

IN THE COURT OF APPEALS
OF THE STATE OF WASHINGTON
DIVISION ONE

In re the Marriage of
HILLERY LORE NYE LEE

Appellant

And

RALPH BRYAN LEE

Respondent

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STATE OF WASHINGTON
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ON REVIEW FROM THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KING COUNTY

RESPONDENT'S REPLY BRIEF

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I. INTRODUCTION

Appellant filed an opening brief in this matter dated June 13, 2016. Appellant's opening brief contends that the lower court made numerous errors both in terms of process and substance and as such should requests that this court vacate the orders and remand for a supplemental evidentiary hearing.

As discussed below, no basis exists for this court to vacate the lower court's rulings and Appellant's motion should be dismissed.

II. BACKGROUND

The underlying case (13-3-20908-9 SEA) involved the dissolution of a short term (six year marriage with no children). At the commencement of the marriage Respondent ("Husband") possessed significant assets and as confirmed by Wife's oral testimony had an estimated net worth in excess of \$3 million¹. On the other hand, at the commencement of the marriage Appellant/Petitioner ("Wife") had few assets which were offset by credit card and other debt leaving her with a net worth at or below -0-².

Later in the marriage the couple experienced a series of unfortunate events. Many of the unfortunate events were simply macro-economic (meltdown of the housing and equity markets in 2008/2009), some were bad luck (Wife being victim of carjacking) and several were either directly caused by Wife or were otherwise linked to her activities (Wife's litigation with former law partner). As a

¹ Report of Proceedings page 271 line 19 through page 272 line 4:

Q. It's no criticism. This is just a math exercise. On my side, I have said, and I believe I presented and go through it if you want to challenge it, that I had about \$3 million of net worth?

A. Yeah.

Q. It was cash, probably not real estate prior to this, but mainly cash, options that were to be vested, stock that was to be cashed in, about 3 million?

A. That rings a bell. That seems fine to me.

² Report of Proceedings page 271 lines 1 – 3:

Q. So a school debt of \$38,000. If you consider that cash kind of a wash in cash.

A. Sure.

result of these events Husband provided the vast majority of the couples' funds over the duration of the marriage. Also, in order to meet the needs of the couple both Husband and Wife accumulated debt.

The couple separated on August 20, 2013. At that time there were both material assets and debts. And because much of the assets and debts had differing ownerships (community versus individuals) each material item needed to be analyzed independently.

The purpose of the underlying trial was to allocation those assets and debts and calculate the appropriate final transfer payment.

The case was heard by Judge Julie Spector of King County Superior Court and commenced on February 2, 2015 with the parties resting on February 10, 2015. During the trial, the court heard testimony from witnesses, was presented with in excess of 5,000 pages of bank/financial statements and other documentary evidence, and reviewed both parties' presentation of the appropriate law relative to the underlying facts. The court then took approximately one month to summarize its results.

On March 6, 2015, the court sent a preliminary estimate of its allocation of assets and debts requesting the parties "total the figures and get back to us. We just want to be sure that our numbers match up." This preliminary estimate would have resulted in the same awarding of assets and debts and ultimately awarded by the courts plus a final transfer payment from Wife to Husband of \$614,168 (substantially higher than what was eventually awarded). The court arranged a conference call with the parties to for 10:00 am on March 13, 2015 to verbally present the findings and the final order (the call was documented by the court reporter). However, the court was stayed in issuing its final rulings in this matter due to a chapter 13 bankruptcy filing entered into by Wife at 9:57 am on the morning of that same day.

Wife's bankruptcy filing did not comply with federal bankruptcy criteria as her debt far exceeded the statutory minimum and Wife eventually withdrew the filing in September, 2015. That is, the form of bankruptcy Wife decided to pursue had an aggregate debt ceiling for non-contingent liquidated

unsecured debt at the time of filing of \$383,175 (11 U.S.C. 109(e)). Davis Wright Tremaine, LLP alone filed a proof of claim, which was never disputed, for an unsecured debt in the amount of \$544,024.54. Wife also knew prior to her filing that other unsecured claims from Husband and others would total several hundred thousand dollars. Thus Wife's chapter 13 bankruptcy was knowingly filed in violation of the most basic requirements. The result of this inappropriate filing was to delay the court's eventual ruling by over six months.

Following the withdrawal of the bankruptcy filing, Husband entered a motion requesting King County Superior Court to proceed with the issuance of its final orders in this matter (Findings of Fact and Conclusion of Law, Decree along with accompanying Exhibit H and W), and in reaching such final orders to review and admit certain documents from Petitioner's aborted chapter 13 bankruptcy proceeding. Essentially all of these additional documents were submitted by Wife to the Federal Bankruptcy Courts as a part of her filing and had been attested to by Wife as being truthful, and were a part of the public record. The filings in bankruptcy significantly contradicted (or filled in important blanks in) Wife's prior oral testimony in this matter.

On October 20, 2015, Judge Spector entered her final order which included a detailed Finding of Facts and Conclusions of Law in addition to a detailed spreadsheet supporting all of her economic decisions. (The Findings of Fact and Conclusions of Law, Exhibits H and W, as well as the underlying spreadsheet were included as exhibits to Appellant's Opening Brief.) Contrary to the veiled assertion in Appellant's Opening Brief that the court somehow punished Wife for her bankruptcy filing -- "the court expressed considerable dismay over the [bankruptcy] filing and ended up distributing the property in a grossly disproportionate way..."³ -- the final award cash award of \$246,918 was actually \$367,250 better for Wife than the preliminary and confirmed initial estimate of \$614,168. Also, even though Wife's filing was destined to fail from the outset as her debt far exceeded the statutory limits the court denied

³ Appellant's Opening Brief page 1.

Husband's requests for (a) interest for the approximate six month delay and (b) reimbursement of legal fees related to the bankruptcy filing.

On October 30, 2015, Wife filed a Motion for Reconsideration which was denied.

III. REPLY TO APPELLANT'S ASSERTIONS

Appellant Opening Brief lists a total of thirteen alleged errors by the trial court. Each of those allegations is addressed below.

For overall context, in its "Findings of Fact and Conclusions of Law" the court included a detailed spreadsheet showing exactly how it had arrived at its cash award. (A copy of this spreadsheet was included in Appellant's Opening Brief.) This spreadsheet template is widely used throughout King County for the allocation of marital assets and liabilities. In fact, the blank spreadsheet template used in this case was originally supplied by Wife's family law litigation counsel.

Pages one and two of the spreadsheet itemize the total population of assets and liabilities of the parties at the time of separation. The four columns to the right then allocated the individual assets and liabilities between the Wife and Husband as well as carving out those items that are community property or separate property of one party or the other. In this particular case, the spreadsheet showed that the community was in an aggregate negative position of \$354,709 (\$76,109 listed under the column Wife Community and \$278,600 listed under the column Husband Community). At the most fundamental level, this total negative position would be allocated evenly between the two parties leaving each with a negative balance of \$177,355. This amount is exactly what is reflected on page three of the spreadsheet under the row heading "Each party's total dollars." In reality, assets and debts don't divide evenly on their own. In this particular case Husband ended up bearing more of the community's debt as he was obligated to repay a HELOC where the proceeds had been used for community purposes. As such, Wife was required to pay Husband \$101,246 to bring the actual asset/debt allocation in line with the

intended outcome. Said differently, after paying Husband \$101,246 Wife' net position would be \$177,355 (\$76,109 + \$101,246) exactly as it should be. Likewise, after receiving payment from Wife, Husband's net position would be the exact same \$177,355 (\$278,600 - \$101,246); again exactly as it should be.

One additional step required by the spreadsheet is that for those assets which should be community but which one party retained 100%, an additional "balancing" or "final transfer" payment is required. In this particular case an additional balancing payment of \$145,673 was required made up from three components. In each of the three cases the amounts represent items which the court determined were community assets to be divided 50-50 or 100% assets of the Husband. However, since Wife had retained 100% of these proceeds after separation a transfer payment is required from Wife to Husband for his portion of the proceeds which he had never received. The specific amounts are all detailed on the third page of the spreadsheet and consists of:

- \$66,035 representing 50% of the value of Madrona Law Group at the time of separation. Page one of the spreadsheet line 13 calculated a gross value of \$188,670 and then discounted this amount by 30% to account for taxes. The net \$132,069 was to be divided evenly between the two parties. However, as confirmed by Wife's oral testimony in actuality Wife retained 100% of these proceeds.⁴ She simply owes Husband his half.
- \$26,563 represents the value of ATT Lease Payments received by Wife post separation (page one, line 12 of the spreadsheet). Again the gross amount was reduced by an allowance for taxes and other expenses. However, as confirmed by Wife's oral testimony this amount was

⁴ Report of proceedings. Pages 331, line 25 through 332 line 7:

Q. Same with Madrona Law Group. It had a value of X on the date of separation. We'll figure out what X was, cash receivable. I haven't gotten anything from that, right?

A. After the date of separation?

Q. Right.

A. We paid some of the bills. You have not received a direct payment.

fully retained by Wife when it should have been paid fully to Husband thus it is appropriately added to the final transfer payment due.⁵

- \$53,075 represents 50% of the value of the engagement ring (page 2, line 30). Again, the court determined that in this case the asset should have been divided. And since Wife had liquidated the asset post separation and retained 100% of the proceeds for herself, once again the final transfer or balancing payment needed to be increase for value of the asset.

So in summary, the transfer payment of \$246,918 is a function of the fact that the Husband was left holding approximately \$200,000 more of the community debt than the Wife combined with the fact that approximately \$145,000 of assets had been inappropriately withheld by the Wife from the Husband.

One other broad concept to address before diving into the specific assertions and sitting above the discussion of each specific item is an overarching understanding that the court is granted discretion in its allocation of individual assets and liabilities to allow it to reach a final outcome which it believes is holistically fair and equitable. Wife pointed to this very concept in her motion for reconsideration when she highlighted the fact that "Duration of Marriage" is a factor which should be weighed by court in dividing the assets and liabilities of the parties.

To restate and confirm the argument put forth by Wife at that time, the parties had a short term marriage. As a result, to equitably divide the assets and liabilities of the parties, the court should look backwards and seek to place the parties in the same position they were in just prior to the marriage.

⁵ Report of proceedings. Page 331, lines 17 – 24:

Q. I'm almost done. So confirming the rents on the Vashon property, I think you said this --

A. The what?

Q. The lot, the AT&T payments. Since separation, you have -- I haven't gotten any of those, right? They have gone to you. They are what they are. I haven't gotten any of them.

A. Yes.

Wife cites Judge Winsor who provides in his treatise regarding judicial discretion and financial equity between spouses:

“In the case of a short marriage, the marriage has in fact not been the significant event that is normally presumed. Particularly, there has not been a long reliance on the marital partnership. Therefore, the emphasis should be to look backward to determine what the economic positions of the parties were at the inception of the marriage and then seek to place them back in that position, including provision for interest or inflation, if feasible. After doing that, if there are properties left over, they would presumably be divided about equally.” Judge Winsor, “Guidelines for the Exercise of Judicial Discretion in Marriage Dissolutions,” Washington State Bar News, vol. 14, page 16 (Jan. 1982).

During the trial, extensive testimony was presented by both Wife and Husband (all supported by numerous bank statements and other exhibits) that showed that at the commencement of the marriage Husband had an estimated net worth in excess of \$3 million. On the other hand, at the commencement of the marriage Wife had few assets which were offset by credit card and other debt leaving her with a net worth at or below -0-. It was never disputed at trial that Husband brought in substantially all of the assets of the marriage.

The court is indeed allowed, if not fully instructed, to apply its own judgement and discretion to its allocation of assets and liabilities and to do it's best to return the parties to their pre-marriage state. And based on the established facts, that discretion should be applied in favor of Husband and NOT Wife.

IV. REPLY TO APPELLANT'S SPECIFIC ASSERTIONS

With that broad understanding, this brief will now respond to each of the Appellant's individual points:

Assertion 1: The trial court erred when it failed to explain its findings, its conclusions of law, or its distribution, which awarded to the husband a disproportionate share of the assets; in particular, the court failed to consider on the record the statutory factor of RCS 26.09.080.

Appellant's assertion 1 contradicts all the facts in evidence. As discussed in detail above, the court provided extensive detail supporting its findings when it used the spreadsheet widely utilized throughout King County to meticulously detail and explain its findings. Each asset and liability was itemized. Each was then allocated as between community or separate property. Each of these items had previously been discussed in detail during the court proceedings. And where necessary, each party presented the case law which it felt was most relevant to each individual asset or liability. The fact that the outcome of this process happened to yield a payment to the Husband does not in any way undermine the validity of the process. As stated above, the mathematics are quite clear. The Wife owes the Husband a balancing payment by virtue of the fact that the Husband absorbed substantially more of the community debt, while the Wife ended up in possession of substantially more of the community assets.

Assertion 2: The trial court erred when it failed to enter adequate findings of fact and conclusions of law, including failing to find the distribution was just and equitable, which it is not.

Again as discussed above, the findings of fact and conclusions of laws, including the attachments, are quite detailed and more than adequate. And as discussed previously they are just and equitable – separate property and debt was apportioned to each party, the remaining community assets and liabilities were divided 50/50, and the balancing cash payment was calculated.

Assertion 3: The trial court erred when it distributed the property disproportionately, leaving the husband with nearly \$400,000 in value and the wife with nearly \$300,000 in debt, a result that is neither just nor equitable, nor even comprehensible.

Once again, the court's distribution of property is itemized in detail. The court first catalogued all the assets and liabilities, then allocated them between the community and the individuals, and finally calculated a balancing payment.

Appellant's depiction of a \$700,000 disparity in the allocation of value between the two parties is misleading if not disingenuous. A review of the spreadsheet shows that the court calculated a total aggregate value of negative \$275,544 of value for all the assets and liabilities listed. The court then assigned separate assets and liabilities to each party leaving an aggregate net community value of negative \$354,709 as stated above (\$76,109 listed under the column Wife Community and \$278,600 listed under the column Husband Community). This negative value was assigned to each party evenly. Finally a balancing payment of approximately \$245,000 was required as discussed above due to the facts that Husband had absorbed substantially more community debt while Wife had retained a significant amount of cash owed to Husband.

Further, the court is indeed allowed, if not fully instructed, to apply its own judgement and discretion to its allocation of assets and liabilities and to do it's best to return the parties to their pre-marriage state. And based on the established facts, that discretion should be applied in favor of Husband and NOT Wife. In fact, to the extent that the court exercised discretion it did so in a manner with favored Wife. Through the trial it was established that Husband had paid hundreds of thousands of dollars of funds separately brought into the marriage by Husband to pay debts that were solely the responsibility of Wife including \$47,000 of mortgage payments made on Nye's separate property residence, \$225,155.74 of Wife's legal expenses in Nye vs Hughes, and \$38,000 of Petitioner's student

loans. While all of these amounts were clearly established at trial and never disputed by Appellant, the court elected not to factor them into the allocation of assets and debts or the calculation of the balancing payment.

Assertion 4: The trial court erred when it double counted nearly \$145,673 in its distribution scheme, increasing the award to the husband and the lien to the wife.

The \$145,673 is itemized and discussed above. This was not a “double count” as asserted by the Appellant. These sums represent the Husband’s portion of moneys that were collected and held by the Wife. The court is merely instructing the Wife to pay the Husband his allocated portion via the final cash transfer award.

Assertion 5: The trial court erred when it considered only the community property in its distribution analysis, in violation of the statute, which requires the court to consider all the property.

Here, it is frankly difficult to understand Appellant’s assertion. As detailed above, the court did in fact consider all the property of the parties. It first aggregated all assets and liabilities of the parties. It then deliberately considered each and categorized it as community or individual. For the community assets and liabilities the court then divided the balance in half to arrive at what would be a fair split. The final step then was to calculate a cash payment from the Wife to the Husband to achieve this 50/50 split as the Husband was assuming more than 50% of the community debt and had received less than 50% of the community assets.

Assertion 6: The trial court erred by characterizing certain items of property, including the following:

- *characterizing as the husband’s separate property the lot on Vashon contiguous to the wife’s premarital residential property and purchased during the marriage from the wife’s family by means of a family option, with funds that were not traced to separate property;*
- *characterizing as the husband’s separate property the lease associated with the lot on Vashon, which is also inconsistent with characterizing the rents received as community property;*

In making this assertion, Wife relies on two principles – (a) that the property was acquired after the date of marriage and (2) that the property was purchased pursuant to an “exclusive option” held by Wife.

With respect to the date, it was never disputed that the purchase transaction occurred post the marriage. It was also not disputed that Husband paid for the property from funds brought into the marriage. However, what occupied most of the discussion at trial was what law was appropriate given the fact pattern. While Wife would like for the mere act of marriage to create an automatic co-mingling of assets, the law does not support this notion. Given the fact that Husband had paid for 100% of this property from funds brought into the marriage, the courts correctly awarded this property to Husband based on the following legal precedents:

- a) Property owned prior to marriage is separate property, together with rents, issues and profits thereon. RCW 26.16.010 & .02

In re Marriage of White, 105 Wn. App. 545, 550, 20 P.3d 481(2001);

In re Marriage of Skarbek, 100 Wn. App. 444, 447, 997 P.2d 447 (2000);

In re Marriage of Brewer, 137 Wn.2d 756, 766, 976 P.2d 102 (1999)

- b) Separate property shall remain separate “through all of its changes and transitions” (*Witte*, 21 Wn.2d 112) so long as it can be traced and identified..

In re Marriage of Skarbek, 100 Wn. App. 444, 448, 997 P.2d 447 (2000);

In re Marriage of Pearson-Maines, 70 Wn. App. 860, 865, 855 P.2d 1210 (1993);

Baker v. Baker, 80 Wn.2d 736, 745, 498 P.2d 315 (1972);

In re Estate of Witte, 21 Wn.2d 112, 125, 150 P.2d 595 (1944)

- c) Property acquired during the marriage has the same character as the funds used to purchase it.

In re Marriage of Zahm, 138 Wn.2d 213, 223, 978 P.2d 498 (1999)

- d) Property acquired during marriage with traceable proceeds of separate funds is separate.

In re Marriage of White, 105 Wn. App. 545, 550, 20 P.3d 481(2001);

In re Marriage of Skarbek, 100 Wn. App. 444, 448, 997 P.2d 447 (2000);

In re Marriage of Hurd, 69 Wn. App. 38, 50, 848 P.2d 185, review denied, 122 Wn.2d 1020, 863 P.2d 1353 (1993)

- e) The burden is on the party espousing that separate property has been converted into community property to prove the transfer by clear and convincing evidence, usually requiring written evidence of intent.

In re Marriage of Mueller, 140 Wn. App. 498, 508, 167 P.3d 568 (2007);

In re Marriage of Skarbek, 100 Wn. App. 444, 448, 997 P.2d 447 (2000);

In re Marriage of Hurd, 69 Wn. App. 38, 51, 848 P.2d 185 (1993);

In re Marriage of Shannon, 55 Wn. App. 137, 140, 777 P.2d 8 (1989)

As to Wife's assertion that the Vashon Other Property was purchased pursuant to an "exclusive option" she possessed from the seller (her mother), the purported option was dismissed by the trial court. In order for a real estate purchase option to be of legal standing in the state of Washington, the document is required to contain a minimum of terms such as purchase price, duration of the option, etc. The handwritten note presented by Wife at trial did not meet the minimum requirements of an enforceable real estate option and was thus disregarded by the courts. The handwritten document specified no purchase price. The handwritten document had no operable time period. It failed to meet the necessary requirements to be considered a valid real estate purchase option.

Assertion 6: (continued)

- *characterizing as the wife's separate debt the balance owed on a home equity line of credit (HELOC) associated with the wife's premarital residential property though the funds obtained by means of the HELOC were used to pay for community expenses;*

Proceeds from Wife's HELOC were not used to pay for community expense. It was established during the trial that Wife used the proceeds of her HELOC to pay legal fees associated Nye v Hughes.⁶ Nye v Hughes involved the allocation of assets and liabilities associated with the dissolution of MediaTech Law Group, a law firm started by Wife prior to the marriage and owned separately by Wife throughout its duration. Again, the court is indeed allowed, if not fully instructed, to apply its own judgement and discretion to its allocation of assets and liabilities and to do it's best to return the parties

⁶ Report of Proceedings page 186 lines 9 – 14.

Nye -- "I paid some of the attorney fees out of my HELOC in, maybe, 2009. Then as..."

Court -- "This was for the lawsuit?"

Nye -- "Yes. This is the lawsuit."

Court -- "The Nye versus Hughes?"

Nye -- "Yes."

to their pre-marriage state. And based on the established facts, that discretion should be applied in favor of Husband and NOT Wife.

Assertion 6: (continued)

- *characterizing the wife's engagement ring as community property despite the undisputed evidence that it was a gift to the wife before the marriage.*

As stated several times previous, the court is indeed allowed, if not fully instructed, to apply its own judgement and discretion to its allocation of assets and liabilities and to do it's best to return the parties to their pre-marriage state. And based on the established facts, that discretion should be applied in favor of Husband and NOT Wife. Also as stated above, in this matter if the court did apply its discretion in a manner that benefited one party over the other, the court's discretion benefited Wife not Husband given the hundreds of thousands of documented payments from Husbands separate funds to pay Wife's separate expenses.

Assertion 7: The court erred when it distributed the Vashon lot to the husband, having characterized it as his separate property, when the property is contiguous to the wife's residence, important to the upkeep of that residential lot, and sold to the couple so that it would remain in the wife's family.

This argument is redundant given Appellant's 6th assertion discussed above. As previously outlined the court reviewed the facts and the law and determined that this property was a separate asset owned by the Husband. The property's physical proximity to another property owned by Wife is of no relevance to the determination of ownership.

Assertion 8: The court erred when it distributed the engagement ring, which did not exist at the time of trial but had been exchanged by the wife for legal services.

The trial date was not the relevant date for determining inclusion or exclusion within the body of assets being reviewed, that appropriate date was the separation date. Subsequent documents supplied by Wife showed that she disposed of the ring in late 2015. The parties separated in August, 2013. This is no different from any other asset which existed in a non-cash form at the date of separation, but was subsequently converted to cash (eg the accounts receivable balance of the community law firm as of the date of separation which was subsequently received).

Assertion 10: The court erred when it relied on post-trial submissions by the husband, rejecting similar post-trial submission by the wife, and despite there being problems with the admissibility of the submissions, which lead the court astray in numerous ways.

As stated previously, following the Wife's withdrawal of her chapter 13 bankruptcy proceed Husband entered a motion requesting King County Superior Court to proceed with the issuance of its final orders in this matter (Findings of Fact and Conclusion of Law, Decree along with accompanying Exhibit H and W), and in reaching such final orders requested that the trial court review and admit certain documents from Petitioner's aborted chapter 13 bankruptcy proceeding. These additional documents were submitted by Wife to the Federal Bankruptcy Courts as a part of her filing, were attested to by Wife as being truthful, and were a part of the public record. In several cases the filings in bankruptcy significantly contradicted (or completed gaps in) Wife's prior oral testimony in this matter.

Assertion 11: The trial court erred when, relying only on the husband's post-trial submissions, it entered values for the following properties: the Madrona house, the Madrona HELOC, the engagement ring, the wife's law practice, and miscellaneous debts to family and friends. In particular, the court rejected the wife's evidence that the Madrona house and associated debt were trending to solvency; accepted the husband's new evidence of an old insurance value of the engagement ring; accepted the husband's new evidence of increased value in the law practice; and omitted from the spreadsheet various post-separation debts on the basis that they were "not listed in bankruptcy."

As stated previously, following Wife's aborted chapter 13 bankruptcy Husband did supply to the trial court numerous documents filed and attest to by Wife which contradicted or completed the Wife's previous testimony. Specifically, the Wife's bankruptcy filing

(a) made clear that her asserted sales price for the engagement ring was not an arms-length, market based prices as she had testified [the bankruptcy filing indicated that Wife had traded the ring for legal services provided by her family law litigation attorney rather than selling it on the open market for its actual value as had been previously asserted],

(b) showed the actual cash value of equities accepted by the community property law firm in exchange for services (versus an earlier estimated provided by Wife), and

(c) pointed out that much of the debt alleged by the Wife in this trial was not included in her bankruptcy filing.

Assertion 12: The trial court erred when it entered the finds of fact and conclusions of law, including the spreadsheet, which reflects the errors enumerated above.

This assertion is redundant of the prior 11 all of which have been discussed previously.

Assertion 13: The trial court erred when it denied the motion for reconsideration and denied the wife's motion for a partial decree and supplemental hearing and erred when entered a factual finding regarding the engagement ring.

Wife did indeed enter a motion for reconsideration and a supplemental hearing in this matter on October 30, 2015. And that motion was indeed denied. Appellant fails to point out how these steps constitute an error on the part of the court.

V. SUMMARY

In summary, Appellant's assertions are baseless. The trial court conducted an extensive review of the facts hearing testimony of witnesses and reviewing thousands of pages of documents over several days. The trial court applied the facts to the relevant law and divided assets and liabilities of the parties, first as between community and separate, then as between community. Since an actual allocation of community assets and debts could never exactly equate the agreed upon 50/50 split, the court then calculated an appropriate cash balancing payment. All calculations used standard tools and techniques employed throughout the family court system of King County.

When Wife filed for chapter 13 bankruptcy, the trial court stayed its authority until that matter was resolved.

Upon Wife's withdrawal of her bankruptcy filing, the court once again resumed jurisdiction over the case and proceeded. The court compared the information provided by Wife in her federal bankruptcy filing with information previously provided to the trial court and where contradictions existed or prior information had been incomplete, the trial court corrected its earlier estimates.

Also, contrary to Appellant's thinly veiled assertion that the court penalized her for pursuing a chapter 13 bankruptcy filing, no such penalization occurred. As stated above, the eventual final ruling issued by the court was actually \$367,250 better for Wife than the preliminary and confirmed initial pre-bankruptcy estimate of \$614,168. Also even though Wife's filing was destined to fail from the outset as her debt far exceeded the statutory limits, the court denied Husband's requests for (a) interest for the approximate six month delay and (b) reimbursement of legal fees related to the bankruptcy filing.

The trial court issued a detailed, thorough and easily understandable explanation of its conclusions and orders.

The trial court entertained, but ultimately denied, Wife's motion for reconsideration.

No evidence whatsoever exists to suggest that the court erred in any manner which would adversely affect the Wife. In fact, to the extent that any error may have been made in terms of judicial discretion that error was in favor of the Wife as given the short-term nature of the marriage and the vast economic differences of the parties upon entering the marriage one might have expected that all community assets would have been assigned to Husband until recovery of his initial financial status as suggested by Judge Winsor.

VI. CONCLUSION

No evidence exists to support Appellant's request to vacate the orders of the trial court. The Appellant's motion to vacate and to remand should be denied.

Respectfully submitted this 25th day of July 2016.



Ralph Bryan Lee, Respondent