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COURT OF APPEALS
DIVISION III
STATE OF WASHINGTON
By _____

COURT OF APPEALS
DIVISION III
OF THE STATE OF WASHINGTON
NO: 36605-7-III

SHANNON JONES

Petitioner/Appellant/Cross-Appellee

v.

ANTHONY JONES

Respondent/Cross-Appellant

RESPONDENT/CROSS-APPELLANT'S BRIEF

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ASSIGNMENTS OF ERROR

- I. The trial court erred by determining that the 648 S. Arthur Street real property and Sunshine Place business were community assets despite a quit claim deed and real property tax affidavit stating that the transfer was to Mr. Jones solely and as a gift.
- II. The trial court erred by determining that Ms. Jones should be awarded maintenance where the mother presented no evidence in support of a request for maintenance.
- III. The trial court erred in failing to order a deviation in favor of the Respondent in recognition of a shared parenting plan and the similar financial situation of the parties.

STATEMENT OF THE CASE

This matter proceeded to trial on October 22-23, 2018, (CP 713) and then again on November 2, 2018. (CP 775). This was after the parties had engaged in discovery. Prior to trial, the Petitioner had moved the court for a trial continuance and to reopen discovery to do a business evaluation. (CP 837-859). Petitioner had failed to do a business evaluation over the course of more than a year prior to trial despite having all information in her possession and the same counsel throughout the course of the action. (CP 690-709). Petitioner attempted to posture that she needed a business evaluation because she had just learned that the Respondent was claiming

the business as separate property. (CP 837-859). This made no sense as she would need a business evaluation regardless, and especially even more so if the business was community property. Petitioner's request was denied.

At trial, Petitioner presented an exhibit P-19 that was not admitted into evidence. (RP 83-86). The exhibit was off an unknown website, was of an unknown location, and was regarding a sale of a piece of property that could be used as an adult family home. (RP 148—150, 322) The piece of property was not comparable to the parties' property. (Id, RP 321). The exhibit presented by Petitioner was of a piece of property that was far superior in regard to locations, amenities, structure, acreage, etc to the parties' property. (Id). Furthermore, her exhibit was for a "business opportunity" and not a sale of a business, and was simply a listing for a piece of property that could be used for an adult family home. (Id). Besides said exhibit, Petitioner offered nothing to support her contention that the adult family home was worth \$400,000. In fact, she came up with the number right before trial. (CP 321).

Respondent provided the majority of exhibits for the case including those as to the value of the properties and business. (R-108-R-153).

Respondent provided evaluations and appraisals for the business property. (R-108, 109, and 110). Respondent provided many tax returns to show the

income of the business as well. (R-104, 105, and 106). Respondent also testified as to his valuation of the business based on that information. (RP 247, 327.)

There is nothing in the record to suggest Respondent was obtaining a business evaluation, or that Petitioner was relying on him to do so. In fact, Petitioner filed a motion for continuance on the eve of trial to do an appraisal of the property and a business valuation. (CP 837-859). While Petitioner claimed that Respondent somehow prohibited her from obtaining the property appraisals without asserting any facts whatsoever, Petitioner made no claim as to why she had not bothered to obtain a business evaluation. (Id. and RP 82). Respondent objected to her continuance request with substantial facts regarding the agreement for appraisals of the properties, agreed continuances to finish appraisals of the properties, and the multiple mediations Petitioner attended without the need for a business evaluation. (CP 690-709). The Court denied Petitioner's request for a continuance.

Respondent testified that the business was worth the value of the property from which it operated. (RP 327). In support of his testimony, Respondent noted that the business did not generate a profit. (RP 247.) The business did not pay either Respondent or the Petitioner wages for the work

they did in the business. (RP 327). There was significant testimony of the work both parties contributed to the business. (RP 62, 66, and 325-326). A review of the tax returns showed that the business did not pay either party a wage. (R-104, 105, and 106). Respondent testified that once a reasonable wage was paid, there was no profit of the business. Petitioner knows that no wages were paid, but does not seem to understand profit comes after wages are paid. (RP 143-147). The business cannot sell the clients. (CP 327). Respondent does not believe he could sell the business or the license at all. (CP 327).

In its ruling, the Court noted that Petitioner knew the business income and even did the books of the business, which was supported by her testimony. (RP 404-405, RP 74). The Court noted that both parties had a fair opportunity to obtain a business evaluation. (Id). The Court found that there was no basis to find the business worth \$400,000. (RP 405). The business made around \$60,000 in a good year, which was used primarily as income for the family. (Id.). The Court also found the business unique, not sellable or transferable. (RP 406). The business is subjected to extensive regulations, nor could it expand for profitability. (Id). Goodwill wouldn't affect the profit making ability of the business as it was limited to the number of beds it could fill. (Id). The Court finally found that the business

could only grow by acquiring more property. (Id). Therefore, the Court adopted Respondent's valuation of the business. (CP 835).

At trial, the Court heard evidence regarding the 648 S. Arthur home. The home was Respondent Mr. Jones' grandmothers, his mothers, and then his. (RP 155-156, 217, 313-314). The Court had evidence of quitclaim Deeds and Excise Tax Affidavits showing the property was gifted to Mr. Jones during the marriage. (R-111-112.) Ms. Jones even testified as to how the property and business was given to Mr. Jones by his mother. (RP 66-71; 155-156, 185.) However, the Court still found that Mr. Jones had not overcome the presumption that it was community property. (RP 395).

The property was valued at \$200,000. The final property distribution left Petitioner with \$128,346 in net worth, and Respondent \$323,869 in net worth. The difference is \$195,523, roughly the value of the 648 S. Arthur property, which was given to Respondent by his mother. The Court then did not order an equalization payment.

Petitioner in her brief keeps claiming that Respondent was provided the only income producing asset. This is not necessarily true. Petitioner was awarded the 643 S. Arthur property, which is also set up to operate as an adult family home, and had previously done so in the past. (RP 74).

The Court ordered \$2,000 a month in maintenance for 24 months

(\$48,000), despite Ms. Jones not being able to provide the Court any idea on how long she would need maintenance. (CP 809, RP 412-413). Her stated need was only \$160 a month. (P-2). Per her own testimony on her financial declaration, the additional \$744.76 in mortgage payment on 643 S Arthur was only temporary until she sold it. (RP 139-140). With only a need of \$160, she received a total of \$3,095 a month in maintenance and child support. (CP 809, and 794.) This is \$2,935 above her stated need.

As to child support, the Court did not grant Mr. Jones a deviation at all despite the parties having a shared parenting plan. (RP 414-416, CP 794.) The Court also did not grant Mr. Jones the deviation after a review of the finances, maintenance and Ms. Jones' anticipated need of only \$106 a month. (Id.)

RESPONSIVE ARGUMENT

1. The Court made extensive findings in regard to the valuation of Arthur arms/Sunshine Place business and did not err when finding the business had no value outside the property.

It was clear at trial that the Petitioner had no evidence to support her high valuation of the business. The exhibit that she did have was never admitted into evidence. It was an unknown advertisement to sell *a piece of property* that could be used as an adult family home in an unknown

location. It was not a comparable. As the Court found, the Petitioner had testified that she was well familiar with the finances and the books, she had access to tax returns, bank statements, etc, and yet she completely failed to even attempt to get a business evaluation until the last minute with her attempt to stall trial. (CP 837-859).

Petitioner offered a value of \$400,000 that was not supported by anything but her request that it be \$400,000. Petitioner could not even support her own number. She used an exhibit that wasn't admitted into evidence, and wasn't even a proper comparable as to property. (RP 148—150, 321). Her own exhibit showed a piece of property for sale. (CP 322).

It should be noted that Ms. Jones is not a credible witness as to values. She did not understand profits. She claimed that she looked at the taxes to determine a \$400,000 estimate, but had no idea that she should withhold wages for herself. (RP 143-147). She did not understand accounting. She did not even understand the difference between term and whole life insurances when valuing them. (RP 112-113). She came up with the \$400,000 on the eve of trial. CP 321). She was not a credible witness as to the value of the property.

The evidence before the court consisted of many years of tax returns

that showed the business making very little. The parties had not drawn a salary for themselves for a job that Petitioner described as 24/7. (RP 62, 66). The only spike in income came in 2017 when Mr. Jones had to terminate employees to cover the maintenance, child support, and community obligations. (RP 323-326.) Besides that, the parties had a modest income generated by the business, which is reflected in their modest net estate and standard of living.

Petitioner refuses to recognize that the business could not generate a profit until *after* she and Respondent are paid a wage. (RP 143-147). Respondent testified as to the regulations of the business, the number of beds that could be filled, and the work he did in the business. (RP 325-326). Respondent also testified how “profits” increased based on the need to terminate employees due to the amount of maintenance and child support Respondent had to pay. (RP 323-326). Respondent testified of the amount of work he had to take on, his desire not to continue, and his inability to indefinitely continue such a heavy work load that the parties did not maintain while married. (Id). Based on this information, Respondent offered testimony that the business value was that of the property from which it operated. (RP 327). The Court adopted Respondent’s reasoning. (CP 835-836).

Petitioner's argument on appeal is confusing at best. Petitioner claims first that the Court erred when it failed to consider the undisputed evidence. However, Petitioner presented absolutely no evidence for her valuation of the business- none whatsoever to support a number that she obtained from thin air. Petitioner's argument is not that the Court didn't have any evidence to support its ruling, but that the Court did not adopt her unsupported number.

Second, Petitioner claims, the opinion of the owner and operator of the business is admissible on its value. Again, Respondent gave his opinion of the business value and reasons behind such opinion. The Court adopted his opinion, not Petitioner's.

The Court of Appeals generally does not disturb the valuations of the trial court so long as those findings fall within the scope of the evidence presented. *In re Marriage of Mathews*, 70 Wn. App. 116, 122, 853 P.2d 462 (1993); *In re Marriage of Soriano*, 31 Wn. App. 432, 435, 643 P.2d 450 (1982). The trial court determines the weight that evidence receives. *In re Marriage of Clark*, 13 Wn. App. 805, 810, 538 P.2d 145 (1975). The appellate court defers to the trial court on issues of credibility. *In re Marriage of Rideout*, 150 Wn.2d 337, 350-52, 77 P.3d 1174 (2003).

In this case, Petitioner and Respondent submitted competing

testimony and evidence as to the valuation of the business. The trial court adopted Respondent's reasoning and valuation. Respondent's valuation was based on his knowledge of the business industry and the lack of profit of the business once wages were paid. Petitioner's value was not based on anything, and her only evidence actually supported Respondent's position, as it was a piece of property for sale that could be used as an adult family home- not a sale of a business. Petitioner is appealing the fact that the trial Court adopted Respondent's proposed value over her own.

2. As detailed in the cross-appeal, the Court did not error by denying an equalization payment to Appellant as it should have classified 648 S. Arthur Street property as separate property. In addition, the Court took into consideration that this property was given to Mr. Jones by his mother, and was family property when denying the equalization payment.

The dissolution court's distribution of property and debts is reviewed for an abuse of discretion. *In re Marriage of Muhammad*, 153 Wn.2d 795, 803, 108 P.3d 779 (2005); *In re Marriage of Neumiller*, 183 Wn. App. 1019, 920, 335 P.3d 1019 (2014). Discretion is abused if it is based on untenable reasons or if the court uses an incorrect legal standard. *In re Marriage of Neumiller*, 183 Wn. App. at 920. RCW

26.09.080 directs the trial court to reach a just and equitable division of the couple's property and liabilities, whether community or separate, after considering the following factors: “(1) The nature and extent of the community property; (2) The nature and extent of the separate property; (3) The duration of the marriage or domestic partnership; and (4) The economic circumstances of each spouse or domestic partner at the time the division of property is to become effective, including the desirability of awarding the family home or the right to live therein for reasonable periods to a spouse or domestic partner with whom the children reside the majority of the time.” The property division need not be equal or mathematically precise, but must be fair. *In re Marriage of Doneen*, 197 Wn. App. 941, 949, 391 P.3d 594, review denied, 188 Wn.2d 1018, 396 P.3d 337 (2017); *In re Marriage of Clark*, 13 Wn. App. 805, 810, 538 P.2d 145, review denied, 86 Wn.2d 1001 (1975). A trial court has broad discretion in its division of property. *Baker v. Baker*, 80 Wn.2d 736, 747, 498 P.2d 315 (1972).

In this case, the final property distribution left Petitioner with \$128,346 in net worth and Respondent \$323,869 in net worth. The Court considered the property the parties acquired during the marriage, including the 648 S. Arthur, that Mr. Jones was gifted from his mother. (RP 395). The home was valued at \$200,000. The difference in the property division

between the parties is \$195,523, roughly the value of the 648 S. Arthur property. The Court then did not order an equalization payment, finding that under all the circumstances, it was fair and equitable. (CP 396). If the 648 S. Arthur property was classified as separate (which is the basis of Respondent's cross-appeal), the community net worth of the parties would be \$128,346 Petitioner, and \$123,869 Respondent, which would be relatively equal.

Furthermore, the Court also imposed maintenance and the full amount of child support despite the parties' relatively equal financial status after incorporating maintenance. (CP 809, and 974). As can be seen from the child support worksheets, with the maintenance ordered, Ms. Jones has over 54% of the parties' combined net income before adding in child support. (783-792). The parties also have a shared parenting plan. (CP 776-782). Despite that, the Court ordered that Mr. Jones provide the full amount of child support.(CP 974). Ms. Jones is receiving significantly more funds in support/maintenance above her stated need. This results in substantially more income to her home, and significantly less to Mr. Jones'. An equalization payment on top of what the Court ordered would have been significantly disproportionate given all the factors.

3. Ms. Jones should be denied attorney fees on appeal as she certainly

has no need after considering the maintenance and child support award she was granted, and is subject to Respondent's cross-appeal. She has more than enough income in her home, while Respondent has no ability to pay.

Ms. Jones is receiving \$2,581 per month in support/maintenance above her stated need. Under the orders, she is receiving a total of \$7,395 a month with her employment, maintenance and child support. Meanwhile, Respondent is taking home \$3,931 after paying child support. She has no need for attorney fees, and Respondent has no ability to pay.

CROSS-APPEAL ARGUMENT

1. The trial Court abused its discretion in finding that the 648 S. Arthur Street property and Sunshine Place were community property despite substantial evidence proving that both were separate property.

To make a fair and equitable division of the property and liabilities in a marriage dissolution, the court must first characterize each asset owned by one or both parties as either community or separate. *In re Marriage of Kile*, 186 Wn. App. 864, 875, 347 P.3d 894 (2015). Community property consists of property acquired during a marriage by either spouse or both spouses. RCW 26.16.030. Separate property is property owned by a spouse before marriage, or acquired by him or her during marriage by gift, bequest, devise, descent, or inheritance. RCW 26.16.010. The party asserting a

separate characterization has the burden of proof and must present "clear and compelling" evidence to overcome that community presumption. *In re Marriage of Janovich*, 30 Wn. App. 169, 171, 632 P.2d 889 (1981); see also *In re Marriage of Skarbek*, 100 Wn. App. 444, 448, 997 P.2d 447 (2000).

A trial court's characterization of property as separate or community presents a mixed question of law and fact. *In re Marriage of Martin*, 32 Wn. App. 92, 94, 645 P.2d 1148 (1982). "The time of acquisition, the method of acquisition, and the intent of the donor, for example, are questions for the trier of fact." *Id.* Separate property includes either property acquired before marriage, or property acquired after marriage by " gift, bequest, devise, descent, or inheritance" or with " the rents, issues and profits thereof." RCW 26.16.010. A gift "is a voluntary transfer of property without consideration." *City of Bellevue v. State*, 92 Wn.2d 717, 720, 600 P.2d 1268 (1979) (citing *Andrews v. Andrews*, 116 Wn. 513, 521, 199 P. 981 (1921)). In order for a gift to be found, there must exist 1) an intention on the part of the donor presently to give, 2) a subject matter capable of passing by delivery, and 3) an actual delivery. *In re Martin*, 32 Wn. App. 92, 96, 645 P.2d 1148 (Div. 1 1982)(citing *Oman v. Yates*, 70 Wn.2d 181, 422 P.2d 489 (1967)). "An executed gift becomes effective and irrevocable

upon delivery and divests the donor of all present control.” *Id.* (citing *Basket v. Hassell*, 107 U.S. 602 (1883)).

In this case, the 648 S. Arthur property was acquired initially by Respondent’s grandmother, Louisiana Moore. (R-111; RP 67-71, 312) The property was then given to Respondent’s mother Alice Doss. (R-111.CP 67-71, 217, 312-313). The property then was given to Mr. Jones’ by way of quitclaim deed from his mother. (R-112; CP 67-71, 313). Only Mr. Jones’ name appears on the deed. (R-112). The execution of the instrument was witnessed by Mr. Jones’ family. (*Id.* and CP 313). The Real Estate Tax affidavit signed by Ms. Doss clearly shows that the property was gifted to Mr. Jones. (*Id.*) As such, it was a clear gift to Mr. Jones alone, and not the marital community. However, the trial Court found that Mr. Jones did not overcome the community property presumption by submission of these valid recorded documents that show the property was gifted to him, and not Ms. Jones.

There was absolutely no valid evidence to support any contention that the property was gifted to the community. Ms. Jones attempted to testify that she thought Ms. Doss intended to give her the property. However, Deeds are construed to give effect to the intentions of the parties, and particular attention is given to the intent of the grantor when discerning

the meaning of the entire document.” *Newport Yacht Basin Ass’n of Condominium Owners v. Supreme Northwest, Inc.*, 168 Wn. App. 56, 64, 277 P.3d 18 (2012). “What the parties intended is a question of fact and the legal consequence of that intent is a question of law.” *Id.* The intent of the parties is generally determined from the *language of the deed as a whole*. *Id.* (emphasis added). Extrinsic evidence may be relevant to discern the intent of the parties where the evidence gives meaning to the words used in the deed. *See Hollis v. Garwall, Inc.*, 137 Wn.2d 683, 695, 974 P.2d 836 (1999). Extrinsic evidence is not admissible if it 1) is meant to demonstrate “a party’s unilateral or subjective intent as to the meaning of a contract word or term;” 2) “would show an intention independent of the instrument; or 3) “would vary, contradict, or modify the written word.” *Id.* “[W]here the plain language of a deed is unambiguous, extrinsic evidence will not be considered.” *Newport*, 168 Wn .App. at 64; *see Sunnyside Valley Irr. Dist. v. Dickie*, 149 Wn.2d 873, 880, 73 P.3d 369 (2003)(emphasis added).

Pursuant to the plain language on the deed and Excise Tax Affidavit, 648 S. Arthur was clearly gifted to Mr. Jones by his mother, and not to the community. The Deed and Real Estate Tax Affidavit are clear. There is no other admissible evidence. Ms. Jones’ self-serving testimony is extrinsic evidence not allowed in determining the intent of Ms. Doss nor the lawfully

executed and recorded Quitclaim Deed. This property was held by Mr. Jones' family for generations. It was passed down to the offspring, and not the spouses of the offspring, for generations. The community did not pay for this property. However, the community did receive a benefit from this property as it generated income to the family. As such, the Court erred when it found 648 S. Arthur as community property, and not the separate property of Mr. Jones.

2. The trial court erred in awarding spousal maintenance despite the wife's failure to present evidence to demonstrate a need and calculating the amount without consideration of statutory factors.

The trial court has discretion when awarding maintenance. *In re Marriage of Zahm*, 138 Wn.2d 213, 226-27, 978 P.2d 498 (1999). A trial court abuses its discretion when it does not base its award upon a fair consideration of the statutory factors under RCW 26.09.090. *In re Marriage of Mathews*, 70 Wn. App. 116, 123 (1993). The nonexclusive factors the court must consider in determining maintenance are: the post-dissolution financial resources of the parties; their abilities to independently meet their needs; the time necessary for the party seeking maintenance to find employment; duration of the marriage; the age, physical and emotional condition, and financial obligations of the spouse seeking maintenance; and

the ability of the spouse from whom maintenance is sought to meet his needs and financial obligations. RCW 26.09.090;

In this case, the marriage is a midterm marriage. Appellant is 44 years old, while Respondent is 50. (RP 394). Both parties are employed. (RP 50). Ms. Jones has her employment as a CNA. (P-4 and P-5). At the time of temporary orders on August 30, 2017, Ms. Jones was awarded \$2,000 in maintenance (CP 296) along with \$437.50 a month in child support (CP 318). Her stated expenses were \$3,595, and she presented an income of \$1,252. (CP 100). The court attempted to help Ms. Jones meet her needs at that time. That was over a year prior to trial. At trial, Ms. Jones made at least \$3,910 a month, on top of her maintenance and child support award, while her expenses remained at \$4,070. (P-2). The additional \$744.76 was attributed to a mortgage payment she would only have for a few months until she sold a piece of property she was awarded in the dissolution. (RP 139-140). She wasn't paying it at the time. As such, she had been receiving \$2,277.50. surplus of maintenance for months while Mr. Jones was left to maintain the community debt with limited income. (RP-136-137).

It is anticipated that Ms. Jones will claim that she has to work two jobs for her income. However, Ms. Jones' acknowledged that Mr. Jones'

job was 24/7. (RP 62). It appears she has no qualms with Mr. Jones working extensively to support her, but does if she has to support herself.

At trial, Ms. Jones requested maintenance. However, she had no basis to request maintenance or reason for it. She had no plans or reasoning why she needed three years. (RP 140-142). She had no reason why she couldn't meet her needs on her income. (RP 136-142). She used the additional maintenance and child support to pay for her attorney fees, while asking the court to order Mr. Jones to pay for her attorney fees. (CP 136-137). Yet, the court granted her an additional 2 years maintenance at \$2,000 with little to no findings as to why maintenance for this period of time was appropriate or needed. (CP 809). Ms. Jones did provide a new financial declaration to the court at the time of trial claiming \$4,814.76 in expenses. (P-2). As such, her income coupled with the maintenance award had her exceeding her need by \$1,095. Ms. Jones sold 643 S Arthur Arms property a few months later. As such, her expenses were reduced by \$744.76. Ms. Jones had no need for maintenance, especially not \$2,000 for 24 months.

3. The trial court erred in failing to grant a deviation in consideration of a 50/50 parenting plan.

Coupled with the maintenance, the court also ordered child support. (CP 974). At least, maintenance was included in the child support

worksheet. (CP 783-792). Once maintenance was factored in, Mr. Jones had a net income of \$5,136 a month and Ms. Jones \$5,910 a month. (Id). As noted above, Ms. Jones had an excess of \$1,095 a month once maintenance was awarded. Mr. Jones requested a deviation; however, the Court did not grant him one. (RP 414-416). The Court ordered the full amount of child support, which was \$1,205 until July 2019, and then \$767 thereafter. (CP 794-795).

Appellate courts review child support orders for an abuse of discretion. *In re Marriage of Fiorito*, 112 Wn. App. 657, 663, 50 P.3d 298 (2002). We will reverse only if the trial court's decision was manifestly unreasonable or was based on untenable grounds or reasons, considering the purposes of the trial court's discretion. *Id.* at 663-64; see also *Coggle v. Snow*, 56 Wn. App. 499, 507, 784 P.2d 554 (1990). The party challenging the trial court's decision bears the burden of demonstrating an abuse of discretion. *Schumacher v. Watson*, 100 Wn. App. 208, 211, 997 P.2d 399 (2000).

Chapter 26.19 of the RCW governs the amount of child support obligations, establishing a standardized schedule that sets a presumptive support amount, or "basic support obligation," based primarily on each parent's share of both parents' total net income. RCW 26.19.071,

.080. RCW 26.19.001 declares, “The legislature intends, in establishing a child support schedule, to insure that child support orders are adequate to meet a child's basic needs and to provide additional child support commensurate with the parents' income, resources, and standard of living. The legislature also intends that the child support obligation should be equitably apportioned between the parents.”

While the court must calculate the basic child support obligation in accordance with the child support schedule and worksheet, the court does retain discretion to deviate the amount of child support under RCW 26.19.075. The statute mandates that “when reasons exist for deviation, the court shall exercise discretion in considering the extent to which the factors would affect support.” RCW 26.19.075(4). Whether the court grants or denies the deviation must be entered in written findings, specifying the reasons for the court’s findings. Under RCW 26.19.075, the court may deviate child support based on the residential schedule so long as it does not result in insufficient funds in the household receiving the support to meet the basic needs of the children.

In this case, the Court entered a shared parenting plan between the parties. (CP 776-782). The children are to reside equally between the

parties. After granting the maintenance award, the Court equalized the parties' incomes. (CP 783-792). As noted above, after awarding maintenance, Ms. Jones had an excess of \$1,095 in her home after the maintenance award based on her stated need in her financial declaration and the income the court found. However, the Court found there was no basis to deviate from the standard calculation and ordered Mr. Jones to pay the full amount of child support. This was an abuse of discretion that resulted in insufficient funds to Mr. Jones' home for the children and an extreme excess of funds to Ms. Jones' home.

By compounding both maintenance and child support on Respondent, the Court inequibly favored the mother in this case and awarded her income in her home that far exceeded her stated need to the detriment of Mr. Jones' home. In fact, Respondent has subsequently been found in contempt for not being able to afford the extreme financial hardship the Court has imposed upon him. As such, the Court abused its discretion.

CONCLUSION

Based on the foregoing facts and authorities, the Court should deny Ms. Jones' appeal. The Court should reverse the trial Court's classification of the 648 S. Arthur property, its decision to award maintenance, and its

decision to award the full amount of child support with no consideration for a deviation.

Dated this 23 day of March 2020.

Respectfully submitted,



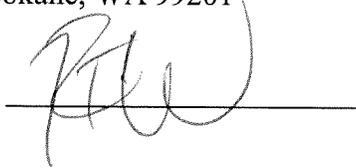
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CERTIFICATE OF SERVICE

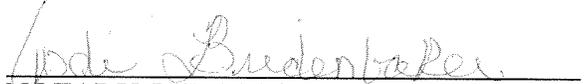
The undersigned hereby certifies that he is a person of such age and discretion to be competent to serve papers. That on the 23rd day of March, 2020, he personally served a copy of the Respondent's brief to the persons hereinafter named at the places of address stated below which is the last known address.

ATTORNEY FOR PETITIONER/APPELLANT/CROSS-APPELLEE

Kenneth Kato
1020 N. Washington
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SUBSCRIBED AND SWORN to before me this 23 day of March, 2020.



NOTARY PUBLIC in and for the State of Washington, residing in Spokane.
My Commission Expires: 10/3/21

