

71830-4

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No. 71830-4-I

COURT OF APPEALS
Division I
OF THE STATE OF WASHINGTON

Petitioner,
JOHN BLACKMON
v.
JENIFER L. BLACKMON
Respondent,



ON APPEAL FROM THE SUPERIOR COURT OF SNOHOMISH COUNTY
IN AND FOR THE STATE OF WASHINGTON

Honorable Judge THOMAS J. WYNNE

OPENING BRIEF OF THE PETITIONER

By: JOHN BLACKMON
Coyote Ridge Correction Center
P.O. Box 769
Connell, WA 99326

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VERBATIM REPORT/CLERK PAPER DESIGNATION

1 VRP	January 29, 2014	Pages 1-124	Bench Trial
2 VRP	January 30, 2014	Pages 125-302	Bench Trial
3 VRP	February 14, 2014	Pages 1-11	Oral Ruling
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T A B L E O F A P P E N D I X S

- A. Letter "Robert Meadows" (Attorney) March 18, 2014.
- B. Letter "William Mitchell" (Attorney) with Writ and Returns.
- C. Letter "Steven B. Shea" (Attorney) April 9, 2014.
- D. Letter "Steven B. Shea" (Attorney) May 13, 2014.
- E. Letter to "Steven B. Shea" (Attorney) August 1, 2014.
- F. Letter "Steven B. Shea" (Attorney) October 23, 2014.
- G. Letter "McMillian Auctions" October 31, 2014.
- H. Letter to "Steven B. Shea" (Attorney) November 5, 2014.
- I. Affidavit of E&B Salvage Re: "Attorney Steven B. Shea.

A. IDENTITY OF THE PARTY

I, JOHN BLACKMON, Petitioner, Pro Se, seeks a review of the issues presented in Part-B, from the Snohomish County Superior Court.

B. ASSIGNMENT OF ERRORS

1. Does the trial court's consideration of the Wife as the sole supporter of the children in division of the property and assets abuse discretion in light of the facts in the record on support?
2. Does the trial court abuse discretion awarding the assets and property no longer owned by the parties?
3. Does the trial court abuse discretion to award the wife items requested by parties other than wife or husband, ignoring appraised value of the assets?
4. Did trial court abuse discretion when awarding the minor children compensation for savings accounts?
5. Did trial court error basing division of assets and parenting plan rulings on mental illness of husband?
6. Did trial court abuse discretion in parenting plan that blocked Father's contact with his children?
7. Did trial abuse discretion by proving the wife's attorney control over the property removal, when the attorney requested court's direction?
8. Does trial court abuse discretion in 90 days to remove Husband's property?

The parties shall be designated "Husband" and "Wife" for the remainder of this briefing.

C. STATEMENT OF THE FACTS

The Husband and Wife had been married for nearly 20 years at the time of the dissolution filing, and had substantial assets in the community. CP 116 Ln 21-23; CP 117, CP 124 Ln 1-3.

The Husband was incarcerated in the county jail, facing the potential of a long prison term, and the Husband felt it best to dissolve the marriage. 1VRP16 Ln 23-25; CP 121 Ln 20-25.

The Husband filed the petition, and began the proceedings to cleanly break from his wife of many many years, and was in fact being very reasonable in seeking to have an auction for purposes of dissolution. 1VRP13 Ln 15-23; 1VRP15 Ln 2-20,

The Husband contacted an auction company, and had couples assets appraised for this purpose during proceedings, however an auction was not held, due to the court's rulings. CP 128 Ln 23...

The Husband was accused by his oldest child of improper and illegal conduct, and faced criminal charges in 2012. The first two trials resulted in hung jury, and the third got a conviction, giving the Husband many years in prison. 3VRP2

The trial court did not allow the Husband present during the civil trial proceedings, and did not allow the Husband to be present during the division of the assets, therefore these ruling were entered on record without objection of Husband.

The wife's attorney was charged with the duty of taking Husbands property removal under his offices direction by this trial court, and refused the Husband's agents access to take possession of the awarded assets of the Husband. CP 79

D. ARGUMENTS PRESENTED

1. DOES THE TRIAL COURT'S CONSIDERATION OF THE WIFE AS SOLE SUPPORTER OF THE CHILDREN IN DIVISION OF PROPERTY ABUSE DISCRETION INLIGHT OF THE FACTS?

The Husband and Wife, after over 20 years of marriage, had decided to separate. The husband's incarceration January 11th of 2012 left the Wife with the sole duty of support of the three children IB age 17, ZB age 15, and BB age 13 years. CP 23 Ln 18-20.

Based on the criminal sentence imposed the Wife will be the supporter of the children for the remainder of their minority life, where the Husband's release is not scheduled until after 2024. 3VRP2 Ln 22-24.

The trial court based the 67% Wife 33% Husband division of assets and property ruling on theses facts, ignoring that Wife's support is compensated by the Husband's disability for the three children each month. 3VRP3; 3VRP4 Ln 8-9; 3VRP8 Ln 14-20.

It is not disputed that the trial court "must dispose of the property and liabilities of the parties, either community or separate, in a just and equitable manner, considering all relevant factors" see In Re Marriage of Muhammad, 153 Wa. App. 795, 108 P.3d 779 (2005). The court reviews the property division "for an abuse of discretion." Muhammad, 153 Wa. App. at 803, 108 P.3d 779 (2005). CP 55 Ln 16-17; CP 142 Ln 7-10; CP 143 Ln 4-10; CP 146 Ln 13.

"The court has broad discretion to determine what is just and equitable based in the circumstances of each case. see In Re Marriage of Rockwell, 141 Wa. App. 253, 170 P.2d 572 (2007). However, that discretion must be based in the facts of the case before the trial court for review and decisions, not speculations. CP 23 Ln 17-20.

The just and equitable division need not require mathematical precision, but rather fairness, based upon a consideration of all circumstances of the marriage, both past, present, and a review of the future needs of the parties. see In Re Marriage of Crosetto, 82 Wa. App. 545, 556, 918 P.2d 954 (1996). "Fairness is obtained by considering all circumstances of the marriage, and by exercising discretion, not by utilizing the inflexible rules!" In Re Marriage of Towers, 55 Wa. App. 697, 780 P.2d 863 (1989). This would have required the court consider the amount of support the father and Husband is paying from disability currently.

The trial court did not consider or follow these basicly established principles of property division, where the court did ignore factors relevant to the Wife's "sole support" of the three children. The trial court's record establishes the trial court is aware of the Husband's actual financial support of the children at the time of the ruling. CP 72 Ln 23-25; CP 73 Ln 1-9; CP 154 Ln 13-25,

There is clear records showing that the court knew the Wife received monthly support payments from the Husband's disability account through 'social security' for each child, which totaled a monthly sum of more that \$1100.00 support. 3VRP3; CP 28 Ln 25.

Therefore the trial court's stated factual basis for unequal property division is unsupported by the facts in record known to the trial court at the time of the ruling. The ruling is thereby an abuse of the trial court's dicretionary powers. CP 23 Ln 18-20.

The Wife should not be provided an additional 17% of these assets and property for supporting the children, when the Husband supports the children through his 'social security' accounts. CP 41.

The case law suggests that when a trial court gives un-equal division of assets in lieu of child support obligations, then the support obligation is satisfied completely, and the property does take the place of any future support. In Re Marriage of Hammack, 114 Wa. App. at 305, 60 P.3d 663 (2003)("a disparative division of property may satisfy one spouse's child support obligation. But in making such award, the trial court must acknowledge that the property settlement is disparative because trial court awarded a portion of the property in lieu of child support payments.") see also In Re Marriage of Babbit, 50 Wa. App. 190, 747 P.3d 507 (1987); Holiday V. Merceri, 49 Wa. App. 321, 742 P.3d 127 (1987).

The trial court abused discretion by finding that the Wife's the sole supporter of the children as basis for division of this community property, where the Husband's paying through his 'social Security Disability' monthly for each child under the age of the minority. The trial court basing the rulings on facts not found or supported by the record is abuse of discretion, and the matters contradicted by the actual record should be provided relief. 3VRP4.

The Husband should be granted relief, with proper division of the couple's assets provided, or monetary compensation for a amount of the assets disposed of since trial by the Wife. CP 73; CP 77.

2. DOES THE TRIAL COURT ABUSE DISCRETION AWARDDING THE ASSETS AND PROPERTY NO LONGER OWNED BY THE PARTIES?

The trial court in the division of assets gave items to the Husband abandoned by the Wife after Husband's incarceration on January 11, 2012. The Wife was the sole custodian of all marital community assets after the Husband's arrest and incarceration, and

had the sole responsibility to the marital community to ensure that all required payments are made timely for storage fees the couple owed on some of the stored property. 3VRP6 Ln 1-2; CP 169-170.

The Couple had owned a "Bee Keeping Hobby Business;" with extensive assets and equipment, including the industrial truck and trailer the equipment is stored in, the farm-all tractor court awarded separate to the Wife, which truck and trailer the Wife left abandoned on a farm not owned by the couple.

The couple had a 'Storage Unit' in Florida, containing all the couple's vacation home furnishings, two sea doo watercrafts, and extensive contractor's tools, which the Wife failed to pay and maintain the fees/costs of during Husband's incarceration.

The couple owned a 1990 diesel boat stored at a Everett Marina, which the Wife failed to maintain the storage fees of during these proceedings, and the boat was seized for auction by the marina before the Husband was awarded custody of this boat by the divorce decree. CP 169 Ln 3 thru CP 171 Ln 19.

The Court's dissolution award provided these items to this Husband, as part of his 33% of the assets, even though none of these assets were part of the marital community, currently owned by the couple without attachments, at the time of the dissolution trial, due to the Wife's conduct and failure to maintain current storage fees on the items. CP 127; CP 150 thru CP 156 Ln 22.

The trial court was aware the attorneys had the couple's monetary assets in a trust account until dissolution, therefore the trial court should have made provisions for payments of the couple's obligations to maintain the marital assets until these

division proceedings were completed by the court, however this Wife never informed the court or opposing counsel that she was not making payment of all the couple's obligations. CP 163 to CP 165.

The Husband did not find this information out, or become aware of the Wife's conduct until after he attempted, through his agents to obtain access to the items awarded to the Husband in the decree of the trial court, then finding that they was a hold placed on the diesel boat for non-payment of storage, and that the Florida Storage was auctioned for non-payment of fees.

The farm owner had placed lien to seize the "Bee Equipment" abandoned on his property by the Wife during Husband's incarceration term. CP 79 Ln 9; CP 185 Ln 3 to CP 186 Ln 1.

The couple had substantial cash assets in trust, and this trial court was aware that not all cash assets were accounted for at the time of dissolution, however they surely are not in possession of the Husband in the correctional facility.

The trial court abused discretion not ordering that all the past-due storage fees be paid to current from the cash assets of the couple before division of those cash assets. This was this trial court's duty to dispose of all the couple's liabilities, which included the past-due storage fees. CP 169 Ln 18; CP 169 Ln 25.

The marital community lost several thousand dollars in assets to non-paid storage fees, and amazingly all those lost assets were awarded to the Husband in his 33% of the assets and property.

"If one or both of the parties dispose of an asset before trial, the court simply has no ability to distribute that asset at trial." In Re Marriage of White, 105 Wa. App. 545, 549, 20 P.3d 481 (2001).

The trial court lacked authority to award the items that are no longer part of the marital community in the Husband's 33% of the assets. The trial court was informed during the proceedings that McMillian Brothers Auction staff evaluated the marital items and the court had another appraiser evaluate the items located in this marital community, and neither of them could locate sea doo watercrafts, nor address the "Bee Business Equipment," and there is no showing the 1990 diesel boat was actually appraised personally by either company.

Therefore the trial court should not have made award of the items the court was not properly advised on through the appraiser, and the trial court should have address liabilities attached to all the marital assets before making any divisions.

The trial court properly considered the lien against their marital home, before giving the asset to the Wife's 67% share of assets, why did the trial court then fail to give the same type of considerations regarding assets awarded to the Husband?

The trial court abused discretion in this instance by awarding items over which the couple had lost ownership interest before the trial court entered the orders. The matter should be returned to the trial court for consideration of asset division, as the court's ruling is to give the Husband 33% of the actual assets owned by the marital community at the time of the division order, which could be accomplished with divisions of the vehicles and bank accounts known to the court at the time of division of assets. CP 77 Ln 10-12.

The trial court should have only made the award based upon those assets found and verified through the appraisal firm, as it

required the trial court only dispose of those assets that can be located and confirmed part of the actual marital community.

3. DOES THE TRIAL COURT HAVE DISCRETION TO AWARD THE WIFE ITEMS REQUESTED BY PARTIES OTHER THAN WIFE OR HUSBAND, IGNORING APPRAISED VALUE OF THE ITEMS?

The marital community owned several firearms, and the trial court heard extensive testimony from McMillian Brothers Auctions company as to the extensive value of the firearms knowingly owned by the Husband and Wife.

The appraisal told the trial court the value was around six thousand dollars in assets of the firearms, however trial court listed the value around \$1200.00 for the collection of firearms without reason for the disparative value stated properly, or for court ignoring the expert opinion of someone licensed to sell at auction those firearms. CP 177 Ln 13 thru CP 178.

The trial court then awarded the Wife the firearms at lower 1200.00 dollar value as part of her 67% of the assets, because a family member apparently had possession of the firearms in question at the trial time. CP 15; CP 179 Ln 3-6.

The trial court also awarded the \$6000,00 dollar collector's truck to the Wife, finding that the couple's son wanted his dad's truck in the future, when the son is not party to the matters.

The trial court also awarded the 'Farm-All' collector's tracktor to the Wife, with a reduced value of \$3000.00 dollars attached by the trial court.

"The trial court is in the best position to decide issues of fairness." Brewer V. Brewer, 137 Wn.2d 756, 769, 976 P.2d 102 (1999).

The trial court discretionary ruling in denying the actual appraised value of the firearms is based on untenable reasoning, therefore an abuse of discretion has occurred. CP 75 Ln 10.

There was no 'substantial evidence' before the court to persuade a fair-minded person that the value of the firearms was less than the appraised \$6000.00 dollar value.

The trial court heard actual testimony from the appraiser on the value of the firearms in the marital community collection, as 'Steve McMillian' the autioneer with McMillian Brothers Auctions, licensed to sell firearms and vehicles. CP 75 Ln 1-10.

Neither the Court, nor Mr. McMillian actually seen the items for appraising, however, Mr. McMillian did discuss his experiance in selling identical firearms of the same make and model as those in the marital community collection previously at auction.

The trial court ignored the appraised values, and assigned a reduced value of \$1200.00 dollars for the collection, before this court awarded such to the Wife's 67% share of assets. CP 75 Ln 10-12.

The trial court additionally assigned a reduced \$3000.00 dollar value to the couple's collector "Farm-All" tractor, and also awarded such to the Wife's share of assets.

The trial court then awarded the couple's collector truck to the son, after finding it had a reduced value of \$6000.00.

The trial court based these rulings on untenable grounds, where nothing supported the court's reduced valuse of the assets the court awarded the Wife. CP 24 Ln 20-21; CP 15 Ln 6.

The Husband was not allowed to be present during the property division hearings, therefore could not object to the court's acts

or conduct on the record, as the hearing was held after Husband's prison term was started. CP 23 Ln 3-5.

4. DID TRIAL COURT ABUSE DISCRETION WHEN AWARDING THE MINOR CHILDREN COMPENSATION FOR SAVINGS ACCOUNTS?

The facts before the court established that the Husband did remove funds in the three minor children's savings accounts during the divorce process, for his basic life necessities. CP 76 thru CP 77.

The funds were used to cover the daily living expenses of the Husband, where the Wife had control of the marital community funds, including all cash assets of the couple. CP 143; CP 144; CP 72; CP 125.

The trial court considered the Wife's pre-trial expenses for basic life necessities of approximately \$15,000 to \$25,000 dollars to be reasonable and required, then penalized the Husband's merely spending the sum of approximately \$4,500 dollars on his basic life necessities pre-trial improper or unreasonable. CP 125 Ln 21-22.

The trial court's ruling appears to abuse discretion, making a ruling on untenable grounds or untenable reasoning. see In Re Marriage of Katare, 175 Wn.2d 23, 283 P.3d 546 (2012); In Re the Marriage of Littlefield, 133 Wn.2d 39, 940 P.2d 1362 (1997).

The trial court's findings are treated as verities on appeal, so long as they are supported by substantial evidence. Ferrce V. Doric Co., 62 Wn.2d 561, 383 P.2d 900 (1963). CP 24; CP 25.

"Substantial evidence is evidence to persuade a fair-minded person of the truth of the matter asserted!" In Re Marriage of Katare, 175 Wn.2d 23, 283 P.3d 546 (2012). CP 116; CP 117.

The trial court should have reasonably awarded the replacement of the children's savings accounts funds from the total marital

communities cash assets before division to either party, as had the Wife not held the cash assets of the marriage, the funds the Husband used would not have been removed from the children's accounts by the Husband/Father. CP 25 Ln 8-10.

In the alternative, the trial court should have made the Wife repay the marital community the \$15,000 to \$25,000 dollars used by the Wife pre-trial for basic life necessities and attorney fees, if the Husband has to repay the children's savings out of his own 33% of the marital assets division. 3VRP8; 3VRP5, Ln 14-18.

The marital community should have paid the Husband's loan of \$4,500 from the children's accounts, where the marital community paid the Wife's pre-trial living expenses for daily living.

A fair-minded person would have paid the children's funds from the total cash assets of the marital community before the court made any distributions of 67% Wife and 33% Husband of the cash assets. CP 23 Ln 18-21; 3VRP7 Ln 23 thru 3VRP8 Ln 3; 3VRP8 Ln 11-20.

However, the trial court ignore that the parents had a right to control the children's savings accounts however they senn fit for the minority aged children, and those accounts cannot be the property of the children until they reach the proper ages.

The trial court should have made a ruling that provided for both the Husband's and the Wifes pre-trial living expenses, and and debts this divorce caused either party directly. CP 24; CP 25;

5. DID TRIAL COURT ERROR BASING DIVISION OF ASSETS AND PARENTING PLAN RULINGS ON MENTAL ILLNESS OF HUSBAND?

The trial court's holdings show the trial court found these records did not contain sufficient proof of mental illness of the

Husband for the trial court to rely on such mental illness during the rulings in this matter. CP 54; CP 72.

However, the trial court commented on the mental illness of the Husband during the hearings in dissolution trial process, and such shows the trial court apparently based the division of assets and parenting plan rulings on such mental illness, without proper evidence in the record. CP 23; 1VRP18 Ln 21 thru 1VRP19 Ln 10.

The trial court had previously stricken a finding of mental illness of the Husband, and directed that there was no actual or substantiated evidence of mental illness, which makes the later use and mention of mental illness an abuse of discretion. CP 23.

The Husband is entitled to have decisions made by a fair and impartial tribunal, which the record shows was not provided during these proceedings, where the record has comments to the Husband's being "finally incarcerated," and not being allowed to appear for the proceedings. CP 79 Ln 9; 3VRP10 Ln 9;

The trial court used untenable reasoning in the rulings the made based on the Husband's alleged mental illness, where court's own record admits the record lacked sufficient evidence of mental illness at the prior hearings. CP 23 Ln 15-17; VRP3 Ln 21-22.

6. DID TRIAL COURT ABUSE DISCRETION IN PARENTING PLAN THAT BLOCKED FATHER'S CONTACT WITH HIS CHILDREN?

The trial court made the ruling that the Husband/Father was prohibited contact with his children for their minority life.

The trial court based this on the fact that the father is in the prison system serving a sentence for alleged sexual type contact with the oldest child, whom was eighteen years at the

time of the trial court's ruling, where the trial court felt that such contact could somehow effect the oldest child's relationship with the two younger children. CP 23 Ln 8-12; 1VRP18 Ln 2; 3VRP3 Ln 6.

The trial court's ruling is based on untenable grounds, as nothing in the records showed that the father ever had issue of abuse or sexual contact with either of the two younger children, therefore the trial court should not have stopped phone and letter contact with these two children. 3VRP3 Ln 6-12; CP 175 Ln 1-3.

The trial court stated on the records that the father would be in prison the rest of the childrens minority lives, and there is simply no evidence that letters and phone contact would cause the children distress of any kind. CP 177; CP 49; CP 109.

The Father does not dispute that he will have no contact of anykind with the oldest daughter, however without some evidence that letters and phone contact with the younger children would be detrimental to the children, then the Father would seek contact with the two youngest children, age 16 and 14 currently. CP 22.

The trial court should remove the restrictions on this case ruling, and allow the contact by phone and letters, where these children are old enough to make the decision for themselves if they wish to speak with their father, and the father is not now seeking visitations on in home time with his children. CP 23 Ln 8-12.

7. THE COURT ABUSED DISCRETION BY PROVIDING RESPONDENT'S ATTORNEY CONTROL OVER THE PROPERTY REVOVAL?

The Wife's attorney asked the trial court to provide some type of process for the Husband's agent(s) to access the marital property and Home to remove the Husband's awarded personal property. 3VRP10....

The trial court opted to have the Wife's attorney make all arrangements for the removal of the Husband's property from the Wife's home and buildings within 90 days. 1VRP47; CP 25; CP 79.

The Husband's agents contacted the attorney 'Steven Shea' on several occasions to gain access to the home and buildings for removal of the property, however access was not provided to these agents. CP 79; CP 26; 1VRP47 Ln 19-21.

The Wife's attorney contacted the Husband by letter, telling the Husband that the attorney would either have the property put in storage at the Husband's costs or seek an order to dispose of the property from the trial court. 3VRP10 Ln 14-15; Ex-D.

The Husband waited for the attorney to inform the Husband of the location, name, and cost of the storage unit that this attorney placed the property inside, therefore the Husband is able to ensure payment of the storage fees monthly. Ex-D; Ex-E.

The attorney never provided this information to the party, and the attorney never motioned the trial court for permission to dispose of the property, as the Husband watched the court's docket weekly. Ex-D; Ex-C; Ex-F; Ex-I.

The Husband is unsure what the attorney and Wife did with his property that they refused to arrange to allow removal of from the Home and Buildings owned by the Wife? Ex-E; Ex-I; Ex-D.

The Husband's been subjected to civil litigation by his alleged victim, and a civil writ of seizure was issued for the Husband's awarded vehicles, Boat, and cash assets. The cash is held under a seizure bond with the Snohomish County Sheriff's Office, however the Boat was not actioned against as it's lost

due to the Wife's failure to pay storage fees pre-trial under a dissolution proceeding, and the alleged victim chose not to make seizure on the 2005 Ford Expedition or 2000 Ford Diesel Trucks due to the cost of the seizure bond. Ex-B; Ex-D; Ex-I.

The Husband had the 2000 Ford Diesel Truck parked for the seizure by the Snohomish County Sheriff at the advice of this civil case attorney. The vehicle was left by the Husband's own agent in a parking lot in Skagit County for the Snohomish County Sheriff's Office seizure. CP 57 thru CP 66; CP 13; Ex-A.

The Wife instead goes to Skagit County and stole the truck left for seizure by the Sheriff in the civil action, when this civil action does not involve the Wife. Ex-I; Ex-F; Ex-D.

The attorney 'Steven Shea' has assisted the Wife with "Theft of the Motor Vehicle," where he advised the Wife to dispose of a stolen vehicle in a Lake Stevens parking lot, and give him these keys to the vehicle, in an attempt to cover the Wife's conduct.

Therefore the trial court clearly erred giving the attorney control over the removal of the Husband's property in dissolution proceedings. The conduct of the attorney is unethical, as there is shown in the letters the attorney's knowledge that the truck stolen from Skagit County was stored by his client in a locked storage in Snohomish County. Ex-B; Ex-F; Ex-D; Ex-H; Ex-G.

The Husband's agent McMillian Brother Auction could not get access to the Husband's property for removal, the Husband's own family could not get the attorney to provide access for removal, and as the trial court recognized the Husband is in prison, and cannot personally remove the property. Ex-G; Ex-I; CP 79; CP 25; 3VRP10.

The trial court should have stated specific days and times that the Husband could access the Home and Building to remove all the property Awarded to the Husband, or should have directed the Wife make arrangements for the property to be removed and stored for the Husband at a local storage facility. CP 76; Ex-D; Ex-G; Ex-I.

The trial court's order directing the attorney's office now make arrangements for the remove is simply too vague, and has in fact caused the loss of the Husband's assets. The trial court's ruling is unreasonable, and resulted in abuse of discretion as the Wife's attorney asked for the trial court establish clear and concise guidelines for the removal of Husband's effects. Ex-G; Ex-I.

Since the Husband was not allowed to be present at the trial proceedings, then the Husband could not make proper objections at the time of the ruling, and such should not work injustice here.

8. DOES TRIAL COURT ABUSE DISCRETION IN 90 DAY REMOVAL OF HUSBAND'S PROPERTY?

The attorney advised the Husband's agents that the 90 days allowed had expired mere weeks after the March 2014 division of assets, and did not make any attempt to arrange removal. 3VRP11.

The Wife's attorney advised the Husband in letters that the items awarded the Husband would be placed in storage and Husband would pay the storage bill, which the Husband awaited information from the attorney regarding which storage the attorney used. Ex-D.

The Wife's attorney took no action in having the items put in storage as he told the Husband would be done, and did not file any motion to dispose of the Husband's property in the trial court as the attorney stated he would file. Ex-D; Ex-G; Ex-I; 3VRP10 Ln 14-25.

The Husband trusted that the trial court placed care of the awarded property in the attorney because the trial court knew an attorney must act ethically. 3VRP9 ln 6-14; 3VRP10; 3VRP11,

However, it appears that this attorney chose not to act in an ethical manner, and has deliberately lied to the "Pro Se" Husband to gain the awarded assets for his client the Wife. 3VRP10 Ln 9-11.

On November 3, 2014, after informing the Husband that attorney had the keys to the Husband's stolen 2000 Ford Diesel Truck at his office, and Husband needed to have someone pick the keys up, as the Wife, his client abandoned the truck in a public parking area to be impounded, the attorney refused to provide the keys to a agent contacting his office on behalf of the Husband. Ex-I; Ex-C; Ex-D,

The Wife deliberately is attempting to cost the Husband fees for impound, and the attorney's office is assisting the Wife.

The attorney has refused several time to make any arrangement for the Husband's removal of the property, as agreed in court, and has involved himself professionally in criminal conduct of his client, the Wife. CP 79 Ln 17-25; CP 80 Ln 1-5; Ex-C; Ex- G; Ex-B; Ex-F.

The trial court's ruling rested on two separate dates, as a dissolution was entered in February 2014 and property division in March 2014, causing confusion when the 90 day period starts. 3VRP11.

However, the trial court was asked to establish some means in record for removal of the Husband's property, and deligated court's authority to the Wife's attorney to make such rulings, and Wife's attorney refused several of the Husband's agents access to take lawful possession of the Husband's property. The trial court cannot deligate the court's authority to determine the removal dates. Ex-D...

Therefore, no fair-minded person would allow Wife's case attorney to control the removal of the opposing parties' items, and the trial court's ruling allowing Steven B. Shea powers to deprive the Husband his property, was improper deligation of a trial court's authority and judicial powers. CP 148 thru CP 154; CP 180 Ln 19-21; 3VRP 10 Ln 14-25; CP 108; CP 134.

The Husband was deprived opportunity to object to Court's conduct, where the Husband was not allowed to attend trial for either of the two Court hearings, and should have been present during the contested proceedings. CP 135 Ln 10 thru CP 137 Ln 15; CP 116; CP 139.

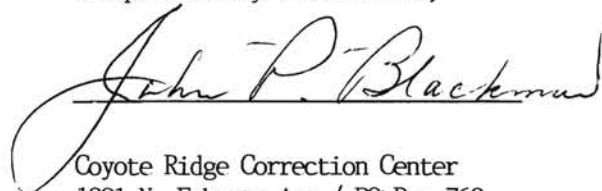
The Court hearings were improperly closed to the husband, where Court's duty was to have the husband transported for proceedings, and Court knew Husband's location at the time of the hearings.

E. CONCLUSIONS

For the reasons herein stated, relief should be granted to the Husband, and compensations awarded for costs of this action, to include loss of personal property through errors in rulings.

DATED This 22nd day of December, 2014.

Respectfully Submitted,



Coyote Ridge Correction Center
1301 N. Ephrata Ave./ PO Box 769
Connell, WA 99326

EXHIBIT A

COGDILL NICHOLS REIN WARTELLE ANDREWS VAIL

W. MITCHELL COGDILL
TODD C. NICHOLS*
CORY D. REIN
DOUGLAS M. WARTELLE
MICHAEL J. ANDREWS
PATRICK L. VAIL
IAN M. JOHNSON
WILLIAM W. MITCHELL

ATTORNEYS AT LAW

THIRTY-TWO SQUARE
3232 ROCKEFELLER AVENUE
EVERETT, WASHINGTON 98201
TELEPHONE (425) 259-6111
FACSIMILE (425) 259-6435
wills@cnrlaw.com

*Also admitted in the District of Columbia

March 18, 2014

MADOW LAW OFFICE, P.S.

Sent via fax to (425) 257-3229

RECEIVED

Attorney Roberta Madow
Madow Law Office P.S.
2707 Colby Ave. Suite 901
Everett, WA 98201

Dear Roberta:

As you know, our office represents Ivy Jacobsen in her civil suit for damages against her father John Blackmon. On February 27, 2014, the Court entered the enclosed order granting Ivy's request for a prejudgment writ of attachment on certain property. The writ and bond were subsequently filed and are enclosed as well.

One item of personal property that was attached by the Court is approximately \$11,000.00 cash held in trust by Mr. Steven Shea, attorney for Jenifer Jacobsen, Ivy's mother. My understanding is that these funds are to be released to John Blackmon via the property settlement in he and Ms. Jacobsen's dissolution.

Based on the order of the Court and RPC 1.15A, we feel the best course of action would be for Mr. Shea to hold in his trust account the remainder of the money he currently holds in trust for John Blackmon. An alternative I presented to Mr. Shea would be for him to deposit those funds into the registry of the Court. Then, if Mr. Blackmon has any issues he can file a separate action to retrieve those funds if he feels so inclined.

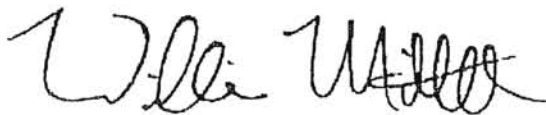
A second issue has to do with the keys, manual and title to the 2000 Ford Diesel Truck, VIN #1FTWW33F4YEA40090. As you may know, Agnes Blackmon, your client's mother, facilitated delivery of this truck to Ivy pursuant to the writ of attachment. However, it is my understanding that you continue to have these items. Seeing as Ivy already has possession of the truck, it would be much appreciated if you could deliver these items to our office or make them available for retrieval without the use of the Snohomish County Sheriff.

March 18, 2014
Page 2

I have communicated our concerns regarding the funds in trust to both Mr. Shea and Mr. Lee Burdette, your client's civil attorney. If you have any questions, please do not hesitate to give me a call.

Very truly yours,

COGDILL NICHOLS REIN WARTELLE ANDREWS VAIL

A handwritten signature in black ink, appearing to read "William W. Mitchell". The signature is fluid and cursive, with the first name "William" being larger and more prominent than the last name "Mitchell".

William W. Mitchell

Encls.

EXHIBIT B

COGDILL NICHOLS REIN WARTELLE ANDREWS VAIL

W. MITCHELL COGDILL
TODD C. NICHOLS*
CORY D. REIN
DOUGLAS M. WARTELLE
MICHAEL J. ANDREWS
PATRICK L. VAIL
IAN M. JOHNSON
WILLIAM W. MITCHELL

RECEIVED

APR 07 2014

BURKETT & BURDETTE

ATTORNEYS AT LAW

THIRTY-TWO SQUARE
3232 ROCKEFELLER AVENUE
EVERETT, WASHINGTON 98201
TELEPHONE (425) 259-6111
FACSIMILE (425) 259-6435

*Also admitted in the District of Columbia

March 31, 2014

D. Lee Burdette
Kelly D. Hooper
Burkett & Burdette
2101 4th Ave., Suite 1830
Seattle, WA 98121

Re: *Blackmon v. Blackmon*

Dear Mr. Burdette,

I wanted to let you know that we have delivered the writ of attachment to the Snohomish County Sheriff and we have instructed them to levy the property, with the exception of the boat, that was included in the Order signed by Judge Wilson.

The personal property of Defendant John Blackmon to be levied by the Sheriff's Office is as follows:

- A 2000 F350 Diesel Truck, VIN #1FTWW33F4YEA40090, license number A72053F
 - o One set of keys, the title document and a manual for this vehicle are to be seized as well and are in the possession of attorney Roberta Madow. Ms. Madow has indicated that once contacted by the Sheriff's office, she will facilitate delivery of these items.
- A 2005 Ford Expedition, VIN #1FMPU16515LA64786
- Funds held in trust by attorney Steven B. Shea in the value of \$11,059.83. These funds have been deposited into the register of the Court by Mr. Shea pursuant to a Court Order entered in Snohomish County cause number 12-3-00407-4 on March 19, 2014.

The abovementioned vehicles will be stored in a locked facility at Lake Stevens Self Storage, located at 9519 4th Street NE in Lake Stevens, WA, with the monthly fees being paid by our client.

As indicated above, our client has decided not to have the Sheriff levy the boat and has indicated to the Sheriff, in writing, that the writ on the boat should be released. The boat is a 1990 diesel and is located at Dagmar's Marina at 1871 Ross Ave., Everett, WA 98201. It is my

March 31, 2014

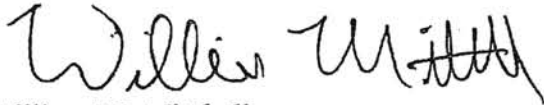
Page 2

understanding that prior to our motion for writ of attachment, the marina had placed a hold on the boat for unpaid storage fees and plans to auction the vessel to pay the unpaid storage on either April 17, 2014 or May 15, 2014. As of last week, I believe the unpaid fees were approximately \$1,300.00. As I believe your client was awarded the boat in his dissolution action, he is entitled to possession of the vessel or any proceeds remaining after a sale.

If you have any questions regarding the above, please do not hesitate to call.

Very truly yours,

COGDILL NICHOLS REIN WARTELLE ANDREWS VAIL

A handwritten signature in black ink, appearing to read "William W. Mitchell". The signature is written in a cursive, somewhat stylized font.

William W. Mitchell

Enclosure

cc: Roberta L. Madow
Steven B. Shea

RECEIVED

2014 MAR 31 AH 10: 03

SHERIFF'S OFFICE
SNOHOMISH COUNTY
EVERETT, WA

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SNOHOMISH

1) No. 13-2-08420-0
2)
3	IVY BLACKMON,)
4		Plaintiff,) WRIT OF ATTACHMENT
5)
6	vs.) (Personal Property, Including Vehicles and
7	JOHN P. BLACKMON,) Vessels)
8		Defendant.)
9)
10)
11)
12)
13)

The State of Washington to the Sheriff of Snohomish County:

The above entitled action has been commenced in this Court by Plaintiff Ivy Blackmon to recover from Defendant John P. Blackmon the sum of at least \$47,000.00. Plaintiff has filed the necessary pleadings, affidavit, and any bond as required by law or the court to obtain attachment of the property of Defendant John P. Blackmon.

You are commanded to attach and safely keep the personal property of the Defendant, John P. Blackmon, identified in Paragraphs 5(a), (b), (c) and (d) in the Affidavit of Todd C. Nichols, within your county that is not exempt from execution, and as nearly as circumstances of the case will permit, levy on property fifty percent or greater in valuation than the amount that the Plaintiff's

WRIT OF ATTACHMENT - 1

COGDILL NICHOLS REIN
WARTELLE ANDREWS VAIL
3232 Rockefeller Avenue
Everett, WA 98201
Phone: (425) 259-6111
Fax: (425) 259-6435

14 0 0 1 7 3 9 ORIGINAL

1 claim is due. You are to give property in which Defendant John P. Blackmon has a legal and
2 unquestionable title a preference over that in which Defendant's title is doubtful or only equitable.

3 Such personal property specifically includes the titled and registered vehicles and vessels
4 described in Paragraphs 5(a), (b) and (c) of the Affidavit of Todd C. Nichols located within said
5 county and personal property/cash of John Blackmon currently held in trust for Defendant by
6 attorney Steven B. Shea up to the amount of \$11,167.84. You are further commanded to execute
7 and process title applications making the Plaintiff the legal owner and/or lienholders against each
8 and every vehicle and/or vessel identified in Paragraphs 5(a), (b) and (c) of the Affidavit of Todd
9 C. Nichols, with the county auditors, as licensing agents for the State of Washington, Department
10 of Licensing, without the requirement of presenting original titles and upon receipt of the
11 requisite title application fees.

12 You are commanded to make a full inventory of the property and return the inventory within
13 twenty (20) days of receipt of this writ, with a return of the proceedings indorsed on or attached to
14 the writ.

15 You are commanded to safely keep the attached property until further order of this Court or
16 until this writ of attachment is otherwise discharged according to law.

17 **JUDGE JOSEPH P. WILSON**

18 WITNESS the Honorable _____, Judge of the Superior Court for the County
19 of Snohomish, and the seal of the Court, this _____ day of _____, 2014.



22 WRIT OF ATTACHMENT - 2

23
24
SONYA KRASKI
SNOHOMISH COUNTY CLERK
1000 ROCKEFELLER
EVERETT, WASHINGTON 98201
COGDILL NICHOLS REIN
WARTELLE ANDREWS VAIL
3232 Rockefeller Avenue
Everett, WA 98201
Phone: (425) 259-6111
Fax: (425) 259-6435



CERTIFIED
COPY

CL16724121

FILED

2014 APR 21 AM 8:43

SONYA KRASKI
COUNTY CLERK

IN THE SUPERIOR COURT FOR SNOHOMISH COUNTY, WASHINGTON

IVY BLACKMON, PLAINTIFF,

NO. 13-2-08420-0

vs.

JOHN P. BLACKMON, DEFENDANT

SHERIFF'S RETURN ON
WRIT OF ATTACHMENT

I, TY TRENARY, SHERIFF OF SNOHOMISH COUNTY, STATE OF WASHINGTON, DO HEREBY CERTIFY AND RETURN THAT ON MARCH 31, 2014 THE ANNEXED WRIT OF ATTACHMENT CAME INTO MY HANDS

AND ON 4/7/2014, AT 10:35 A.M., DEPUTY GIRALMO, UNDER AND BY VIRTUE OF SAID WRIT, PERSONALLY SERVED JENNIFER CRISTOFANI, OFFICE MANAGER, OF THE MADOW LAW OFFICE, 2707 COLBY AV, EVERETT, WA 98201 AND

ATTACHED AND TOOK INTO MY POSSESSION CERTAIN PERSONAL PROPERTY SITUATED IN SNOHOMISH COUNTY, STATE OF WASHINGTON, WHICH WAS POINTED OUT AND DESIGNATED TO ME BY PLAINTIFF IN THE ABOVE AND FOREGOING ENTITLED ACTION AS THE PROPERTY OF THE DEFENDANT, AND PROPERTY SUBJECT TO ATTACHMENT, BEING DESCRIBED AS FOLLOWS, TO WIT: ITEM #1: KEYS, MANUAUL AND TITLE TO F350 TRUCK BELONGING TO THE DEFENDANT.

WHICH PERSONAL PROPERTY I, AS SUCH SHERIFF, NOW HOLD AND RETAIN IN MY POSSESSION UNDER SAID WRIT, UNTIL FURTHER ORDER FROM THE COURT.

ON 4/7/2014 AT 11:00 A.M., DEPUTY GIRALMO, UNDER AND BY VIRTUE OF SAID WRIT, ATTEMPTED TO TAKE INTO POSSESSION CERTAIN PERSONAL PROPERTY SITUATED IN SNOHOMISH COUNTY, STATE OF WASHINGTON, WHICH WAS POINTED OUT AND DESIGNATED TO ME BY PLAINTIFF IN THE ABOVE AND FOREGOING ENTITLED ACTION AS THE PROPERTY OF THE DEFENDANT, AND PROPERTY SUBJECT TO ATTACHMENT, BEING DESCRIBED AS FOLLOWS, TO WIT:
ITEM #2: WA LIC/B07767Z, 2000 F350 DIESEL TRUCK, VIN #1FTWW33F4YEA40090, WHITE COLOR
ITEM #3: WA LIC/ADPS186, 2005 FORD EXPEDITION, VIN #1FMPU16515LA64786, WHITE COLOR

HOWEVER WAS UNABLE TO ATTACH PROPERTY DUE TO INADEQUATE INDEMNITY BOND AMOUNT. I WAS ADVISED TO TAKE NO FURTHER ACTION ON THIS MATTER. THEREFORE, I RETURN SAID WRIT OF ATTACHMENT, WITH RETURN OF MY DOINGS THEREUNDER, AS ABOVE SET FORTH, TO THE ABOVE ENTITLED COURT.

DATED APRIL 18, 2014

ORIGINAL

TY TRENARY, SHERIFF
SNOHOMISH COUNTY


M. RICHARDSON, CIVIL DEPUTY

DOCKET #14001739

42

PUBLIC NOTICE OF ATTACHMENT
OFFICE OF THE SHERIFF OF SNOHOMISH COUNTY, WASHINGTON

BLACKMON VS. BLACKMON
CAUSE #: 13-2-08420-0 DATE: 4-7-14

THIS PROPERTY:

1. KEYS TO F350
2. MANUAL TO F350
3. TITLE TO F350
4. _____
5. INFO ONLY RELATED VEHICLE: 2000 F350 FORD WA LIC/B02440Z
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____
16. _____
17. _____
18. _____
19. _____
20. _____
21. _____
22. _____
23. _____
24. _____
25. _____
26. _____
27. _____
28. _____
29. _____
30. _____

IS HEREBY ATTACHED.

NOTICE IS HEREBY GIVEN that any person removing or attempting to remove said property without my written permission, or in any way interfering with said property, or my duly authorized Deputy or keeper in charge thereof, will be prosecuted to the fullest extent of the law.

DOCKET #: 14001739
511-235

SNOHOMISH COUNTY
SHERIFF'S OFFICE
DEPUTY [Signature]

EXHIBIT C

Steven B. Shea
ATTORNEY AT LAW

3014 Hoyt Avenue
Everett, Washington 98201

Mailing address:
P.O. Box 1269
Everett, WA 98206-1269

Telephone:
(425) 258-4242
FAX:
(425) 252-3964

April 9, 2014

John Blackmon, #367781
Coyote Ridge Corrections Center
P.O. Box 769 HBO0334
Connell, WA 99326-0769

Re: In re Jacobsen/Blackmon

Dear Mr. Blackmon:

I am in receipt of your letter dated March 28, 2014.

It surprises me that you state that you'll do whatever is necessary in order to comply with the Decree, but then you refuse to do the very thing that will get your name off the title to the real property. Please sign and return the Excise Tax Affidavit and the Quit Claim Deed to me immediately or under CR 70, I will request that a special master be appointed at your expense to execute a deed on your behalf.

Since the fund of money is still on deposit with the Court, there is a ready source of your funds available to make the payment necessary to the special master and to me as the attorney for Jenifer Jacobsen in getting you to do what you need to do.

We do not intend to play games with you in this matter. You need to make whatever arrangements are necessary in order to remove your property from the former family residence as required by the Decree. If you fail to do so, then we will take whatever action is necessary through the Courts to dispose of your property.

If you wish for your mother to sign the Quit Claim Deed on your behalf, pursuant to a power of attorney, then please let me know. I will then forward it to her for her signature. If not, then I have no choice but to make the motion before the Court and I expect the Court will grant the relief that I have outlined in this letter.

If you have given directions to Agnus Blackmon and the MacMillan Auction House as to how you want your property disposed of, then you need to have them contact me. I am not your attorney and I will be taking no affirmative action on your behalf, as I do not represent you. The Decree of Dissolution does not require that the home be refinanced and I do not expect that Ms.

John Blackmon
April 9, 2014
Page 2

Jacobsen is undertaking that step. Please note, that by signing the Quit Claim Deed you remain liable on the mortgage, but will have no responsibility for injuries or damages that might occur as a result of actions at the real property.

The last paragraph of your letter makes reference to persons having powers of attorney on your behalf. If you want someone other than Angus Blackmon to sign the deed and excise tax affidavit on your behalf, then please let me know and I will direct my efforts to them.

Sincerely,

A handwritten signature in cursive script that reads "Steven B. Shea". The signature is fluid and written in black ink.

Steven B. Shea
Attorney at Law

SBS: snc
Enclosures
cc: Jenifer Jacobsen

EXHIBIT D

Steven B. Shea
ATTORNEY AT LAW

3014 Hoyt Avenue
Everett, Washington 98201

Mailing address:
P.O. Box 1269
Everett, WA 98206-1269

Telephone:
(425) 258-4242
FAX:
(425) 252-3964

May 13, 2014

John Blackmon, #367781
Coyote Ridge Corrections Center
P.O. Box 769 HB0334
Connell, WA 99326-0769

Re: In re Jacobsen/Blackmon

Dear Mr. Blackmon:

In the Decree of Dissolution entered with the court on March 19, 2014, you have 90 days from February 14, 2014 to remove the property awarded to you from the former family residence. By my calculation you have until May 15, 2014 to remove your property and that date is rapidly approaching. Please note that I have received no contact from anyone on your behalf to make arrangements for the removal of this property. Therefore, if you do not remove all of the property by May 15, 2014 I will be bringing a motion before the court in order to authorize Jenifer Jacobsen to remove the property, store it on your behalf at your cost, or to dispose of it. Since there are funds in the Court registry, we will access your money to pay for this. I will of course be asking for you to pay attorney's fees and costs due to your failure to comply with the Decree of Dissolution in a timely basis.

Sincerely,



Steven B. Shea
Attorney at Law

SBS: snc
cc: Jenifer Jacobsen

EXHIBIT E

August 1, 2014

Steven B Shea, Attorney at Law
3014 Hoyt Avenue
Everett, WA 98201

RE: Blackmon v. Blackmon 12-3-00407-4

Dear Attorney:

This is address your letter in which you stated that your client would seek to appoint a manager to sign the documents for you regarding the property.

Since you have not filed any motions with the court, I would assume that you understand the verdict is being appealed, and therefore all property must be maintained by your client(s) as presently held.

With regards to my personal property being disposed of by your client, I am glad you stated that your client would be placing such into storage for me at my expense, however you have neglected to provide me any information on the storage unit's location, costs, and fees to date.

Please immediately inform me where the items are stored, so I can ensure the lawful storage fees are paid to maintain the storage of the items given me in the divorce proceedings to date.

Since we are dealing with tools, equipment, and household items in an excess of over \$10,000.00 in value, I would suggest that your client pack these in proper boxes, and store such in a heated facility. However, where-ever they have chosen to store these items, I will take over paying the fees upon you disclosing the location of storage, and transferring storage contract to me.

Thank you for your time on this matter.

Respectfully,

John Blackmon

John Blackmon #367781

cc: Snohomish County Superior Court Clerk

EXHIBIT F

Steven B. Shea
ATTORNEY AT LAW

3014 Hoyt Avenue
Everett, Washington 98201

Telephone:
(425) 258-4242
FAX:
(425) 252-3964

Mailing address:
P.O. Box 1269
Everett, WA 98206-1269

October 23, 2014

John Blackmon #367781
Coyote Ridge Corrections Center
P.O. Box 769 HB082U
Connell, WA 99326-0769

Re: Blackmon v. Blackmon
Snohomish County Superior Court Cause No. 12-3-00407-4

Dear Mr. Blackmon:

As you have continued to fail to conform with the Court's Order as to the recovery of your property, we are left with no choice but to give you notice of what we are going to do as far as the vehicles are concerned so that my client can avoid additional expense and inconvenience to her. As you may recall you had I believe until May 15 to recover your property and you failed to do so. My client's obligations to store and protect them ended on that day.

As a result, my client is going to park the two vehicles awarded to you at the Lake Stevens Transit Center. They will be locked and the keys will be delivered to my office. Please let me know what agent of yours you intend to have pick up the keys so that they can recover the vehicles from the transit center on your behalf. Please do so immediately as we have no responsibility if the vehicles are towed in the near future.

If no one comes to get the keys within 5 days of the date of this letter, then I will be mailing the keys to you so that you may dispose of the vehicles as you see fit.

Also, please note that my client has incurred \$800 in storage fees. These fees are your responsibility and should be paid by you directly to me on behalf of Jenifer Jacobsen immediately.

Please note that my client has no responsibility to have the vehicles serviced, as you demanded in recent correspondence. She is not going to take the vehicles to a service department and have them serviced on your behalf. She wishes to have nothing further to do with the vehicles and wants them gone. We have been more than patient in waiting for you to recover the vehicles and your other property. The time for doing so is long past.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven B. Shea". The signature is fluid and cursive, with a long horizontal stroke at the end.

Steven B. Shea
Attorney at Law

SBS:cam

cc: Jenifer Jacobsen

EXHIBIT G

McMillan Bros. Auction
17713 Dunbar Road
Mount Vernon, WA 98273
360-848-9506

October 31, 2014

Mrs. Agnes P. Blackman
18103 Old Braddock Trail S. E.
Oldtown, Maryland 21555

Re: John Blackman vs Jennifer Blackman
Dissolution Matter

Mrs. Blackman:

I talked to Mrs. Agnes Blackman on March 31, 2014 about her son's property. I told her I would look at the property and give her an educated opinion of the worth. I went by and looked at the property. I had no knowledge of who was going to get what or what was going to be sold. It was difficult to make an opinion because I could not get into the house or locked storage. The attorney was unable to meet me at that time. What I saw had some value, i.e. the vehicles, tools in the yard etc. The visible tools were badly rusted and in poor condition. They had been exposed to the elements for a long time.

I gave exactly the above opinion in court and discussed selling the Real Estate at Auction. The court was not interested in the value of the contents and did not ask any questions concerning the contents. Blackman's Attorney promised payment for my time, I spent 8 hours in court without payment. I had no knowledge of ownership while in court

Jennifer Blackman contacted me months later and asked me to look again at the property and contents. I met her at the property and she showed me inside the buildings

I deemed that there was not enough value remaining to bring my truck and helpers to pick up and sell. Anything of value was given to Jennifer Blackman in the divorce decree.

Sincerely,

Stu McMillan

Steve McMillan
Auctioneer - Lic.# 2325



*Signed before me on
11-7-14.*

*Deborah D Shepard
Washington notary.
7-1-15 expires*

EXHIBIT H

November 5, 2014

Steven B. Shea, Attorney
P.O. Box 1269
Everett, WA 98206-1269

RE: Possession/Involvement with stolen property

WSBA
Re: 14-01696

Dear Mr. Shea:

Your office was contacted by "Kathi Tjeerdsma" on behalf of Mr. Blackmon regarding stolen vehicle return by your client Mrs. Blackmon.

Apparently, acting on your advisement Mrs. Blackmon has abandoned this stolen 2000 Ford Truck in Lake Stevens at the Transit Center. If this is true, then you would understand that your client is liable for any fees from impound or loss/damage that might occur to the stolen truck.

You have admitted that your client had the vehicle in a "secured" Storage facility, until she abandoned the truck at the transit center. The vehicle was placed under writ of seizure in an unrelated civil suit filed by the couple's daughter, and your client had no rights to the vehicle after the dissolution was entered.

The witnesses are prepared to testify that the vehicle was parked at the request of Mr. Blackmon in a Skagit County parking lot for action by the Snohomish County Sheriff's office. The witnesses, and your own letters show clearly that your client took it upon herself, without paying for a seizure bond to personally steal the 2000 Ford Diesel Truck, and place it in a lock storage maintained by your client.

The fact that your client has admitted through your letters to having this vehicle in her possession, without properly having it actioned against for seizure, with a proper bond to protect Mr. Blackmon, and proper seizure on transfer of title, your client is liable for all damage to the vehicle.

This is far less egregious than the fact that you have involved yourself in the matter to the extent that you have the keys to the stolen vehicle that your office refused to provide to an agent acting on Mr. Blackmon's behalf on November 3, 2014.

Please advise your client that Mr. Blackmon is preparing to file suit for the loss of the vehicles to impound, as if your client had wished to void liability in the matters, she should have returned the vehicles directly to Mr. Blackmon's chosen agent directly, not abandoned them in a community parking area.

The fourth coming suit will address your involvement and conduct, as you would be acting as an agent of the dissolution trial court, and your office failed to properly assist in the removal of Mr. Blackmon's property, and it has resulted in loss of many thousands of dollars in property to date.

Thank you for your time and assistance in this matter, and we look forward to hearing from you immediately regarding what arrangement you and your client would like to make to return the two vehicle, once you recover the vehicle from your client's illegal abandonment.

Yours Truly,

John P. Blac... 11/12/14
Signature Date

Sworn and subscribed to before me this 12th day of NOVEMBER, 2014.



[Signature]
Mike Zwicky

Notary Public for the state of Washington
Residing in Cosnelli, WA
Commission expires April 30, 2018

EXHIBIT I

AFFIDAVIT

State of Washington
County of Skagit

affidavit by: Kathi Tjeerdsma
E&B salvage

After first being duly sworn, on oath, I depose & state the following statement to be true:

On Friday October 31,2014 I was contacted by John Bettys in regards to 2 vehicles belonging to Mr. John Blackman. John Bettys stated there was a 2005 expedition & a 2003 1 ton diesel both parked at Lake Stevens transient center that need to be picked up and placed into storage. John Bettys gave me the name of an attorney Steven Shea phone number 425-258-4242 to contact to pick up the keys, which I would then move the vehicles to Skagit county for storage at E&B salvage.

Monday November 3,2014 I placed a call to the office of Steven Shea, phone was answered by Carol Marshall. I informed her I was calling on behalf of Mr. Blackman and requested a time for me to pick up the keys and any paperwork so I could move the cars into storage. I was placed on hold, when Mrs. Marshall returned to the phone she asked again who I was, I informed her my name and I represented E&B salvage owner Ralph Bettys, at this time she told me they would not release the keys to me and would only release them to the attorney that they are working with. This was the end of the conversation except I called back about 15 minutes later to ask her name for the record.

After being duly sworn to oath, I depose & state; I am the person named in this affidavit know fully the content & I am sure the statement made are truth of the matter, and I have been promised nothing in compensation for the statement.

Dated; 11/8/2014

Kathi M Tjeerdsma
(signature of the party)

SUBSCRIBED & SWORN TO BEFORE ME THIS 8 DAY OF November 2014



Alisyn L Yount
Notary public in and for the state of Washington

Anacortes
Residing at:

11-07-2015
My commission expires

DECLARATION OF MAILING

GR 3.1

I, JOHN P. BLACKMON on the below date, placed in the U.S. Mail, postage prepaid, _____ envelope(s) addressed to the below listed individual(s):

Sonya Kraski, Clerk
3000 Rockefeller Ave, MS605
Everett, WA 98201

Steven B. Shen, Attorney
3014 Hoyt Ave
Everett, WA 98201

I am a prisoner confined in the Washington Department of Corrections ("DOC"), housed at the Coyote Ridge Correctional Complex ("CRCC"), 1301 N. Ephrata Avenue, Post Office Box 769, Connell, WA 99326-0769, where I mailed said envelope(s) in accordance with DOC and CRCC Policies 450.100 and 590.500. The said mailing was witnessed by one or more staff and contained the below-listed documents.

1. OPENING BRIEF OF PETITIONER # 71830-4-I
2. _____
3. _____
4. _____
5. _____
6. _____

I hereby invoke the "Mail Box Rule" set forth in General Rule ("GR") 3.1, and hereby declare under penalty of perjury under the laws of the State of Washington that the forgoing is true and correct.

DATED this 22nd day of Dec, 20 14, at Connell WA.

Signature John P. Blackmon