

No. 72518-1

COURT OF APPEALS, DIVISION I
OF THE STATE OF WASHINGTON

KIRK E. BUHNE

Appellant

v.

MARJORIE A. WORTZ

Respondent

RESPONDENT'S BRIEF

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2015 JUN -2 PM 2:49

COURT OF APPEALS DIV I
STATE OF WASHINGTON

ORIGINAL

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I.

Introduction.

The wife suffered serious abuse, over the course of many years, at the hands of the husband. She suffered physical, sexual, emotional and financial abuse. The trial court found that she was a broken woman. RP 1408.

The following are just a few examples of the abuse perpetrated by the husband:

- He would “play wrestle” where he would twist her arms behind her back and she had to beg for mercy; or he put her in a headlock; RP 41
- He pushed her down a set of icy outside stairs in 18 degree weather; RP 42
- He raped Marjorie on more than one occasion and brutalized her during sex to the point where there was blood everywhere; RP 44-46
- He repeatedly forced her to have sex against her will; RP 44, 47
- He yelled at her, inches from her face, for hours. He told her that if she wanted to speak she had to raise her hand and ask for permission; RP 37, 57

- She never knew when he was going to “go off” on her;
- He terrorized her by pretending to slice her with a knife;
RP 50
- He told her that he would bury her in the back yard; RP 49
- He controlled all the finances leaving her entirely in the dark insofar as their financial situation was concerned;
- He occasionally would give her \$10 or \$20 for gas and food;
- He told her that she didn’t need any clothes since she never went anywhere; RP 54
- He counted out the squares of toilet paper that she was allowed to use. If she used more than he had allowed, he would take back the roll and lock it in his file cabinet and then put a cork in the place where the paper roll goes; RP 55-56
- He would not buy Marjorie enough food and would not let her eat “his” food; RP 51 - 53

As a result when the divorce was initially filed in August 2012 the wife obtained a temporary Domestic Violence Protection Order against the husband. Trial Ex. 28. The Order was based on a finding that the husband had perpetrated acts of domestic violence. This order was then made

permanent. Trial Ex. 32. At the conclusion of the trial, the trial court reissued the Protection Order until September 2016. CP 93.

This was a very hotly contested case from the day it was filed. The Superior Court docket is 9 pages long. See attached Ex. 1. The husband was represented by no less than 6 attorneys. And despite his claim of being poor as a church mouse, he has now hired a 7th attorney - an appellate attorney. Although the husband signed his brief "pro se" it is clear that the brief was written by an experienced appellate attorney.

The husband repeatedly violated court orders from the very beginning of the case:

- He failed to deliver the car to Marjorie as ordered on 8/7/12;
- He liquidated an IRA in violation of the 9/7/12 order; trial Ex. 33, RP 304, 774;
- He cancelled Marjorie's health insurance in violation of the 9/7/12 order; trial Ex. 33, RP 97;
- He cancelled Marjorie's car insurance in violation of the 9/7/12 order; trial Ex. 33, RP 304;
- He withdrew money from savings accounts without Marjorie's approval in violation of the 9/7/12 order; trial Ex. 33;

- He violated the DVPO by contacting Marjorie; trial Ex. 32;
- He failed to pay Marjorie \$10,000 in attorney's fees as ordered on 9/17/12; trial Ex. 33;
- He failed to pay any spousal support as ordered on 9/17/12;
- He failed to liquidate his Canadian RSSP to pay Marjorie as ordered on 11/28/12; trial Ex. 40;
- He failed to pay the utilities on the family home as ordered on 11/28/12, RP 290, 305
- He failed to appear for a status conference as ordered on 1/11/13; trial Ex. 43;
- He violated the TRO issued on 9/7/12 when he tried to transfer the substantial equity, approximately \$300,000, in the Victoria, British Columbia house to his parents via a "mortgage." As a result of this transfer, Marjorie was forced to initiate legal action in Canada to set aside that transaction as a "fraudulent transfer."

Additional intransigence - Discovery was propounded and the husband failed to answer within the 30 days. After filing a Motion to Compel, the trial court ordered him to answer by February 5, 2014. He failed to do so and another Motion to Compel was filed. The court then ordered him to answer by March 10, 2014 and sanctioned him \$50 a day

for every day he failed to answer. While he provided some narrative answers and some documents, he failed to fully answer the discovery.

There was little community property. The husband owned a house in Tacoma and another house in Victoria [hereinafter the Canadian house] and these were both his separate property. The Canadian house was substantially improved during the marriage and there was substantial equity, approximately \$327,600, at the time of separation and trial. CP 87. The wife initiated litigation in British Columbia to set aside the Canadian mortgage as a fraudulent transfer under Canadian law. That Canadian litigation is currently pending.

The husband started a business, Masonry Man LLC, while married. He claimed that he stopped working in the business but the evidence strongly suggested otherwise.

The husband failed to produce the required financial documents for trial. Although he was represented by counsel, he claims he did not know about the rule.

The trial lasted for 7 days. This was due in large part to the husband's intentional failure to answer the questions posed to him on direct and cross examination and his repeated efforts to turn every answer into a long narrative to explain why and how he is being victimized. For example, RP 771. The trial court was extraordinarily patient with the

husband. However, in all candor, the trial should have taken no longer than 2 – 3 days. In the Findings of Fact, the trial court repeatedly found that the husband was not a credible witness on many issues.

While the husband complains and asks this court to remand to the trial court to recalculate and reduce the judgments against him, the trial court rejected the wife's value for the community property and rejected her proposal for a property award.

II.

ARGUMENT

The issues the husband raises on appeal fail for two reasons: 1) the finding/ruling was based on the trial court's assessment of his credibility which was resolved against him; and 2) he failed to raise the issues in the trial court.

Credibility determinations are for the trier of fact and are not subject to appellate review. *McCallum v. Allstate Property and Cas. Ins. Co.*, 149 Wn.App. 412 (2009). "Appellate courts do not weigh evidence or assess credibility. It is the sole province of the trier of fact to pass on the weight and credibility of evidence." *Boeing Co. V. Heidi*, 147 Wn.2d 78, 87 (2002). Only the finder of fact can assess the persuasiveness of the evidence and resolve conflicts in the testimony. *State v. Asaeli*, 150 Wn.App. 543 (2009).

The trial court found that a significant amount of the husband's testimony was not credible. For example: "Mr. Buhne offered other testimony throughout the trial which contradicted previous statements he made, or was not credible for other reasons." CP 92.

A party that failed to raise an issue before the trial court is precluded from raising it for the first time on appeal. *Seattle-First Nat'l Bank v. Shoreline Concrete Co.*, 91 Wn.2d 230, 240 (1978) and RAP 2.5.

1. Application of the Washington Uniform Fraudulent Transfers Act.

Relevant facts. The husband's parents made gifts of money to him over the years, including while he was married to Marjorie. The evidence was never clear as to exactly how much money his parents had given him. Three weeks after he was served with the divorce papers, including a TRO which prohibited him from liening any property [Trial Ex. 30, ¶6], the husband gave his parents a "mortgage" for \$315,000 on his Canadian house. He claimed that the money his parents gave him were "loans" and not gifts. And that the "mortgage" was given as security for the alleged loans. Thus, he argued he had no equity in the Canadian house.

The wife argued that the funds given to the husband by his parents were "gifts" and not "loans." The trial court rejected the husband's claim

and agreed with the wife that the funds given to the husband by his parents were gifts. CP 89.

For the first time the now husband claims that the trial court should have determined whether the purported Canadian mortgage he gave his parents on his Canadian house was a fraudulent transfer under Washington law. The husband never raised the issue in the trial court. He is raising it for the first time on appeal. Consequently, this court can refuse to review this claimed error. RAP 2.5. The rule sets forth exceptions, but none of those exceptions apply in this case.

The wife never argued this issue and never asked the trial court to find the Canadian mortgage on the Canadian house was a fraudulent transfer under Washington law.

The wife argued the funds were “gifts.” A gift is defined in Black's Law Dictionary (4th ed.) as follows: “A voluntary transfer of personal property without consideration. A parting by owner with property without pecuniary consideration.” *State ex rel. O'Connell v. Port of Seattle*, 65 Wn. 2d 801, 804, 399 P.2d 623, 625 (1965).

The wife argued the funds were not “loans.” Mr. Buhne's father testified that the husband had never made one payment on any of the “loans” and that whatever had been given to the husband would be deducted from his inheritance when the parents died.

All elements of a contract are required for a valid loan. A loan is a contract and like any other contract it must contain all elements of a contract. There must be a meeting of the minds on all elements. The essential elements include offer and acceptance, subject matter, parties, promise, terms and conditions, and price or consideration.

Definition of a loan. A loan is defined as follows: “The word loan imports an advancement of money or other personal property to a person, under a contract or stipulation, express or implied, whereby the person to whom the advancement is made binds himself to repay it at some future time, together with such other sum as may be agreed upon for the use of the money or thing advanced.” *Port of Longview v. Taxpayers of Port of Longview*, 85 Wn.2d 216, 225, 527 P.2d 263 (1974).

A borrower's promise to repay loaned funds is an essential element of a loan agreement. *Nat'l Bank of Commerce of Seattle v. Preston*, 16 Wn.App. 678, 680, 558 P.2d 1372 (1977). To be valid, a promise must set forth an express undertaking that is both specific in purpose and with a definable result. A promise is considered illusory if it is so indefinite that it cannot be enforced, or if its performance is optional or discretionary on the part of the claimed promisor. *Cascade Auto Glass, Inc. v. Progressive Cas. Ins. Co.*, 135 Wn. App. 760, 145 P.3d 1253 (2006). An illusory promise creates no obligation on the promisor to perform. “An illusory

promise is one that is so indefinite that it cannot be enforced, or by its terms makes performance optional or entirely discretionary on the part of the promisor.” *King County v. Taxpayers of King County*, 133 Wn.2d 584, 600, 949 P.2d 1260 (1997). Thus, a promise must be precise and, when coupled with other elements of a contract, must be identifiable so it is specific enough to enforce. *Goodpaster v. Pfizer, Inc.*, 35 Wn. App. 199, 665 P.2d 414 (1983).

The trial court properly found that the funds were gifts and not loans.

In conclusion, the husband never raised the issue of the Washington Fraudulent Transfers Act at trial. The trial court should be affirmed.

2. Whether the judgment for unpaid maintenance should be offset by money the wife received from insurance proceeds and the sale of a car.

Relevant facts. It is undisputed that the husband never paid one penny of maintenance. So the trial court entered a judgment for \$44,550 for unpaid maintenance that was due between separation and the time of trial.

As to the wife’s receipt of \$14,000 in insurance proceeds - the trial court did not consider that to be payment of maintenance. The trial court

specifically took the wife's receipt of these funds into account in the overall property award. CP 108-09. The husband never raised this in the trial court. He is raising it for the first time on appeal.

As to the \$6,500 in funds the wife received from selling a car that was titled in the husband's name – the trial court did not find, as the husband claims on page 14 in his brief: 1) “the car was Mr. Buhne's separate property work car” or that “the money was given to Ms. Wortz towards the unpaid maintenance obligation.” There is simply no support in the record for those statements. The wife was authorized to sell the vehicle and “use the proceeds as she deems necessary.” CP 22. The trial court specifically took the wife's receipt of these funds into account in the overall property award. CP 108-09. The husband never raised this in the trial court. He is raising it for the first time on appeal.

As to the husband's payment of \$2,000 in September 2012, that was paid by his counsel's agreement which was prior to the court's award of maintenance and the money was not related to maintenance. The husband never raised this in the trial court. He is raising it for the first time on appeal.

As to the husband's payment of the mortgage on the Tacoma house, that was ordered by the court in addition to the payment of

maintenance. Trial Ex. 40. So those payments are not a “credit” against his maintenance obligation.

Because the husband made no maintenance payments, he is not entitled to a credit. The court’s award of a judgment for \$44,550 for unpaid maintenance is supported by substantial evidence.

3. The award of attorney’s fees to the wife is well grounded.

Relevant facts. The trial court awarded the wife \$70,000 in attorney’s fees. At the time of trial, the wife’s fees were \$125,000 [not \$100,000 as set forth in the Findings]. RP 293. The wife testified that unless she recovered funds from the Canadian litigation, she was not able to pay her attorney. *Id.* The fee award was based on “need and ability to pay” and the husband’s intransigence.

The intransigence in the form of disobeying court orders started as soon as the case was filed in August 2012 and continued through trial in July 2014.

- He failed to deliver the car to Marjorie as ordered on 8/7/12;
- He liquidated an IRA in violation of the 9/7/12 order; Ex. 33;

- He cancelled Marjorie's health insurance in violation of the 9/7/12 order; Ex. 33;
- He cancelled Marjorie's car insurance in violation of the 9/7/12 order; Ex. 33;
- He withdrew money from various accounts without Marjorie's approval in violation of the 9/7/12 order; Ex. 33;
- He violated the DVPO by contacting Marjorie; Ex. 32;
- He failed to pay Marjorie \$10,000 in attorney's fees as ordered on 9/17/12; Ex. 33;
- He failed to pay any spousal support as ordered on 9/17/12;
- He failed to liquidate his Canadian RSSP to pay Marjorie as ordered on 11/28/12; Ex. 40; CP 87, footnote 2;
- He put his parents' names on his Canadian bank accounts to prevent garnishments;
- He failed to pay the utilities on the family home as ordered on 11/28/12;
- He failed to appear for a status conference as ordered on 1/11/13; ex 43;

In addition, he failed to properly respond to discovery and failed to comply with court rules requiring him to produce current financial documents – tax returns, bank statements and paystubs. CP 89. This is

undisputed and admitted by the husband. He simply contends that it wasn't that meaningful that he failed to comply with court orders and the court rules.

As to the wife's need – there is no dispute that the wife has significant financial need. It is undisputed that she is unable to be self-supporting and is in need of significant therapy and assistance from various social agencies.

As to the husband's ability to pay – the court based that finding on the husband's documented earning capacity. The husband's argument, on page 21 of his brief, is that the finding of his earning capacity is contradicted by the finding that he had no liquid assets. It appears the husband is confusing two entirely separate concepts: "earning capacity" is not the same as having "liquid assets." One can have one without the other.

The court essentially rejected much of Mr. Buhne's testimony about his earning capacity as not credible. The court's finding as to the husband's earning capacity is supported by substantial evidence and will be addressed in issue #4.

And the ability to pay is irrelevant where intransigence exists—where the innocent spouse incurred additional legal expenses due to the improper actions of the other spouse. *In re Marriage of Morrow*, 53 Wn.

App. 579, 590-91, 770 P.2d 197 (1989) (the wife's fees and expenses were necessitated in good measure by the husband's own intransigence and 13 days of trial were required to unravel his financial affairs). *In re Marriage of Wallace*, 111 Wn. App. 702-03 (intransigence was established by the husband's deliberate failure to provide financial information; fraudulent transfer of money, stock, and property to family members; deliberate waste of community assets; and fraudulent consent to an adverse judgment); *Crosetto*, 82 Wn. App. at 564 (an attorney fee award was justified for intransigence due to the wife's continual pattern of obstructionist tactics).

When a party's misconduct permeates the entire proceeding, the court need not segregate the fees that were incurred as a result of intransigence from those that were not. *In re Marriage of Burrill*, 113 Wn. App. 863 (2002). *In re Marriage of Sievers*, 78 Wash. App. 287, 897 P.2d 388 (1995) the trial court awarded fees based on intransigence that occurred from July 1990 [the case was filed in April 1990] for almost 2 years until the time of trial in March 1992. The trial court noted the husband's failure to make the necessary financial disclosures and his failure to produce the records required by law. The court of appeals held that the trial court was not required to segregate the fees awarded to the wife for intransigence from those fees awarded for other reasons. In the

case at hand, the intransigence started in August 2012 and ran through trial in July 2014.

In conclusion, the record demonstrates that the husband's failure to abide by multiple court orders; his contradictory testimony between his declarations and at trial, his fabricated testimony at trial – these permeated the entire proceeding beginning in August 2012 and continuing through trial in July 2014 thus, obviating the need for any segregation. The award of \$70,000 in fees should be affirmed.

4. **The award of maintenance for 3 years is warranted and the amount is supported by the wife's need and the husband's ability to pay.**

The husband's complaint really rests on the fact that the trial court did not believe him when he testified about Masonry Man and his income. The trial court is the sole judge of credibility.

Goodwill – The husband argues on page 27 of his brief that as to the business Masonry Man LLC the trial court “appeared to consider goodwill and the value of the business to be the same thing.” That is not accurate.

The wife argued the business was worth in excess of \$200,000. The trial court rejected that and valued Masonry Man LLC at \$56,000 which was twice what the husband's expert said the business earned

[\$28,000 annually] over the 17 months of records the expert reviewed.

¶2.8 in the Findings, CP 86-87.

Then in ¶2.9, the court found: “Goodwill in Masonry Man business. Insufficient evidence was presented for the court to place a value on the good will beyond” CP 87. The word “beyond” appears to be a typographical error. In light of the court’s finding in ¶2.8 “that there was evidence that much of the goodwill for the business had dissipated over the prior 2 years” the court’s intention was clear – the goodwill had no value. CP 86.

The husband’s “historically demonstrated financial resources” support the award of maintenance. The trial court found that the husband’s financial resources included “income from rents, from Masonry Man LLC, and from employment” which justified an award of maintenance of \$3,500 for 24 months and then \$2,500 for 12 months. CP 90.

The trial court found that, based on the husband’s own evidence, that his *gross* earning capacity was \$8,300 to \$10,400 per month or more. CP 89.

The husband complains to this court that his income should have been calculated as “net” income, after expenses. The court did take into account his expenses in determining how much maintenance to award.

He complains that the court did not consider the expense of his two mortgages for his two houses. But the trial court did consider those expenses as the only debts he actually proved. CP 89.

He complains the court did not consider his obligation for his children's expenses. The evidence showed that his payments were minimal. His ex-wife testified their daughter's expenses were \$5,000 a year. RP 602. The ex-wife testified the son's expenses were between \$3,000 and \$4,000 a year. RP 604. And she also testified that Mr. Buhne paid between a third and a half for the son-- so he paid between \$1,000 and \$2,000 a year. *Id.* And the ex-wife testified that the husband's parents have been and will help pay for college. RP 606-07.

The evidence as to the income from Masonry Man LLC came from his own expert.

The husband now complains that the *current* exchange rate between the Canadian and US dollar should be taken into account. But he agreed at trial that the difference was negligible. CP 87, footnote 1. He waived the right to complain.

3 years is supported by the evidence. The court awarded maintenance based the wife's need and husband's ability to pay. The wife's therapist testified her diagnosis was PTSD, major depressive disorder, and that the wife was not capable of daily functioning. RP 227.

She would need therapy and medication for at least two years. The husband's expert agreed.

In addition the court awarded maintenance based on the lack of assets to permit a just and equitable property distribution. CP 94. The trial court did not abuse its discretion.

III.

REQUEST FOR FEES ON APPEAL.

The wife requests an award of attorney's fees for having to respond to this appeal. RAP 18.1. The basis for an award is her need and the husband's ability to pay.

Another basis for fees is that the appeal is frivolous. There are no debatable issues upon which reasonable minds might differ and it is so totally devoid of merit that there is no reasonable possibility of reversal. *Streater v. White*, 26 Wn. App. 430, 613 P.2d 187 (1980). The alleged errors were raised for the first time on appeal. And some of the claimed errors arise out of the trial court's assessment of the husband's credibility – the trial court found him not credible on many issues. That is an issue entirely within the trial court's purview and cannot be a basis for reversal or remand.

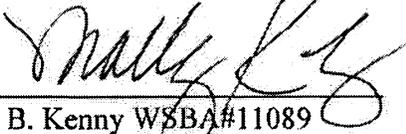
IV.

CONCLUSION

The trial court should be affirmed in all respects. The wife should be awarded her fees for having to respond to this frivolous appeal.

DATED this 31 day of May, 2015.

LAW OFFICES OF MOLLY B. KENNY

By: 

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Attorneys for Marjorie A. Wortz

EXHIBIT 1


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Superior Court Case Summary

About Dockets

Court: King Co Superior Ct
Case Number: 12-3-05656-4

Sub	Docket Date	Docket Code	Docket Description	Misc Info
1	08-20-2012	PETITION FOR DISSOLUTION	Petition For Dissolution	
2	08-20-2012	SET CASE SCHEDULE JDG0048	Set Case Schedule Judge Laura Inveen, Dept 48	07-29- 2013ST
3	08-20-2012	CASE INFORMATION COVER SHEET LOCS	Case Information Cover Sheet Original Location - Seattle	
4	08-20-2012	CONFIDENTIAL INFORMATION FORM	Confidential Information Form	
5	08-20-2012	SUMMONS	Summons	
6	08-20-2012	NOTE FOR MOTION DOCKET	Note For Motion Docket /temp Orders	09-07- 2012
7	08-20-2012	MOTION AND AFFIDAVIT/DECLARATION	Motion For Temporary Orders	
8	08-20-2012	DECLARATION	Declaration Of Marjorie Wortz	
9	08-20-2012	FINANCIAL DECLARATION	Financial Declaration /petr	
10	08-20-2012	SEALED FINANCIAL DOCUMENT(S)	Sealed Financial Document(s)	
11	08-30-2012	NOTICE OF APPEARANCE	Notice Of Appearance /rsp	
12	08-30-2012	REQUEST	Request For Continuance	
13	08-30-2012	NOTICE	Notice Re Reservation Of Defenses	
14	09-05-2012	DECLARATION	Declaration Of Molly Kenny	
15	09-07-2012	ORDER OF CONTINUANCE	Order Of Continuance	09-17- 2012FM
16	09-11-2012	SEALED FINANCIAL DOCUMENT(S)	Sealed Financial Document(s)	
17	09-11-2012	FINANCIAL DECLARATION OF RESP	Financial Declaration Of Resp	
18	09-11-2012	DECLARATION	Declaration/response /kirk Buhne	
19	09-11-2012	SEALED FINANCIAL DOCUMENT(S)	Sealed Financial Document(s)	
20	09-13-2012	DECLARATION	Declaration Of Marjorie Wortz	
21	09-13-2012	SEALED FINANCIAL DOCUMENT(S)	Sealed Financial Document(s)	
22	09-17-2012	MOTION HEARING	Motion Hearing	

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EX. 1

Washington Courts - Search Case Records

		FAM0001	Family Law, Dept 1	
-	09-17-2012	AUDIO LOG	Audio Log Dr W276	
23	09-17-2012	TEMPORARY ORDER FAM0001	Temporary Order Family Law, Dept 1	
-	09-17-2012	ORDER CONSOLIDATING FOR TRIAL	Order Consolidating For Trial Entered Under 12-2- 138085-7sea	
24	09-19-2012	NOTICE OF ABSENCE/UNAVAILABILITY	Notice Of Absence/unavailability	
25	09-20-2012	AFFIDAVIT/DCLR/CERT OF SERVICE	Affidavit/dclr/cert Of Service	
26	09-24-2012	NOTICE	Notice Of Discharge Of Atty	
27	09-27-2012	NOTICE OF HEARING ACTION	Notice Of Hearing Revision/jdg Inveen	10-08- 2012
28	09-27-2012	MOTION	Motion For Revision/resp	
29	09-27-2012	MOTION	Motion For Change Of Judge/resp	
30	10-24-2012	NOTICE OF HEARING JDG0042	Notice Of Hearing /revision Judge Christopher A Washington/8:30	11-15- 2012
31	11-09-2012	NOTE FOR MOTION DOCKET ACTION	Note For Motion Docket Wifes Motion Re Acct And Att Fees	11-28- 2012FM
32	11-09-2012	MOTION AND AFFIDAVIT/DECLARATION	Motion And Affidavit/pet	
33	11-09-2012	DECLARATION	Declaration M Wortz	
34	11-09-2012	SEALED FINANCIAL DOCUMENT(S)	Sealed Financial Document(s)	
35	11-09-2012	DECLARATION OF MAILING	Declaration Of Mailing	
36	11-13-2012	MOTION	Motion /pet	
37	11-13-2012	ORD MOD/TRM TERMS OF PROT ORD	Ord Mod Terms Of Prot Ord/issd	11-30- 2012
37A	11-13-2012	MOTION HEARING EXP0001	Motion Hearing Ex-parte, Dept	
-	11-13-2012	AUDIO LOG	Audio Log Dr W32-3	
38	11-15-2012	ORD CONFIRMING COMMISSIONER'S RULING	Ord Confirmng Commissioner's Ruling	
39	11-15-2012	AGREED ORDER	Agreed Order Move Hearing Date	11-28- 2012FM
40	11-15-2012	MOTION HEARING JDG0042	Motion Hearing Judge Christopher A Washington42	
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42	11-28-2012	MOTION HEARING FAM0001	Motion Hearing Family Law, Dept 1	
-	11-28-2012	AUDIO LOG	Audio Log Dr W 275	
43	11-28-2012	ORDER FAM0001	Order On Mtn Re Home & Retiremt Act Family Law, Dept 1	
44	11-28-2012	ORD FOR PROTECTION	Ord For Protection /amended/issd	
45	11-29-2012	DECLARATION OF MAILING	Declaration Of Mailing	
46	11-30-2012	CONFIRMATION OF ISSUES	Confirmation Of Issues /1 Sign Only	01-11- 2013CF

How can I obtain the complete court record?
You can contact the court in which the case was filed to view the court record or to order copies of court records.

How can I contact the court?

Click [here](#) for a court directory with information on how to contact every court in the state.

Can I find the outcome of a case on this website?

No. You must consult the local or appeals court record.

How do I verify the information contained in the search results?

You must consult the court record to verify all information.

Can I use the search results to find out someone's criminal record?

No. The Washington State Patrol (WSP) maintains state criminal history record information. Click [here](#) to order criminal history information.

Where does the information come from?

Clerks at the municipal, district, superior, and appellate courts across the state enter information on the cases filed in their courts. The search engine will update approximately twenty-four hours from the time the clerks enter the information. This website is maintained by the Administrative Office of the Court for the State of Washington.

Do the government agencies that provide the information for this site and maintain this site:

▶ **Guarantee that the**

Washington Courts - Search Case Records

47	12-10-2012	ORDER FOR CHANGE OF JUDGE JDG0009	Order For Change Of Judge Judge Jeffrey M. Ramsdell Dept 9	
48	12-18-2012	RETURN OF SERVICE	Return Of Service	
49	12-26-2012	NOTICE OF INTENT TO WITHDRAW	Notice Of Intent To Withdraw/rsp	
50	12-26-2012	RETURN OF SERVICE	Return Of Service	
51	01-11-2013	LIST	Status Conf/noncompliance Checklist	
52	01-11-2013	HEARING CONTINUED: UNSPECIFIED PRO00	Hearing Continued: Unspecified Judge Pro Tem John Curry	02-22-2013
-	01-11-2013	AUDIO LOG	Audio Log Fre733	
53	01-11-2013	ORDER ON STATUS CONFERENCE ACTION	Order On Status Conference Sta Cnf Unles In Compliance By 2/15	02-22-2013NC
54	02-07-2013	RESPONSE	Response To Petition	
55	02-22-2013	STATUS CONFERENCE / HEARING JDG0041	Status Conference / Hearing Judge Palmer Robinson, Dept 41	
-	02-22-2013	AUDIO LOG	Audio Log Dre835	
56	02-22-2013	ORDER ON STATUS CONFERENCE	Order On Status Conference/on Track	
57	02-22-2013	LIST	List / Status Conference	
58	03-08-2013	ORDER TO SHOW CAUSE ACTION EXP0001	Order To Show Cause Ex-parte, Dept	03-28-2013FM
59	03-13-2013	NOTE FOR MOTION DOCKET ACTION	Note For Motion Docket Transfer Title/auth Sale/atty Fees	03-28-2013FM
60	03-13-2013	MOTION	Mtn To Transfer Title/wife	
61	03-13-2013	MOTION FOR ORDER TO SHOW CAUSE	Motion For Order To Show Cause/pet	
61A	03-22-2013	RESPONSE	Response /rsp	
62	03-26-2013	REPLY	Reply /pet	
63	03-26-2013	REPLY	Reply /pet	
64	03-26-2013	SEALED FINANCIAL DOCUMENT(S)	Sealed Financial Document(s)	
65	03-28-2013	MOTION HEARING FAM0001	Motion Hearing Family Law, Dept 1	
-	03-28-2013	AUDIO LOG	Audio Log Dr W278	
66	03-28-2013	ORDER FAM0001	Order Re Title/fees Family Law, Dept 1	
67	03-28-2013	ORDER ON CONTEMPT FAM0001	Order On Contempt Family Law, Dept 1	
68	04-26-2013	AFFIDAVIT/DCLR/CERT OF SERVICE	Affidavit/dclr/cert Of Service	
69	06-03-2013	NOTICE OF HEARING ACTION	Notice Of Hearing Cont Trial Date /jdg Ramsdell	06-14-2013
70	06-03-2013	MOTION TO CHANGE TRIAL DATE	Motion To Change Trial Date /pet	
71	06-04-2013	NOTICE	Notice Of Mtn/hrg Stricken	

information is accurate or complete?
NO
 ▶ Guarantee that the information is in its most current form?
NO
 ▶ Guarantee the identity of any person whose name appears on these pages?
NO
 ▶ Assume any liability resulting from the release or use of the information?
NO

Washington Courts - Search Case Records

72	06-07-2013	NOTICE OF HEARING	Notice Of Hearing /cont Trial Date	06-19-2013
73	06-07-2013	DECLARATION OF MAILING	Declaration Of Mailing	
74	06-07-2013	AFFIDAVIT/DCLR/CERT OF SERVICE	Affidavit/dclr/cert Of Service	
75	06-19-2013	ORDER AMENDING CASE SCHEDULE	Order Amending Case Schedule	01-27-2014ST
76	06-19-2013	ORD FOR CONTINUANCE OF TRIAL DATE	Ord For Continuance Of Trial Date	01-27-2014
77	07-23-2013	NOTICE OF ATTY CHANGE OF ADDRESS	Notice Of Atty Change Of Address	
78	07-24-2013	PETITION	Petition For Renew Protect Ord/nthg	08-27-2013FM
79	08-15-2013	MOTION	Motion /pet	
80	08-15-2013	ORDER RE: SERVICE EXP0007	Order Re: Service Ex-parte, Dept. Seattle - Clerk	
81	08-22-2013	NOTICE OF INTENT TO WITHDRAW	Notice Of Intent To Withdraw	
82	08-22-2013	DECLARATION OF MAILING	Declaration Of Mailing	
83	08-22-2013	NOTE FOR MOTION DOCKET ACTION	Note For Motion Docket Renew Protective Order	09-16-2013FM
84	09-06-2013	NOTICE OF APPEARANCE	Notice Of Appearance Buhne, Kirk E	
85	09-13-2013	NOTICE OF ABSENCE/UNAVAILABILITY	Notice Of Absence/unavailability	
86	09-17-2013	NOTICE	Notice Of Filing Copies Of Orders	
87	09-17-2013	NOTICE	Notice Filing Of Docs Frm Dv Case	
88	09-17-2013	SEALED MEDICAL AND HEALTH INFO	Sealed Medical And Health Info	
89	09-17-2013	DECLARATION	Declaration Of Christine Halemeyer	
90	09-17-2013	DECLARATION	Declaration Of Brenda Folkerts	
91	09-17-2013	DECLARATION	Declaration Of Juanita Berkhout	
92	09-17-2013	DECLARATION	Declaration Of Resp	
93	09-17-2013	NOTICE	Notice Of Recording Of Hrg	
94	09-17-2013	STIPULATION	Stipulation Re: Electronic Service	
95	09-20-2013	DECLARATION	Declaration Of Marjorie Wortz	
96	09-20-2013	DECLARATION	Declaration Of Angela M. Berg	
96A	09-20-2013	ORD REISSUING TEMP PROTECTION ORDER EXP0001	Ord Reissuing Temp Prot Ord/issd Ex-parte, Dept	09-23-2013
97	09-23-2013	MOTION HEARING FAM0001	Motion Hearing Family Law, Dept 1	
-	09-23-2013	AUDIO LOG	Audio Log Drw276	
98	09-23-2013	ORDER FOR PROTECTION-RENEWAL/REISSU FAM0001	Order For Protection-renewal/reissu /issd Family Law, Dept 1	
99	10-25-2013	NOTICE OF ABSENCE/UNAVAILABILITY	Notice Of Absence/unavailability	

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100	11-19-2013	NOTICE OF INTENT TO WITHDRAW	Notice Of Intent To Withdraw	
100A	11-27-2013	NOTICE OF HEARING	Notice Of Hearing /cont Trial Date	12-09-2013
100B	11-27-2013	MOTION TO CHANGE TRIAL DATE	Motion To Change Trial Date /pet	
101	12-02-2013	OBJECTION / OPPOSITION	Objection / Opposition /rsp	
102	12-09-2013	ORDER DENYING MOTION/PETITION	Order Denying Motion For Trial Cont	
103	12-10-2013	ORDER FOR CHANGE OF JUDGE JDG0040	Order For Change Of Judge Judge Kenneth L. Schubert Dpt 40	
104	12-17-2013	DECLARATION OF MAILING	Declaration Of Mailing	
105	12-26-2013	NOTICE OF HEARING	Notice Of Hearing /change Of Judge	01-15-2014
106	12-26-2013	MOTION	Motion For Change Of Judge/pet	
107	12-26-2013	DECLARATION OF MAILING	Declaration Of Mailing	
108	01-02-2014	ORD REQUIRING JOINT PRETRIAL REPORT	Ord Requiring Joint Pretrial Report	
109	01-09-2014	NOTICE OF APPEARANCE	Notice Of Appearance/resp	
110	01-09-2014	ORDER ON ASSIGNMENT/REASSIGNMENT JDG0026	Order On Assignment/reassignment Re Affidavit Of Prejudice Judge Laura Gene Middaugh Dept26	
111	01-09-2014	ORDER GRANTING MOTION/PETITION	Order Granting Motion/petition Re Affidavit Of Prejudice	
112	01-14-2014	MOTION TO CHANGE TRIAL DATE	Motion To Change Trial Date	
113	01-14-2014	MOTION AND AFFIDAVIT/DECLARATION	Motion To Shorten Time /rsp	
114	01-14-2014	NOTICE OF HEARING ACTION	Notice Of Hearing Jdg Middaugh;continue Trial Date	01-17-2014
115	01-14-2014	NOTICE OF HEARING ACTION	Notice Of Hearing Jdg Middaugh;shorten Time	01-15-2014
116	01-14-2014	NOTICE OF ABSENCE/UNAVAILABILITY	Notice Of Absence/unavailibility	
117	01-15-2014	RESPONSE	Response /pet	
118	01-16-2014	DECLARATION	Declaration Of Kirk Buhne	
118A	01-16-2014	AFFIDAVIT/DCLR/CERT OF SERVICE	Affidavit/dclr/cert Of Service	
119	01-17-2014	ORD FOR CONTINUANCE OF TRIAL DATE	Ord For Continuance Of Trial Date	04-28-2014ST
120	01-17-2014	ORDER AMENDING CASE SCHEDULE	Order Amending Case Schedule	04-28-2014
121	01-17-2014	ORDER SHORTENING TIME	Order Shortening Time	01-17-2014
122	01-27-2014	AFFIDAVIT/DCLR/CERT OF SERVICE	Affidavit/dclr/cert Of Service	
123	01-27-2014	AFFIDAVIT/DCLR/CERT OF SERVICE	Affidavit/dclr/cert Of Service	
124	01-27-2014	AFFIDAVIT/DCLR/CERT OF	Affidavit/dclr/cert Of	

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		SERVICE	Service	
125	01-27-2014	AFFIDAVIT/DCLR/CERT OF SERVICE	Affidavit/dclr/cert Of Service	
126	02-18-2014	NOTICE OF HEARING ACTION	Notice Of Hearing Compel Discovery/jdg Middaugh	02-26-2014
127	02-18-2014	MOTION TO COMPEL	Motion To Compel/pet	
128	02-24-2014	RESPONSE	Response /rsp	
129	02-25-2014	REPLY	Reply /pet	
130	02-25-2014	SEALED FINANCIAL DOCUMENT(S)	Sealed Financial Document(s)	
131	02-28-2014	ORDER TO COMPEL	Order To Compel	
132	03-17-2014	NOTICE OF HEARING ACTION	Notice Of Hearing Jdg Middaugh;shorten Time	03-21-2014
132A	03-17-2014	ORDER EXP0007	Order Re Property /agreed Ex-parte, Dept. Seattle - Clerk	
133	03-18-2014	RESPONSE	Response To Mtn To Shorten Time	
134	03-20-2014	REPLY	Reply On Mt To Shorten Time/resp	
135	03-21-2014	RESPONSE	Response /pet	
136	03-21-2014	ORDER DENYING MOTION/PETITION	Order Deny Motion To Cont Trial	
137	03-21-2014	ORDER SHORTENING TIME	Order Shortening Time	03-21-2014
138	03-25-2014	REPLY	Reply /resp	
139	04-02-2014	AFFIDAVIT/DCLR/CERT OF SERVICE	Affidavit/dclr/cert Of Service	
140	04-07-2014	NOTICE OF HEARING	Notice Of Hearing /shorten Time	04-10-2014
141	04-07-2014	MOTION TO CHANGE TRIAL DATE	Mtn To Cont Trial Date /rsp	
142	04-07-2014	MOTION AND AFFIDAVIT/DECLARATION	Motion To Shorten Time /rsp	
143	04-10-2014	DECLARATION	Declaration Of Molly Kenny	
144	04-10-2014	ORDER DENYING MOTION/PETITION	Order Denying Mtn Shorten Time	
145	04-16-2014	MOTION TO CONTINUE	Motion To Continue Trial /resp	
146	04-16-2014	NOTICE OF HEARING ACTION	Notice Of Hearing Jdg Middaugh;continue Trial Date	04-24-2014
147	04-17-2014	MOTION AND AFFIDAVIT/DECLARATION	Motion To Enter Property /rsp	
148	04-17-2014	NOTICE OF HEARING ACTION	Notice Of Hearing Motion To Enter Home/jdg Middaugh	04-25-2014
149	04-17-2014	AGREED ORDER EXP0007	Agreed Order Re Safe Deposit Bx Ex-parte, Dept. Seattle - Clerk	
150	04-22-2014	RESPONSE	Response To Mtn To Cont Trial Date	
151	04-23-2014	BRIEF	Brief /resp	
152	04-23-2014	RESPONSE	Response Tp Mtn To	

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			Enter Property	
153	04-23-2014	REPLY	Reply On Mt To Continue/rsp	
153A	04-25-2014	PRE-TRIAL REPORT	Pre-trial Report/joint Confirmation	
153B	04-25-2014	ORDER	Order Re Access To House	
153C	04-25-2014	ORD FOR CONTINUANCE OF TRIAL DATE	Ord For Continuance Of Trial Date	05-27- 2014ST
153D	04-25-2014	ORDER AMENDING CASE SCHEDULE	Order Amending Case Schedule	05-27- 2014
154	04-28-2014	MOTION	Motion For Expert /rsp	
155	04-28-2014	NOTICE OF HEARING	Notice Of Hearing /exam	05-05- 2014
156	04-28-2014	AGREED ORDER	Agreed Order Re Safe Deposit Box Access Log	
		EXP0006	Ex-parte, Dept. Kent - Clerk	
157	05-01-2014	NOTICE OF HEARING	Notice Of Hearing /expert Exam	05-09- 2014
158	05-01-2014	MOTION	Motion/rsp	
159	05-02-2014	NOTICE OF ABSENCE/UNAVAILABILITY	Notice Of Absence/unavailability	
160	05-07-2014	OBJECTION / OPPOSITION	Objection /rsp	
161	05-08-2014	REPLY	Reply On Mt For Examination/rsp	
162	05-12-2014	ORDER FOR EXAM	Order For Exam Of Pet	
163	05-20-2014	NOTICE OF HEARING ACTION	Notice Of Hearing Jdg Middaugh;continue Trial Date	05-21- 2014
164	05-20-2014	MOTION TO CONTINUE	Mtn To Continue Trial Date/joint	
165	05-21-2014	ORD FOR CONTINUANCE OF TRIAL DATE	Ord For Continuance Of Trial Date	06-09- 2014ST
166	05-21-2014	ORDER AMENDING CASE SCHEDULE	Order Amending Case Schedule	06-09- 2014
167	05-30-2014	NOTICE OF APPEARANCE	Notice Of Appearance /rsp	
168	05-30-2014	TRIAL BRIEF	Trial Brief /pet	
169	05-30-2014	MOTION AND AFFIDAVIT/DECLARATION	Motion And Affidavit/declaration	
170	05-30-2014	NOTICE OF HEARING	Notice Of Hearing /skype Testimony	06-09- 2014
171	05-30-2014	MOTION AND AFFIDAVIT/DECLARATION	Motion And Affidavit/declaration	
172	05-30-2014	NOTICE OF HEARING	Notice Of Hearing /skype Testimony	06-09- 2014
173	06-04-2014	AFFIDAVIT/DCLR/CERT OF SERVICE	Affidavit/dclr/cert Of Service	
174	06-06-2014	RESPONSE	Response /resp	
175	06-06-2014	MOTION	Motion /pet	
176	06-06-2014	NOTICE OF HEARING	Notice Of Hearing /set Trial Date	06-06- 2014
177	06-11-2014	ORD FOR CONTINUANCE OF TRIAL DATE	Ord For Continuance Of Trial Date & Auth Remote Testimony	07-14- 2014ST

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178	07-11-2014	ORDER ON ASSIGNMENT/REASSIGNMENT JDG0023	Order On Assignment For Trial Judge Andrea A. Darvas, Dept 23
179	07-14-2014	JOINT STATEMENT OF EVIDENCE	Joint Statement Of Evidence
179A	07-14-2014	NON-JURY TRIAL JDG0023	Non-jury Trial Judge Andrea A. Darvas, Dept 23
-	07-14-2014	AUDIO LOG	Audio Log 4j
180	07-24-2014	TRIAL BRIEF	Trial Brief /pet
181	07-24-2014	BRIEF	Brief /resp
182	07-25-2014	EXHIBIT LIST	Exhibit List /trial
183	07-25-2014	WITNESS RECORD	Witness Record
184	08-28-2014	FINDINGS OF FACT&CONCLUSIONS OF LAW	Findings Of Fact&conclusions Of Law
185	08-28-2014	DECREE OF DISSOLUTION	Decree Of Dissolution Darvas
186	08-28-2014	ORDER FOR PROTECTION-RENEWAL/REISSU	Order For Protection-renewal/reissu
187	09-02-2014	NOTICE OF HEARING ACTION	Notice Of Hearing Clarification/judge Darvas 2014
188	09-02-2014	MOTION	Motion Of Marjorie Wortz
189	09-02-2014	ATTACHMENT	Attachment /email Communication
190	09-03-2014	NOTICE OF INTENT TO WITHDRAW	Notice Of Intent To Withdraw
190A	09-03-2014	STIP&OR RET EXHBTS UNOPND DEPOSTNS	Stip&or Ret Exhbts Unopnd Depostns
191	09-08-2014	RESPONSE	Response /resp
192	09-08-2014	REPLY	Reply /pet
193	09-12-2014	JUDGMENT	Judgment
194	09-16-2014	JUDGMENT	Judgment/order To Vacate Judgment From 9/12/14
195	09-17-2014	NOTICE OF APPEAL TO COURT OF APPEAL	Notice Of Appeal To Court Of Appeal
-	09-17-2014	APPELLATE FILING FEE	Appellate Filing Fee 290.00
196	09-17-2014	NOTICE	Notice /directive To File Appeal
-	09-24-2014	CERTIFICATE MAILED TO OLYMPIA	Certificate Mailed To Olympia
197	10-16-2014	DESIGNATION OF CLERK'S PAPERS	Designation Of Clerk's Papers Did Not Prepare 72518-1 / Penny
198	10-16-2014	PERFECTION NOTICE FROM CT OF APPLS	Perfection Notice From Ct Of Appls # 72516-1-1
199	10-23-2014	DESIGNATION OF CLERK'S PAPERS	Designation Of Clerk's Papers Pgs 1-142 Pgs 143-370 Sealed 72518-1 / Buhne Trans Coa 12-24-14
200	10-29-2014	LETTER	Letter Re Rejection Of Dsgckp
201	11-05-2014	INDEX	Index Pprs Pgs 1-142 Pd

			12-16-14
202	11-05-2014	INDEX	Index Pprs Pgs 143-370 Pd 12-16
203	12-23-2014	COMMENT ENTRY	Clks Pprs Pgs 1-142
204	12-23-2014	COMMENT ENTRY	Clks Pprs Pgs 143-370 Sealed
-	01-30-2015	VERBATIM RPT TRANSMITTED	Verbatim Rpt Transmitted 02-04-2015 Hrg Of 07-14-2014
-	01-30-2015	VERBATIM RPT TRANSMITTED	Verbatim Rpt Transmitted 02-04-2015 Hrg Of 07-15-2014
-	01-30-2015	VERBATIM RPT TRANSMITTED	Verbatim Rpt Transmitted 02-04-2015 Hrg Of 07-16-2014
-	01-30-2015	VERBATIM RPT TRANSMITTED	Verbatim Rpt Transmitted 02-04-2015 Hrg Of 07-17-2014
-	01-30-2015	VERBATIM RPT TRANSMITTED	Verbatim Rpt Transmitted 02-04-2015 Hrg Of 07-21-2014
-	01-30-2015	VERBATIM RPT TRANSMITTED	Verbatim Rpt Transmitted 02-04-2015 Hrg Of 07-22-2014
-	01-30-2015	VERBATIM RPT TRANSMITTED	Verbatim Rpt Transmitted 02-04-2015 Hrg Of 07-23-2014
-	01-30-2015	VERBATIM RPT TRANSMITTED	Verbatim Rpt Transmitted 02-04-2015 Hrg Of 07-23-2014
205	03-10-2015	ORDER FOR PROTECTION- RENEWAL/REISSU	Order For Protection- renewal/reissu /amended/issd/agreed
206	03-31-2015	DESIGNATION OF CLERK'S PAPERS	Designation Of Clerk's Papers Supp 72518-1-i/ Buhne Pgs 371-403 Sealed Pgs 404-418
207	05-27-2015	LETTER	Letter From Coa

No. 72518-1

COURT OF APPEALS, DIVISION I
OF THE STATE OF WASHINGTON

KIRK E. BUHNE

Appellant

v.

MARJORIE A. WORTZ

Respondent

DECLARATION OF MAILING

Molly B. Kenny, WSBA #11089
Attorney for Respondent

The Law Offices of Molly B. Kenny
9 Lake Bellevue Drive, Suite 200
Bellevue, WA 98005
425-460-0550
F 425-460-0551

FILED
COURT OF APPEALS DIV I
STATE OF WASHINGTON
2015 JUN -2 PM 2:49

ORIGINAL

I, April D. Collins, make the following declaration:

1. I am a resident of the State of Washington and not a party to this action.
2. On June 1, 2015 I caused one copy of Respondent's Brief to be mailed to Kirk E. Buhne at 140 Medina Street, Victoria, BC V8V 2H5 via regular US mail and Email.

DATED this 1st day of June, 2015.



April D. Collins