

66044-6

66044-6

No. 66044-6-I

COURT OF APPEALS, DIVISION I  
OF THE STATE OF WASHINGTON

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In re the Marriage of:

KENNETH GREEN,

Appellant,

v.

CHERYL GREEN,

Respondent

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APPEAL FROM THE SUPERIOR COURT  
FOR KING COUNTY  
THE HONORABLE SUZANNE BARNETT

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BRIEF OF RESPONDENT

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#### **APPENDIX**

- A. June 14, 2011 Financial Declaration Respondent
- B. RCW 26.19.020 Child Support Economic Table

## 1. ASSIGNMENTS OF ERROR

Respondent withdraws her cross-appeal.

## 2. STANDARD OF REVIEW

The appellate court reviews a trial court's child support determinations for abuse of discretion. State ex rel. J.V.G. Van Guilder, 137 Wn.App 417, 423, 154 P.3d 243 (2007). A trial court does not abuse its discretion where the record shows that it considered all of the relevant factors and the child support award is not unreasonable under the circumstances. Findings of fact, supported by substantial evidence—*i.e.*, evidence sufficient to persuade a rational person of the truth of the premise, will not be disturbed on appeal. *Id.*

Findings of Fact are reviewed for substantial supporting evidence. *Pennington v. Pennington*, 93 Wn.App. 913, 917, 971 P.2d 98 (1999).

These are the only standards of review described by appellant.

## 3. SUMMARY OF THE CASE AND ARGUMENT

This is an apparent appeal over \$288 per month in child support.<sup>1</sup> It concerns the trial court's imputation of income to the appellant-husband for his child support transfer payment.<sup>2</sup>

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<sup>1</sup> See Brief of Appellant at page 20. He proposes no other change in his transfer payment.

<sup>2</sup> For clarity appellant-husband will be called Kenneth in this Brief and respondent-wife will be called Cheryl. No disrespect is intended by the use of the parties' first names.

The parties experienced a difficult and often acrimonious marriage, with Kenneth committing multiple acts of abuse and domestic violence.

Kenneth's credibility was an issue at trial.

In the trial, Kenneth conceded he was unemployed but contended he was unable to find work. However Kenneth had earlier provided a declaration in the case indicating his gross earnings had averaged \$62,500 per year. At his last job, he earned \$80,000 a year. He also testified he squandered thousands of dollars gambling.

Based on the evidence at trial, and Kenneth's own under-oath declaration, the trial court did not abuse its discretion when it found, based on substantial evidence, that Kenneth was voluntarily unemployed. Therefore, the Court imputed \$4,427.19 in monthly net income to him which yielded a child support transfer payment obligation from Kenneth to Cheryl of \$731.92 a month.

Both sides seek an award of attorney fees on appeal.

#### **4. COUNTER-STATEMENT OF THE CASE**

Much of Kenneth's Statement of the case is irrelevant to the issues he has raise in this appeal which relate to: (1) whether he was "voluntarily unemployed;" (2) whether his income should have been imputed for child support purposes; and in general (3) whether his child support obligation was properly determined.

There is substantial evidence to support the parenting restrictions imposed on Kenneth by the court and he did not appeal them. Therefore, except insofar as they may have influenced the trial court in its credibility determinations, Kenneth's excuses for his bad behavior and abusive conduct, as set out in his Statement of the Case, are not relevant to the issues he has appealed.

What is relevant is Kenneth's off-and-on work history, and his education, health and age. RCW 26.19.071(6). Also relevant was Kenneth's credibility.

Cheryl and Kenneth were married on February 24, 1995 in Seattle Washington. (RP 10) The parties' physical date of separation was April 21, 2009. (RP 103) At the time of trial, Cheryl was 49 years old. (RP 102) Their daughter was born on October 6, 1994. (RP 103) Cheryl completed some college classes after high school. (RP 102)

Following her graduation from high school, Cheryl obtained a job as an intern with the Coast Guard and obtained her first paid employee position as a receptionist for the IRS in 1983. (RP 104) Her future advancements and promotions have all been within the IRS (RP 104-05), where she continues to be employed. (RP 105)

Cheryl was paid a salary of \$2,583.20 at the time of trial. (RP 153) In addition, she received a COLA plus bonus received year end 2009, of approximately \$900 added to her year-to-date income (RP 150-51), representing her gross monthly income on the Child Support Worksheets

of \$5,917.22 per month as reflected in the final Order of Child Support entered by the Trial Court. (CP 149)<sup>3</sup>

Kenneth is currently in good health. (RP 43) He is about 59 years old. (RP 32) The Trial Court found that Kenneth had advanced degrees, and a history of progressively more responsible employment. (CP 136) Kenneth initially obtained his degree in Business Administration and accounting from the University of Washington. (RP 24) He obtained his license as a Certified Public Accountant, and later obtained Certification as an Internal Auditor (RP 24) and Fraud Examiner. (RP 60) He also worked in many capacities (RP 59-60), and taught financial statement analysis at City University. (RP 60) In addition, Kenneth worked for the Internal Revenue Service in the 1980's, both as a criminal investigator and as a financial examiner. (RP 25)

The Greens' marriage was one of continuous argument and discord. (RP 103) Kenneth repeatedly referred to his daughter as a spoiled child. (RP 91, 92, 94) He believes "there is a good probability that [he is] not [her] biological father." (RP 87)

While Kenneth refers to the parties "good solid marriage," he was controlling, demeaning, bullying, and called Cheryl a "Whore," "stupid," and "fat." (RP 167) He was physically abusive to a family pet, throwing a small poodle into the headboard of their bed (RP 170), forced sex on

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<sup>3</sup> Her current gross monthly income is \$5,647.00. Appendix A.

Cheryl (RP 171) and was verbally aggressive and abusive to their daughter. (RP 171, 172)

On April 21, 2009, while Cheryl was at work, she received a phone call from her daughter, who was very upset, stating “my daddy choked me.” (RP 158)

Cheryl was alarmed by her daughter’s phone call and the pattern it represented. Kenneth had choked Cheryl before, when their daughter was three or four years old. (RP 159) This resulted in his arrest. Cheryl later dropped the charges. (RP 159) This happened a second time when Kenneth put his arm around Cheryl’s neck from behind, cutting off her air so she could not breathe. (RP 160) Both of these incidents were in front of their daughter. (RP 168)

After her daughter’s phone call, Cheryl went with her daughter to the police where she and her daughter independently completed statements. (RP 162) While Kenneth was subsequently arrested, Cheryl never asked that he be arrested, or charged with any crime. (RP 163)<sup>4</sup>

Subsequently, on the recommendation of the Family Law Advocates (RP 253), Cheryl obtained a Domestic Violence Protection Order. (CP 29)

Partly as a consequence of the above, extensive Parenting Plan restrictions were entered against Kenneth based on RCW 26.09.191(1)(b) and (c) and RCW 26.09.191(2)(a) factors. (CP 127-33) The Trial Court

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<sup>4</sup> Kenneth was found not guilty in the resulting trial. This does not mean he was innocent.

also issued a Restraining Order against Kenneth in the Final Decree of Dissolution. (CP 123-26)

Following his April 21, 2009 domestic violence arrest, Kenneth had sufficient funds to live in motels, stayed at a friend's vacant rental, and travelled to Las Vegas between court dates. (RP 15) In addition to his weekly unemployment compensation of \$586.00 (RP 27), Kenneth had in excess of \$45,000 which he had deposited in his Washington Mutual account. (RP 65) He spent and gambled this money away. (RP 66) He had other money as well that he spent. (RP 66-68)<sup>5</sup>

Kenneth's phlegmatic search for employment during the pendency of his divorce action was an important element of his work history.

The Court found that Kenneth had a history of progressively more responsible employment. (CP 136) This was based upon his testimony about his progressive work history (RP 24-6, 60) and his tax returns. This finding is supported by substantial evidence. So too is the evidence of his off-and-on pattern of employment over the years. (CP 57)

Among other things, the trial court also had available to it, Kenneth's admission that his average annual earnings over a ten year period (1998-2008) were \$62,500 (CP 57), and that his last job yielded an annual income of \$80,000. (CP 57)

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<sup>5</sup> Cheryl was not permitted to open the bank statements for these accounts when they were mailed to the Green's residence. (RP 120-121) Cheryl was unaware that Kenneth had several Washington Mutual bank accounts in his name only and was not aware of their significant account balances until the dissolution litigation *Id.*

Kenneth historically worked for a year or so at a job, then collected unemployment for roughly a year before he sought additional employment. (RP 108) He repeated this pattern three or four times. (RP 108)

Kenneth had little incentive to find new work when on unemployment. His financial declaration demonstrates his unemployment compensation was sufficient to cover his declared monthly living expenses and helps to establish the basis for his transfer payment obligation. (CP 59-60)

Kenneth argues on Appeal that the evidence shows his current unemployment is involuntary. His evidence was his statement that in September, 2008, his position at Liberty Mutual (also referred to as Safeco) was eliminated. (RP 26) He then claims he started to look for a new job. (RP 26) Kenneth offered no testimony at trial about the nature of his termination by any of his prior employers.

Kenneth offered no additional testimony about any job search through head hunter organizations, independent resume submissions, networking opportunities, or any independent information outside of his self-serving, required Washington State Unemployment Compensation Job Search Log submitted as Exhibit 12. (RP 26, 95)

This log speaks for itself, as to which individuals were actually provided a resume and application, and whether Kenneth interviewed to actually seek employment. Kenneth's only evidence at trial indicated that



he did the bare minimum required to ensure his continued unemployment benefits.

Based on the substantial evidence, the Court reasonably concluded his current unemployment was voluntary and essentially consistent with his long established pattern of off-and-on employment.

## 5. ARGUMENT/ANALYSIS

### A. Appellant Has an Obligation to Support His Daughter

A parent has a common law and statutory obligation to support his children. State ex rel. California v Benjamin, 50 Wn. App 284, 291, 751 P.2d 1189 (1988). This applies to Kenneth.

### B. Appellant's Credibility Was Weighed by the Court When it Imputed Income to Him

The trial court, after considering Kenneth's credibility<sup>6</sup> and the elements required of it under RCW 26.19.071(6), imputed income to Kenneth based on the trial and his under-oath income statement to the court. This representation was his factually based admission about the level of his employment income which *he was historically capable of earning*.

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<sup>6</sup> See *Minehart v. Morningstar Boys Ranch, Inc.*, 156 Wn. App. 457, 464, 232 P.3d 591 (2010) (credibility is to be determined by the trier of fact).

Kenneth does not maintain he is unemployable so that income *cannot* be imputed to him under the statute.

**C. The Trial Court Properly Considered the Imputation Factors in  
RCW 26.19.071(6)**

Based on his work history, level of employment and other factors, Kenneth is capable of, and qualified to, earn \$5,416.66 a month. *See In re Marriage of Sacco*, 114 Wn. 2d 1, 4, 784 P.2d 1266 (1990) *In re Marriage of Peterson*, 80 Wn. App. 148, 153, 906 P.2d 1009 (1995). This is consistent with his own admissions.

The court's reference to "advanced degrees" (CP 136) is ambiguous. Kenneth did have a degree in business administration and other certifications. (CP 136) The court reasonably found that Kenneth's employment history demonstrated a trend of more responsible employment. (CP 136) Neither observation is so significant to the outcome of the case that, but for the observation, the court's decision to impute income to Kenneth should necessarily fail. At worst it is harmless error. Moreover, it is logical to view Kenneth's employment history as trending to more responsible positions—which is generally true for professionals like Kenneth. In addition, the court had Exhibit 12 and could draw its own conclusions from that exhibit as to Kenneth's relevant in-person contacts and effort to obtain new employment.

Finally, all of this contributed to the substantial evidence the court had before it to support its finding that Kenneth was voluntarily unemployed,<sup>7</sup>

**D. The Trial Court Properly Considered Appellant's Pre-Trial Admission Concerning His Income**

Kenneth objects to the Court's consideration of his November 4, 2009 declaration as a basis for determining his imputed income pursuant to RCW 26.19.071(6).

To begin with, this is a declaration submitted by Kenneth in *this* proceeding about seven months before trial. It provides, in Kenneth's own words, his historical annual income. Given Kenneth's off-and-on employment history, Kenneth's declaration about his historical income was important to a resolution of this case. He should not now be heard to complain that the court considered what he earlier told the court when he wanted to be considered. Moreover, presumably the court, and certainly Kenneth, knew what he had earlier represented to the court about his income. In effect, Kenneth wants the court to unring that knowledge bell.

In addition, this declaration was actually used at trial to refresh Kenneth's recollection about parenting. (RP 45, 48-50)

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<sup>7</sup> In support of his argument against the finding that he was voluntarily unemployed, Kenneth cites *Clarke v. Clark*, 112 Wn. App. 370, 375-76, 48 P.3d 1032 (2007). But that case, concerning extrapolation of income, was reversed by *In re Marriage of McCausland*, 159 Wn.2d 607, 152 P.3d 1013 (2007).

Kenneth's evidentiary objection to the use of this declaration, citing Dodge v. Stencil, 48 Wn.2d 619, 622, 296 P.2d 312 (1956), misses the point. In *Dodge* the evidence in question was a *superseded* pleading. Here the document containing the admission against Kenneth's interest was a pre-trial *declaration* signed by Kenneth, relied upon by Kenneth and submitted by Kenneth to the court to further his position in this case. Under these circumstances, it has long been established a court may take judicial notice of records in the same case. Swake v. Dept. of Labor & Industries, 40 Wn.2d 51, 53, 240 P.2d 560 (1952). Judicial notice of matters in the record of a case after a trial may even be considered by an appellate Court. Washington State Farm Bureau Federation v. Reed, 154 Wn.2d 668, 115 P.3d 301 (2005) In re Turay, 153 Wn.2d 44, 101 P.3d 854 (2004), cert. denied 544 U.S. 952, 125 S.Ct. 1704, 161 Led. 2d 531 (2005).

**E. Appellant Failed to Timely Assert His Objection to the Trial Court's Consideration of His Pre-Trial Admission**

Finally, as to this point, there is no evidence that Kenneth raised this objection prior to the time the final orders were entered.<sup>8</sup>

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<sup>8</sup> The record is unclear about the circumstances under which the final orders were entered. Presumably, at the very least, their presentation for entry was consistent with CR 52(c) giving Kenneth an opportunity to raise this objection to the trial judge before she signed off on them. See *Seidler v. Hansen*, 14 Wn. App. 915, 918-20, 547 P.2d 917 (1976). Failure to do this was a waiver of this issue. *Id.*

**F. There is Substantial Evidence to Support the Trial Court's Determination that Appellant Was Voluntarily Unemployed**

There was sufficient evidence for the court to conclude that Kenneth's voluntary unemployment was consistent with his traditional work pattern, and progressively more responsible employment, and that, at least by the time of trial, his unemployment continued as a result of Kenneth's free choice and intent rather than by forces beyond his control. *See In re Marriage of Brockopp*, 78 Wn. App. 441, 446 n. 5, 898 P.2d 849 (1995). Here, the issue is not that Kenneth became unemployed by an involuntary act, his termination, which is undisputed. The issue, is his continued state of unemployment for an unreasonable period of time and the absence of a reasonable effort by him to become employed, after he lost his job with Safeco in December, 2008. (RP 26). This was the last job he had before the June, 2010 trial.

The court could, therefore, conclude that Kenneth's continued unemployment was not materially influenced by "these tight economic times."<sup>9</sup> This is in part because Kenneth has a history of off-and-on employment and progressively more responsible employment. (RP 24-5, 59-60; CP 136)

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<sup>9</sup> Brief of Appellant at page 13.

The record shows that the court properly considered the imputation factors in RCW 26.19.071, and the “any other relevant factors” elements of the statute.<sup>10</sup>

**G. Under the Facts of This Case, the Trial Court was Statutorily Required to Impute Income to Appellant**

Under these circumstances, the court had a mandatory obligation to impute Kenneth’s income for child support purposes. RCW 26.19.071 (6); *In re Marriage of Goodell*, 130 Wn. App. 381, 390, 122 P.3d 929 (2005).

**H. Appellant’s Extrapolation Complaint Lacks Merit**

Finally, Kenneth complains that the court improperly extrapolated his basic child support obligation, contrary to the holding in *In re Marriage of McCausland*, 159 Wn.2d 607, 152 P.3d 1013 (2007).<sup>11</sup>

This complaint is without merit. The applicable child support Economic Table<sup>12</sup> indicates that a monthly basic support obligation is \$1,506 for a family with a child between 12 and 18 years of age, and for

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<sup>10</sup> Kenneth also claims that the trial Court “misapprehended” the statutory factors. Brief of Appellant at pages 11-12. This appears to be a complaint that the trial court made a mistake of law. However, that error is not referenced in Kenneth’s Brief. It is waived and should not be considered. RAP 2.5(a). The waiver of error has long been recognized by the case law, generally resting upon acquiescence in a ruling or other act of the trial judge. *See, E.g., State ex rel. LaMon v. Westport*, 73 Wn.2d 255, 438 P.2d 200 (1968); *County of Spokane v. Farmer*, 5 Wn.App. 25, 486 P.2d 296 (1971).

<sup>11</sup> Kenneth complains that the court should have found the basic support obligation to be \$1,218 and not \$1,506. *See* Brief of Appellant at page 6. He thus concludes the court improperly extrapolated for the difference.

<sup>12</sup> Attached as Appendix B.

parents whose combined monthly net income is, as here— \$9,111.38.<sup>13</sup> The number Kenneth proposes, \$1,208, is the number on the Economic Table for a child under 12 and for parents whose combined net income is \$9,000.

## 6. ATTORNEY FEES

### A. Appellant was Intransigent

Voluntary unemployment can be grounds for a finding of intransigence. *Cf., In re Marriage of Mattson*, 95 Wn. App. 592, 976 P.2d 157 (1999) (voluntary underemployment is grounds for a finding of intransigence).

When a party's conduct results in increased legal fees, that party may be liable for the added legal costs of the other party. Litigiousness, bad faith conduct, or intransigence may serve as independent grounds for an award of fees at both the trial and appellate levels, regardless of the parties' ability to pay. *In re Marriage of Wallace*, 111 Wn. App. 697, 710, 45 P.3d 1131, 1137 (2002). As the court stated in *Mattson v. Mattson*, 95 Wn.App. 592, 605, 976 P.2d 157 (1999) "[a] party's intransigence can substantiate a trial court's award of attorney fees, regardless of the factors enunciated in RCW 26.09.140; attorney fees based on intransigence are an equitable remedy."

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<sup>13</sup> It is \$1,519 if you use the next support level of between \$9,100 and \$1,920.

**B. Respondent Should be Awarded her Attorney Fees On the  
Basis of Need and Ability to Pay,**

In addition, Kenneth had exclusively available to him, over \$45,000 in the Washington Mutual checking and savings accounts, as of April 21, 2009 (CP 65). Shortly after his April, 2009 release from jail, Kenneth withdrew these funds and spent and gambled them away (RP 65, 66). We also understand he may be debt free. Moreover, Kenneth makes no showing that he continues to be legitimately unemployed and without funds.

Cheryl, on the other hand, demonstrates by her Financial Declaration<sup>14</sup> that she has few resources to spare for paying attorney fees and carries over \$19,000 in debt. Further, she is 100 percent responsible for the parties' daughter's care since Kenneth is not spending any residential time with his daughter.

Attorney fees should be awarded to Cheryl pursuant to RCW 26.09.140 based upon need and ability to pay.

**C. Appellant's Appeal is Frivolous**

Finally, given the Court's rulings on frivolous appeals, and despite our belief to the contrary, it might not be said Kenneth's appeal is "frivolous."<sup>15</sup> But, it certainly is an appeal over issues (\$731.92 in child support for a 16 year old daughter) that most people would accept,

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<sup>14</sup> Appendix B.

<sup>15</sup> See e.g., *Streater v. White*, 26 Wn. App. 430, 613 P.2d 187 (1980).

especially since even under his theory, his child support obligation would be reduced by approximately \$288 a month.

## 6. CONCLUSION

Kenneth was mean to his wife and child. He had a pattern of off-and-on employment. By the time of the June, 2010 trial, Kenneth had been unemployed since December, 2008—about 19 months.

The trial court heard the evidence and measured Kenneth's credibility when he argued he was not voluntarily unemployed. The trial court disagreed.

Consequently, as required, the court imputed a reasonable level of monthly income to Kenneth for child support purposes in accordance with RCW 26.19.071(6).

Kenneth objected to this and argues his transfer payment should be reduced.

We disagree and so too should the Court of Appeals.

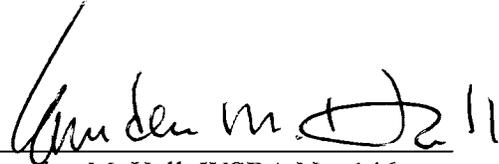
The trial court based her rulings on substantial evidence. Even though there was conflicting evidence offered by Kenneth, it cannot be said the trial court abused its discretion in finding and ruling as she did.

Kenneth's appeal should be denied; the Court should award fees to Cheryl.

DATED: June 17, 2011.

Respectfully submitted,

CAMDEN HALL, PLLC

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

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**DECLARATION OF SERVICE**

I declare under penalty of perjury under the laws of the state of Washington, that by the end of the day on June 17, 2011, I will have served, or had served, this Respondent's Brief and Declaration of Service upon the following individuals in the manner indicated below:

Dan R. Young  
1000 Second Avenue, Suite 3310  
Seattle, WA 98104

Via Hand Delivery

DATED: June 17, 2011 at Seattle, Washington.

  
\_\_\_\_\_  
Michael A. Overlie

2011 JUN 17 PM 5:01  
RECEIVED  
JUN 17 2011

# APPENDIX A

FINANCIAL DECLARATION  
RESPONDENT

Name: Cheryl Green Date of Birth: May 6, 1961

I. Summary of Basic Information

Declarant's Total Monthly Net Income (from § 3.3 below)	\$ 4,478.00
Declarant's Total Monthly Household Expenses (from § 5.9 below)	\$ 4,494.00
Declarant's Total Monthly Debt Expenses (from § 5.11 below)	\$ 757.00
Declarant's Total Monthly Expenses (from § 5.12 below)	\$ 5,251.00
Estimate of the other party's gross monthly income (from § 3.1f below)	<input type="checkbox"/> \$ _____
	<input type="checkbox"/> unknown

II. Personal Information

- 2.1 Occupation: Revenue Officer
- 2.2 The highest year of education completed: High School Diploma
- 2.3 Are you presently employed?  Yes  No
- a. If yes: (1) Where do you work. Employer's name and address must be listed on the Confidential Information Form.
- Internal Revenue Service  
915 2<sup>nd</sup> Avenue  
Seattle, WA 98174
- (2) When did you start work there (month/year)?  
\_\_\_\_\_ 4/83

- b. If no: (1) When did you last work (month/year)? \_\_\_\_\_
- (2) What were your gross monthly earnings? \$ \_\_\_\_\_
- (3) Why are you presently unemployed? \_\_\_\_\_

### III. Income Information

If child support is at issue, complete the Washington State Child Support Worksheet(s), skip Paragraphs 3.1 and 3.2. If maintenance, fees, costs or debts are at issue and child support is Not an issue this entire section should be completed. (Estimate of other party's income information is optional.)

#### 3.1 Gross Monthly Income

If you are paid on a weekly basis, multiply your weekly gross pay by 4.3 to determine your monthly wages and salaries. If you are paid every two weeks, multiply your gross pay by 2.15. If you are paid twice monthly, multiply your gross pay by 2. If you are paid once a month, list that amount below.

	Name	Name
	_____	_____
a. Wages and Salaries	\$ 5,647.00	\$ _____
b. Interest and Dividend Income	\$ _____	\$ _____
c. Business Income	\$ _____	\$ _____
d. Spousal Maintenance Received		
From _____	\$ _____	\$ _____
e. Other Income	\$ _____	\$ _____
f. Total Gross Monthly Income (add lines 3.1a through 3.1e)	\$ 5,647.00	\$ _____
g. Actual Gross Income (Year-to-date)	\$ 28,235.00	\$ _____

#### 3.2 Monthly Deductions From Gross Income

a. Income Taxes	\$ 568.86	\$ _____
b. FICA/Self-employment Taxes	\$ 94.30	\$ _____
c. State Industrial Insurance Deductions	\$ 75.12	\$ _____
d. Mandatory Union/Professional Dues	\$ 35.80	\$ _____
e. Pension Plan Payments	\$ 394.02	\$ _____
f. Spousal Maintenance Paid	\$ _____	\$ _____
g. Normal Business Expenses	\$ _____	\$ _____
h. Total Deductions from Gross Income (add lines 3.2a through 3.2g)	\$ 1,168.10	\$ _____

3.3 Monthly Net Income (Line 3.1f minus line 3.2h) or \$ \_\_\_\_\_ \$ \_\_\_\_\_

line 3 from the Child Support Worksheet(s).)

3.4 Miscellaneous Income

a.	Child support received from other relationships	\$ _____	\$ _____
b.	Other miscellaneous income (list source and amounts)		
		\$ _____	\$ _____
		\$ _____	\$ _____
		\$ _____	\$ _____
		\$ _____	\$ _____
c.	Total Miscellaneous Income (add lines 3.4a through 3.4b)	\$ _____	\$ _____

3.5 Income of Other Adults in Household \$ \_\_\_\_\_ \$ \_\_\_\_\_

3.6 If the income of either party is disputed, state monthly income you believe is correct and explain below:

IV. Available Assets

4.1	Cash on hand	\$ 20.00 _____
4.2	On deposit in banks	\$ _____
4.3	Stocks and bonds, cash value of life insurance	\$ _____
4.4	Other liquid assets:	\$ _____

V. Monthly Expense Information

Monthly expenses for myself and one dependents are: (Expenses should be calculated for the future, after separation, based on the anticipated residential schedule for the children.)

5.1	Housing	
	Rent, 1st mortgage or contract payments	\$ 1,200.00 _____
	Installment payments for other mortgages or encumbrances	\$ _____
	Taxes & insurance (if not in monthly payment)	\$ _____
	Total Housing	\$ 1,200.00 _____

5.2	Utilities	
	Heat (gas & oil)	\$ _____
	Electricity	\$ 150.00____
	Water, sewer, garbage	\$ 105.00____
	Telephone	\$ 145.00____
	Cable	\$ 146.00____
	Other	\$ _____
	Total Utilities	\$ 546.00____
5.3	Food and Supplies	
	Food for _____2_____ persons	\$ 450.00____
	Supplies (paper, tobacco, pets)	\$ 35.00____
	Meals eaten out	\$ 240.00____
	Other	\$ _____
	Total Food Supplies	\$ 725.00____
5.4	Children	
	Day Care/Babysitting	\$ _____
	Clothing	\$ 50.00____
	Tuition (if any)	\$ _____
	Other child-related expenses	\$ 140.00____
	Total Expenses Children	\$ 190.00____
5.5	Transportation	
	Vehicle payments or leases	\$ 338.00____
	Vehicle insurance & license	\$ 200.00____
	Vehicle gas, oil, ordinary maintenance	\$ 160.00____
	Parking	\$ 220.00____
	Other transportation expenses	\$ _____
	Total Transportation	\$ 918.00____
5.6	Health Care (Omit if fully covered)	
	Insurance	\$ 400.00____
	Uninsured dental, orthodontic, medical, eye care expenses	\$ 255.00____
	Other uninsured health expenses	\$ _____
	Total Health Care	\$ 655.00____

5.7 Personal Expenses (Not including children)

Clothing	\$ 50.00
Hair care/personal care expenses	\$ 60.00
Clubs and recreation	\$ 100.00
Education	\$ _____
Books, newspapers, magazines, photos	\$ _____
Gifts	\$ 50.00
Other	\$ _____
<b>Total Personal Expenses</b>	<b>\$ 260.00</b>

5.8 Miscellaneous Expenses

Life insurance (if <u>not</u> deducted from income)	\$ _____
Other _____	\$ _____
Other _____	\$ _____
<b>Total Miscellaneous Expenses</b>	<b>\$ _____</b>

5.9 Total Household Expenses (The total of Paragraphs 5.1 through 5.8) \$ 4,494.00

5.10 Installment Debts Included in Paragraphs 5.1 Through 5.8

<u>Creditor</u>	<u>Description of Debt</u>	<u>Balance</u>	<u>Month of Last Payment</u>
BECU _____	auto loan _____	10,000.00	May _____
Dr. Povolny _____	braces _____	400.00	May _____
_____	_____	_____	_____
_____	_____	_____	_____

5.11 Other Debts and Monthly Expenses not Included in Paragraphs 5.1 Through 5.8

<u>of Creditor</u>	<u>Description of Debt</u>	<u>Balance</u>	<u>Month of Last Payment</u>	<u>Amount Monthly Payment</u>
Verity Credit Union	loan	14,448.00	May	340.00
Chase VISA	credit card	10,500.00	May	240.00
Department of Education	student loan	1,739.00	May	60.00
Thrift Savings Plan	loan	1,897.00	May	117.00
_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	\$ _____

\_\_\_\_\_ \$ \_\_\_\_\_  
 Total Monthly Payments for Other Debts and Monthly Expenses \$ 757.00  
 5.12 Total Expenses (Add Paragraphs 5.9 and 5.11) \$ 5,251.00

VI. Attorney Fees

- 6.1 Amount paid for attorney fees and costs to date: \$ 35,100.00  
 Dissolution fees; Civil wrongful arrest defense action brought by  
Kenneth Green v. Cheryl Green, King County Superior Court  
 #09-2-27406-1SEA, dismissed on Summary Judgment in favor of  
 Cheryl Green; Court of Appeals attorney's fees - (2) attorneys
- 6.2 The source of this money was: loans
- 6.3 Fees and costs incurred to date: \$ \_\_\_\_\_
- 6.4 Arrangements for attorney fees and costs are:
- 6.5 Other:

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at Seattle, [City] Wa [State] on 6/14/11 [Date].  
 \_\_\_\_\_  
 Cheryl Green

The following financial records are being provided to the other party and filed separately with the court.

- Financial records pertaining to myself:
- Individual  Partnership or Corporate Income Tax returns for the years \_\_\_\_\_ including all W-2s and schedules;
  - Pay stubs for the dates of \_\_\_\_\_
  - Other: \_\_\_\_\_
  - \_\_\_\_\_
  - \_\_\_\_\_
  - \_\_\_\_\_
  - \_\_\_\_\_

**Do not attach these financial records to the financial declaration. These financial records should be served on the other party and filed with the court separately using the sealed financial source documents cover sheet (WPF DRPSCU 09.0220). If filed separately using the cover sheet, the records will be sealed to protect your privacy (although they will be available to all parties in the case, their attorneys, court personnel and certain state agencies and boards.) See GR 22 (C)(2).**

# **APPENDIX B**

West's Revised Code of Washington Annotated

Title 26. Domestic Relations (Refs & Annos)

Chapter 26.19. Child Support Schedule (Refs & Annos)

West's RCWA 26.19.020

26.19.020. Child support economic table

Currentness

**ECONOMIC TABLE  
MONTHLY BASIC SUPPORT OBLIGATION  
PER CHILD**

**KEY: A AGE 0-11 B AGE 12-18**

**COMBINED  
MONTHLY  
NET  
INCOME**

**ONE  
CHILD  
FAMILY**

**TWO  
CHILDREN  
FAMILY**

A

B

A

B

For income less than \$1000 the obligation is based upon the resources and living expenses of each household. Minimum support may not be less than \$50 per child per month except when allowed by RCW 26.19.065(2).

1000	220	272	171	211
1100	242	299	188	232
1200	264	326	205	253
1300	285	352	221	274
1400	307	379	238	294
1500	327	404	254	313
1600	347	428	269	333
1700	367	453	285	352
1800	387	478	300	371
1900	407	503	316	390
2000	427	527	331	409
2100	447	552	347	429
2200	467	577	362	448
2300	487	601	378	467
2400	506	626	393	486
2500	526	650	408	505
2600	534	661	416	513
2700	542	670	421	520
2800	549	679	427	527
2900	556	686	431	533
3000	561	693	436	538
3100	566	699	439	543
3200	569	704	442	546
3300	573	708	445	549

26.19.020. Child support economic table, WA ST 26.19.020

3400	574	710	446	551
3500	575	711	447	552
3600	577	712	448	553
3700	578	713	449	554
3800	581	719	452	558
3900	596	736	463	572
4000	609	753	473	584
4100	623	770	484	598
4200	638	788	495	611
4300	651	805	506	625
4400	664	821	516	637
4500	677	836	525	649
4600	689	851	535	661
4700	701	866	545	673
4800	713	882	554	685
4900	726	897	564	697
5000	738	912	574	708
5100	751	928	584	720
5200	763	943	593	732
5300	776	959	602	744
5400	788	974	612	756
5500	800	989	622	768
5600	812	1004	632	779
5700	825	1019	641	791
5800	837	1035	650	803
5900	850	1050	660	815
6000	862	1065	670	827
6100	875	1081	680	839
6200	887	1096	689	851
6300	899	1112	699	863
6400	911	1127	709	875
6500	924	1142	718	887
6600	936	1157	728	899
6700	949	1172	737	911
6800	961	1188	747	923
6900	974	1203	757	935
7000	986	1218	767	946
7100	998	1233	776	958
7200	1009	1248	785	971
7300	1021	1262	794	982
7400	1033	1276	803	993
7500	1044	1290	812	1004
7600	1055	1305	821	1015
7700	1067	1319	830	1026
7800	1078	1333	839	1037
7900	1089	1346	848	1048
8000	1100	1360	857	1059
8100	1112	1374	865	1069
8200	1123	1387	874	1080

26.19.020. Child support economic table, WA ST 26.19.020

8300	1134	1401	882	1091
8400	1144	1414	891	1101
8500	1155	1428	899	1112
8600	1166	1441	908	1122
8700	1177	1454	916	1133
8800	1187	1467	925	1143
8900	1198	1481	933	1153
9000	1208	1493	941	1163
9100	1219	1506	949	1173
9200	1229	1519	957	1183
9300	1239	1532	966	1193
9400	1250	1545	974	1203
9500	1260	1557	982	1213
9600	1270	1570	989	1223
9700	1280	1582	997	1233
9800	1290	1594	1005	1242
9900	1300	1606	1013	1252
10000	1310	1619	1021	1262
10100	1319	1631	1028	1271
10200	1329	1643	1036	1281
10300	1339	1655	1044	1290
10400	1348	1666	1051	1299
10500	1358	1678	1059	1308
10600	1367	1690	1066	1318
10700	1377	1701	1073	1327
10800	1386	1713	1081	1336
10900	1395	1724	1088	1345
11000	1404	1736	1095	1354
11100	1413	1747	1102	1363
11200	1422	1758	1110	1371
11300	1431	1769	1117	1380
11400	1440	1780	1124	1389
11500	1449	1791	1131	1398
11600	1458	1802	1138	1406
11700	1467	1813	1145	1415
11800	1475	1823	1151	1423
11900	1484	1834	1158	1431
12000	1492	1844	1165	1440

**COMBINED  
MONTHLY  
NET  
INCOME**

**THREE  
CHILDREN  
FAMILY**

**FOUR  
CHILDREN  
FAMILY**

**FIVE  
CHILDREN  
FAMILY**

A B A B A B

For income less than \$1000 the obligation is based upon the resources and living expenses of each household. Minimum support may not be less than \$50 per child per month except when allowed by RCW 26.19.065(2).

1000	143	177	121	149	105	130
1100	157	194	133	164	116	143

26.19.020. Child support economic table, WA ST 26.19.020

1200	171	211	144	179	126	156
1300	185	228	156	193	136	168
1400	199	246	168	208	147	181
1500	212	262	179	221	156	193
1600	225	278	190	235	166	205
1700	238	294	201	248	175	217
1800	251	310	212	262	185	228
1900	264	326	223	275	194	240
2000	277	342	234	289	204	252
2100	289	358	245	303	213	264
2200	302	374	256	316	223	276
2300	315	390	267	330	233	288
2400	328	406	278	343	242	299
2500	341	421	288	356	251	311
2600	346	428	293	362	256	316
2700	351	435	298	368	259	321
2800	356	440	301	372	262	324
2900	360	445	305	376	266	328
3000	364	449	308	380	268	331
3100	367	453	310	383	270	334
3200	369	457	312	386	272	336
3300	371	459	314	388	273	339
3400	372	460	315	389	274	340
3500	373	461	316	390	275	341
3600	374	462	317	391	276	342
3700	375	463	318	392	277	343
3800	377	466	319	394	278	344
3900	386	477	326	404	284	352
4000	395	488	334	413	291	360
4100	404	500	341	422	298	368
4200	413	511	350	431	305	377
4300	422	522	357	441	311	385
4400	431	532	364	449	317	392
4500	438	542	371	458	323	400
4600	446	552	377	467	329	407
4700	455	562	384	475	335	414
4800	463	572	391	483	341	422
4900	470	581	398	491	347	429
5000	479	592	404	500	353	437
5100	487	602	411	509	359	443
5200	494	611	418	517	365	451
5300	503	621	425	525	371	458
5400	511	632	432	533	377	466
5500	518	641	439	542	383	473
5600	527	651	446	551	389	480
5700	535	661	452	559	395	488
5800	543	671	459	567	401	495
5900	551	681	466	575	407	502
6000	559	691	473	584	413	509

26.19.020. Child support economic table, WA ST 26.19.020

6100	567	701	479	593	418	517
6200	575	710	486	601	424	524
6300	583	721	493	609	430	532
6400	591	731	500	617	436	539
6500	599	740	506	626	442	546
6600	607	750	513	635	448	554
6700	615	761	520	643	454	561
6800	623	770	527	651	460	568
6900	631	780	533	659	466	575
7000	639	790	540	668	472	583
7100	647	800	547	677	478	591
7200	654	809	554	684	484	598
7300	662	818	560	693	490	605
7400	670	828	567	701	496	613
7500	677	837	574	709	502	620
7600	685	846	581	718	507	627
7700	692	855	587	726	513	634
7800	700	865	594	734	519	642
7900	707	874	601	742	525	649
8000	714	883	607	750	531	656
8100	722	892	614	759	536	663
8200	729	901	620	767	542	670
8300	736	910	627	775	548	677
8400	743	919	633	783	553	684
8500	750	928	640	791	559	691
8600	758	936	646	799	565	698
8700	765	945	653	807	570	705
8800	772	954	659	815	576	712
8900	779	962	665	822	582	719
9000	786	971	672	830	587	726
9100	792	980	678	838	593	732
9200	799	988	684	846	598	739
9300	806	996	691	854	604	746
9400	813	1005	697	861	609	753
9500	820	1013	703	869	614	759
9600	826	1021	709	877	620	766
9700	833	1030	716	884	625	773
9800	840	1038	722	892	631	779
9900	846	1046	728	900	636	786
10000	853	1054	734	907	641	793
10100	859	1062	740	915	647	799
10200	866	1070	746	922	652	806
10300	872	1078	752	930	657	812
10400	879	1086	758	937	662	819
10500	885	1094	764	944	668	825
10600	891	1102	770	952	673	832
10700	898	1109	776	959	678	838
10800	904	1117	782	966	683	844
10900	910	1125	788	974	688	851

**26.19.020. Child support economic table, WA ST 26.19.020**

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11000	916	1132	794	981	693	857
11100	922	1140	799	988	698	863
11200	928	1147	805	995	703	869
11300	934	1155	811	1002	708	876
11400	940	1162	817	1009	714	882
11500	946	1170	822	1017	719	888
11600	952	1177	828	1024	723	894
11700	958	1184	834	1031	728	900
11800	964	1191	839	1038	733	906
11900	970	1199	845	1045	738	912
12000	975	1206	851	1051	743	919

The economic table is presumptive for combined monthly net incomes up to and including twelve thousand dollars. When combined monthly net income exceeds twelve thousand dollars, the court may exceed the presumptive amount of support set for combined monthly net incomes of twelve thousand dollars upon written findings of fact.

**Credits**

[2009 c 84 § 1, eff. Oct. 1, 2009; 1998 c 163 § 2; 1991 c 367 § 25; 1990 1st ex.s. c 2 § 19; 1989 c 175 § 76; 1988 c 275 § 3.]

Notes of Decisions (69)

Current with 2011 Legislation effective through May 31, 2011

End of Document

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