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FILED
COURT OF APPEALS DIV. 1
STATE OF WASHINGTON
2010 FEB 26 PM 1:26

NO. 64007-1

**COURT OF APPEALS, DIVISION 1
OF THE STATE OF WASHINGTON**

JACQUELINE A. WARE,

Appellant,

V.

TIMOTHY E. COLLINS and DSHS

Respondents,

BRIEF OF RESPONDENT

Timothy Collins
Respondent-Pro-Se

15228 Sunwood Blvd. South
Sea Tac, Washington 98188
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1. SUMMARY

Mr. Collins is the respondent in this case, who has a court Order to pay child support obligations. In addition both parties pay a shared portion of expenses incurred on behalf of the minor daughter for violin lessons and rental fees. Under the order, Mr. Collins is required to pay 55% and Ms Ware appellate, pay 45% of expenses incurred for those lessons. Mr. Collins is required to reimburse Ms. Ware for expenses within "30 days of proof of payment." (DSHS) Department of Social and Health Service Child Support Division enforce and ensure the transfer payments.

II. STATEMENT OF THE CASE

Ms. Ware is requesting for the Court of Appeals to set aside and reverse the Order dated June 5th 2009, by Snohomish County Superior Court Judge Bruce I. Weiss.

In this case, inadequate documentation was presented before the court by Ms. Ware, which allegedly shows proof of payment made to the violin instructor, Mr. Quinton.

Ms. Ware contends that since a higher court approved only showing a copy of the face of the check, (ALJ) Administrative Law Judge is required and bound to honor the higher courts ruling.

III. ISSUES PRESENTED

A. ERROR.

In October 2007, King County Superior Court Judge Susan Craighead made error allowing a copy of the face of the check which showed no authentic payment and or endorsement received by Quinton Morris.

In Ms. Ware introduction all the questionable “assignment of errors” were explained unambiguously by Robert M. McKenna, Attorney General of Washington located in Everett, Washington dated May 1st 2009, as stated by Robert M. McKenna, Attorney General*“The issue on review is whether Ms. Ware satisfied the conditions of providing proof of payment for the violin lessons and associated expenses.”*

On January 28th 2010 again, Robert McKenna Attorney General, has made clear in his brief the requirements the court requested from Ms. Ware to be reimbursed her expenses.

Ms. Ware has been given more then adequate opportunity and extension to produce satisfactory proof of payment for the expenses in question and has failed to comply in every proceeding.

Snohomish County Superior Court, Attorney General and ALJ all ruled correctly that a copy of the face of the check and a carbon copy of a check does not constitute proof of payment and is of dubious merit.

IV. CONCLUSION

The Law is clear with unambiguous language that court rulings must be founded by written findings of fact. Admissible evidence must prove to be cogent and convincing. Ms. Ware failed to show Mr. Morris conceivably endorsed and received the funds. To date, Ms. Ware has not provided any authentic documentation showing proof of payment.

For the foregoing reasons, Ms. Ware's appeal should be denied. Mr. Collins asks the Court to affirm the decision of ALJ; the ruling was adequate in this case. Mr. Collins asks the Court to deny any and all fees to Ms. Ware. Mr. Collins is requesting damage fees and out of pocket expenses for legal preparation expenses.

RESPECTFULLY SUBMITTED this 26 day of February 2010



Timothy E Collins
Respondent (Pro-Se)
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**COURT OF APPEALS FOR DIVISION 1
STATE OF WASHINGTON**

JACQUELINE WARE)
)
Appellant,)
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v.)
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TIMOTHY COLLINS and DSHS)
)
Respondents,)
)

DECLARATION OF SERVICE

I hereby declare under the penalty of perjury for the State of Washington that the foregoing statement is true and correct. That on February 26, 2010, I hand delivered the original copy of my Brief before the Court of Appeals and the same true copies were sent on this same day via certify mail to the following persons listed below:

Original:

Court of Appeals
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Seattle, WA 98101

Copies:

Michael Majors
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Everett, WA 98201

Jacqueline Ware
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Dated this 26th, day of February, 2010,
City of Seattle, Washington.

Respectfully submitted by:



Timothy Collins Respondent
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