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COURT OF APPEALS  
DIVISION III  
STATE OF WASHINGTON  
BY \_\_\_\_\_

NO. 353966-III

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

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IN RE THE MARRIAGE OF:

SHEILA ANN WILDER,  
Respondent,

And

FRANCIS GREGORY WILDER  
Appellant

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Appeal from the Superior Court of Okanogan County  
Case No.: 04-3-00168-0

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**OPENING BRIEF OF the APPELLANT**

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**F. Gregory Wilder**  
Appellant, Pro-se  
1006 Civic Way  
Coulee Dam, WA 99116  
509-633-9722

## TABLE OF CONTENTS

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|   |           |
|---|-----------|
| <b>TABLE of AUTHORITIES</b> .....                         | <i>ii</i> |
| <b>I. PRELIMINARY STATEMENT</b> .....                     | 1         |
| <b>II. ASSIGNMENTS OF ERROR</b> .....                     | 3         |
| A. Assignments of Error.....                              | 3         |
| B. Issues Pertaining to Assignments of Error.....         | 4         |
| <b>III. FACTUAL AND PROCEDURAL HISTORY</b> .....          | 5         |
| A. Child Support Case History .....                       | 8         |
| 1. Initial Child Support (December 30, 2005) .....        | 8         |
| 2. Modify Child Support (September 27, 2007) .....        | 9         |
| 3. Modify Child Support (November 2, 2009) .....          | 11        |
| 4. Modify Child Support (July 21, 2015) .....             | 12        |
| 5. Modify Child (Post Secondary Education) Support .....  | 14        |
| 6. Adjust Child Support (June 2, 2017) .....              | 19        |
| B. Child Support (Post Secondary Education) Support ..... | 19        |
| <b>IV. STATEMENT OF THE CASE</b> .....                    | 26        |
| <b>V. ARGUMENT</b> .....                                  | 28        |
| A. Standard of Review .....                               | 28        |

|  |           |
|--|-----------|
| B. Judicial Conduct .....                                  | 30        |
| C. Worksheet Determinations .....                          | 33        |
| D. Post Secondary Education Support Allocations .....      | 36        |
| <b>VI. CONCLUSION .....</b>                                | <b>45</b> |
| <b>APPENDICIES .....</b>                                   | <b>47</b> |
| App. 1 (Marriage Certificate) .....                        | 6         |
| App. 2 (Ex Parte Parenting Residential Schedule) .....     | 9         |
| App. 3 (Affidavit / Medical Determination) .....           | 12        |
| App. 4 (DSHS Median Income Chart) .....                    | 20        |
| App. 5 (Financial Aid Award) .....                         | 21        |
| App. 6, 7 (Correspondence records) .....                   | 22        |
| App. 8, 9, 10 (Draft Order Presentation – 3 letters) ..... | 28        |
| App. 11 Petition form FL Modify 501 §8 .....               | 31        |
| App. 12 Banking records (3 ea) .....                       | 37        |

**TABLE OF AUTHORITIES:**

**Cases:**

|   |    |
|---|----|
| Goude, 53 Wn.App, 748, 790, 219 P.3d 717 (2009) .....                   | 29 |
| Marriage of Schumacher, 100 Wn. App. 208, 211, 997 P.2d 399 (2000) .... | 29 |
| Marriage of Flynn 94 Wn. App. 185, 190,972 P.2d 500 (1999) .....        | 29 |
| Marriage of McCausland, 159 Wn.2d 607, 616, 152 P.3d 1013 (2007) .....  | 29 |

|  |        |
|--|--------|
| Wash. State Physician Ins. Exch & Ass'n v. Fisons Corp,<br>122 Wn.2d 299, 339, 858, P.2d 1054 (1993) ..... | 30     |
| Marriage of Tang, 57 Wash. App. 648,P2d 118 (1990) .....   | 30     |
| Esteb v. Esteb, 246 P.2d (Wash. 1926) .....  | 30     |
| Marriage of Sacco, 114 Wn.2d 1, 3-4, 784 P2d 1266 (1990) .....   | 35, 45 |
| Childers v. Childers, 89 Wn.2d 592 (1978) 575 P2d 21 .....   | 30     |
| Watt v. Starke, 101 U.S. 252,25 L, Ed. 826 .....   | 34     |
| Newell v. Newell, 117 Wn. App. 711, P.3d 1130 (2003) .....   | 35     |
| Newell v. Newell, 117 Wn. App. 711, 72 P.3d 1130 (2003) .....  | 41     |
| Marriage of Wilson, 165, W. App. 33, 341, 267 P3d 485 (2011) .....   | 35     |
| Marriage of Sievers, 78 Wn. App. 297, 305, 897, P.2d 388 (1995) .....                                      | 35     |
| Marriage of Blickenstraff, 71 Wn. App. 489, 500-01, 859 P.2d 646 (1993).36                                 |        |
| Marriage of Morris, 176 Wn.App 893, 309 P.3d 767 (2013) .....  | 42     |
| Marriage of Leslie, 90 Wn.App 796, 802, 954 P.2d 330 (1998) .....  | 44     |
| State Ex Rel. Carroll vs. Junker, 79 Wn2d 12, 26, 482 P.2d 775 (1971) ....                                 | 44     |
| Marriage of Glass, 67 Wash.App. 378, 384, 835 P.2d 1054 (1992) .....                                       | 45     |

**Statutes:**

|                     |    |
|---------------------|----|
| RCW 19.36.010 ..... | 34 |
| RCW 19.36.901 ..... | 34 |
| RCW 26.09.100 ..... | 32 |
| RCW 26.09.170 ..... | 4  |

|                               |           |
|-------------------------------|-----------|
| RCW 26.09.175 .....           | 4         |
| RCW 26.09.175(1) .....        | 35        |
| RCW 26.19.011(2).....         | 34        |
| RCW 26.19.035.....            | 33        |
| RCW 26.19.035(2) .....        | 45        |
| RCW 26.19.035(3) .....        | 3, 33, 35 |
| RCW 26.19.035(4) .....        | 35        |
| RCW 26.19.050 .....           | 4         |
| RCW 26.19.065(1) .....        | 3, 42     |
| RCW 26.19.071.....            | 3, 33     |
| RCW 26.19.071(6).....         | 3, 44     |
| RCW 26.19.075 .....           | 3         |
| RCW 26.19.075(2) .....        | 3         |
| RCW 26.19.075(3) .....        | 42        |
| RCW 26.19.080(1) .....        | 3         |
| RCW 26.19.080(2) .....        | 3         |
| RCW 26.19.090 .....           | 30, 32    |
| RCW 26.19.090(1).....         | 3         |
| RCW 26.19.090(6).....         | 3         |
| <b>Court Rules:</b>           |           |
| CR 59 (Reconsideration) ..... | 32, 33    |

**Mandatory Forms:**

FL Modify 501 (Petition to Modify Child Support Order) ..... 3  
FL Modify 521 (Motion to Adjust Child Order) ..... 3, 33, 34

**Washington State Constitution:**

State of Washington State Constitution..... 31  
Article II (Legislative Department) ..... 31  
    Section 18 (Style of Laws) ..... 31  
Article III (The Executive) ..... 31  
    Section 4 (Laws, ...) ..... 31  
Article IV (The Judiciary) ..... 31  
    Section 20 (Decisions, ...) ..... 32  
    Section 31 (Commission on Judicial Conduct) ..... 32

**State of Washington Commission on Judicial Conduct:**

Canon 1; Rule 1.1 ..... 32  
Canon 2; Rule 2.1 ..... 32  
Canon 2; Rule 2.2 ..... 32  
Canon 2; Rule 2.3(D) ..... 32  
Canon 2; Rule 2.11(A)(1) ..... 32

## I. PRELIMINARY STATEMENT

As an introduction, the father believes that both parents (Greg and Sheila) “should” embrace an educational paradigm that represents the best interest for our child (Joshua). Post Secondary Education Support represents this triad as more than just the parts of the whole... the parents, the child, *and* the judiciary. To that intent, the Okanogan County Superior Court entered an Order of Child (Post Secondary Education) Support on May 3<sup>rd</sup>, 2016.

Joshua completed from high school in Coulee Dam and he also completed his Associates Degree in Wenatchee Valley College (under the Running Start Program) – co-graduated in June, 2016. In the face of Attention Deficit Hyperactive Disorder, combined Type DSM-IV, Joshua graduated as a high school National Honor Society student, scored in the top tier of the Washington State ELA/Literacy Score and performed well above the math standards. Joshua also was faced with another malady, moderate persistent Asthma, and with medications and diet he lettered sports in both track and tennis. He was designated as a Dean’s List during his AA program. Joshua filed applications for Washington State University, Central Washington University and Eastern Washington University and all three made offers. And in the end, Joshua entered Central Washington and Washington State University as a combined program for a dual degree in

math & physics *and* engineering. Joshua is now in his second year in Central and expects to transfer to WSU after his third year of the 5-year program.

Eight months after the *Post Secondary Education Support Order*, Sheila (now at 53) filed a *Motion to Adjust Child Support* on December 2<sup>nd</sup>, 2016 – as a cause for her “retirement.” Greg filed dismissals, and a Reconsideration; nevertheless, the Okanogan County Superior Trial Court entered an Order on June 2<sup>nd</sup>, 2017 as: *Post Secondary Education Payment of Ms. Sheila A. Wilder*. That adjudged and decreed that: 1) reduced the prior Post Secondary Education Support from \$594 to \$375 per month; 2) voided of all/any uncovered medical expenses for the child; and, 3) removed all provisions to child-support from/of the mother’s or father’s death(s).

As the preamble to the father’s Motion for Reconsideration, the Trial Judge caused to publish this manifest abuse of discretion; to wit:

“You know, there’s a lot of people in -- the state that --including several judges that believe that the legislature has overstepped its boundaries in requiring support for -- a child who has reached the age of majority -- child’s old enough to join the service, he’s old enough to vote, he’s old enough to, as I say, join the service, get the GI Bill; he’s no longer subject to juvenile court jurisdiction, he’s subject to adult court jurisdiction. He’s no longer subject to parental supervision or -- or parental -- orders, so to speak, and -- So, I think that the courts have to be very careful when you decide to require a parent to pay for a child who’s reached the age of majority who does not have a particular disability... So the motion for reconsideration will be denied.” (VRP at 37-38)

The foundation of the Post Secondary Education Support exemplar was created by legislation. It was assembled by legal codification, adopted by rules, and came to depend on case-law. From that, families expect a fair

adjudication – free from personal belief paradigms, free from political agendas, and free from conflict(s) of interest *is reversible error*.

## II. ASSIGNMENTS OF ERROR

### A. Assignments of Error

- 1: The trial court erred by manifest abuse of discretion by ignoring and violated by the provisions of the statutory requirements for postsecondary education support awards. (VBR 29-30 & 37-38)
- 2: The trial court erred by refusing to comply the Worksheets and applicable financial records. RCW 26.19.035(3), RCW 26.09.175(2)(a), RCW 26.19.090(1), RCW 26.19.071, Mandatory Form (FL Modify 521 §1) and/or Form (FL Modify 501 §1)
3. The trial court abused its discretion in calculating the mother's net income. The error is manifest. RCW 26.19.071, RCW 26.19.080(1),
4. The trial court erred by modifying the mother's transfer from the Washington DSHS Division of Child Support (DCS). RCW 26.19.090(6)
5. The trial court abused its discretion by failing to impute the mother's pro rata share of the post secondary education support for failing to consider her as voluntarily unemployed. RCW 26.19.071(6)
6. The trial court manifest abused the discretion by failing to order a pro rata apportionment of post secondary support and uncovered medical costs between the parties. RCW 26.19.080(1), RCW 26.19.080(2), RCW 26.19.065(1), RCW 26.19.071
7. The trial court abused its discretion by not requiring a *Petition to Modify Child Support Order* replete with the procedures and law(s). Furthermore, the trial court erred by allowing contradictory motions confusing a *Motion to Adjust Child Support Order* with a *Motion to Modify Post Secondary Support*, AND other replaced and/or changed *Motions*. And, regardless of the nature of the motions, the trial court erred by not requiring significant finding of a substantial change in

circumstance. RCW 26.09.170, RCW 26.09.175, RCW 26.19.035(2) and RCW 26.19.050

## **B. Issues Pertaining to Assignments of Error**

1. The issue is that the trial court had predetermined a (the) outcome based on a political base and personal paradigm. Referring to established code and overwhelming case-law, the Okanogan trial court put it: "Bad facts make bad law." (VRP at 29, line 20) & (VRP at 37-38) The trial court ignored established statutes, put aside the canons... to the father, "that substantial justice has not been done." ***The trial court's failure of justice is reversible error.***
2. The issue is that the mother filed two consecutive and contradictory motions and the trial court permitted the confusion and the resulting determinations. Regardless the *Motion to Adjust Child Support* or the *Motion to Modify Post Secondary Support* "require" completed Worksheets replete with disclosure of financial records, including federal tax return(s), income determinations including pension agreement(s), and the calculus of net income determinations. The failure of the trial court resulted in errors of the mother's income calculus and lowered the post secondary education support obligation.
3. The issue is that the mother failed to provide Federal Income Tax(s). W-2 reports which are not accurate to exclusively depend on withholdings. The mother's pension covers her medical/health and other benefits and without those records, income determinations are more than just suspect. The mother refused to provide a copy of her pension agreement(s).
4. The issue is that it's untenable to expect the mother to make and keep support payments. It is unfair to expect the child as a collection agent AND it is unreasonable to expect the college as a fiscal watchdog. The mother has a history of late transfers, arrears, and unpaid uncovered medical expenses. Under the *Post Secondary Education Support Order*, the prior transfer paid to the father through DCS... it worked. The father kept and tracked the college distribution budget in a separate checking account with explicit records. There are applicable resolutions: making the payments to the parent who has been receiving the support the transfer through the DCS payments

(the father), a responsible 3<sup>rd</sup> party, or through the DCS but paid to the child.

5. This issue is that the mother (at 53) notified that she voluntarily left her current position after 31 years. She was unresponsive to a new/different position, possible retirement, or possible some combination. The mother did not provide any “retirement” amounts before she filed her motions. In any case, she is healthy, well under the age for social security provisions, and very employable.
6. The issue is that the current *Order of Post Secondary Education Support* determined pro rata distributions between the mother, the father, *and* the child. The trial court did not consider the impacts of the other parties. The ***trial court’s failure to make a pro rata allocation between the parties is reversible error.***
7. The issue is that the court’s failure to implement and comply the statutes(s) and Administrative office or the Courts directives. The Court permitted to allow contradictory and confused motions and procedures, and these failures resulted in: a changed transfer procedure and amounts, vacated the child’s uncovered medical costs, and removed insurance protection for the child.

### III. FACTUAL AND PROCEDURAL HISTORY

The father (Greg) was born on January 15<sup>th</sup>, 1944 and he is now seventy three (73) and has been retired for over 10 years. (CP 607) The mother (Sheila) was born in March 7<sup>th</sup>, 1963 and she is now fifty four (54) and apparently is now retired in March, 2016. (CP 8)

The parties (Greg and Sheila) met and began to date early in 1997. Our son (Joshua) was born on September 22, 1997. The parents shared support with Joshua – Greg cared for Joshua in his home in Issaquah about 4 days a week and Sheila cared for Joshua in her home in Seattle about 3 days

a week. The parties kept separate homes until they purchased a home in 2001. Following the house purchase (in Seattle), the family included Sheila's two daughters; Tia (13) and Britany (15), and our son, Joshua (3). The parties (Greg and Sheila) were married on September 22, 2001 in Coulee Dam, Washington. (App 01)

After three years, Sheila (as pro se) filed for a dissolution on April 1, 2004 but failed to properly summons the father. In fact Greg was unaware of her filing until just before the court date and Sheila subsequently moved for an ex-parte dismissal on April 27, 2004. Sheila failed to appear on August 24<sup>th</sup>, 2004 and subsequently the Trial Court dismissed the case on August 30<sup>th</sup>, 2004. (Superior Court of Washington for King County: No.: 04-3-12535-2)

The parents separated in late December, 2003 and soon thereafter the father relocated to Okanogan, Washington. Under a separation agreement, the parents (Sheila and Greg) enrolled school for Joshua in Okanogan in September, 2004. Sheila remained in Seattle.

At Sheila's request, Greg (as pro se) filed a *Petition for Dissolution* in Okanogan County on November 4, 2004 (No.: 04-3-00168-0). She recanted on November 18, 2004 and cross-filed on November 18, 2004 in King County (No.: 04-3-06425-6). After an exchange of venue hearings, the Okanogan County Trial Court set the trial in Okanogan County, however the

Trial Court Reconsidered and transferred venue to King County. In mid-December, 2004, during the school winter-break, Sheila notified the Okanogan school that she had withdrawn Joshua and relocated him back to Seattle. As an emergency hearing, on December 29, 2004, the Trial Court ordered to select and appoint a Guardian Ad Litem, heard and argued emergency motions for a *Temporary Parenting Plan* and Temporary Order(s). The Trial Court entered the *Temporary Parenting Plan* and designated the father as the custodian parent and ordered to return the child back to Okanogan immediately. Sheila promptly filed for a Reconsideration, which was summarily dismissed. Relating to the mother's poor-judgement and risk(s) to the child, the Trial Court included a permanent Protective Order proviso of the Parenting Plan under VI (Other Provisions).

Following the Guardian Ad Litem's Report & Recommendations<sup>(1)</sup> and a Settlement Conference; the King County Trial Court entered the *Final Dissolution*<sup>(1)</sup>, *Final Parenting Plan*<sup>(1)</sup>, and *Final Child Support* (CP 668-673) on December 30, 2005.

On March 15<sup>th</sup>, 2016, Greg filed a *Petition for Modification of Child (Post Secondary Education) Support*. (CP 206) Sheila failed to appear or by pleadings or person, and was in default. (CP 189) The Okanogan County

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*(1) Not including in the Court Papers, however they are readily available as uncertified documents or otherwise if requested from the King County Superior Court records.*

Superior Trial Court entered an *Order of Child (Post Secondary Education) Support Modification* on May 3, 2016. (CP 165) And included Worksheets. (CP 182) Eight months later Sheila filed a *Motion to Adjust Child Support* on December 2, 2016 and subsequently entered an *Order for: "Post Secondary Education Payment on June 2, 2017."* (CP 5)

**A. Child Support Case History**

**1. Initial Child Support: entered December 30, 2005**

As integrated with the dissolution, the initial permanent *Child Support Order* adopted the Washington State Child Support Schedule Worksheets (CP 674-678) and the standard calculation prescribed the father at \$606 per month and the mother at \$331 per month. However, Sheila was not receiving child support from her prior husband and Greg stipulated to implement the "Whole Family Formula Deviation" (CP 679) and reduced the standard calculation and set the mother to transfer \$214 per month to the father. (CP 670) Other provisions of the Order included: The right to Petition for Post Secondary Support was reserved. (CP 671) Extraordinary Health Care Expenses set 34% by the mother (CP 673) and provisions were ordered to insure protecting the future child support in the case of their death(s). (CP 673)

**2. Modify Child Support: entered September 27, 2007**

After both of Sheila's daughters graduated from high school and had left the home, it was unreasonable to continue the deviation for the "Whole Family Formula." Additionally, two years had lapsed from the prior *Child Support Order*, there were income changes, the father was retiring, and planning a relocation to Coulee Dam – along with the child (Joshua). The King County Superior Court motion for an ex parte Order was permitted the relocation on May 30, 2007. (App 02)

Prior to filing any child support changes, the parents discussed it, but Sheila wasn't happy about any changes. And on April 3, 2007, Sheila (Representing Anthony Castelda) filed for a frivolous *Order of Protection*. It was summarily dismissed. During this process, Sheila's attorney threatened Greg by stating: "I'll bury you with process and paper." (CP 661) Greg (as pro se) cross filed the *Order of Protection* as a "Solomonic Order," which was consequently ordered. (CP 636) One of the conditions were to permit moving forward the anticipated *Motion to Modify Child Support*. (CP 637)

It was expected, and Greg (as pro se) filed the *Petition for Modification of Child Support* (Okanogan 04-3-00168-0) on April

12, 2007. (CP 685) Based on the attendant Washington State Child Support Schedule Worksheets, (CP 680) the father recommended that the mother transfer \$403 per month. (CP 682) Sheila was dodging service, including the help from her attorney to do so. (CP 660) After hearings, declarations, and arguments both of the parents eventually (in frustration) voluntarily dismissed the *Petition for Modifications* on June 12, 2007. (CP 512), (CP 514-519), and (CP 520-526)

Greg (as pro se) refiled a new *Petition to Modify Child Support Order* before the King County Superior Court (04-06425-6 KNT) on June 13, 2007. Sheila represented herself. The parents determined a new Washington State Child Support Schedule Worksheets. (CP 488) The Standard Calculation determined the father at \$502 per month and the mother at \$435 per month. (CP 490) The King County Trial Court entered the Final (Agreed) *Order of Child Support* on September 27th, 2007. (CP 481) The mother was designated to transfer \$331 per month for six months, and then reset the transfer to \$435 per month to the father thereafter. (CP 483) Other provisions of the Order included: the right to Petition for Post Secondary Education Support was reserved. (CP 485) Extraordinary Health Care Expenses set 45.8% by the mother (CP 486) and

provisions were ordered to insurance protecting future child support in the case of their death(s). (CP 487)

**3. Modify Child Support: entered November 23, 2009**

After Joshua reached twelve (12), Greg (as pro se) filed for a *Petition for Modification of Child Support* before the Okanogan County Superior Court (04-3-00168-0) on September 1, 2009. At 12 years of age, the Economic Table Standard change requirements, and as well, the parents' incomes had changed. Greg proposed Worksheets the monthly Standard Calculations for the father at \$579 and for the mother at \$664. (CP 495) Sheila responded and proposed Worksheets for the transfers for the father at \$646 and the mother at \$511. (CP 466) The Trial Court determined the Standard Calculation determined the father at \$630 per month and the mother at \$645 per month. (CP 383) The Trial Court affirmed that the mother was designated to transfer \$645 per month to the father. (CP 371) Other provisions of the Order included: the Right to Petition for Post secondary Education Support was reserved. During negotiations, this additional *proviso included an education savings program under the Washington State Guaranteed Educational Tuition (GET) program to be available to both parties.* (CP 375) Extraordinary Health Care Expenses set 50.6% by the mother (CP

379) and provisions were ordered to insure protecting the future child support in the case of their death(s). (CP 381)

#### **4. Modify Child Support: entered July 21, 2015**

The father (Greg) retired (as the Okanogan County Director of Planning and Economic Director) in December 31, 2006; however, he continued to provide consulting work (part-time) for the county. In December, 2006, Greg suffered a significant heart attack, but quickly recovered. (App 03) Nevertheless, he fully retired in late of 2007. At that point, the father's net income became virtually fixed at \$3,804 per month net. (CP 393) In 2014 Greg was elected as the Mayor for Coulee Dam and that included a small stipend. Greg's net income was nominally increased to \$4,398 per month net. (CP 356) In October, 2014, the father suffered a significant Stroke (left-side brain damage; including Aphasia, confusion, and short-term memory). However, and following his stroke, the father simply cannot continue beyond his mayoral term and did not file.

When Joshua had just finished his 11<sup>th</sup> grade, Greg (as pro se) filed a *Petition for Modification of Child Support* (Okanogan County Superior Court / No.: 04-3-00168-0) on May 8, 2015. (CP 362) It had been six years since the prior modification, the father provided a thorough and updated Financial Declaration (CP 356) and Child

Support Schedule Worksheets. (CP 351) Greg provided proposed Worksheets (standard calculations) at \$617 per month for the father and at \$915 for the father. (CP 353) Since Joshua had finished his first year of the Running Start Program (shared high school/college advanced classes), Greg proposed this Child Modification as a Post Secondary Education Support paradigm since some of these classes can be transferred into his future state university program(s). For the first year of the program, Greg exclusively covered those additional funds from his college savings plan.

Greg had hoped for a synergy by an agreed motion. Sheila was represented by an attorney (Roger Castelda) and clearly opposed this “pre” Post secondary Education Support concept. (CP 345-348) & (CP 338-343) Even though it was more cost-effective in the long term, and following arguments, the father capitulated to the concept – and the parties moved forward into a (this) traditional *Petition for Child Modification Support* filings. Even with that, there were a lot of differences. (CP 345, 338, 317, 302) The mother proposed Worksheets setting Sheila at \$808 per month and for Greg at \$646 per month.

A hearing was set for July 21, 2015 and both parties made their presentations and arguments. Not satisfied by the arguments,

the Trial Court recalculated the Washington State Child Support Schedule Worksheets and set the mother's transfer at \$935 per month retroactively to June 1, 2015. (CP 277 & 279). Other provisions of the Order included: the Right to Petition for Post secondary Education Support was reserved, (CP 281) Extraordinary Health Care Expenses set 52% by the mother, (CP 285) provisions for past due medical support, (CP 285) other unpaid obligations, (CP 286) and provisions were ordered to insure protecting the future child support in the case of their death. (CP 286)

**5. Modify Child (Post Secondary Education) Support: entered May 3, 2016**

The father filed a *Petition for Modification of Child Support* on Mach 15, 2016. (CP 206) The *Order of Child (Post secondary education) Support*, entered on May 3, 2016. (CP 165) The attendant Washington State Child Support Schedule Worksheets, (CP 182) the Findings/Conclusions, (CP 187) and the Father's Declaration with exhibits (CP 190-206) were all entered on May 3, 2016.

In all previous *Child Modification Orders* included the provision as "the Right to Petition for Post secondary Education Support," and in order to file a timely Petition for Modification of

Child Support (Post Secondary Education), the father filed his petition on March 15, 2016. (CP 206)

Greg kept regularly communications (verbal and emails) with Sheila relating to the pending *Post Secondary Education Support* (CP 245, 259, 258, 256-257, 255, 254, 253, 251-252, 249-250, 247-248, & CP 256) and on a number times suggested that Sheila should work with her attorney or a court facilitator. What Greg didn't realize was that Roger Castelda (WSBA #5571) had retired and the other partner, Anthony Castelda (WSBA #28937), was under a 16 month WSBA suspension from May 22, 2015 through September 22, 2016. In order to draft the Worksheets, Sheila provided the only financial information she was willing to share; a pay-stub (CP 23, 24) and her 2015 W-2 (CP 25). Also, Sheila was unwilling to provide the FAFSA records (including her federal income taxes for 2015) for which our child could maximize for grants, scholarships, tuition & fee waivers, and other support. (CP 259) AND, Sheila had an opportunity to reduce *Post secondary Education Support* (from both parents) by providing financial records, but remained silent. Greg provide applicable email copies with Sheila's attorney (Castelda) Including: (CP 245, 255, 259)

Understanding that using the Washington State Child Support Schedule Worksheets is mandatory, Greg included the advisory economic table as a guideline. Sheila only provided her January, 2016 pay-stub that was the only representative of a comparable income – \$4,184 gross per month. (CP 24, 265) Sheila provided her annual income in the form of her 2015 W-2 \$60,551 (\$5,047 per month gross). (CP 25) The father provided ample income records included: pay stubs, Social Security direct deposit receipt, 2015 W-2, Social Security 2015 SSA-1099, State Pension 1099-R, earnings for College Savings Plan (Washington GET) 1099-Q, and his 2015 Income Tax Return. From that, the father's fixed income was verified as \$3,469 per month net. (CP 135, 265)

The father submitted the proposed Worksheets by applying the mother's pay-stubs at \$4,184 gross per month (CP 24, 25) and the father's at \$3,752 gross per month. (CP 134, 182-183) Also the Worksheets forms (under Other Factors for Consideration) indicated: "Assigned as Post-secondary Education and the child is enrolled in Central Washington University. The child must meet the conditions and standards under applicable RCW 26.19.090 (Standards for postsecondary education support awards)." (CP 185) The Trial Court determined the adopted Standard Calculation as the father at \$548

per month and the mother at \$594 per month. (CP 183) However, the Trial Court imputed an additional \$201 for the father and assigned the child's portion of the college budget at \$604. (CP 181)

Furthermore, the Trial Court thoroughly reviewed and considered the father's declaration (CP 190-205) and entered the *Order of Child (Post Secondary Education) Support* on May 3st, 2016. (CP 165-181) The Order set the mother's transfer at \$594 per month effective on June 1, 2016. (CP 170 & 172) Since Sheila had a history of late transfers and arrears, the transfer was set to the father (through DCS collections). The mother was not deviated from the Standard Calculation, however under "Other reasons for deviation" The Trial Court adopted Exhibit "A" (CP 171, 181) which perceived the mother's standard calculation at \$594 per month, annualized the child at \$604 per month, and imputed the father at \$749 per month (\$548 Standard Calculation + \$201 imputed portion). (CP 183 & 181) Under the Modification Order, §3.14 provided other conditions including a required budget (exhibit "A") (CP 174) and a requirements under RCW 26.19.090 (Standards for Postsecondary Education Support). (CP 174) The Trial Court also took note that the mother was currently in arrears, imposed the Uninsured Medical Expenses at 52%, (CP 178) and provisions were ordered to insure

protecting the future child support in the case of their death. (CP 179) And lastly, a provision relating to future modifications, was included to wit: “The right to petition for modifications post-secondary support is reserved, provided that the child remains in full-time college until his last day of his 23<sup>rd</sup> year.” (CP 174) The mother did not appear, nor did she provide any pleading(s), declaration(s), and did not appear personal or telephonically.

The Trial Court entered the *Findings & Conclusions of the Order of Child Support* (Post secondary Education) as to the basis, entered the Order of Default. (CP 187, 189) The reasons for the modification as a substantial change of circumstance as: “Post-secondary Education Support, the child is enrolled in Central Washington University, the child/student must meet the conditions and standards under applicable RCW 26.19.090 (standards for postsecondary education support awards).” (CP 188) And lastly; “The transfer for support should be made directly to the petitioner as has been past practice and previously ordered.” (CP 189) Sheila had a long standing of arrears and late transfers. The Division of Child Support (DCS) collected the transfers and deposited those funds into a unique and separate bank account from which could track college payments for Joshua. Greg kept explicit records. (CP 226)

**6. Adjust Child Support: entered June 2, 2017**

Eight months following the most recent support Order, Sheila filed an emotionally-charged *Motion to Adjust Child Support Order* on December 5, 2016. The hearing was set and heard on December 15<sup>th</sup>, 2016, however it recessed prior to any determination. Subsequently on December 20, 2016 both Okanogan County Superior Judges recused from the cause. (CP 96, 97) On January 24<sup>th</sup>, 2017 the Okanogan Superior Court Bailiff appointed a Superior Court from Douglas County and reset the *Motion to Adjust Child Support Order* hearing for March 14, 2017.

On the March 14<sup>th</sup> hearing, the Court Judge determined: 1) lowered the current Post Secondary Education Support from \$594 to \$375 and modified the transfer order; and, 2) modified (vacated) any portion of the child's uncovered medical expenses. The father filed a Reconsideration which was heard on June 2, 2017.

The Okanogan County Superior Trial Court entered an expanded/changed *Order Re: Post Secondary Educational Payment of Ms. Sheila A. Wilder* on June 2, 2017 (CP 2) and on that same date, the Trial Judge denied the father's Reconsideration. (VRP at 38, line 16)

**B. Current Child (Post Secondary Education) Support Case**

The parents' personal and litigation history *are* important... they point to the ethics and honesty at the core. As the father put it: "*Greg doesn't represent for himself, nor should Sheila represent for herself... rather, both parents should represent an amalgamation to insure that Joshua will have the opportunity to experience the full college paradigm.*" So too should be the lawyers... certainly free to ply their profession zealously, but not to forget the canons and the ethics. Even though pro se, Greg has worked to represent our child, under the same expected zeal and expected ethics.

According to the State the DSHS, both of the parents are considered as "Median Income" households. (App 04) The Petition for Modification of Child (Post Secondary Education) Support on March 15, 2016 (CP 206) including the Worksheets. (CP 265) At that point, the father was earning \$3,752/gross (\$3,140/net) per month and the mother \$4,184/gross (\$3,396/net) per month. The Standard Calculation determined the father at \$548 per month (17.5% of his net income) and the mother at \$594 per month (also 17.5% of her income). Both Greg and Sheila live within median income households. Now as to Greg's cash-flow for Joshua's education support, he "saved" monthly under the Washington's 529 College Savings Plan (GET) to meet those anticipated payments. Sheila "planned" to participate, but she never followed-up.

(CP 375) If you consider “education” as a capitalized cost, then education by savings or borrowing, these principal-cost(s) are the same. If you can afford to meet your monthly income cash-flow – that’s great! However, Greg chose to save-up his future educational costs and picked up a little interest as well. If Sheila can’t meet her committed monthly income, she has options – one of them is to borrow for her educational costs to meet those promises, understand that she may impact some debt-interest. The FAFSA federal programs and procedures offer comparative long-term educational loans... many families can and do. In fact Joshua’s FAFSA includes low-interest Federal Parents’ Education Loans. (App 05)

Seven months following the May 3<sup>rd</sup>, 2017 *Child (Post Secondary Education) Support Order*, Sheila filed a *Motion to Adjust Child Support* on December 2, 2016. (CP 156-162)

Sheila filed this nature of motion as a “***Motion to Adjust Child Support.***” (CP 156) However, Sheila’s *Note for Motion* (special set) on December 15, 2016 redefined the nature of motion as a “***Motion to Modify Post Secondary Support.***” (CP 149) Sheila included both motions – the substantive and procedural laws are very different in a Motion to “Modify.” (RCW 26.09.170; .175) Regardless, of either motions, they both required Worksheets. When Sheila filed her *Motion*

*to Adjust Child Support Order*; (CP 157 §1) she declared (under penalty of perjury) and clearly indicated:

“My name is Sheila A. Wilder. I ask the court to adjust the Child Support Order. I am filing and serving proposed Child Support Schedule Worksheets at the same time as this motion.” (CP 157)

The father filed a Motion for Continuance on December 6, 2016 since Greg and Joshua had long-planned and prepaid ski vacation (CP 262-263) over Joshua’s winter break. However, Sheila would not support the motion and it died without support from the mother. (CP 261 & 264) (App 06, 07)

Regardless, Greg responded to the mother’s Motion to Adjust Child Support, by serving the expected information and filed the following response on December 6, 2016: 1) Pro se Notice of Appearance; (CP 148) 2) Declaration with an exhibit; (CP 143-147) 3) Washington State Child Support Schedule Worksheets (based on the Greg’s and Sheila’s “proposed or retirement” incomes); (CP 140-142) and, 4) Financial Declaration. (CP 133-139) Greg filed a specific answer/declaration with exhibits on December 8, 2016. (CP 122-132) Greg also filed Supporting Records of the Father on December 8, 2016. (CP 242-260) Sheila submitted a Synopsis of Legal Authorities – Re: Post Secondary Child Support on December 13, 2016 (CP 114-121) and she filed a Responsive Declaration in December 13, 2016. (CP 109-113)

Greg subsequently filed a Synopsis of Legal Authorities – Re: Post-secondary Child Support on December 15, 2016. (CP 98)

On December 15, 2016, the Trial Court raised the potential of a conflict of interest relating to Greg’s position as the Mayor for Coulee Dam. (VPR at 3-4) Nevertheless, the Trial Court commented:

“But now, here’s -- here’s the good news: And that is, I’ve read all of the material. Okay? And I’m -- I’m -- quite certain that you -- if you agree that I can hear it, then -- frankly, I don’t think oral argument is necessary. Okay? I think it’s pretty straightforward. And I’m not sure what you can tell me that’s going to add to the written material.” (VRP at 5-6)

Subsequently, the mother considered that both of the Okanogan County Superior Judges agreed to have conflicts-of-interests and both Judges entered separate Orders of Recusal. (CP 97, 96) On January 24, 2017, the Okanogan County Superior Court Bailiff notified the father that the Douglass County Superior Court Judge would be representing Okanogan and scheduled the “*Motion to Adjust Child Support Order*” hearing on March 14, 2017. And directed all working papers be delivered to Douglas County in Waterville. (CP 241) Greg provided these working papers on February 5, 2017 (CP 227)

In anticipation, Greg filed a Brief (in opposition to: the mother’s Motion to Adjust Child Support) December 27, 2016 (CP 87-95)

On February 23, 2017 Sheila retitled her new motion as: *Motion to Modify the Amount of Court Ordered Post Secondary Support*

***Which is Set as Child Support Currently by an Order of Child Support.***<sup>(1)</sup> (CP 86)

On February 27, 2017, from the daze of changed motions, Greg filed a *Motion to Dismiss the mother's: Motion to Modify Post Secondary Support and/or the Motion to Modify the Amount of Court Ordered Post Secondary Support Which is Set as Child Support Currently by an Order of Child Support.* (CP 84) Greg also filed a Memorandum to bolster his Motion to Dismiss on February 27, 2017. (CP 80-83)

The Okanogan County Superior Trial Court was heard on March 14, 2017. The Trial Judge was determined not to argue the father's Motion to Dismiss (VRP at 12) pointing to "... allows either party to modify the child support provisions ***at any time.***" (emphasis added) (CP 174) The Trial Judge: determined the mother's request to reduce of the Post Secondary Education Support from \$594 per month to \$375 per month, change the transfer directly to the child, and vacated the requirements to pay uncovered medical expenses. (VRP 31-33) However, the third matter, vacating life insurances was not argued nor

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(1) As per the mother: "This motion is based on the files and records herein, the declaration of Ms. Sheila A. Wilder and any Exhibits attached thereto and all other materials filed in conjunction with this Motion and the *Motion to Adjust the current Order of Child Support* which is in actuality is a *Post Secondary Support Order* erroneously entered as an *Order of Child Support.*"

acknowledged by the Trial Court. On April 14, 2017, Sheila nevertheless filed the defective proposed Order and set the Note for Presentation on June 2, 2017. (CP 75)

On April 27, 2017 the father filed for a Motion for a CR 59 Reconsideration (CP 63-74) and Reconsideration Exhibits. (26-62) On May 22, 2017, Greg filed an Affidavit relating the Reconsideration. (CP 7-25)

The father's Reconsideration was summarily denied based on:

"You know, there's a lot of people in -- the state that --including several judges that believe that the legislature has overstepped its boundaries in requiring support for -- a child who has reached the age of majority -- child's old enough to join the service, he's old enough to vote, he's old enough to, as I say, join the service, get the GI Bill; he's no longer subject to juvenile court jurisdiction, he's subject to adult court jurisdiction. He's no longer subject to parental supervision or -- or parental -- orders, so to speak, and -- So, I think that the courts have to be very careful when you decide to require a parent to pay for a child who's reached the age of majority who does not have a particular disability."

"Should something -- happen to Mr. Wilder, Mrs. Wilder wouldn't have had to do that. Had Mr. Wilder taken off, et cetera and Ms. Wilder predeceased, for whatever reason -- So, only under these rare circumstances is child support for somebody over the age of majority required, or not required but allowed. And -- had Ms. Wilder in this particular case been bringing in an income that was significant -- \$10,000 or -- or more, I think we're more inclined to allow that. On the other hand, she's the parent. If she decides this child should go to college that's I think up to her. And if she decides that she has the ability to and the desire to help her, I think that's up to her, particularly with her limited income."

"So<sup>(1)</sup> the motion for reconsideration will be denied." (VRP at 37-38)

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(1) So: and for this reason; therefore *Webster's Ninth New Collegiate Dictionary*

Under that Order it was Adjudged Decreed and Ordered: 1) lowered the mother's monthly support from \$594 to \$375 and moved the transfer from the DCS to the child; 2) vacated the mother's share of medical expenses; and, 3) removed the mother's requirements to protect the child's support in the event of Sheila's death. (CP 5-6)

#### **IV. STATEMENT OF THE CASE**

The mother initially filed two action-based procedures before the Okanogan County Superior Court on December 5<sup>th</sup>, 2016: 1) *Motion to Adjust Child Support*; (CP 156) and concurrently she filed a *Note for Motion* (Special Set) and noted her natural of motion as; 2) *Motion to modify Post Secondary Support*. (CP 149) The father timely responded on December 6<sup>th</sup>, 2016. On December 20<sup>th</sup>, both Okanogan County Superior Judges filed recusals (CP 96, 97)

Subsequently, the mother filed another action, on February 24<sup>th</sup> as a *Motion to Modify the Amount of Court Ordered Post Secondary Support Which is Set as Child Support Currently by an Order of Child Support*. (CP 86) This hearing was set before the Douglas County Superior Court Judge (as a guest Judge before the Okanogan County Superior Court) for March 14<sup>th</sup>, 2017. The trial court adjudicated two matters; 1) set the mother's post secondary education support at \$375.00 per month and reassign the transfer to the child; and, 2) vacated §3.10 of the May 3, 2016 *Order of Child (Post*

*Secondary Education) Support.* Subsequently the trial court entered these two items; and added the third cause at the Order Presentation on June 2, 2017 which vacated §3.23 (life insurance provisions).

Along with a number of pragmatic arguments, the father was concerned over a matter of fairness. (VRP at 29-30) And the father filed for a Reconsideration and was adjudicated by the trial court without oral argument. (VRP at 37; line 9) The trial court denied the Motion for Reconsideration (VRP at 38; line 16). As to the denied motion, the trial court argument clearly illuminated his reasons. (VRP at 37; lines 13 et seq.)

The Order was entered on June 2<sup>nd</sup>, 2017 as an *Order Re: Post Secondary Education Payment of Ms. Sheila A. Wilder* and is parceled by three separate modifications – as follows:

1. “Beginning June 1, 2017 Ms. Sheila shall be required to remit to Mr. Joshua Wilder directly the sum of \$375.00 per month, due on or before the 10<sup>th</sup> day of each month with the first payment being made not later than June 10, 2017, for her Court Ordered Post Secondary Support payment. This payment modifies the Final Order of Child Support entered on May 3, 2016 as to the amount of the transfer payment stated in paragraph 3.5 therein.”

The trial court ignored the mother’s net income, (CP 24) ignored the pro rata support payments, (CP 181) (VRP at 36) ignored the college cost of attendance, (CP 37) and skirted the problems of transfer from the mother’s history. (CP 129) The trial court predetermined the support amount subjectively without substantive findings. (VRP at 35; line 10)

2. “Effectively immediately, Paragraph 3.19 of the Final Order of Child Support dated May 3, 2016 is hereby modified such that Ms. Sheila A. Wilder is no longer responsible for any portion of uncovered medical expenses of Mr. Joshua Wilder.”

The trial court vacated the uncovered medical expenses ignored the pro rata requirements of the parents, and the trial court did not provide any findings.

3. “Effective immediately, Paragraph 3.19 of the Final Order of Child Support dated May 3, 2016 is hereby modified such that Ms. Sheila A. Wilder is no longer required to maintain Mr. Joshua Wilder as the primary irrevocable beneficiary on any existing life insurance sufficient in amount so as to secure any post secondary support obligation”.

This determination was defective by the draft order. It was not pleaded, argued, nor authorize this action by the trial court. The mother added this “determination” by her draft Order. The father had no opportunity to plead nor argue at the Order Presentation on June 2<sup>nd</sup>, 2017. (App 8, 9, 10)

## V. ARGUMENT

### A. Standard of Review.

The standard of review modification of a child support order is abuse of discretion.

We review a trial court’s modification of an order for child support for an abuse of discretion. “Discretion is abused where it is exercised on untenable grounds or for untenable reasons.” Further, the trial court’s findings of fact must be supported by substantial evidence. Substantial evidence is which is sufficient to persuade a fair-minded person of the declared premise. In re: *Goude*, 52 Wn. App. 748, 790, 219 P.3d 717 (2009)

The appellant (father, pro se) if nothing else, agree with the mother – the predominant matters are based on factual issues. These issues are best reviewed for substantial evidence and the finding of fact. They can be found in the motions, the narratives, the declarations, memorandums, and the synopsis. When you cut through the mother’s emotion pleadings *Motion to Adjust Child Support* §5 with her opening motion, there isn’t much left. As to findings? Not much. (CP 157-162)

Interpretation of a *child support order* is a question of law – typically reviewed de novo. *Sager v. Sager*, 159 Wn. App. 741, 749, 247 P.3d 444 (2011). Substantial evidence must support the lower court’s finding of fact. *In re: Marriage of Schumacher*, 100 Wn.App. 208, 211, 997 (2d 399 (2000, review denied, 129 Wash.2d 1014(1996)

Typically child support orders are reviewed for an abuse of discretion. *In re: Marriage of Schumacher*, 100 Wn. App. 208, 211, 997 P.2d 399 (2000). Similarly, modifications or adjustments is reviewed for a manifest abuse of discretion. *In re: Marriage of McCausland*, 159 Wn.2d 607, 616, 152 P.3d 1013 (2007). Exceptions, when a trial court is adjudicating predominantly of declarations, documents, and/or over-zealous motions the appellate review is de novo. *In re. Marriage of Flynn*, 94 Wn. App 185, 190, 972 P.2d 500 (1999). A trial court necessarily abuses its discretion if it bases its ruling on an erroneous

view of the law. *Wash. State Physicians Ins. Exch. & Ass'n v. Fisons Corp.*, 122 Wn.2d 299, 339, 858 P.2d 1054 (1993)

Discretion is abused where it is exercised on untenable grounds or for untenable reasons. *In re: Marriage of Tang*, 57 Wash. App. 648, 789 P.2d 118 (1990)

**B. Judicial – *manifest abuse standard apply (reversible error)***

The Washington State Supreme, in 1926, required a divorced father to provide funding for his daughter's college education. *Esteb v. Esteb*, 246 P.27 (Wash. 1926) And, in 1978 the Washington State Supreme Court ruled in *Childers v. Childers*, the judiciary had the tool – the discretion to require parents to support children beyond the age of eighteen. The caveat was (is) that the child remained dependent on the parents for support. *Childers v. Childers*, 89 WN.2d 592 (1978) 574 P.2d 201. Subsequent the law was enacted by the Legislature in 1990; *RCW 26.19.090* governing post secondary education support awards.

The Okanogan (Douglas) trial court stepped over, on, or above the legislature. In this case, the trial court deliberately manifest abuse by ignored the embedded statute to wit: "...that including several judges that believe that the legislature has overstepped its boundaries in requiring support for a child who has reached the age of majority..." (VRP 37) Nevertheless, the Statute remains standing; judicial processes

are with replete of procedure and policy, and even the “mandatory” *Petition to Modify Child Support Order* form FL Modify 501 §8 (App 11) require to consider the process.

The Superior Court and the trial judges are empowered with considerable discretion; particularly relating to family/domestic law. Determinations of law, together with process and procedure(s), the trial court is left with a “flexible” judiciary... rightfully so. However, there are limits! The Washington State Constitution paradigm separates the powers of government. And without a civics lecture, Article II (Legislative Department), Article III (The Executive), and Article IV (the Judiciary). When these “powers” over-step the intent (or by design) of those three Articles, we have for redress. The Trial Court has done just that in a way that: “justice has not been done.”

Among of the State of Washington State Constitution, Article II (Legislative Department); Section 18 (Style of Laws) reads:

“The style of the laws of the state shall be: ‘Be it enacted by the Legislature of the State of Washington.’ And no laws shall be enacted except by bill.”

And among of the State of Washington Constitution, Article II (Legislative); Section 41 (Laws, Effective Date, Initiative, Referendum – Amendment or Repeal) reads:

“No act, law, or bill subject to referendum shall take effect until ninety days after the adjournment of the session at which it was enacted. No act, law or bill approved by a majority of the electors voting thereon shall be amended or

repealed by the legislature within a period of two years following such enactment...”

And, among of the State of Washington Constitution, Article IV

(The Judiciary); Section 20 (Decisions, When to Be Made) reads:

“Every cause submitted to a judge of a superior court for his decision shall be decided by him within ninety days from the submission thereof; *Provided*, That if within said period of ninety days a rehearing shall have been ordered, then the period within which he is to decide shall commence at the time the cause is submitted upon such a hearing.”

And, among of the State of Washington Constitution, Article IV

(The Judiciary); Section 31 (Commission on Judicial Conduct) reads:

“There shall be a commission on judicial conduct, existing as an independent agency of the judicial branch, and consisting of a judge selected by and from the court of appeals judges, a judge selected by and from the superior court judges, a judge selected by and from the limited jurisdiction court judges, two persons admitted to the practice of law in this state selected by the state bar association, and six persons who are not attorneys appointed by the governor.”

And, among of the State of Washington Commission on Judicial

Conduct reads:

Canon 1; Rule 1.1: “A judge shall comply with the law, including the Code of Judicial Conduct.”

Canon 2; Rule 2.1: “The duties of judicial office, as prescribed by law, shall take precedence over all of a judge’s personal and extrajudicial activities.”

Canon 2; Rule 2.2: “A judge shall uphold and apply the law, and will perform all duties of judicial office fairly and impartially.”

Canon 2; Rule 2.3(D): “... from making reference to factors that are relevant to an issue in a proceeding.”

Canon 2; Rule 2.11(A)(1): “The judge has a personal bias or prejudice concerning ... that are in dispute in the proceeding.”

The father was denied his due process and free from prejudice of the law, specifically relating to: RCW 26.19.090 (Standards for postsecondary education...), CR-59 (Reconsideration), RCW 26.09.100

(Child support...), RCW 26.19.071 (...determination of income), RCW 26.19.035 (...child support schedule), *Ib.*

The father (as pro se) argued the Motion to Adjust Child Support Order hearing on March 14, 2017. From the father's perspective, the trial court seemed unusually biased against postsecondary education support awards. (VRP at 29; line 22 through 30; line 11) Following the determination, the father filed a CR-59 (Reconsideration) (CP 63-74) and attended exhibits. (CP 38-61) Greg also filed a reconsideration Affidavit replete with exhibits. (CP 7-37)

On June 2, 2017, the trial court: "I have reviewed the motion by Mr. Wilder and... the motion for reconsideration." (CP 37) And: "So the motion for reconsideration will be denied." (VRP at 38; line 16)

Nevertheless, the trial court clearly defined a plethora of distain to the statutes relating to post secondary education support. The father (and the child) has been denied justice and is ***reversible error***. (VRP at 37-38)

### **C. Worksheets Determinations – *abuse standard apply***

The mother filed a *Motion to Adjust Child Support Order* using the mandatory form – FL Modify 521<sup>(1)</sup> as:

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(1) RCW 26.19.035(3) Worksheets in the form developed by the Administrative Office of the Courts *shall* be completed under penalty of perjury and filed in every proceeding in which child support is determined.

The court shall not accept incomplete worksheets or worksheets that vary from the worksheets developed by the Administration Office of the Courts.

§1: "My name is: Sheila A. Wilder. I ask the court to adjust the Child Support Order. I am filing and serving proposed Child Support Schedule *Worksheets at the same as this motion.*" (emphasis added) (CP 157)

AND,

On page 6 of 6 of the motion: "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.**" (emphasis added) (CP 162)

Considering plain language; it's a contract<sup>(1)</sup> and those parties are between the mother (respondent), father (petition), *and* the trial court.

RCW 19.36.010, RCW 19.36.901

The intent for *worksheets* are tools to help both parties to work through *Postsecondary Education Support*... they are "advisory<sup>(2)</sup>." The "support schedule" is the amalgamation of the standards, economic table, *worksheets*, and the instructions. *RCW 26.19.011(2)* In response to the mother's *Motion to Adjust Child Support Order*, nevertheless, the father (petition/appellant) provided his worksheets, (CP 140) Financial Decoration, (CP 133) and income & medical insurance costs.

When contractual parties are in breach; and in this case, the

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(1) "A contract is which the parties owe each other duties with the utmost good faith." (1916) *Black's Law Dictionary, tenth edition (1995)*, editor: Bryan A. Garner, P.392

(2) "Advisory:" counselling, suggesting, or advising, but not imperative. A verdict on an issue out of chancery is advisory. *Watt v. Starke, 101 U. S. 252, 25 L. Ed. 826*

father is damaged.

The worksheet should be completed by the court following the intent of the legislature under RCW 26.19. In *Newell* the court found that the trial court must accurately determine each party's income and proportional (pro rata) share, using the standards of the child support schedule worksheets, before making its decision about the amounts each party should be required to pay for postsecondary education support. *Newell v. Newell*, 117 Wn. App. 711, 72 P.3d 1130 (2003)

The father (Greg) contends that the trial court erred by the mother (Sheila) for refusing to file worksheets, or by the failure of the trial court for not preparing the worksheets itself. The abuse standard applies and a party seeking to modify a child support obligation must file supporting worksheets (along with the petition). RCW 26.09.175(1) And this step is mandatory. RCW 26.19.035(3); *Marriage of Wilson*, 165 W. App. 333, 341, 267 P.3d 485 (2011) As well, the trial court shall (must) review the worksheets for adequacy of the support. *And*, include them with the order modifying child support. RCW 26.19.035(4) *In re: Marriage of Sacco*, 114 Wn.2d 1, 3-4, 784 P.2d 1266 (1990). This rule provides no exceptions. *In re: Marriage of Sievers*, 78 Wn. App. 287, 305, 897 P.2d 388 (1995)

There is no doubt, Sheila stated: “*I am filing and serving proposed Child Support Schedule Worksheets...*” (CP 157) IF she did not want to provide the worksheets, she could have struck that phrase and initialed it. And subsequently she could have argued or pleading otherwise. Even in those cases where a parent utterly fails to file worksheets, the court may simply find that modification is not supportable. Citing RCW 26.19.035(3); *In re: Marriage of Blickenstraff*, 71 Wn. App. 489, 500-01, 859 P.2d 646 (1993)

**D. Post Secondary Education Support Allocations – *abuse of discretion***

The Okanogan trial court previously (entered on May 3<sup>rd</sup>, 2016) set Post Secondary Education Support: Greg at \$749 per month, Sheila at \$594 per month and the child (Joshua) at \$604 per month. The post secondary education annual budget at \$23,362 (\$1,937 per month). (CP 181) As it is, the Central Washington University *Cost of Attendance* (COA) is competitive. (CP 37)

Based from the financial records available, the Child (Post Secondary Education) Support Order determined worksheets for Greg at \$548 per month and Sheila at \$594 per month. (CP 182) Without from some distribution of imputation, that pro rata would have required the child’s (Joshua) share at \$795 per month. That is not reasonable for Joshua, so Greg “self-imputed” \$163 per month ( $\$586 + \$163$ ) = \$749 per month.

Keeping the mother at \$594 per month, imputed the father at \$749, and a more reasonable share for the child at \$604.00 per month.

Joshua's pro rata share is \$7,247. (CP 181) From that he receives two grants and a tuition waiver totaling; \$5,985. He works part time to cover and accommodate the balance. Joshua meets his \$604 pro rata share.

The provisions for determinations relating to child support, including postsecondary education support, are generally within the provisions of RCW 26.19.

At filing the *Motion to Adjust/Modify Child Support Order*, Sheila provided one income source; three bank deposits at \$2,318.92. (App 12) That is confirmed by her Financial Declaration: monthly gross income is noted at \$2,590.00; she implied her total monthly deductions (Federal taxes) at \$271.08; and converting to net income at \$2,318.92. (CP 151)

However, Sheila filed an untimely Sealed Financial Source Documents on March 10, 2017. (CP 215) This set of financial records, including her 2016 1040EZ federal income tax resources shows income at \$35,622 and income tax a \$3,328 (net \$32,294). (CP 216) Sheila also provided a January, 2017 Pension Benefit Statement at \$2,590.00 and tax deduction of \$271.08 (net at \$2,318.92). (CP 218) And Sheila

provided her form 2016 W-2 Wages (\$12,312.27) and her 2016 Pension 1099-R (\$23,310.00). (CP 219 & 220) Although Sheila has “refused” to provide her Pension Agreement; which covers the Health Benefit Fund (P-Plan) medical/dental/vision covered insurance, and may also provide deferred income, and/or other income provisions.

Greg has been retired for about ten years and his income is generally fixed. In response to Sheila’s filed Motion to Adjust Child Support Order, thereafter Greg timely filed a detailed Financial Declaration of incomes (CP 134). He also filed: Social Security SSA-1099 (\$21,010.80), Pension 1099-R (\$20,408.88), W-2 Wages (\$3,600.00), and his 2015 1040 federal income tax at \$27,130 and income tax at \$833 (net at \$26,297)

This Finding of Facts preamble, provides the information necessary in order to calculate an accurate relation to determine the pro rata distributions. Greg has a fixed income following his retirement about 10 years ago. Additionally, beginning on January, 2018, his Mayor’s stipend will be reduced by \$3,600 per year. However, without the mother’s full disclosure they are subject to subjective analysis.

All of prior child support actions included: “The right to Petition for Post Secondary Education is reserved...” (CP 673, 485,

375, and 281) In addition, the parents were considering a shared college saving plan expecting to partial fund Joshua's college. To wit:

**Paragraph 3.14 Post Secondary Education Support:** "The right to petition for post-secondary support is reserved, provided that the rights is exercised before support terminates as set forth in paragraph 3.13. Either parent may contribute to the current Washington State GET (Guaranteed Education Tuition) Program account(s) set up for their child and such contributions will be considered as establishing post-secondary education support. Should the child elect not to pursue a post-secondary education, all funds deposited in the GET account will be divided between the parents proportionately to their individual contributions" (CP 375)

It's clear that both parents had discussions for planning and funding Joshua's College costs. In mid-2015, the parents had email exchanges in preparations and expecting a timely filing. (CP 295) The prior *Order of Child Support* (July 21, 2015) addressed it with that trial court as well. (CP 317-322) On February 1, 2016, Greg emailed a message to Sheila (and her attorney) regarding her arrears, her share of unpaid medical costs, and the pending Petition for Child (Post Secondary Education) Support; to wit:

"I do have some thoughts as to how we can/should resolve for the continuing for under the post-secondary education support (see the Order No. 04-3-00168, paragraph 3.14). I think we all should try and come an agreement prior to filing another modification. **However, if Sheila and/or through Mr. Roger Castelda is uninterested, I will file in the next month or so.**" (emphasis added) (CP 245)

Sheila and her attorney were unresponsive and given the timeline had limits, the Greg did not want to file an untimely petition.

However on February 12, 2016 Sheila hints of a retirement and defines:

"My over time and lively hood have been reduced to nil." And, "I will be leaving my current position at Franz after 31 years on 3/07/16." (CP 258)

Joshua was then eighteen, and was scheduled to complete high school on June 4, 2016. The prior Order (With those conditions and included these factors subject to §3.13 and §3.13 of the *Child Support Order* and included:

**Paragraph 3.13 Termination of Support:** “until the child(ren) reach(es) the age of 18 or as long as the child(ren) remain(s) enrolled in high school, whichever occurs last, except as otherwise provided below in paragraph 3.14.”

And;

**Paragraph 3.14 Post Secondary Education Support:** “The right to petition for post secondary support is reserved, provided that the right is exercised before support terminates as set forth in paragraph 3.13.”

Without laboring a chain of emails, Greg asked for a copy of your pension so that I can recalculate worksheets. And Greg was not going to accept a verbal quote and advised her to get hold of her attorney, a court fascinator, plead or at least just appear. Sheila provided no financial data until she eventually filed a *Motion to Adjust Child Support Order* eight month later – and even from then, she has still refused to provide a copy of her pension agreement.

The father was exhausted from frustration and angst, and Greg filed a *Petition for Child (Post Secondary Education) Support* on March 15, 2015. (CP 206) And subsequently, the *Order Child (Post Secondary Education) Support* was entered on May 3, 2016.

Eight months later, Sheila filed the applicable *Motion to Adjust Child Support Order on December 5, 2016. (CP 156)*

In *Newell* the courts have found that the trial court must accurately determine each party's income and proportional (pro rata) share before making its decision about the amounts each party should be required to pay for postsecondary education support. *Newell v. Newell, 117 Wn. App. 711, 72 P.3d 1130 (2003)*

Joshua is aware that the parents would need to help, find, and craft an affordable university. Although the mother refused to help or provide records for the FAFSA process, the father and child were able to offset \$604 per month via scholarships, waivers, and grants. With some conjunction, had Sheila participated with the FAFSA, could have added another \$1,200 a year (\$100 per month). The child cannot expect post secondary education support beyond his twenty-third birthday. RCW 26.19.090(5) And to continue his post-graduate education, he understands of the limitations.

Joshua chose an affordable state university, geographically centered between his parents, and enrolled in a program to meets his major(s) dual university program (WSU and CWU). The CWU Cost of Attendance (COA) is \$22,547. (CP 37) This budget was comparable to the Post Secondary Education Support Order. (CP 181) The mother's

*Motion to Adjust Child Support Order* is causing the father to exhaust his college savings (GET), and may cause the child's at risk with college plans. Under RCW 26.19.075(3):

"The court shall enter findings that specify reasons for any deviation or any denial of a party's request for any deviation from the standard calculation made by the court. The court shall not consider reasons for deviation until the court determines the standard calculation for the parent."

Based on the "Post Secondary Education Support Allocation" above, the parents' have implied "actual" support vs. income rates. The parents' purported are: Greg at 20.1% and the same for Sheila at 20.1%. The statute sets a standard for establishing lower and upper on child support amounts. Neither parent may exceed 45% of their net income (except for good cause). RCW 26.19.065(1)

Prior to the mother's post secondary education support was set to the only financial records she would provide. Subsequently the trial court determined her transfer at \$594 per month or at 17.5% of her net income. (CP 170), (CP 181) and (CP 183). Sheila filed the Motion to Adjust eight (8) months noting that her net income is actually \$2,370 per month, or 25.1%. (CP 160) In re: *the Marriage of Morris*, 176 *Wn.App.* 893, 309 *P.3d* 767 (2013) In this case, the combined support was under 24 percent and that support order was well under the RCW 26.19.065(1) statutory cap. *Morris*, at 906.

**Post Secondary Education Support Allocation**

**Budget Revenue (total resources) ..... \$ 6,353 (100.0%)**

**Greg (net) per month (pro forma) (CP 32-34) ..... \$ 3,379 ( 53.2%)**

Revenue ..... \$ 3,452  
 - Income (Pension) \$ 1,701  
 - Income (Social Security) \$ 1,751  
 - Other  
 Expenses ..... \$ 73  
 - Federal Income Tax \$ 73  
 - FICA \$  
 - Health/Medical Insurance \$

**Sheila (net) per month (pro forma) (CP 35-36) ..... \$ 2,370 ( 37.3%)**

Revenue ..... \$ 2,590  
 - Income (Pension) \$ 2,590  
 - Other \$  
 Expenses ..... \$ 220  
 - Federal Income Tax \$ 220  
 - FICA \$  
 - Health/Medical Insurance \$  
 - Other \$

**Joshua (App F-10) ..... \$ 604 ( 9.5%)**

Revenue ..... \$ 604  
 - Income (Work Study) \$ 105  
 - Pell Grant \$ 81  
 - Tuition Waiver \$ 150  
 - State Need Grant \$ 268  
 Expenses ..... \$ -  
 - Health/Medical Insurance \$ -  
 - Other \$ -

**College (Cost of Attendance – COA)..... \$ 1,879 (100%)**

COA – Offsets (waivers, grants, work-study)..... (\$ 604)

**College Adjusted COA ..... \$ 1,275 (100%)**

**COA Post Secondary Education Support Allocation Determinations:**

**Father:** support to income ratio (20.1%) .... \$ 678.30 (GET Transfers)  
**Mother:** support to income ratio (20.1%) ... \$ 475.58 (Transfers)  
**Child:** COA to financial aid (59.8%) ... \$ 604.00 (Financial aid)

Based on the June 2, 2017 Order (CP 5) the father filed a pro forma Washington State Child Support Schedule Worksheets as an included exhibit. (CP 27-31) The standard monthly distribution was \$576 for the father; and \$443 for the mother. The child was then left to obtain loads, waivers, grants, and part-time employment for \$928. The reviewing Court cannot substitute its judgement for the trial court unless the trial court's decisions(s) are unreasonable and untenable grounds. In re: *Marriage of Leslie*, 90 Wn.App. 796, 802, 954 P.2d 330 (1998) The trial court was manifestly unreasonable. *State Ex Rel. Carroll vs. Junker*, 79 Wn2d 12, 26, 482 P.2d. 775 (1971)

The mother considers herself as "retired" at fifty-three (53). Actually she is nevertheless voluntarily underemployed. Initially Sheila put it: "Also, I will be leaving my current position at Franz after 31 one years on 3/07/16." (CP 258) The father retired 10 years (now at 74) and planned by saving for his expected share of supporting our child. If Sheila doesn't want to work, she has options, in fact the child's 2017-18 FAFSA included \$9,060 of Federal Direct Parent PLUS Loans at competitive rates.

Under RCW 26.19.071(6) reads:

"The court shall impute income to a parent when the parent is voluntarily unemployed or voluntarily underemployed. The court shall determine whether the parent is voluntarily underemployed or voluntarily unemployed based upon that parent's work history, education, health, adage, or any other relevant."

Based on Sheila's current monthly net income is **\$2,370**.

Putting imputation matters aside, the Washington State Child Support Schedule Worksheets determined **the mother's monthly support at \$443**. (CP 29 §17) However, the trial court determined a lower standard calculation and set her **monthly support at \$375.00**. The trial court reviewed the father's Reconsideration concluded:

"So, I think that the courts have to be very careful when you decide to require a parent to pay for a child who's reached the age of majority who does not have a particular disability... So the motion for reconsideration will be denied." (VRP at 38)

The trial court is required to enter written findings of fact supported by the evidence when it enters an amount for support which deviates from the standard calculation. RCW 26.19.035(2); In re *Marriage of Sacco*, 114 Wash.2d 1, 4, 784 P.2d 1266 (1990). The failure to enter findings is an **abuse of discretion** and subject to reversal. In re *Marriage of Glass*, 67 Wash.App. 378, 384, 835 P.2d 1054 (1992).

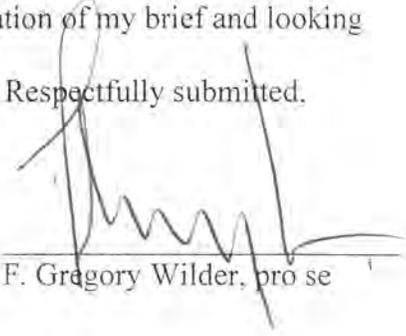
## VI. CONCLUSION

Our child (Joshua) just crossed two decades of life – a week ago. As a single parent, Greg is actively involved with his educational plans and it's financing. Greg is soon to be 74, and although well educated, by choice he lives as a mid-median income renaissance household.

From early-on, Joshua struggles with ADHD combined type DSM-IV, and even with that, he is very bright, capable, and focused on educational success. Greg knew that he would not be able finance from current funds and that left for either saving or borrowing. The father chose to save in the Washington State GET savings plan. The mother also planned, though never really defined it as a “plan.” And Joshua also has to meet his pro rata share – grants, fees, scholarships, summer jobs, and the work-study program at Central in Ellensburg. This “triad” depending on a family contract, so to speak.

Greg worked and planned to “get the price for the buck” and put the Running Start Program and Joshua was able to transfer at least two quarters to CWU... the father financed that program without the mother. Greg filed all of the parent’s portion for the FAFSA with some success. Joshua works in the summer and some in school too. The mother provided no help at all, in fact she refused to provide the income/tax and other financial information.

Greg understands the solomonic effort in the appellant process and judges. He knows that discretion is a balance and in Family Law that truly is even more so. Thank you for your consideration of my brief and looking forward to wise adjudication, thank you... Respectfully submitted,

  
F. Gregory Wilder, pro se

## VII. APPENDICIES

In consideration of the attached Appendices under RAP 10.3(a)(8) are seventeen pages of documents related directly to the body of the Brief. The appendices are referenced with a nexus to the Brief and so noted. The Table of Contents are also cross-referenced accordingly, to wit:

|  |    |
|--|----|
| App. 1 (Marriage Certificate) .....                        | 6  |
| App. 2 (Ex Parte Parenting Residential Schedule) .....     | 9  |
| App. 3 (Affidavit / Medical Determination) .....           | 12 |
| App. 4 (DSHS Median Income Chart) .....                    | 20 |
| App. 5 (Financial Aid Award) .....                         | 21 |
| App. 6, 7 (Correspondence records) .....                   | 22 |
| App. 8, 9, 10 (Draft Order Presentation – 3 letters) ..... | 28 |
| App. 11 Petition form FL Modify 501 §8 .....               | 31 |
| App. 12 Banking records (3 ea) .....                       | 37 |

No. 21155

# Certificate of Marriage

State of  
Washington



County of  
Grant

This is to Certify that the undersigned a PROTESTANT CLERGYMAN by authority of a License bearing date the 24TH day of AUGUST A.D., 2001, and issued by the County Auditor of the County of Grant, did on the 22ND day of SEPTEMBER A.D., 2001, in the town of COULEE DAM in the County of DOUGLAS, State aforesaid join in lawful wedlock FRANCIS GREGORY WILDER of the County of KING, State of WASHINGTON and SHEILA ANN O'DELL of the County of KING, State of WASHINGTON with their mutual assent in the presence of MARNEY SCHLECHTER and JOSEPH CHRISTOPHER SCHLECHTER witnesses.

In Testimony Whereof, witness the signatures of the parties to said ceremony, the witnesses, and myself, this 22ND day of SEPTEMBER A.D., 2001.

Rev. Paul F. Ashbrook  
OFFICIATE

SIGNATURES OF CONTRACTING PARTIES

Sheila Ann O'Dell  
Francis Gregory Wilder

3/7/43  
DATE OF BIRTH  
1/15/44  
DATE OF BIRTH

IN THE PRESENCE OF

Megan  
Michelle

WITNESS  
WITNESS

Appendix: (App. 1)

CERTIFIED  
COPY

FILED  
KING COUNTY, WASHINGTON

MAY 31 2007

KNT  
SUPERIOR COURT CLERK

EXPO5

Superior Court of Washington  
County of KING

In re: Marriage of:

*Joshua Gregory Wilder*

*Sheila Ann Wilder*

and

*Francis Gregory Wilder*

Child(ren),

Petitioner(s),

Respondent(s).

No. 04-3-06425-6 KNT

Ex Parte Order Modifying  
Parenting Plan/Residential  
Schedule

(Relocation)

(ORMDPP)

I. Basis

A motion for an ex parte order permitting the relocation of the children and modifying the parenting plan/residential schedule in conformity with the proposed residential schedule specified in the Notice of Intended Relocation of Children was filed pursuant to RCW 26.09.500.

II. Findings

2.1 The Notice of Intended Relocation of Children, with proposed new parenting plan/residential schedule was filed in this case. ***No changes in the Residential Schedule or Parenting Plan are Ordered.***

2.2 The Notice of Intended Relocation of Children, with the proposed new parenting plan/residential schedule, was served in compliance with RCW 26.09.440 through 26.09.460 and the Return of Service was filed in this case.

2.3  No objection to the relocation was filed within the 30-day period for objection.  
 The record contains proof that no objection will be filed.

2.4 Servicemembers Civil Relief Act Statement

2.4.1  \_\_\_\_\_ [name of nonmoving party] is not a service member or dependent of a service member.

*Ex Parte Ord Mod P Plan/Res Schdl (Relocation)(ORMDPP)  
WPF DRPCU 07.0955 (6/2006) - RCW 26.09.500*

Appendix: (App. 2)

2.4.2 It appears \_\_\_\_\_ [name of nonmoving party – service member]:

- is on active duty in the U.S. armed forces (excluding National Guard and reserves);
- is on active duty and is a National Guard member or a Reservist residing in Washington;
- is not on active duty in the U.S. armed forces (excluding National Guard and reserves);
- is not on active duty and is a National Guard member or a Reservist residing in Washington.

2.4.3 It appears \_\_\_\_\_ [name of nonmoving party – dependent of service member]:

- is a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist;
- is not a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist;
- is presumed not a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist.

### III. Order

**It is Ordered:**

- The motion is denied.
- The motion for ex parte order permitting the relocation of the children and modifying the parenting plan/residential schedule in conformity with the parenting plan/residential schedule attached to the Notice of Intended Relocation of Children is granted. The parenting plan/residential schedule signed by the court and entered on \_\_\_\_\_ [Date] is approved and incorporated as part of this order. This parenting plan/residential schedule supersedes all previous decrees or parenting plans/residential schedules.
- Other:

Dated:

May 30, 2007

Presented by:

Signature of Moving Party or Lawyer/WSBA No.

F. GREGORY WILDER 5/22/07

Print or Type Name

Date



Judge/Commissioner

COURT COMMISSIONER PRO TEM

Appendix: (App. 3)

SUPERIOR COURT OF WASHINGTON  
COUNTY OF OKANOGAN

*SHEILA ANN WILDER*

Petitioner,

and

*FRANCIS GREGORY WILDER*

Respondent.

NO.

AFFIDAVIT OF:

*L. Douglas Waggoner, Jr., MD*

I, *Douglas Waggoner*, declare under penalty of perjury under the laws of the State of Washington that the following is true and correct:

1. I make this declaration regarding F. Gregory Wilder and any/all matters relating to his health and the residential assignment of his son, Joshua Gregory Wilder. I know the contents herein to be true and correct, based upon my personal knowledge.

2. **Declaration.** Greg Wilder asked me to write a declaration describing what I know of his health and physical condition and if/how that condition might affect his ability to raise, foster, and enrich his 9-year old son.

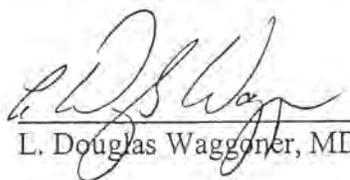
I came to know Mr. Wilder as a patient when he suffered a heart attack in early December, 2006. Greg was transported from Grand Coulee by ambulance directly to my care at Sacred Heart Medical Center in Spokane. When he arrived, he was coherent and his

conversation was mostly about his son Joshua, his work, and his pending retirement. We successfully placed a cardiac stint and, as fortune would have it, he had very little residual heart damage. He was discharged three days later and returned to work half-time the following day. We currently have no restrictions on his activity and the prognosis is for a normal healthful life. Mr. Wilder, like a good engineer, has taken charge of his recovery and monitoring his condition probably more regularly than we would! Mr. Wilder is in very good physical condition and there is no reason to believe that he won't continue to take care of himself.

I have met his son and can tell you that Mr. Wilder is not defined or hobbled by his recent heart attack at all. He is enriched and calmed from his dedication to this child and his future. There is no physical or health reason why Greg cannot or should not continue to serve as the custodial parent of Joshua and to get on with raising the child without the spurious claims of physical or age related impairment.

If you have additional questions or wish more detail, please feel free to contact me.

DATED this 10 day of <sup>May</sup>~~April~~, 2007 in Spokane, Washington.

  
L. Douglas Waggoner, MD

SUBSCRIBED and sworn to before me this 10<sup>th</sup> day of May, 2007.



  
NOTARY PUBLIC in and for the State  
Of Washington, residing at Spokane.  
My Commission Expires: 8-22-07

## State Median Income Chart

Revised December 30, 2016

### Purpose:

January 1, 2017 through December 31, 2017

| Number in Family               | Median Income<br>(Monthly / Gross) |
|--------------------------------|------------------------------------|
| 1                              | 3,797                              |
| 2                              | 4,965                              |
| 3                              | 6,133                              |
| 4                              | 7,301                              |
| 5                              | 8,470                              |
| 6                              | 9,638                              |
| 7                              | 9,857                              |
| 8                              | 10,076                             |
| 9                              | 10,295                             |
| 10                             | 10,514                             |
| Add for each additional member | 219                                |

## *Josh Wilder*

### Financial Aid

### Award Package

### Financial Aid Year 2017-2018

Please review each award and corresponding message. You may Accept or Decline any or all of these awards. Financial Aid is awarded based on projected full-time enrollment, full-year attendance. Your award will be adjusted for less than full-time enrollment on the date of disbursement as required by regulation and canceled for terms of non-attendance. You must meet Satisfactory Progress standards each term, go to <http://www.cwu.edu/financial-aid/satisfactory-academic-progress-sap-policy> to view the Satisfactory Progress policy.

| Award                               | Category | Career        | Offered          | Accepted        | Accept                              | Decline                  |
|-------------------------------------|----------|---------------|------------------|-----------------|-------------------------------------|--------------------------|
| <u>Fed Direct Subsidized Loan</u>   | Loan     | Undergraduate | 5,500.00         | 0.00            | <input type="checkbox"/>            | <input type="checkbox"/> |
| <u>Fed Direct Unsubsidized Loan</u> | Loan     | Undergraduate | 2,000.00         | 0.00            | <input type="checkbox"/>            | <input type="checkbox"/> |
| <u>Fed Direct Parent PLUS Loan</u>  | Loan     | Undergraduate | 9,060.00         | 0.00            | <input type="checkbox"/>            | <input type="checkbox"/> |
| <u>Federal Pell Grant</u>           | Grant    | Undergraduate | 970.00           | 970.00          | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <u>CWU Tuition Waiver</u>           | Waiver   | Undergraduate | 1,800.00         | 1,800.00        | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <u>WA State Need Grant</u>          | Grant    | Undergraduate | 3,215.00         | 3,215.00        | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <b>Total</b>                        |          |               | <b>22,545.00</b> | <b>5,985.00</b> |                                     |                          |

Appendix: (App. 5)

Attorney

Anthony Castelda

ANTHONY CASTELDA, INC., P.S.  
ATTORNEY AND COUNSELOR AT LAW

P.O. BOX 1307  
TONASKET, WA 98855  
(509) 486-1175 PHONE  
(509) 486-1237 FAX

December 9, 2016

Mr. Gregory F. Wilder  
1006 Civic Way  
Coulee Dam, WA 99116

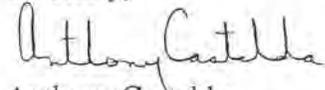
RE: Hearing of December 15, 2016

Dear Mr. Gregory F. Wilder:

I am writing to advise you the message you sent to the email address of [thefirm@nvinet.com](mailto:thefirm@nvinet.com) is connected to the Law Office of Castelda & Castelda, Inc., P.S. and my father Mr. Roger A. Castelda. Mr. Roger A. Castelda is not representing Ms. Wilder in this matter, rather I am Mr. Anthony Castelda. My office does not use the email address you sent the message to and you should be aware my father is retiring completely and the email address will be closed and therefore no longer in use. As for my office, I have a policy to not communicate via email so you will have to use more traditional methods to contact me such as regular US Mail, phone, or facsimile. I wanted you to be aware, such that if you were to attempt to send my office messages via email they would not be received as I do not have an office email at all.

Secondly, as for the Hearing date of December 15, 2016, I have no authority at this time from my client to agree to a Continuance of the Hearing. I did contact my client and discuss with her continuing the Hearing. As of the date of sending this letter to your attention my client has not agreed to Continue the December 15, 2016 Hearing date. Should she agree to such I would advise you of the same. 

Sincerely,

  
Anthony Castelda

cc: Wilder

Appendix: (App. 6)

**Castelda & Castelda, Inc., P.S.**

---

From: "Gregory Wilder" <fgwilder@msn.com>  
To: <thefirm@nvnet.com>  
Sent: Friday, December 09, 2016 7:41 AM  
Subject: 04-3-00168-0 Note for Motion (12/15/16)  
Good morning Roger...

As you know that I have a motion to consider a change from December 15<sup>th</sup> to a future date... possibly the 22<sup>nd</sup>?

Joshua (our son) and I will not be available. Our reservations are limited to Joshua's college winter break. I did provide the court a copy of the reservations as support.

We would be appreciative if you support a date change...



Also I would like to chat about if our child (he's now 19 and attending college) can/should participate with the process. Joshua lives in Ellensburg and possible a venue might make sense, and both parents are virtually in the geographical center.

Thank you and make it a peaceful and happy holiday...

Greg Wilder

Appendix: (App. 7)

Attorney

Anthony Castelda

**ANTHONY CASTELDA, INC., P.S.  
ATTORNEY AND COUNSELOR AT LAW**

P.O. BOX 1307  
TONASKET, WA 98855  
(509) 480-1175 PHONE  
(509) 480-1237 FAX

March 15, 2017

Mr. Francis G. Wilder  
1006 Civic Way  
Coulee Dam, WA 99116

RE: In re: Wilder v. Wilder

Dear Mr. Francis G. Wilder:

You will find enclosed with this cover letter an Order drafted pursuant to the ruling of Judge Hotchkiss at the Hearing which was conducted before him on March 14, 2017 at 1:30 p.m. in regards to the matter of post secondary support.

Please review the Order as presented to you. If the Order meets with your approval, please kindly sign the Order where provided in your signature block and return the Order to my office. I will then enter the Order with the Court Ex Parte and provide you with a conformed copy for your files and records. If I receive no reply I will proceed with setting a date for Presentation of the Order before Judge Hotchkiss telephonically and provide you appropriate Notice of the Hearing date.

Your reply is awaited.

Sincerely,



Anthony Castelda

cc: Wilder

Appendix: (App. 8)

F. Gregory Wilder

1006 Civic Way / Coulee Dam, WA 99116  
(509) 633-9722 home (509) 844-8650 mobile

---

March 18, 2017

Anthony Castelda  
PO Box 1307  
Tonasket, WA 98855

Re: Case No. Wilder v. Wilder / 04-3-00168-0 / **Final Order**

Dear Mr. Castrato,

Mr. Castelda,

I received the draft of the referenced Order.

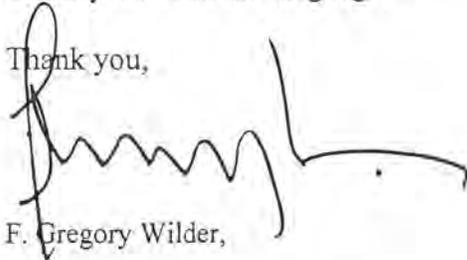
Ms. Wilder is still in arrears for child support and she still owes the last medical shared cost.... it's about \$220 yet due (Total). I'll pull the records together to provide the actual exact in arrears.

Also I understood that the DCS would be collecting those new supports for Joshua.

During the Judges rewarding insurance(s) left me with questions or understanding of the intent. Regarding paragraph 3.19 is for all "future" medical insurance (she is still in arrear). And on paragraph 3.23, I heard none of that part of the order.

I've ordered the transcription(s) for December 15<sup>th</sup> and on March the 14<sup>th</sup> so that I can actually see/read the language.

Thank you,



F. Gregory Wilder,

Email: [FGWilder@msn.com](mailto:FGWilder@msn.com)

Appendix: (App. 9)

Attorney

Anthony Castelda

ANTHONY CASTELDA, INC., P.S.  
ATTORNEY AND COUNSELOR AT LAW

P.O. BOX 1307  
TONASKET, WA 98855  
(509) 486-1175 PHONE  
(509) 486-1237 FAX

March 20, 2017

Mr. F. Gregory Wilder  
1006 Civic Way  
Coulee Dam, WA 99116

RE: In re: Wilder v. Wilder

Dear Mr. F. Gregory Wilder:

This correspondence is sent by way of reply to your letter dated March 18, 2017. Please reference that communication conjunction with this letter.

Our office will be scheduling a presentation date with the Court before Judge Hotchkiss to present the Order for his signature following the Hearing. Our office will provide you with Notice of the Presentation Hearing once the date and time have been set by the Court.

The Court did not address any arrears in the Hearing. Therefore, nothing related to arrears was addressed in the Order. As for the payment of post secondary support, the Court did Order beginning June of 2017 Ms. Wilder would make those payments directly to Joshua Wilder as provided in RCW 26.19.090(6). Finally, the Court Ordered Ms. Wilder was no longer required to maintain Life Insurance any longer in addition to Ordering Ms. Wilder was no longer required to be responsible for uncovered medical expenses for Joshua Wilder.

Sincerely,

  
Anthony Castelda

cc: Wilder

Appendix: (App. 10)

**7. Should the court modify the end date for child support?**

- No.
- Yes. The end date should be modified because *(check all that apply)*:
- Agreement** – The parties agree to the changes.
  - Finish High School** – The current order was signed at least one year ago. *(Child's name)*: \_\_\_\_\_ will still be in high school when s/he turns 18 and will need support until s/he finishes high school. I ask the court to order child support for this child to continue past his/her 18<sup>th</sup> birthday until he/she finishes high school.
  - Dependent Adult Child** – The current order says support must be paid for each child until the child turns 18 or is no longer enrolled in high school, whichever happens last. Support should continue past this time for *(child's name)*: \_\_\_\_\_ because this child will be unable to support him/herself and will remain dependent past the age of 18. This child's situation has changed substantially since the current order was signed. *(Describe)*: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- Support for this child should continue until *(check one)*:
- this child is able to support him/herself and is no longer dependent on the parents.
  - other: \_\_\_\_\_
- Default or Past Agreement** – The current order was issued by default or agreement, without the court independently examining the evidence to decide a reasonable end date for support according to the law.

**8. Should the court modify post-secondary educational support?**

- No.
- Yes. Issue was reserved** – The current order allows a parent or non-parent custodian to ask the court for post-secondary support at a later date without showing a substantial change of circumstances. I ask the court to order the parents to pay post-secondary support, and to set a specific post-secondary support amount or percentage of expenses for *(Children's names)*: \_\_\_\_\_  
These children depend on the parents for the reasonable necessities of life and will be ready to start a college or vocational program around *(month/year)*: \_\_\_\_\_
- Yes. Support was granted, need to set an amount** – The current order says the parents must pay for the children's post-secondary support, but did not set a payment amount or percentage. I ask the court to order a specific post-secondary support amount or percentage of expenses for *(children's names)*: \_\_\_\_\_  
\_\_\_\_\_ who will be ready to start a college or vocational program around *(month/year)*: \_\_\_\_\_

- Yes. Modify** – I ask the court to *(check all that apply)*:
- Require** – The current order says post-secondary support is not required. I ask the court to change the order so that post-secondary support is required for *(Children's names)*: \_\_\_\_\_  
These children depend on the parents for the reasonable necessities of life and need support for college or vocational school.
  - Cancel** – The current order says the parents must pay for the children's post-secondary (college or vocational school) support. I ask the court to change the order so that post-secondary support is no longer required.
  - Change Amount** – The current order requires the parents to pay a specific amount or percentage of expenses for the children's post-secondary (college or vocational school) support. I ask the court to change the amount or percentage.

These changes should be made because *(check all that apply)*:

- Agreement** – The parties agree to the changes.
- Default or Past Agreement** – The current order was issued by default or agreement, without the court independently examining the evidence to decide these issues.
- Change of Circumstances** – There has been a substantial change in circumstances since the current order was signed. *(Describe)*: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**9. Should the court modify payment for children's expenses or tax exemptions?**

- No.**
- Yes.** I ask the court to order or change *(check all that apply)*:
  - day care expenses.
  - educational expenses.
  - long-distance transportation expenses.
  - other expenses.
  - tax exemptions. Order that parties have the right to claim the children as their dependents on their tax forms in this way *(specify)*: \_\_\_\_\_  
\_\_\_\_\_

These changes should be made because *(check all that apply)*:

- Agreement** – The parties agree to the changes.
- 2 years or more have passed** – It has been at least two full years (24 months) since the order was signed and these requests are based only on changes in the parents' income or the economic table or standards in RCW 26.19.  
*(Note – You may be able to use a Motion to Adjust Child Support Order (form FL Modify 521) instead of this Petition if 24 months have passed and the only reasons for your requests are that the parents' income has changed, or the economic table or standards have changed.)*



STATEMENT OF ACCOUNTS

SEALED

THE SAVING IS REAL  
 What will you do with a Home Equity Line of Credit?  
 Open a HELOC with current low rates.  
 Log on to [becu.org](http://becu.org) or stop in to BECU to get started.

AUTO\*\*3-DIGIT 981  
 Sheila A. Wilder

002366



Statement Period: 03/17/2016 - 04/16/2016

2188981

Summary of Deposit Account Activity

|                                 | Account #  | Beginning Balance      | Withdrawals/<br>Fees* | Deposits                | Dividends/<br>Interest | Ending Balance |
|---------------------------------|------------|------------------------|-----------------------|-------------------------|------------------------|----------------|
| Member Share Savings            | [REDACTED] | 9.08                   |                       |                         |                        | 9.08           |
| Checking                        | [REDACTED] | 3,180.30               | (3,702.82)            | 2,318.92                | 0.08                   | 1,796.46       |
| *Including the following Fees   |            | Statement Period Total |                       | 2016 Year-to-Date Total |                        |                |
| Overdraft Fees                  |            | 0.00                   |                       | 0.00                    |                        |                |
| Non-sufficient Funds (NSF) Fees |            | 0.00                   |                       | 25.00                   |                        |                |

Summary of Loan Account Activity

|                | Account #  | Previous Balance | Payments | Other Credits | Credit Advances | Past Due Amount | Fees Charged | Interest Charged | New Balance |
|----------------|------------|------------------|----------|---------------|-----------------|-----------------|--------------|------------------|-------------|
| Line of Credit | [REDACTED] | 198.04           | (25.00)  |               |                 |                 |              | 1.90             | 174.94      |
| Auto Loan      | [REDACTED] | 15,502.73        | (446.55) |               |                 |                 |              | 52.74            | 15,108.92   |

Deposit Account Activity

Member Share Savings - 3586862431

0.00% Annual Percentage Yield Earned for 31 day period  
 Average Daily Balance: \$9.08  
 Year-to-date dividends: \$0.00

0.10% dividends from 03/17/16

Checking - 3586862449

0.05% Annual Percentage Yield Earned for 31 day period  
 Average Daily Balance: \$1,826.73  
 Year-to-date dividends: \$0.11

0.05% dividends from 03/17/16

Deposits

| Date  | Amount   | Transaction Description |
|-------|----------|-------------------------|
| 04-05 | 2,318.92 | Deposit                 |
| 04-15 | 0.08     | Dividend/Interest       |

Withdrawals

| Date  | Amount   | Transaction Description                                    |
|-------|----------|--|
| 03-16 | (26.35)  | POS Withdrawal 2920001493 SAFEWAY STORE 1493 SEA TAC WAUS  |
| 03-17 | (803.00) | ATM Withdrawal WELLS FARGO BNK SEA-TAC-SFWY Y) SEATAC WAUS |
| 03-17 | (23.11)  | POS Withdrawal 7-ELEVEN 3120 SOUTH 176TH S US SEATAC WAUS  |
| 03-18 | (145.85) | Withdrawal Transfer to 2005213643                          |





# STATEMENT OF ACCOUNT

## SEALED

Spend your free time the way that you want!  
We have great RV loans that can make that happen.

\*\*\*\*\*AUTO\*\*3-DIGIT 981

Sheila A. Wilder

003364



Statement Period: 04/17/2016 - 05/16/2016

2188981

### Summary of Deposit Account Activity

|                                      | Account #  | Beginning Balance             | Withdrawals/ Fees* | Deposits                       | Dividends/ Interest | Ending Balance |
|--------------------------------------|------------|-------------------------------|--------------------|--------------------------------|---------------------|----------------|
| Member Share Savings                 | [REDACTED] | 9.08                          |                    |                                |                     | 9.08           |
| Checking                             | [REDACTED] | 1,796.48                      | (3,191.75)         | 2,453.05                       | 0.07                | 1,057.85       |
| <b>*Including the following Fees</b> |            | <b>Statement Period Total</b> |                    | <b>2016 Year-to-Date Total</b> |                     |                |
| Overdraft Fees                       |            | 0.00                          |                    | 0.00                           |                     |                |
| Non-sufficient Funds (NSF) Fees      |            | 0.00                          |                    | 25.00                          |                     |                |

### Summary of Loan Account Activity

|                | Account #  | Previous Balance | Payments | Other Credits | Credit Advances | Past Due Amount | Fees Charged | Interest Charged | New Balance |
|----------------|------------|------------------|----------|---------------|-----------------|-----------------|--------------|------------------|-------------|
| Line of Credit | [REDACTED] | 174.94           | (25.00)  |               |                 |                 |              | 1.81             | 151.75      |
| Auto Loan      | [REDACTED] | 15,108.92        | (297.70) |               |                 |                 |              | 34.41            | 14,845.63   |

### Deposit Account Activity

#### Member Share Savings - 3586862431

0.00% Annual Percentage Yield Earned for 30 day period  
Average Daily Balance: \$9.08  
Year-to-date dividends: \$0.00

0.10% dividends from 04/17/16

#### Checking - 3586862449

0.05% Annual Percentage Yield Earned for 30 day period  
Average Daily Balance: \$1,623.53  
Year-to-date dividends: \$0.18

0.05% dividends from 04/17/16

#### Deposits

| Date  | Amount   | Transaction Description   |
|-------|----------|---|
| 04/29 | 2,318.92 | External Deposit BAKERY&CONFECTIO HEALTH AND PENS FUND - PEN SALARY |
| 05/13 | 134.13   | Deposit   |
| 05/16 | 0.07     | Dividend/Interest   |



# STATEMENT OF ACCOUNT

**SEALED**

Spend your free time the way that you want!  
We have great RV loans that can make that happen.



\*\*\*\*\*AUTO\*\*3-DIGIT 981

Sheila A. Wilder

003375

[REDACTED]



Statement Period: 05/17/2016 - 06/16/2016

2188981

## Summary of Deposit Account Activity

|                                      | Account #  | Beginning Balance             | Withdrawals/<br>Fees* | Deposits                       | Dividends/<br>Interest | Ending Balance |
|--------------------------------------|------------|-------------------------------|-----------------------|--------------------------------|------------------------|----------------|
| Member Share Savings                 | [REDACTED] | 9.08                          |                       |                                |                        | 9.08           |
| Checking                             | [REDACTED] | 1,057.85                      | (3,218.13)            | 2,318.92                       | 0.04                   | 158.68         |
| <b>*Including the following Fees</b> |            | <b>Statement Period Total</b> |                       | <b>2016 Year-to-Date Total</b> |                        |                |
| Overdraft Fees                       |            | 0.00                          |                       |                                |                        | 0.00           |
| Non-sufficient Funds (NSF) Fees      |            | 0.00                          |                       |                                |                        | 25.00          |

## Summary of Loan Account Activity

|                | Account #  | Previous Balance | Payments | Other Credits | Credit Advances | Past Due Amount | Fees Charged | Interest Charged | New Balance |
|----------------|------------|------------------|----------|---------------|-----------------|-----------------|--------------|------------------|-------------|
| Line of Credit | [REDACTED] | 151.75           | (25.00)  |               |                 |                 |              | 1.55             | 128.30      |
| Auto Loan      | [REDACTED] | 14,845.63        | (297.70) |               |                 |                 |              | 33.81            | 14,581.74   |

## Deposit Account Activity

### Member Share Savings - 3586862431

0.00% Annual Percentage Yield Earned for 31 day period      0.10% dividends from 05/17/16  
Average Daily Balance: \$9.08  
Year-to-date dividends: \$0.00

### Checking - 3586862449

0.05% Annual Percentage Yield Earned for 31 day period      0.05% dividends from 05/17/16  
Average Daily Balance: \$897.28  
Year-to-date dividends: \$0.22

### Deposits

| Date  | Amount   | Transaction Description  |
|-------|----------|--|
| 05/31 | 2,318.92 | External Deposit BAKERY&CONFECTION HEALTH AND PENS FUND - PEN SALARY |
| 06/16 | 0.04     | Dividend/Interest  |

### Withdrawals

| Date  | Amount  | Transaction Description   |
|-------|---------|---|
| 05/16 | (16.27) | POS Withdrawal 2920001493 SAFEWAY STORE 1493 SEA TAC WAUS                 |
| 05/17 | (23.00) | POS Withdrawal 7-ELEVEN 3120 SOUTH 176TH S US SEATAC WAUS                 |
| 05/17 | (48.01) | POS Withdrawal DTV*DIRECTV SERVICE 200 N SEPULVEDA BLVD 800-347-3288 CAUS |
| 05/18 | (20.20) | POS Withdrawal 7-ELEVEN 3120 SOUTH 176TH S US SEATAC WAUS                 |



**FILED**

OCT 02 2017

COURT OF APPEALS  
DIVISION III  
STATE OF WASHINGTON  
By \_\_\_\_\_

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
Division III**

In re:

*Francis Gregory Wilder*

Appellant,

v.

*Sheila Ann Wilder*

Respondent.

**NO. 353966 (Division III)**

**NO. 04-3-00168-0 (Okanogan)**

**DECLARATION OF SERVICE**

**(Opening Brief of the Appellant)**

Declarant hereby states under penalty of perjury under the laws of the State of Washington that the following is true and correct:

1. That the declarant is now and at all times herein mentioned was a citizen of the United States and a resident of the State of Washington, over the age of eighteen years, not an officer of a plaintiff corporation, and competent to be a witness therein.
2. That on the **2<sup>nd</sup>** day of **October, 2017**, the declarant did provide service on the name and address and method below:

Counsel for: Anthony Castelda, WSDA #28937  
Name: Sheila A. Wilder, Respondent  
Address: PO Box 1307 / Tonasket, WA / 98855

1<sup>st</sup> Class U.S. Mail  
 Hand Delivery  
 \_\_\_\_\_

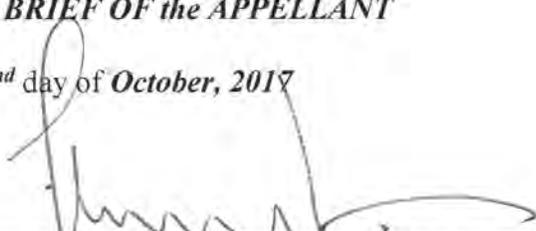
The Court of Appeals of the State of Washington (Division III)  
Name: Renee S. Townsley, Clerk / Administrator  
Address: 500 N. Cedar ST / Spokane, WA / 99201-1905

1<sup>st</sup> Class U.S. Mail  
 Hand Delivery  
 \_\_\_\_\_

a copy of the following documents:

1. **OPENING BRIEF OF the APPELLANT**

DATED this **2<sup>nd</sup>** day of **October, 2017**

  
\_\_\_\_\_  
**F. Gregory Wilder**, pro se / 1006 Civic, Coulee Dam, WA 99116

509-633-9722 / [fgwilder@msn.com](mailto:fgwilder@msn.com)