

THE STATE OF WASHINGTON
SUPERIOR COURT
CLERK OF COURT

OCT 24 2012

NO. 309118-III

COURT OF APPEALS
DIVISION III
OF THE STATE OF WASHINGTON

In Re the Marriage of:

CAROL MARIE SCHNEIDER, f/k/a CAROL MARIE ALMGREN

Respondent/Petitioner,

v.

JEFFREY JOSEPH ALMGREN,

Appellant/Respondent.

REPLY BRIEF OF APPELLANT

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A. ARGUMENT

1. Post-Secondary Educational Support

The Court of Appeals, in determining the issues on appeal, has to be very clear as to what the Washington Supreme Court said in its 9-0 decision in *Schneider v. Almgren*, 173 Wash. 2d 353, 268 P.3d 215 (2011).

The Court stated:

“We hold that the Superior Court erred by extending the father’s child support obligation past the age of majority by granted post-secondary support for the daughter to attend college. Nebraska law would not have allowed post-secondary support in this case, and the UIFSA provides that the law of the original form state governs the duration of child support. We reverse the Court of Appeals, which affirm the trial court, and remand for further proceedings consistent with this opinion.” (emphasis added)

At pp. 355-356.

The Court noted:

“Again, the original Nebraska child support order did not call for child support beyond the age of 19.”

At p. 364.

The Supreme Court in its 9-0 decision stated in its conclusion:

“The trial court exceeded its authority when it ordered post-secondary education for Amanda, and the Court of Appeals erred in affirming the trial court’s order.

We reverse and remand for further proceedings consistent with this opinion.”

At pp. 370-371.

The language from the Supreme Court could not be much clearer. The Supreme Court specifically said that the Superior Court erred by extending the father’s child support obligation by granting post-secondary support for the daughter to attend college. Judge Acey in his remand order specifically ordered post-secondary support for Amanda. CP at 37-38. The Supreme Court of Washington could have said that the trial court exceeded its authority when it ordered post-secondary education support for Amanda past the age of 19. It did not do that. The Washington Supreme Court specifically said the trial court exceeded its authority **when it ordered post-secondary education for Amanda to attend college**. The language in the opinion could not be any clearer.

The Respondent, Ms. Schneider, cannot get pass the plain language of the opinion. The Respondent simply tries to twist the language of the Supreme Court’s analysis to her own end. The Respondent cannot get pass the holding of the Supreme Court and the plain language used by the Supreme Court that post-secondary support cannot be ordered for Amanda.

In Footnote 3, the Supreme Court, to reemphasize what it said in its opening statement and conclusion, noted:

“The Court of Appeals held that, even if UIFSA did apply, Nebraska law permitted the grant of post-secondary education support Schneider, 2010 WL 3304309, at *3. However, a review of Nebraska law demonstrates that this position is not tenable.”

At p. 366.

The Respondent, in her brief, just cherry picks certain language from the decision without focusing on the Supreme Court’s specific holding.

The Respondent’s position is frivolous. The Supreme Court could not be much clearer in stating that the granting of post-secondary support for the daughter to attend college was error by the Superior Court.

2. Attorney Fees

Because the Supreme Court’s decision is so crystal clear, the Court on appeal has to determine that Ms. Schneider’s order was frivolous and attorneys fees should be ordered against her.

In this case, the Supreme Court consistently followed the argument of Mr. Almgren noting this was a matter of first impression in Washington in interpreting a uniform law adopted by all 50 states. Other appeal issues noted by Mr. Almgren are all supported by the Supreme Court ranging from

forum shopping to the issue of the Court of Appeals Division III misinterpreting the law from Nebraska.

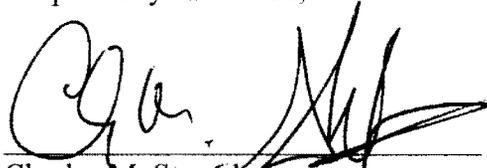
D. CONCLUSION

The Court of Appeals should find that the Superior Court committed error by ordering post-secondary education support for the daughter to attend college. The Washington Supreme Court in its 9-0 decision specifically said post-secondary education support was error. The matter should be remanded back with specific directions noting that post-secondary education support should not be ordered.

Attorneys fees should be awarded against Ms. Schneider and for the benefit of Mr. Almgren.

DATED this 23 day of October, 2012.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. M. Stroschein', written over a horizontal line.

Charles M. Stroschein
Attorney for Appellant
WSBA No.34711

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**COURT OF APPEALS
STATE OF WASHINGTON
DIVISION III**

In re:)	
)	
CAROL MARIE SCHNEIDER, f/k/a)	Court of Appeals No. 309118-III
CAROL MARIE ALMGREN,)	Asotin County No. 05-3-00141-0
)	
Respondent/Petitioner,)	PROOF OF SERVICE OF REPLY
and)	BRIEF OF APPELLANT
)	
JEFFREY JOSEPH ALMGREN,)	
)	
Appellant/Respondent.)	

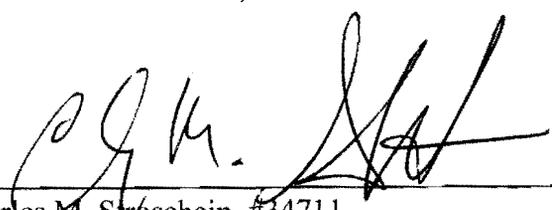
I, Charles M. Stroschein, attorney for the above-named Appellant and pursuant to R.A.P 10.2(h), hereby certify that on the 23 day of October, 2012, a copy of the *Reply Brief of Appellant* was served on Respondent by depositing a copy in the U.S. mail to the office of Scott C. Broyles, 901 6th Street, Clarkston, WA 99403.

PROOF OF SERVICE 1

Dated this 23 day of October, 2012.

CLARK and FEENEY, LLP

By

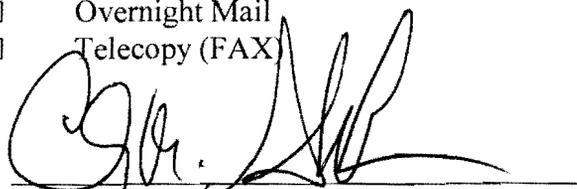

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 23 day of October, 2012, I caused to be served a true and correct copy of the *Proof of Service* by the method indicated below, and addressed to the following:

Scott C. Broyles
901 6th Street
PO Box 208
Clarkston, WA 99403

- U.S. Mail
- Hand Delivered
- Overnight Mail
- Telecopy (FAX)



Charles M. Stroschein
Attorney for Appellant/Respondent