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NO. 67225-8-1

THE COURT OF APPEALS, DIVISION 1
OF THE STATE OF WASHINGTON

Rosa M. Sarausad, Appellant,

v.

Romulo Y. Sarausad, Respondent.

APPELLANT'S **REPLY** BRIEF

Dated Today, November 28, 2011


Rosa M. Sarausad/pro se /Appellant
4606-230th Terrace SE
Sammamish, WA 98075

FILED
COURT OF APPEALS DIV 1
STATE OF WASHINGTON
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cc: Atty. Joshua Wheeler
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I. INTRODUCTION

The appellant, Rosa M. Sarausad, pro se, files this reply brief by responding each and every issues that the respondent is presenting in his brief. The appellant will try to address such issues by reference to the various sections and pages in his brief.

II. APPELLANT'S REPLYING AS TO:

A. STATEMENT OF THE CASE (Respondent's), page 4, 2nd paragraph:

Romulo and Rosa did not file divorce in Snohomish County Superior Court. Romulo and Rosa first signed a document in the form of a piece of ruled pad paper, that contained statements that simply means that Romulo and Rosa will still be living together and support the children and this agreement allowed Romulo to live, some few days every week, with another woman to help her for this woman is a tourist. Pages 95, lines 25-29, 96, lines 1-9 CP. This piece of ruled pad paper was signed by Rosa. Romulo was the only one who went to Court to file. However, he did not file this particular piece of ruled pad paper that Rosa signed. He filed instead the whole packet of Dissolution of marriage without letting Rosa knew. Rosa's signature had been forged. Rosa knew this only last August 20, 2009, when the woman, that Romulo secretly and illegally married, confronted Romulo and Rosa in the Bus Stop. Pages 98, lines 7-28, 99, lines 1-7 CP.

Page 4-A-1. Romulo and Rosa were **not divorced** in accordance to a Decree of Dissolution entered on September 25, 1996 in Snohomish County Superior Court because such Decree of Dissolution in 1996 is **not a divorce decree** but is a decree of **Legal Separation**. See Appellant's exhibit C, CP 183 and exhibit D, CP 185.



Page 5-A-2 – Rosa Sarausad was enduring “on-the-job” injury at the time and was on the process of filing legal claim for the injury. She had to fill in some forms accurately and truthfully as much as she can always. It was true that Rosa was divorced according to the information that Romulo Sarausad told Rosa. All this time Rosa Sarausad believed that the piece of ruled pad paper that she had sign was the one on file and that this has a particular file number. Rosa did not need to sign any divorce document to “advance” her interest in the process of her claim, as Romulo’s counsel tried to mislead this Court. She was rightfully entitled to worker’s compensation benefits whether divorced or not. All these Rosa Sarausad related in her declarations. It would not make any sense to sign a decree of dissolution such as this decree of 1996 at the time when she is enduring an injury, not being able to go back to work, and no income. CP 95-97.

Page 6-A-3 – Rosa Sarausad, pro se filed a petition for dissolution of marriage in the King County Superior Court on May 19, 2010. She had hard time in serving Romulo Sarausad the Court papers. CP 103, lines 12-29, CP 104 to CP 105 relate how Romulo moved out from their home. On record in the King County Superior Court, Romulo was already in default for he had no response and miss to attend the status conference. At this point in time, Romulo hired his counsel to dismiss the case. There was a good response from Rosa Sarausad, only the response was late. So the Judge considered this as no response. The reason it was late because Rosa Sarausad got so sick due to the weather (cold), her heater at home was shut off because it has not been paid for more than three months. Rosa did not know about this because Romulo Sarausad was the one responsible for paying these bills, in his name. CP 65 lines 17 to 20. Romulo left Rosa serruptitiously so to avoid payment of his responsibilities. He wanted to resolve by declaring divorced by virtue of the fraudulently obtained Decree of Dissolution of marriage signed in September 25, 1996, which is a decree of Legal Separation signed by Commissioner Bedle.

Page 7-A-4. On page 4 of Appellant's Brief/10/29/11, sections 9 and 10, Rosa Sarausad explains how she had to file an appeal because her ex-counsel failed to show during the hearing on March 21, 2011 the ample evidence of fraud by Romulo Sarausad due to the fact that Romulo's counsel, Atty. Wheeler, advised the Court of his (Atty. Wheeler) special limited appearance due to the failure of Rosa's ex-counsel to properly summon Romulo before the Court. This is how Atty. Wheeler prevailed in that Court hearing last March 21, 2011. CP 41. It is not that the case is frivolous or filed in bad faith. There is overwhelming evidence of fraud and misrepresentations. That is why Romulo Sarausad will never appear in Court for he has no response for these fraud and misrepresentations. He just hire a lawyer to defend him. But someday Romulo has to answer interrogatories and that day will come!

Page 8-B- Summary of Argument:

Romulo Sarausad and his counsel, Atty. Wheeler do not deserve all these awards because he could not prove that Rosa's case is frivolous or file in bad faith.

Romulo's counsel has no response to Rosa's argument on Appellant's Exh. A, CP 64-66, Romulo's admission of fraud.

Romulo's counsel has no response to Appellant's Exh. B, CP250, as to the fraudulently obtained Decree of Dissolution of Marriage of September 25, 1996.

Romulo's counsel has no response as to the fact that the Decree of Dissolution of Marriage of September 25, 1996 is not a divorce decree but a decree of Legal Separation. Appellant's Exh. C and D, CP183 and CP185.

Romulo Sarausad, respondent and his counsel, Atty. Wheeler did not respond or argue the above facts, therefore, all these are true and acceptable to both parties.



1. The verities on Appeal:

That Rosa Sarausad is **not divorced yet up to the present time by virtue of the Decree of Dissolution of Marriage of September 25, 1996, a decree of Legal Separation .**

Supporting arguments have been presented in Appellant's Brief of September 29, 2011, on pages 5 and 6.

Rosa Sarausad will rightfully seek relief, for incurring damages, from Romulo Sarausad and his counsel for flatly denying the truth about the fraudulently obtained Decree of Dissolution of Marriage of September 1996. With his counsel's aid, Romulo Sarausad managed to remove the name of Rosa Sarausad from the title of their property, home, and have the home foreclosed, showing to the Mortgage Bank that Romulo and Rosa Sarausad had been divorced in September 25, 1996. Not true. At the present time Rosa Sarausad is homeless because her home was wrongfully foreclosed, for this is what Romulo Sarausad wanted for he took with him 6-months worth of mortgage payments that made payment for mortgage behind. serious

III. CONCLUSIONS

Rosa Sarausad, appellant, pro se is hoping and praying that this Court of Appeals will do their duty and responsibility of justly finding the truth, that of Romulo Sarausad's fraudulent actions and his counsel's flatly, serious, legal misrepresentations, creating serious damages instead of perhaps advising his client in the beginning to settle out of Court instead of grabbing all attorney's fees to himself.



Submitted today, November 28, 2011

A handwritten signature in black ink, appearing to read "R. M. Sarausad", written over a horizontal line.

Rosa M. Sarausad/pro se

CERTIFICATE OF MAILING

This is to certify that I, Rosa M. Sarausad, place in US mail certified and with return receipt of the document APPELLANT'S REPLY BRIEF to the following name and address:

Atty. Joshua Wheeler
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Seattle, WA 98115

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