.

10. **Payment:** DCS will send a payroll deduction or income withholding notice to Rebecca Carlson's employer or other entity that pays the parent money. DCS issues an income withholding order when the Noncustodial Parent is receiving periodic payments of any kind. If DCS has not issued a payroll deduction or income withholding notice, Rebecca Carlson shall make all payments to the Washington State Support Registry (WSSR).

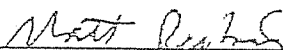
Washington State Support Registry
P.O. Box 45868
Olympia, WA 98504-5868
Phone: 1-800-922-4306 or
1-800-442-5437

DCS credits the Noncustodial Parent's account only for payments sent to WSSR, a state Court or child support agency, or a tribal court or child support agency. After the effective date of this order, DCS will not credit Rebecca Carlson's account for money paid directly to the other party to the support order.

unless: one of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding and that withholding should be delayed until a payment is past due; or the parties reach a written agreement that is approved by the court that provides for an alternate arrangement.

16. **License Suspension:** Rebecca Carlson's privileges to obtain and maintain a license, certificate, registration, permit, approval, or other similar document issued by a licensing entity evidencing admission to or granting authority to engage in a profession, occupation, business, industry, recreational pursuit or the operation of a motor vehicle may be denied or may be suspended if Ms. Carlson is not in compliance with this support order.

SERVED on the date of mailing.



Matt Perkins
Administrative Law Judge

MP:mp

Enclosure(s)

cc: Kert Carlson, Custodial Parent
Rebecca Carlson, Noncustodial Parent
Paul A. DiNenna, Jr., Noncustodial Parent Representative

Exhibit C

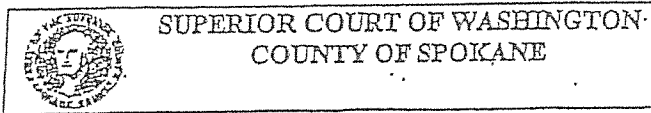
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FEB 25 2015

SPOKANE COUNTY CLERK

FILED
AUG 19 2016
Timothy W. Fitzgerald
SPOKANE COUNTY CLERK

(Clerk's Date Stamp)



SUPERIOR COURT OF WASHINGTON
COUNTY OF SPOKANE

Petitioner(s): KEIT Carlson

vs.

Respondent(s): DeSerra Carlson

CASE NO. 13-3-01337-0

ORDER RE: STAY of DCS Finding
(OR) of Financial Responsibility, Contempt,
Arrest, & PROBATION.

I. BASIS

The Petitioner, KEIT Carlson, moved the court for. An order compelling
production of information; for contempt of violation of 41515.
The Respondent, DeSerra Carlson, would be held to stay to
DCS NOTICE of Financial Responsibility & of temporary, PENALTY, Contempt,
& PROBATION.

II. FINDING

After reviewing the case record to date, and the basis for the motion, the court finds that:

The court's oral findings ARE INCORPORATED HEREIN by
reference to the ORDER. The court finds to order the
following:

III. ORDER

IT IS ORDERED that:

1) The Court grants the Respondent's motion to stay DCS Notice of Financial Responsibility of the mother, Barbara Carlson (Wikka) Eissman.

Ms. Eissman shall have a zero (\$0.00) support obligation of Kylee & Crystal Carlson while in the temporary care of the father beginning January 1, 2015 forward.

The child collection and child support under NFFR mailed by DCS on 2/11/15 is hereby stayed.

2) Ms. Carlson's motion for contempt is denied;
3) Ms. Carlson's motion for contempt is granted in part.
- Ms. Carlson shall contact her EPA Pat Widdowell, *

TONY RUGEL
Court Commissioner

Dated: _____

Judge/Court Commissioner _____

Presented by: _____

Approved by: _____

[Signature]
Barbara Carlson
Deputy Prosecuting Attorney

[Handwritten initials: HD, W, KR]

A request the 2013/14 Profit & Loss statements from Quickbooks and of Mr. Widdowell does NOT have this information, he shall produce a letter to this effect.

[Handwritten: RUGEL]

[Handwritten: and the... produce to Mr. Carlson]



First American

Schedule BI & BII (Cont.)

ALTA Commitment for Title Insurance

ISSUED BY

First American Title Insurance Company

File No: 4259-3164651

SCHEDULE B, PART II

Exceptions

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I-Requirements are met.
2. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records.
3. Any facts, rights, interests, or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
4. Easements, claims of easement or encumbrances which are not shown by the Public Records.
5. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the Public Records.
6. (A) Unpatented mining claims; (B) Reservations or exceptions in patents or in Acts authorizing the issuance thereof; (C) Water rights, claims or title to water; whether or not the matters excepted under (A), (B) or (C) are shown by the Public Records; (D) Indian Tribal Codes or Regulations, Indian Treaty or Aboriginal Rights, including easements or equitable servitudes.
7. Any lien, or right to a lien, for services, labor or materials or medical assistance heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
8. Any service, installation, connection, maintenance, construction, tap or reimbursement charges/costs for sewer, water, garbage or electricity.
9. Lien of the Real Estate Excise Sales Tax and Surcharge upon any sale of said premises, if unpaid. As of the date herein, the excise tax rate for the **City of Spokane Valley** is at **1.78 %**.
Levy/Area Code: 0144

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10. Municipal assessments, if any, levied by the City of Spokane Valley.

11. Deed of Trust and the terms and conditions thereof.
 Grantor/Trustor: Kert Carlson and Rebecca Carlson, husband and wife
 Grantee/Beneficiary: Mortgage Electronic Registration Systems, Inc., "MERS" solely as a nominee for GE Money Bank, a Federal Savings Bank, a federal savings bank, its successors and assigns
 Trustee: Bishop and Lynch of King County
 Amount: \$360,000.00
 Dated: January 04, 2007
 Recorded: January 18, 2007
 Recording Information: 5486679

12. Deed of Trust and the terms and conditions thereof.
 Grantor/Trustor: Kert Carlson and Rebecca Carlson, husband and wife
 Grantee/Beneficiary: Mortgage Electronic Registration Systems, Inc., "MERS" solely as a nominee for GE Money Bank, a Federal Savings Bank, a federal savings bank, its successors and assigns
 Trustee: Bishop and Lynch of King County
 Amount: \$90,000.00
 Dated: January 04, 2007
 Recorded: January 18, 2007
 Recording Information: 5486680

Modification and/or amendment by instrument:
 Recording Information: 5897581; May 04, 2010

13. Judgment.
 In Favor of: Rebecca M. Carlson
 Against: Kert A. Carlson
 Amount: \$15,862.07, together with interest, costs and attorneys' fees, if any
 Dated: February 14, 2014
 Filed: February 14, 2014
 Judgment No. (if applicable) : 14901364-7
 Case/Cause No.: 13-3-01337-0
 Attorney for Judgment Creditor: Law Office of Paul B. Mack

14. Judgment.
 In Favor of: Rebecca Carlson
 Against: Kert A. Carlson
 Amount: \$6,798.03, together with interest, costs and attorneys' fees, if any
 Dated: June 27, 2014
 Filed: June 27, 2014
 Judgment No. (if applicable) : 14904992-7
 Case/Cause No.: 13-3-01337-0
 Attorney for Judgment Creditor: Paul. B. Mack

15. Claim of lien by the State of Washington Department of Social and Health Services:
 Against: Kert Anthony Carlson

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Amount: \$45,016.04
Recorded: July 18, 2014
Recording No.: 6319678

16. Judgment.
In Favor of: Rebecca M. Eismann
Against: Kert Carlson
Amount: \$53,009.00, together with interest, costs and attorneys' fees, if any
Dated: June 02, 2016
Filed: June 02, 2016
Judgment No. (if applicable) : 16903927-8
Case/Cause No.: 13-3-01337-0
Attorney for Judgment Creditor: Julie Harrington

17. Warrant in favor of the State of Washington.

Against: Carlson Kert A (a sole proprietor) and KC Enterprises
Amount: \$10,257.25, plus interest
Filed: February 27, 2017
Judgment/Warrant No.: 17901440-1
Case/Cause No.: 17210432-3
Department: Department of Revenue the State of Washington

18. Water Mains and Pipes Agreement and the terms and conditions thereof:

Between: Spokane Valley Farms Company
And: Community Services Company
Recording Information: 733599; November 15, 1923

19. Any and all offers of dedication, conditions, restrictions, easements, fence line/boundary discrepancies, notes and/or provisions shown or disclosed by Short Plat No. 877-93 recorded December 22, 1994 under Recording No. 9412220337.

20. Declaration of Covenant

Recorded: December 01, 1994
Recording No.: 9412010277

21. Declaration of Covenant

Recorded: December 01, 1994
Recording No.: 9412010278

22. Agreement and easement for driveway access

Recorded: November 20, 1997
Recording No.: 4162774

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INFORMATIONAL NOTES

- A. Effective January 1, 1997, and pursuant to amendment of Washington State Statutes relating to standardization of recorded documents, certain format and content requirements must be met (refer to RCW 65.04.045). Failure to comply may result in rejection of the document by the recorder or additional fees being charged, subject to the Auditor's discretion.
- B. Any sketch attached hereto is done so as a courtesy only and is not part of any title commitment or policy. It is furnished solely for the purpose of assisting in locating the Land and First American expressly disclaims any liability which may result from reliance made upon it.
- C. The description can be abbreviated as suggested below if necessary to meet standardization requirements. The full text of the description must appear in the document(s) to be insured.

TRACT "C", SP NO. 877-93, VOL. 11, P 71 AND 72, SPOKANE COUNTY
APN: 55202.0165
Property Address: 19016 E 2nd Avenue, Greenacres, WA 99016

- D. The Land may be subject to a charge by Spokane County for sewer construction, referred to as a Capital Facilities Rate (CFR). This charge is in addition to the monthly charge for sewer services. Please contact the Division of Utilities Billing Section at (509) 477-3604, for further information.
- E. General taxes for the year 2018, which have been paid.

Tax Account No.: 55202.0165
Code Area: 0144
Amount: \$ 5,313.08
Assessed Land Value: \$ 65,000.00
Assessed Improvement Value: \$ 299,600.00

- F. The following deeds describing the Land have been recorded within 36 months of the Commitment Date: NONE

NOTE: The forthcoming Mortgagee's Policy will be the ALTA 2006 Policy unless otherwise noted on Schedule A herein.

NOTE: We find no judgments or Federal tax liens against the vestee herein, unless otherwise shown as a numbered exception above.

NOTE: A FEE MAY BE CHARGED UPON THE CANCELLATION OF THIS COMMITMENT PURSUANT TO WASHINGTON STATE INSURANCE CODE AND THE FILED RATE SCHEDULE OF THIS COMPANY.

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Financial Records – You must provide financial records as required by statute and state and local court rules. These records may include:

- Personal Income Tax Returns
- Partnership or Corporate Income Tax Returns
- Pay stubs
- Other financial records

Important! Do not attach financial records to this form. Financial records should be served on the other party and filed with the court separately using the *Sealed Financial Source Documents* cover sheet (FL All Family 011). If filed separately using the cover sheet, the records will be sealed to protect your privacy (although they will be available to all parties and lawyers in this case, court personnel and certain state agencies and boards.) See GR 22(c)(2).

May 14, 2019 - 10:28 AM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 96967-1
Appellate Court Case Title: In re the Marriage of: Kert A. Carlson and Rebecca M. Carlson
Superior Court Case Number: 13-3-01337-0

The following documents have been uploaded:

- 969671_Answer_Reply_20190514102732SC778990_9799.pdf

This File Contains:

Answer/Reply - Reply to Answer to Petition for Review

The Original File Name was kcarlson prv reply 969671.pdf

A copy of the uploaded files will be sent to:

- hlandrus@stamperlaw.com

Comments:

Sender Name: Kenneth Kato - Email: khkato@comcast.net

Address:

1020 N WASHINGTON ST
SPOKANE, WA, 99201-2237

Phone: 509-220-2237

Note: The Filing Id is 20190514102732SC778990