

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

NEIL RADFORD MASON)
Respondent/Appellant,))
vs.))
ROBIN RUTH MASON,)
Petitioner/Respondent.)

Div. II, Washington State
Court of Appeals
NO. 35570-1

Pierce County Superior Court
NO. 05-3-01107-5

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DIVISION II
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BRIEF OF APPELLANT

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(3) *Introduction.*

This is an appeal from a Decree of Dissolution and Findings related thereto on the ground that the Trial Court abused its discretion in valuing an asset, a bank account, which was unsupported by the evidence, failed to value the allocation of personal property, failed to equitably allocate the equity in the family home, and, taken as a whole, the allocation of assets could only have been based upon an effort to punish the Appellant husband for a prior incident of Domestic Violence. The scope of review is for an abuse of discretion, but such standard does not mean that the Trial Court is free to allocate assets without any Appellate scrutiny.

(4) *Assignments of Error.* A separate concise statement of each error a party contends was made by the trial court, together with the issues pertaining to the assignments of error.

A. Did the Trial Court error in making Finding of Fact 2.8 which found that the value of the Deutsch Bank account was valued at \$30,808.03 at the date of separation 4/05, without evidentiary support?

"2.8 **Community Property.** The parties have real or personal community property as set forth in Exhibits H and W. These exhibits are attached and incorporated by reference as part of these findings." (Exhibits H and W are included at A-2 thru 11).

B. Did the Trial Court error in failing to make a Finding of Fact as to the reasonable value of personal property allocated by it between the parties, contrary to the evidence at trial Exhibit 62 (A-12 thru 19)?

"2.28 **Personal property.** The Court has not placed any value on the household goods, personal property or effects. The personal property shall be divided as per exhibit #62, which is a list of personal property that the parties used to determine how to divide that property. The wife, at her convenience shall divide any property that is not on the list. The parties shall through counsel determine a date no later than 10 a.m. October 23, 2006 to deliver the personal property to the husband, as awarded to the husband. The husband shall pick up all of his personal property at that time. Also the husband shall at the same time return to the wife any property in his possession that was awarded to the wife. A third party shall be present at the exchange of the personal property. I[f] the property is not picked up by the husband, then the personal property shall revert to the wife after October 30, 2006. The guns shall be divided per the agreement of the parties, with the wife receiving the gun that is being held as evidence in the husband's criminal domestic violence case and with the remaining guns being awarded to the husband. The court shall issue a separate order that releases the gun from evidence. The dog is awarded to the husband." (Trial Exhibit 62 A - 12 thru 19).

C. Did the Court abuse its discretion in its Division of Property?

"2.37 **Division of property and debts.** The court has divided the property and debts by awarding 70% to the wife and by awarding 30% to the husband. The husband used community property to pay most of his post separation obligations. The community paid some of the expenses of the estate. The court has taken into consideration the economic status of the parties at the time of the decree. The parties have an income disparity. The husband is voluntarily unemployed but he has the ability to earn up to \$90,000.00 per year. The husband was not diligent or earnest in his search for employment. The husband's parents died more than 10 years ago and he has had ample time to grieve and adjust. The husband has had ample to obtain certifications in the computer field that he needs for employment, whether those certifications are through Microsoft or through some other company. The husband did not find employment and as a result the parties dissipated community assets, except for the remaining retirement funds. The husband has had ample time to fulfill his duties as the personal representative of the estate and he has not made an effort to close the estate. The court has also considered the personal property of the husband in evaluating the economic condition of the parties at the time of the decree. Both parties have health issues. The husband has dental health issues, but he has not made an effort to use the dental coverage for the past

4 years. The wife has back problems and may have another back surgery, and she has fibromyalgia. The wife is receiving counseling for domestic violence, and the wife's crying during the trial evidenced the emotional impact of the domestic violence."

D. Was there sufficient evidence to support the Trial Court's Finding that the husband "has the ability to earn up to \$90,000.00 per year" at the time of trial?

E. Did the Trial Court error in basing its unequal allocation of community assets on a finding that the Appellant husband, " used community property to pay most of his post separation obligations", when it valued the accounts as of the date of separation so that any use of funds from an account after separation did not impact the allocation because the accounts from which he used funds were allocated to him at their value at the date of separation not at the date of trial?

Issues Pertaining to Assignments of Error:

1. Taken as a whole, was the division of assets and liabilities between the parties punishment of the Appellant husband for Domestic Violence contrary to the intent of RCW 26.09.080 (Assignments of Error A, B, C, D & E)?

2. Were the reasons cited by the Court, without evidence of commission of waste or diversion of community assets to non-community

purposes, i.e. lack of diligence in seeking work and paying the community expenses with community savings, such conduct as to support the Courts division of assets and liabilities(Assignment of Error C & E)?

3. Where the parties agreed to the valuation of personal property, was it an abuse of the Court's discretion to fail to value personal property it awarded to the parties for the purpose of determine equity of the overall allocation by the Court (Assignments of Error B)?

4. Was the Court's finding that the Appellant husband was capable of earning \$90,000 per year at the time of trial supported by the evidence (Assignment of Error D)?

5. Was the Court's finding that it was dividing the assets of the parties 70% to the wife and 30 % to the husband supported by the evidence (Assignment of Error C)?

6. Was the Court's finding that the parties had an "income disparity" supported by the evidence, especially where the Court imputed income to the husband at the statutory rate, Finding 2.24 \$2,846 per month, for the purpose of determining child support (Assignment of Error C)?

7. Is there a requirement that a spouse work outside the home (Assignment of error C)?

(5) Statement of the Case.

This is a dissolution action brought by the Respondent wife. The date of marriage was 2 August, 1980 (RP 19 line 20) and date of separation was April, 2005 (RP 19 line 22). The parties had 2 children (RP 10 line 25) by the marriage and there are not issues on appeal relating to the children. The Appellant husband entered an Alford plea to a charge of Domestic Violence in January, 2003 (RP 11 line 21) and completed the Court supervised program (RP 12 line 1, 40 line 24, 226 line 12). Respondent husband pled guilty to a DUI in January, 2004 (RP 13 line 20) and completed all the requirements of the Court in that regard (RP 13 line 18, 226 line 16). There was no further criminal involvement (RP 13 line 21). The parties continued to live together until the current separation in April, 2005 (RP 34 line 23).

Approximately 10 years before the dissolution, Appellant husband lost both his parents within a short period (RP 107 line 16) which devastated him. In 2002, he lost his job with Shurgard (RP 108 line 9). This was the last time he regularly worked. All of his earnings, to include unemployment compensation, were contributed to community expenses.

The parties accumulated various items of community property during marriage, to include a home which was free and clear (RP 32 line 18 - 33 line 21). The home was purchased for \$56,000 in 1980s (RP 116

line 6) and appraised for \$210,000 - \$213,000 in May, 2005 (RP 116 line 21). Approximately, 4 years before the dissolution, the Appellant lost his job (RP 53 line 6) and was unable to find any regular employment thereafter (RP 54 line 5) so the parties agreed to use savings to pay community expenses (RP 53 line 10). He had worked for Shurgard for two years and his salary at the time of termination, due to elimination of his position (RP 229 line 3), was \$90,000 per year (RP 14 line 20, 228 line 23). During those two years, he paid for the wife and children to go to Australia and Hong Kong (RP 194 line 8) and for the wife's sister to go with her to Australia (RP 223 line 13). Appellant husband never made that much in salary before (EX 31) or since. Before Shurgard his highest salary was \$50,000 at Analytical Software (RP 15 line 5, 227 line 13). All of the money he earned he put into the family account (RP 14 - 22).

Initially, the parties used the Appellant's stock option benefits (RP 131 line 11 - 23) from his previous employer to supplement the family budget (RP 231 line 8 - 232 line 6) as necessary beyond the salary of the Respondent wife (RP 93 line 19, 24 - 94 line 14, 174 line 11), and ultimately they used the funds from one of the savings accounts, the Deutsche Bank accounts, for the same purpose (RP 89 line 12, 17 line 14 - 25, 250 line 14 - 251 line 9, 257 line 6 - 22, 260 line 16 - 261 line 11, 261 line 20 - 262 line 20). This process went on for years before the

Dissolution action was initiated (Ex. 31, RP 174 line 8). His unemployment \$9,600 also went to family expenses (RP 232 line 12).

As the Respondent husband was not working, the Respondent wife objected to him using the dental plan through her employment to repair his teeth because it was limited to \$2,500 per year and his dental repairs, including root canals, would exceed that so he did not undergo the dental work needed (RP 54 line 3, 146 line 19). As a result he had lost more teeth as of the time of trial (RP 233 line 5). His appearance also inhibited his ability to obtain a high paying position, like he had a Shurgard.

After the date of separation, the Appellant husband continued to be unemployed and paid his Court Ordered Child Support and other payments (RP 62 line 12) from the savings accounts to which he had access with the approval of the Respondent wife (RP 100 line 14). It is important to note that the Court valued the accounts as of the date of separation (CP 38, 43) so that the Respondent husband's use of moneys from some of the accounts to pay Court Ordered support did not prejudice the Respondent wife as these accounts were allocated to the Appellant husband by the Court at their value at the date of separation (RP 303 line 1).

The parties agreed on the allocation and valuation of their personal property (Exhibit 62, RP 97 line 5, 104 line 14, 176 line 2, 179 line 15).

The income history of both parties is set forth in Exhibits 31 and 32. The Respondent wife has a stable position of employment with long-term prospects for continued employment (RP 130 line 2). Contrary to the Finding of the Trial Court, the Respondent husband does not have the marketable skills necessary to obtain a position with comparable income as he had at Shurgard for 2002, \$90,000 per year. He has attempted to obtain such employment but has been found wanting in technical skills in the fast developing computer industry (RP 233 line 17 - 235 line 2).

(6) *Argument.*

Standard for Review:

The Issues regarding allocation of assets of the parties are reviewed for abuse of discretion.

"A property division made during the dissolution of a marriage will be reversed on appeal only if there is a manifest abuse of discretion. *In re Marriage of Kraft*, 119 Wash.2d 438, 450, 832 P.2d 871 (1992). "A trial court abuses its discretion if its decision is manifestly unreasonable or based on untenable grounds or untenable reasons." *In re Marriage of Littlefield*, 133 Wash.2d 39, 46-47, 940 P.2d 1362 (1997)." *In re Marriage of Muhammad*, 153 Wash.2d 795, *803, 108 P.3d 779, **783 (Wash.,2005)

The Issues regarding Findings allegedly not supported by the evidence are reviewed *de novo*.

"While findings supported by substantial evidence represent facts of case, assertion by court unsupported by either evidence or other findings of fact, is mere conclusion." Pullman Co. v. State (1965) 65 Wash.2d 860, 400 P.2d 91.

"When a finding of the trial court is unsupported by substantial evidence, the finding is not binding on the appellate court." Chmela v. Department of Motor Vehicles, 88 Wash.2d 385, 561 P.2d 1085 (1977).

Although there are numerous Issues applicable to the Assignments of Error, this Court is invited to look at the overall decision of the Trial Court to see how the individual Errors work together to disclose the improper conduct of the Trial Court to punish the Appellant husband rather than to provide a fair and equitable division of property. The Court even alluded to its sympathy for the Respondent wife: "the wife's crying during the trial evidenced the emotional impact of the domestic violence". (CP 30 line 6) and Appellant husband's "admitted alcoholism" (RP 300 line 3).

"In sum, we hold that the language in the trial court's oral ruling and written findings of fact, along with the questionable aspects of the property division itself, establish a clear inference that the court

improperly considered Gilbert's decision to obtain a protective order against Muhammad as "marital misconduct." The consideration of marital misconduct is explicitly prohibited in RCW 26.09.080. Accordingly, the trial court's property division was "manifestly unreasonable or based on untenable grounds or untenable reasons" amounting to an abuse of discretion. *See Littlefield*, 133 Wash.2d at 46-47, 940 P.2d 1362." In re Marriage of Muhammad 153 Wash.2d 795, *806, 108 P.3d 779, **785 (Wash.,2005) (A - 24).

The correct valuation of the allocation of assets demonstrates that the Court awarded 71.1% of the Community Assets to the Respondent wife and 28.9% of the Community Assets to the Appellant husband:

Awarded to wife	Valuation
Personal Property	\$19,364
Home	\$210,000
SEP	\$23,713.71
USAA IRA	\$19,615.75
Safeway 401K	\$7,227.58
Safeway Retirement	\$24,858.78
Timberland Acct	\$1,912.76
Yamaha Motorcycle	<u>\$1,300</u>
	\$307,992.58 71.1%

Awarded to husband	
USAA IRA	\$9,671.75
Shurgard Retirement	\$40,396.43
Lucent Account	\$18,918.36
USAA checking	\$2,178.84
USAA savings	\$ 201.38
Timberland checking	\$2,478.84
Timberland savings	\$3,069.85
Navy Credit Union	\$ 9.39
Deutsche Bank	\$5,573.28
Ford Truck	\$ 900.00
Chevy Suburban	\$5,215
Ford Falcon	\$2,500
Honda Motorcycle	\$1,165
Debt from Estate	\$7,327.73
Personal Property	<u>\$15,756</u>
	\$125,361.34 28.9%

There can be no dispute that the Trial Court failed to follow the evidence at Trial when it valued the Deutsche Bank Account at over 6 times the amount of money shown on the statement at the time of separation which was placed into evidence as Trial Exhibit 46 (A - 20).

The sole evidence at trial was that the parties lived off of the money in that account prior to separation (RP 53 line 10) with the funds from those accounts being deposited into the family checking account and used up (RP 89 line 12, 17 line 14 - 25, 250 line 14 - 251 line 9, 257 line 6 - 22, 260 line 16 - 261 line 11, 261 line 20 - 262 line 20). The Respondent wife invited the Court to speculate that perhaps some of the funds from the Deutsche bank account were misused by the Appellant husband (RP 262 line 8 - 20, A - 21 - 23, EX 27) but no evidence was provided to support that allegation and the Respondent wife responded as such to direct questioning on cross-examination (RP 262 line 18).

Even if that speculation was endorsed, the amount was \$15,808 (RP261 line 20) in 2004 not the \$30,808 found by the trial court as of April, 2005 (RP 303 line 20, 24, 306 line 3). The burden is upon the spouse claiming diversion of funds from community purposes to non-community purposes (RCW 26.16.010, 020, 030 (A - 24). The presumption is that an obligation incurred or enterprise undertaken by either spouse during marriage is for benefit of community (Max L. Wells Trust by Horning v. Grand Cent. Sauna and Hot Tub Co. of Seattle (1991) 62 Wash.App. 593, 815 P.2d 284).

The Trial Court made no Finding that the testimony of the Appellant husband was not credible on this issue. Even on that testimony,

the only issue was the inability of the Appellant husband to produce at trial a deposit slip showing the deposit of the funds from the second check in the amount of \$15,808 to the family account in 2004 or application to pay for community debts, as there was in evidence the transfer record for the first \$15,000 (EX 27 A - 21-23). Under any view of the evidence, the Deutsche Bank account could not have been valued at \$30,808.03 as was done by the Trial Court in its Finding 2.8 (CP 38).

Similarly, the failure of the Court to place a value on the personal property it allocated between the parties, skewed the division of assets to reach the Trial Court's Finding of a 70/30 split. It should be noted that the valuations and the allocation were agreed upon by the parties (RP 97 line 5, 104 line 14, 176 line 2, 179 line 15). If the true valuation of the assets is utilized, the actual allocation by the Trial Court is 71.1/28.9.

The actual agreed valuation of the personal property from Exhibit 62 is:

	Petitioner	Respondent
Page 1	\$7,065.50	\$3,815.50
Page 2	2,242.50	1,892.50
Page 3	1,595.00	1,145.00
Page 4	2,313.00	1,670.50
Page 5	4,546.00	4,365.00
Page 6	0.0	775.00

Page 7	787.50	1,287.50	
Page 8	<u>815.00</u>	<u>805.00</u>	
	\$19,364.50	\$15,756.00	= \$3,608.50

"FN10. Failure of the trial court to value an asset is not significant enough to warrant reversal and remand where the court has made a fair, just and equitable division of the marital property. Wright, 78 Wn.App. at 237." Marriage of Tuck 1997 WL 36788, *3 (Wash.App. Div. 2) (Wash.App. Div. 2,1997). Respondent husband challenges the overall division of property as fair, just and equitable in this case.

Ultimately, it is important that the Trial Court did not make a Finding that the Appellant husband committed waste on, diverted or stole Community Assets. The sole Finding of the Trial Court to support its unequal allocation of assets was that the Appellant husband failed to work outside the home (Finding 2.37 CP29). It should be noted that this arrangement existed for years before the separation and the institution of this Dissolution action (RP 53 line 6). This ruling by the Trial Court has potentially broad implications as to the decision by a family that one of the spouses will not work outside the home. Is that non-working spouse to be penalized for that decision?

The Washington Courts have long held that failure to work outside the home, even due to some fault such as alcoholism, does not justify in

unequal allocation of assets. (Bryant v. Bryant, 68 Wash.2d 97, 99, 411 P.2d 428 (1966) (quoting Myers v. Myers, 21 Wash.2d 19, 23, 149 P.2d 926 (1944)). The fact that one spouse is the major income producer is not grounds to award more of the community property to that spouse In re Marriage of DeHollander, 53 Wash.App. 695, 701, 770 P.2d 638 (1989)). See also In re Marriage of Addoms L 726477, *3 -4 (Wash.App. Div. 2,1998).

We next turn to what should have been the focus of the Trial Court and that is the condition of the parties at the time of the Trial, i.e. is there such income potential disparity to justify the unequal allocation of property?

"The trial court must make an equitable distribution, not an equal one." In re Marriage of Davison, 112 Wn.App. 251, 259, 48 P.3d 358 (2002).

In light of Appellant husband's marketable skills and additional assets, compared to Respondent wife's skills at the time of the dissolution, was the characterization, valuation, and distribution of property inequitable or unjust? (In re Marriage of Crosetto, 82 Wn.App. 545, 556-7, 918 P.2d 954 (1996); see also In re Marriage of Sims 2003 WL 157415, *6 (Wash.App. Div. 3) (Wash.App. Div. 3,2003)).

The evidence at Trial was that the Respondent wife had long term

employment with a pharmacist who held her in high regard and there was the promise of continued employment with a decent wage, good benefits to include medical insurance and retirement, and potential for increased income (RP 184 line 7 - 19, 189 line 8 - 190 line 14, 200 line 24 - 201 line 3). The evidence at trial was that the Appellant husband had been out of the job market for many years, had not maintained certifications for work in his field and was of an advanced age in his industry, (RP 233 line 17 - 235 line 2) with uncertain prospects for substantial employment. The evidence was also that he had been living in the shop in his parents' barn since the separation (RP 225 line 22). Although he had applied for some computer positions, his efforts had been unsuccessful. He had maintained currency in all Court Ordered support for his family by continuing a long-term practice of withdrawing money from savings.

“The fact that one of the parties may have been in serious fault does not justify the imposition of a severe penalty in the way of deprivation of property. The matter of fault is a proper one for inquiry when making a division of property, but this of itself does not require that a larger portion of the property be awarded to the one not in fault than is given to the other.” Myers v. Myers, 21 Wash.2d 19, 23, 149 P.2d 926 (1944).

"Based upon this history we find that the "marital misconduct" which a court may not consider under RCW 26.09.080 refers to immoral or physically abusive conduct ^{FN8} within the marital relationship and does not encompass gross fiscal improvidence, the squandering of marital assets or, as here, the deliberate and unnecessary incurring of tax liabilities. In shaping a fair and equitable apportionment of the parties' liabilities the trial court was entitled to consider whose "negatively productive conduct" resulted in the tax liabilities at issue. *Clark*, at 809, 538 P.2d 145.

FN8. We note, however, that this is not to say that a court may not consider abuse by one spouse against another where that abuse has affected the economic circumstances of the abused spouse." In re Marriage of Steadman 63 Wash.App. 523, *528, 821 P.2d 59, **62 (Wash.App.,1991).

In this case there is no evidence that any conduct of the Appellant husband adversely affected the economic circumstances of the Respondent wife. Her income and income potential remain unaffected. Further, the inability of the Appellant husband to gain employment did not expose the Respondent wife to any liabilities as in Steadman, supra. The long-term acquiesce of the Respondent wife in the unemployment of the Appellant husband belies the complaint thereof by the Respondent wife in order to

get a larger share of the Community Estate (Acquiescence and waiver are always questions of fact Houplin v. Stoen 72 Wash.2d 131, *136, 431 P.2d 998, **1001 (WASH 1967)).

"Earning capacity is not a divisible asset, although it is a factor to be considered when dividing the community and separate property in a dissolution proceeding. *In re Marriage of Hall*, 103 Wash.2d 236, 247-48, 692 P.2d 175 (1984). An able bodied spouse leaves a dissolved marriage with his or her earning capacity intact, and his or her former spouse has no property interest in that earning capacity. A disabled spouse leaves a dissolved marriage with his or her earning capacity impaired or non-existent. His or *73 her ability to acquire assets in the future, by means of employment, is likewise impaired or non-existent." Matter of Marriage of Leland 69 Wash.App. 57, *72-73, 847 P.2d 518,**526 (Wash.App. Div. 1,1993).

The Trial Court's Finding 2.37 as to the employability of the Appellant husband, even if supported by the evidence, which it is not, does not justify the extremely unequal allocation of assets. The Respondent wife's earning capacity is \$2,946.66 per month compared to the Appellant husband's \$2,846.00, Finding of Fact 2.24 (CP 27). The Trial Court's Finding that the Appellant husband's earning capacity was up

to \$90,000 per year at the time of trial is inconsistent and unsupported by the evidence.

"While findings supported by substantial evidence represent facts of case, assertion by court unsupported by either evidence or other findings of fact, is mere conclusion." Pullman Co. v. State (1965) 65 Wash.2d 860, 400 P.2d 91.

The Trial Court's finding as to earning capacity of the Appellant husband was based upon his last employment, years earlier, in a fast developing field of computer applications and system design. The Appellant husband, rightly or wrongly, had let his qualifications lapse and the long term absence from the market had eliminated his potential for such earning capacity as of the time of trial. There was no evidence that the Appellant husband had rejected any employment in his field or that any such employment was available to him at the income level he enjoyed for a single year many years earlier. The Finding that he has such earning capacity at the date of Trial was just as much fiction as the Finding that the Deutsche Bank account held \$30,808.03 at the date of separation.

The Trial Court made both Findings, unsupported and contrary to the substantial evidence at Trial, in an attempt to buttress the Trial Court's decision to award an unconscionable amount of the Community assets to the Respondent wife.

Turning to the issue of the allocation of the equity in the family home, which was free and clear as of the date of trial, there is no dispute that the Court may and should award the possession and use of the family home to the spouse who will have custody of the child for the expected duration of the minority of the child.

"(4) The economic circumstances of each spouse at the time the division of property is to become effective, including the desirability of awarding the family home or the right to live therein for reasonable periods to a spouse having custody of any children. RCW 6.09.080." Bulicek v. Bulicek 59 Wash.App. 630, *636, 800 P.2d 394, *398 (Wash.App.,1990) (A - 24).

However, in the case at Bar, the child in question is 17 years old. (The other child is emancipated and working away (RP 130 line 20)). The need for the family home for residence of the 17 year old, with graduation from high school in June, 2007 (CP 26) is not extensive. There are no grounds to award 100% of the equity in the family home to the Respondent wife based upon these facts.

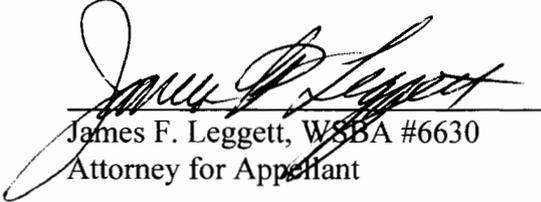
(7) Conclusion.

Because the Trial Court failed to make a fair and equitable allocation of the assets of the parties, partly based upon Findings unsupported by the evidence, this Court is requested to REMAND this

matter to the Trial Court to re-allocate the assets of the parties based upon accurate valuation thereof and the actual circumstances of the parties at the time of Trial, to include an equitable allocation of the equity in the home.

RESPECTFULLY SUBMITTED this 23rd day of February

2007


James F. Leggett, W8BA #6630
Attorney for Appellant

INDEX OF APPENDIX

1. Exhibit H & W to Findings of Fact.....A - 2

2. Trial Exhibit 62.....A - 12

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MASON DISSOLUTION
CAUSE #: 05-3-01107-5

EXHIBIT "H"

PROPERTY AWARDED TO HUSBAND

SEPARATE PROPERTY (also see notes below)

Small glass lamps
1/3 interest in estate Neil's mother
Charles Schwab account, funded with inheritance
BECU account, funded with inheritance
Timberland estate account interest
Interest in Chrysler New Yorker

COMMUNITY PROPERTY

USAA IRA in the name of respondent / husband valued at \$19,671.75 on 3/05

Shurguard retirement valued at \$40,396.43 on 4/05

Lucent account valued at \$18,918.36 on 4/05

USAA checking account valued at \$2,178.84 on 4/11/05

USAA savings account valued at \$201.38 on 3/05

Timberland checking account valued at \$2,478.33 on 4/05

Timberland savings account valued at \$3,069.85 on 3/05

Navy credit union account valued at \$9.39 on 10/04

Deutsch account valued at \$30,808.03. 4/05



Ford F-250 pickup truck valued at \$900.00

Chevy Suburban valued at \$5,215.00 as is

1964 Ford Falcon valued at \$2,500.00

Honda motorcycle valued at \$1,165.00

\$7,327.73 owed by the estate of Neil's mother to the community

MASON DISSOLUTION
CAUSE #: 05-3-01107-5

Glock .22 Austria .40 Smith & Wesson extended cliop serial #CAF866

Ruger .22 serial # 2026068

Ruger .22 2/33 carbine long rifle serial #24842534

Beretta semi-auto 3032 tomcat serial #DAA204268

Browning over & under shotgun 20 gauge

Remington 870 wingmaster pump action 20 gauge serial #C437031U

Remington 870 Express youth pump action 20 gauge 21" barrel serial #C723208U

Remington 870 Express 12 gauge 28" barrel shotgun serial #C409092M

Marlin long rifle .22 gauge model 88-22

Ethica 20 guage Remington Arms union pump action

Ammo, vests, glasses, gun cleaning supplies

9x17, 9x18, 9x19, 9x21, 9x23, pelican 1200 casa manuf. 137, glock magazine w/ammo for Glock awarded to respondent, 1 box of Winchester 9mm ammo (40 total), 8 ear plus, 1 nylon brush, 1 tan leather gun holster, w/clip, 1 thin plastic handle

COMMUNITY PERSONAL PROPERTY

Misc. auto cleaning, repair parts, etc.
 1998 Suburban parts and extras
 ½ of the propane lanterns
 Parts for 1972 F250 pickup
 ½ queen size mattress covers
 Numerous age wine bottles
 ½ basement shelving
 Stiffel metal desk lamp
 Hanging lamp
 Waterbed heater and controller
 ½ wooden stools used for bedside tables
 ½ small bookracks
 Barn heater
 Large jade plant
 ½ Christmas cactuses
 Tools (mauls, axe, etc.)

**MASON DISSOLUTION
CAUSE #: 05-3-01107-5**

½ gas cans
Pressure washer
Honda lawn mower
Picnic table & wood to make picnic benches
Rubbermaid outside storage container
Wooden captain chairs
Wooden salad bowl set
Farberware rotisserie fry pan
Copper covered cake plate
Full set of Asian theme dishes
½ pressure cookers
½ misc. ceramic chopstick holders
½ dessert bowl sets
Aust. Quiche plate/hanger
½ kitchen utensils & tools
½ baking pans
Handmade bead board made from maple flooring
Kenmore dryer
Kenmore washer
½ outdoors retractable clothes lines
Foldable clothes rack
½ clothes irons
½ wicker baskets & linens
Nintendo game controller
Video games, about 50
Hardback luggage
Roll around luggage
Backpack for carrying a child
½ wooden mirrors
½ misc. large pictures of boys
JVC digital video camera
½ Christmas tree stands
½ Christmas decorations
Many mini tapes for JVC video camera
½ vases from Hong Kong
½ cloisonné vases from Hong Kong
½ decorative glass bowls
½ misc. games
½ Rubbermaid storage containers
Heating pad
½ large wicker baskets for magazines
Small brass hand pump fire extinguisher
Movies & DVDs
Electric massager
Electric heat pad
Handmade wooden lamp

MASON DISSOLUTION
CAUSE #: 05-3-01107-5

Flowbee set for cutting hair
 ½ flashlights
 ½ paint cans, including spray paint and canned paint
 Use of negatives of family photos for 60 days to use to print photos
 White board
 Chalkboard
 Corkboard
 ½ large laminated folding tables
 Tripp lite power pac
 APC backup pac
 L&C switching power supply
 Black Labtech speaker system
 Roll around computer chair
 ½ extending reading lamps
 ½ misc. paper cutters, hole punches, office supplies, pens, Blank CDs & DVDs
 Uniden wireless house phones
 ½ dictionaries, world books, encyclopedias, notebooks
 Husband's roller blades
 ½ extra snow suits, boots & gloves
 Kickbag "Bob"
 ½ Focus pads
 ½ large kick pads
 ½ Tae Kwon Do mats
 ½ Tae Kwon Do pads
 Dogtra dog collar
 Dog
 Misc. dog supplies: blankets, kennel, traveling kennel, car kennels
 1 bicycle
 1 10-speed bicycle
 1 wetsuit
 ½ tennis rackets
 ½ coolers
 ½ misc. sports equipment
 Tools for tilling
 Battery charger
 Halogen work lights
 Misc. nails & screws
 Read-wire for computer
 Computer software
 Dewalt wood planner
 Table saw
 Air nail guns
 Dewalt power tool set: drill, saw, light
 2 nail/ screw holder containers
 Misc. tools and parts
 Ford pickup bumper

MASON DISSOLUTION
CAUSE #: 05-3-01107-5

Solderer
 Teken T-shirt
 Wanchi shirt etc. In Neil's trunk
 Wooden dresser – being refinished
 2 dressers
 Wooden lamp table – blue – in boys room
 Wooden magazine/paper holder
 Wooden Navy footlocker (inherited separate property)
 Large metal Navy chest (inherited separate property)
 Concrete step stones
 Concrete pagoda
 Revere ware pans (separate property)
 Ironing board
 Fishing tackle box and reels
 Blue bookcase
 Pheasant picture
 Blow dart gun
 Samari sword
 Clarinet (separate property)
 Sony Playstation game controller (inherited separate property)
 Teapots from China
 Stereo amp (separate property)
 2 Advent speakers (separate property)
 Misc. items located in attic that are pre-marriage separate property: cabinet top,
 tile table
 TEAC tape recorder (separate property)
 Old records
 Music CDs
 Framed picture of Hudsons
 Drafting equipment
 Brown metal file cabinet
 Kayak paddle
 Skateboard, gear and tools, etc.
 Neil's medals from TDK and Microsoft
 Lap top computer
 Computer software
 Desktop computer & monitor
 Monitor
 Computer hand tools
 Chest full of Craftsman tools
 Large sawhorses
 Sears shop vac
 Large vise
 Wood, quick & pipe clamps
 Car ramps
 Fluorescent work light

**MASON DISSOLUTION
CAUSE #: 05-3-01107-5**

Small vise (inherited separate property)
Cement tools (inherited separate property)
3-way ladder (inherited separate property)
12' aluminum ladder (inherited separate property)
PAQ palm pilot
Desktop computer
HP d145 printer
Roll around maple worktable, made by Neil
½ teak bookcases
½ tubing stuff
SCUBA lessons

DEBTS AND LIABILITIES HUSBAND SHALL ASSUME

DEBTS AND LIABILITIES

COMMUNITY DEBTS AND LIABILITIES

USAA credit card account balance, and which the husband has paid since 12/05

EXHIBIT "W"

PROPERTY AWARDED TO WIFE

SEPARATE PROPERTY (also see notes below)

1968 Volkswagen

COMMUNITY PROPERTY

The family home, free and clear of any interest of the respondent / husband valued at \$210,000.00 at the date of separation and unencumbered as the mortgage was paid in full by the petitioner after the date of separation

SEP account at Merrill Lynch and valued at \$23,713.71 on 3/05

USAA IRA in the name of the petitioner and valued at \$19,615.75 on 5/05

Safeway 401K plan valued at \$7,227.58 on 4/05

Safeway retirement valued at \$24,858.78 on 4/05

Timberland "safety" account valued at \$1,912.76 on 4/05

MASON DISSOLUTION
CAUSE #: 05-3-01107-5

Yamaha motorcycle valued at \$1,300.00

12 guage shotgun with synthetic stock

Glock 9mm semi-auto pistol serial #BWC445 along with Glock magazine with ammo the goes with this gun (currently held in evidence room)

COMMUNITY PERSONAL PROPERTY

Misc. towels, rugs
 ½ of the camping equipment
 ½ queen size mattress covers
 Queen size mattress set
 Misc. blankets and sheets
 2-burner camp stove
 Misc. food items
 ½ basement shelving
 White wood bench
 Handmade wooden lamp
 Solid oak waterbed frame, queen size
 Oak veneer Rx cabinet stored at farm, from pharmacy
 Hand made barn wood window end table
 Tall metal lamp
 Old bookshelf
 Custom made barn wood cupboard
 Tall white storage closets
 Leather couches
 Antique black metal travel chest
 ½ wooden stools used for bedside tables
 Antique secretary desk
 ½ small bookracks
 Air filter cleaner
 Ceramic heater
 Radiating heater
 Misc. furniture items
 ½ large jade plant
 ½ Christmas cactuses
 Wooden ladder
 ½ gas cans
 Gas edger
 3 garden hoses
 Roll-up hose holder
 Orchard ladder
 Leaf blower
 Poulan chain saw
 Old set of dishes
 Chrome mixer

MASON DISSOLUTION
CAUSE #: 05-3-01107-5

Slow cook pot

Sharp microwave
 Gibson refrigerator
 Frigidaire range
 Toaster oven
 Square kitchen table
 Beach wood chairs
 Re-done old chairs
 ½ pressure cookers
 ½ misc. ceramic chopstick holders
 Several tablecloths and napkins
 ½ dessert bowl sets
 Ottoman
 Old blue jars
 Misc. decorator plates
 ½ kitchen utensils & tools
 ½ baking pans
 Rice cooker
 ½ outdoors retractable clothes lines
 ½ clothes irons
 ½ wicker baskets & linens
 Misc. laundry room items: shelves, racks, etc.
 High chair
 Car seat
 Misc. decorative pictures
 Metal stepladder
 ½ wooden mirrors
 White chairs
 ½ misc. large pictures of boys
 Cannon 35 mm camera
 Olympus 35mm point & shoot camera
 JVC DVD player
 JVC large TV
 Stereo with 5 speakers
 ½ Christmas tree stands
 Artificial Christmas tree
 ½ Christmas decorations
 ½ vases from Hong Kong
 ½ cloisonné vases from Hong Kong
 ½ decorative glass bowls
 ½ misc. games
 Misc. glass vases
 Medium sized locking safe
 ½ Rubbermaid storage containers

MASON DISSOLUTION
CAUSE #: 05-3-01107-5

½ large wicker baskets for magazines
 Wood stock
 Ionizer
 Wahl hair cutting set
 ½ flashlights
 1800 square feet of solid maple flooring
 Chinchilla fur basket
 ½ paint cans, including spray paint and canned paint
 Royal vacuum
 Family photos and negatives
 ½ large laminated folding tables
 2-drawer ivory metal file cabinet
 ½ extending reading lamps
 ½ misc. paper cutters, hole punches, office supplies, pens, Blank CDs & DVDs
 Speakers & headphones for computer use
 ½ dictionaries, world books, encyclopedias, notebooks
 Wife's roller blades
 ½ extra snow suits, boots & gloves
 ½ Wave master bags
 ½ Focus pads
 ½ large kick pads
 ½ Tae Kwon Do mats
 ½ Tae Kwon Do pads
 Electric treadmill
 All-in-one weight machine
 3 bicycles
 2 10-speed bicycles
 1 wetsuit
 ½ tennis rackets
 Winter sled
 ½ coolers
 ½ misc. sports equipment
 Nail/ screw holder container
 Laser level
 Old recliner
 Pig cookie jar
 White blanket
 Blue pharmacy cabinet
 Blue dresser
 Old fabric rocker
 Hallway ½ table
 3 dressers
 Oak hope chest
 Teacup shelf
 Handmade couch table
 Dresser that holds motorcycle clothes

**MASON DISSOLUTION
CAUSE #: 05-3-01107-5**

Glass wick lamps (inherited separate property)
 Outdoor metal lounge chair
 Several wooden windows
 Large family of moles
 Old kitchen table
 Misc. teacups and saucers
 Misc. old pharmacy bottles
 Large tip over brass fire extinguisher
 Wooden tin lined box – grandpa's (inherited separate property)
 2 milk glass lamps & 1 salt & pepper set (inherited separate property)
 ½ teak bookcases
 Music CDs
 Rosewood classical guitar
 Oak writing surface with 2 oak file cabinets
 Palm sander
 Metric tool set in metal box
 Linksys router
 Wooden end table that needs repair
 Wooden medicine cabinets & wooden windows from barn ?
 Tin candle lantern
 Quilt
 ½ tubing stuff

DIVISION OF DEBTS AND LIABILITIES WIFE SHALL ASSUME

COMMUNITY DEBTS AND LIABILITIES

Family home mortgage, paid in full since date of separation

Chase VISA account in name of petitioner, paid in full since the date of separation

Chase VISA account in name of respondent, paid in full since the date of separation

SEPARATE DEBTS AND LIABILITIES

The loan for \$3,000.00 that she incurred for attorney fees

	Description / comments	Qty.	Grp	Owner	Value	RM/NM	%	Total
1	popo-pattens	2	Camping	Family	\$ 30.00			
2	misc. Camping equipment (heater, tents, bags, etc.)		Camping	Family	\$ 1,000.00			
3	old 10' camper	1	auto	Family	\$ 1.00			
4	1972 F250 pick up (not running) additional parts	1	Auto	Family	\$ 200.00			
5	1998 suburban parts "extras"		Auto	Family	\$ 1,500.00			
6	misc. auto - cleaning, repair, parts, etc.		Auto	Family	\$ 3,000.00			
7	Misc. towels, rugs		bathroom	Family	\$ 2,000.00			
8	queen size mattress covers	2	bed room	Family	\$ 40.00			
9	queen size mattress set	1	bed room	Family	\$ 1,500.00			
10	Misc. blankets, sheets		bed room	Family	\$ 2,000.00			
11	down comforters (1 for each ?)	2	bed room	Family	\$ 50.00			
12	2 burner camp stove misc.	1	Camping	Family	\$ 40.00			
13	Numerous bottles of wine - aged (16 bottles)		Food/Bev	Family	\$ 500.00			
1	Misc. food items		Food/Bev	Family	\$ 4,000.00			
15	shelving in basement (3,2, and 1 section)	6	Furniture	Family	\$ 500.00			
16	white wood bench	1	Furniture	Family	\$ 30.00			
17	handmade wooden lamp	1	Furniture	Family	\$ 50.00			
18	custom solid-oak chi/bed	1	Furniture	Family	\$ 500.00			
19	solid oak (2" by 12") waterbed frame - queen size	1	Furniture	Family	\$ 800.00			
20	oak veneer RX cabinet stored at farm-from pharmacy	1	Furniture	Family	\$ 40.00			
21	Hand made barn wood window end table	1	Furniture	Family	\$ 90.00			
22	tall metal lamp	1	Furniture	Family	\$ 50.00			
23	tin glass lamps	1	Furniture	Family	\$ 20.00			
24	stiffel metal desk lamp	1	Furniture	Family	\$ 10.00			
25	1 old bookshelf	1	Furniture	Family	\$ 400.00			
26	Custom made barnwood cupboard	4	Furniture	Family	\$ 300.00			
27	tall white storage closets	2	Furniture	Family	\$ 150.00			
28	metal shelving	3	Furniture	Family	\$ 45.00			
29	leather couches	2	Furniture	Family	\$ 500.00			
3	tanging lamp	1	Furniture	Family	\$ 10.00			
31	antique metal travel chest - black	1	Furniture	Family	\$ 20.00			
32	1 waterbed heater/controller	1	Furniture	Family	\$ 10.00			
33	wooden stools used for bedside tables	2	Furniture	Family	\$ 30.00			
34	antique secretary desk	1	Furniture	Family	\$ 100.00			
35	small book racks	2	Furniture	Family	\$ 20.00			
36	air filter cleaner	1	Furniture	Family	\$ 25.00			
37	barr heater	1	Furniture	Family	\$ 25.00			
38	ceramic heater	1	Furniture	Family	\$ 25.00			
39	radiating heater	1	Furniture	Family	\$ 25.00			
40	misc. furniture items		Furniture	Family	\$ 3,000.00			
41	Large jade plant	1	Garden	Family	\$ 100.00			
42	2 Christmas cactuses	2	Garden	Family	\$ 40.00			

	Description / comments	Qty.	Grp	Owner	Value	RM/NM	%	Total
43	8' wooden ladder	1	Garden	Family	\$ 30.00			\$
44	Tools (shovels, rakes, clippers, maui/axe, etc.)		Garden	Family	\$ 600.00	400		\$
45	Gas cans	1	Garden	Family	\$ 75.00			\$
46	pressure washer	1	Garden	Family	\$ 250.00	100%		\$
47	gas edger	1	Garden	Family	\$ 100.00			\$
48	gas edger		Garden	Family	\$ 50.00			\$
49	Misc. Garden Tools		Garden	Family	\$ 2,500.00			\$
50	lawn mower - honda	1	Garden	Family	\$ 200.00			\$
51	picnic table & wood to make picnic benches	1	Garden	Family	\$ 200.00			\$
52	3 garden hoses	3	Garden	Family	\$ 45.00			\$
53	roll-up hose holder	1	Garden	Family	\$ 35.00			\$
54	1 rubbermaid outside storage container -	1	Garden	Family	\$ 150.00			\$
55	rchard ladder	1	Garden	Family	\$ 60.00			\$
56	leaf blower	1	Garden	Family	\$ 30.00			\$
57	Poulan chain saw	1	Garden	Family	\$ 60.00			\$
58	old set dishes	1	Kitchen	Family	\$ 50.00			\$
59	wooden captain chairs	4	Kitchen	Family	\$ 80.00			\$
60	wooden salad bowl set	1	Kitchen	Family	\$ 20.00			\$
61	chrome mixer	1	Kitchen	Family	\$ 80.00			\$
62	slow cook pot	1	Kitchen	Family	\$ 5.00			\$
63	farber frying pan	1	Kitchen	Family	\$ 30.00			\$
64	farberware roisserie	1	Kitchen	Family	\$ 30.00			\$
65	cooper covered cake plate	1	Kitchen	Family	\$ 20.00			\$
66	sharp microwave	1	Kitchen	Family	\$ 25.00			\$
67	gibson refrigerator	1	Kitchen	Family	\$ 300.00			\$
68	Frigitaire range	1	Kitchen	Family	\$ 300.00			\$
69	toaster oven	1	Kitchen	Family	\$ 20.00			\$
70	Kitchen table (square)	1	Kitchen	Family	\$ 50.00			\$
71	Kitchen table (round)	1	Kitchen	Family	\$ 50.00			\$
72	full set of new dishes - asian theme	1	Kitchen	Family	\$ 50.00			\$
73	beach wood chairs	2	Kitchen	Family	\$ 50.00			\$
74	re-done old chairs	4	Kitchen	Family	\$ 25.00			\$
75	pressure cooker	2	Kitchen	Family	\$ 25.00			\$
76	hand mixer	1	Kitchen	Family	\$ 5.00			\$
77	misc. ceramic chopstick holders		Kitchen	Family	\$ 10.00			\$
78	several tablecloths, napkins		Kitchen	Family	\$ 150.00			\$
79	sets of dessert bowls	2	Kitchen	Family	\$ 5.00			\$
80	ottoman	1	Kitchen	Family	\$ 25.00			\$
81	old blue jars		Kitchen	Family	\$ 50.00			\$
82	Aust. Quiche plate	1	Kitchen	Family	\$ 40.00			\$
83	misc. decorator plates		Kitchen	Family	\$ 100.00			\$
84	Misc. Kitchen utensils / tools		Kitchen	Family	\$ 3,000.00			\$

house_list_091206.xls

	Description / comments	Qty.	Grp		Owner	Value	RM/NM	%	Total
85	Baking pans		Kitchen	Purchase	Family	\$ 200.00	100%		\$ SPLIT -
86	hand made breadboard made from maple flooring	2	Kitchen	Purchase	Family	\$ 30.00			\$ 100% -
87	rice cooker	1	Kitchen	Purchase	Family	\$ 15.00			\$ 100% -
88	kenmore dryer	1	laundry	Purchase	Family	\$ 75.00			\$ 100% -
89	kenmore washer	1	laundry	Purchase	Family	\$ 100.00			\$ 100% -
90	retractable clothes lines - outdoor	2	laundry	Purchase	Family	\$ 40.00			\$ SPLIT -
91	foldable cloths rack	2	laundry	Purchase	Family	\$ 10.00	→ 20%		\$ 100% -
92	cloths iron	2	laundry	Purchase	Family	\$ 20.00			\$ SPLIT -
93	wicker baskets holding linens	2	laundry	Purchase	Family	\$ 15.00			\$ SPLIT -
94	misc. laundry room items - shelves, racks, etc.		laundry	Purchase	Family	\$ 1,000.00	500.00		\$ - Room
95	took polisher w/2 drums	1	misc.	Gift	Family	\$ 50.00			\$ 100% -
96	pull large soft luggage	1	misc.	Gift	Family	\$ 10.00			\$ 100% -
97	igh chair	1	misc.	Gift	Family	\$ 25.00			\$ 100% -
98	misc. decorative pictures		misc.	Gift	Family	\$ 100.00			\$ 100% -
99	Nintendo game controller	1	misc.	Inherited	Family	\$ 100.00			\$ 100% -
100	video games (approx. 50)	50	misc.	Purchase	Family	\$ 250.00			\$ 100% -
101	metal step ladder	1	misc.	Purchase	Family	\$ 30.00			\$ 100% -
102	hard back luggage	3	misc.	Purchase	Family	\$ 150.00		50%	\$ 100% -
103	roll-around luggage	1	misc.	Purchase	Family	\$ 50.00			\$ 100% -
104	backpack for carrying child	1	misc.	Purchase	Family	\$ 40.00	200%		\$ 100% -
105	misc. books - ?		misc.	Purchase	Family	\$ 500.00			\$ 100% -
106	wooden mirrors	2	misc.	Purchase	Family	\$ 40.00	100%		\$ 100% -
107	white chairs	2	misc.	Purchase	Family	\$ 25.00	100%		\$ 100% -
108	misc. large pictures of boys		misc.	Purchase	Family	?			\$ SPLIT -
109	1 jvc digital/video camera	1	misc.	Purchase	Family	\$ 500.00			\$ 100% -
110	1 35mm cannon camera	1	misc.	Purchase	Family	\$ 500.00			\$ 100% -
111	1 olympus 35 mm point/shoot camera	1	misc.	Purchase	Family	\$ 50.00	200%		\$ 100% -
112	1 JVC dvd player	1	misc.	Purchase	Family	\$ 30.00			\$ 100% -
113	1 jvc large Tv	1	misc.	Purchase	Family	\$ 400.00			\$ 100% -
114	1 stereo w/5 speakers	1	misc.	Purchase	Family	\$ 125.00			\$ 100% -
115	Christmas tree stands	2	misc.	Purchase	Family	\$ 20.00			\$ SPLIT -
116	artificial christmas tree	1	misc.	Purchase	Family	\$ 50.00			\$ 100% -
117	Christmas decorations		misc.	Purchase	Family	\$ 400.00			\$ SPLIT -
118	Many mini tapes to jvc video camera		misc.	Purchase	Family	\$ 100.00			\$ 100% -
119	vases -glass from Hong Kong	2	misc.	Purchase	Family	\$ 100.00			\$ SPLIT -
120	cloissena (sp) vases- Hong Kong	2	misc.	Purchase	Family	\$ 100.00			\$ SPLIT -
121	glass decorative bowls	2	misc.	Purchase	Family	\$ 25.00			\$ SPLIT -
122	misc. games		misc.	Purchase	Family	\$ 60.00			\$ SPLIT -
123	misc. glass vases		misc.	Purchase	Family	\$ 75.00			\$ 100% -
124	medium sized locking safe	1	misc.	Purchase	Family	\$ 75.00			\$ 100% -
125	Rubbermaid containers for storage (6-77) ?		misc.	Purchase	Family	\$ 300.00			\$ SPLIT -
126	heating pad	1	misc.	Purchase	Family	\$ 10.00	50%		\$ 100% -

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	Description / comments	Qty.	Grp	Owner	Value	RM/IM	%	Total
127	large wicker baskets of misc. magazines	2	misc.	Family	\$ 20.00			\$
128	small brass hand pump fire extinguisher	1	misc.	Family	\$ 30.00			\$
129	movies/dvds		misc.	Family	\$ 100.00			\$
130	wood stock		misc.	Family	\$ 400.00			\$
131	1 ionizer	1	misc.	Family	\$ 15.00			\$
132	1 massager (electric)	1	misc.	Family	\$ 10.00			\$
133	1 electric heat pad	1	misc.	Family	\$ 10.00			\$
134	1 hair cutting set (Wahl)	1	misc.	Family	\$ 10.00			\$
135	1 flowbee set for cutting hair -mm	1	misc.	Family	\$ 5.00			\$
136	flashlights-how many?		misc.	Family	\$ 80.00			\$
137	2000 sq ft originally of solid maple flooring for \$1500.00 (being stor	1	misc.	Family	\$ 800.00			\$
138	1 chinilla fur blanket	1	misc.	Family	\$ 50.00			\$
13	ans of paint both spray and gallon size		misc.	Family	\$ 200.00			\$
14	royal vacuum	1	misc.	Family	\$ 175.00			\$
141	15 + picture books and negatives		misc.	Family	\$ 10,000.00			\$
142	various items not listed (estimate)		misc.	Family	\$ 10.00			\$
143	1 white board	1	Office	Family	\$ 5.00			\$
144	1 chalk board	1	Office	Family	\$ 5.00			\$
145	1 cork board	1	Office	Family	\$ 5.00			\$
146	large laminated folding tables	2	Office	Family	\$ 40.00			\$
147	2 drawer ivory metal file cabinet	2	Office	Family	\$ 50.00			\$
148	Tripp lite power pac	1	Office	Family	\$ 50.00			\$
149	APC backup pac	1	Office	Family	\$ 25.00			\$
150	L&C switching power supply	1	Office	Family	\$ 3.00			\$
151	labtech speakers system	1	Office	Family	\$ 20.00			\$
152	roll around computer chair	1	Office	Family	\$ 20.00			\$
153	extending lamps (reader type w/long arm)	2	Office	Family	\$ 20.00			\$
154	misc. paper cutters, hole punch, office supplies, staplers, pens blank cds/dvd	2	Office	Family	\$ 500.00			\$
15	phones for house - uniden wireless	4	Office	Family	\$ 8.00			\$
157	dictionaries, world books, encyclopedias, notebooks		Office	Family	\$ 100.00			\$
158	office items not listed		Office	Family	\$ 500.00			\$
159	roller blades	4	Sports	Family	\$ 4,500.00			\$
160	extra snow suits/boots/gloves	2	Sports	Family	\$ 200.00			\$
161	wave master bag	1	Sports	Family	\$ 75.00			\$
162	focus pads	2	Sports	Family	\$ 25.00			\$
163	large kick pad	1	Sports	Family	\$ 30.00			\$
164	free-weights		Sports	Family	\$ 50.00			\$
165	tae kwon do mats		Sports	Family	\$ 500.00			\$
166	tae kwon do kick bags/bob	1	Sports	Family	\$ 150.00			\$
167	tae kwon do pads		Sports	Family	\$ 50.00			\$
168	Dogtra dog collar(s)	1	Sports	Family	\$ 300.00			\$

house_list_091206.xls

	Description / comments	Qty.	Grp	Owner	Value	RM/NM	%	Total
169	electric treadmill	1	Sports	Family	\$ 500.00			\$
170	All-in-One weight machine	1	Sports	Family	\$ 500.00			\$
171	bicycles	4	Sports	Family	\$ 1,000.00			\$
172	yamaha motorbike	1	Sports	Family	\$ 1,700.00			\$
173	honda motorbike	1	Sports	Family	\$ 1,200.00			\$
174	wet suits	4	Sports	Family	\$ 300.00			\$
175	scuba lessons for 4 people pd for \$900.00 +	1	Sports	Family	\$ 900.00			\$
176	German Shorthair ("Juice") w/pedigree	1	Sports	Family	\$ 600.00			\$
177	Misc. dog supplies (blankets/kennel/traveling kennels, 2 large car kennels, 6	1	Sports	Family	\$ 400.00			\$
178	ten speed bicycles stored at farm	3	Sports	Family	\$ 90.00			\$
179	4 tennis rackets? 1 winter sled 2 coolers?		Sports	Family	\$ 100.00			\$
180	misc. sports items not listed		Sports	Family	\$ 250.00			\$
181	tools for tiling		Sports	Family	\$ 50.00			\$
182	attery charger	1	Tools	Family	\$ 35.00			\$
183	halogen work lights	2	Tools	Family	\$ 40.00			\$
184	misc. screws, nails	1	Tools	Family	\$ 425.00			\$
185	read-write pad for computer	1	Tools	Family	\$ 20.00			\$
186	software for computer	1	Tools	Family	\$ 200.00			\$
187	dewalt wood planner	1	Tools	Family	\$ 250.00			\$
188	tablesaw	1	Tools	Family	\$ 100.00			\$
189	air nail guns	2	Tools	Family	\$ 75.00			\$
190	dewalt power tool set (drill, saw(s), light)	1	Tools	Family	\$ 275.00			\$
191	3 different size screw/nail holder containers		Tools	Family	\$ 30.00			\$
192	misc. tools/parts not listed	1	Tools	Family	\$ 4,000.00			\$
193	1 laser level	1	Tools	Family	\$ 10.00			\$
194	small sawhorses (2)	1	Tools	lan	\$ 25.00			\$
195	electric guitar/speaker	1	misc.	lan/Erin	\$ 75.00			\$
196	electric organ/piano	1	misc.	lan/Erin	\$ 75.00			\$
197	Ford pick-up bumper	1	Auto	Gift	\$ 60.00			\$
198	olderer (nm)	1	Bus.	Gift	\$ 75.00			\$
199	Teken T-shirt - nm	1	Cloths	Purchase	\$ 20.00			\$
200	wanoh shirt etc in Nells trunk -nm	1	Cloths	Purchase	\$ 20.00			\$
201	old recliner	1	Furniture	Gift	\$ 10.00			\$
202	wooden dresser being refinished	1	Furniture	Gift	\$ 10.00			\$
203	dressers	2	Furniture	Gift	\$ 10.00			\$
204	wooden lamp table blue -in boys room	1	Furniture	Gift	\$?			\$
205	1 wooden magazine holder/paper holder	1	Furniture	Gift	\$?			\$
206	wooden navy foot locker	1	Furniture	Inherited	\$?			\$
207	large metal navy chest	1	Furniture	Inherited	\$?			\$
208	Concrete step stones	4	Garden	Gift	\$?			\$
209	concrete pagoda	1	Garden	Gift	\$?			\$
210	1 pig cookie jar-nm	1	Kitchen	Gift	\$?			\$

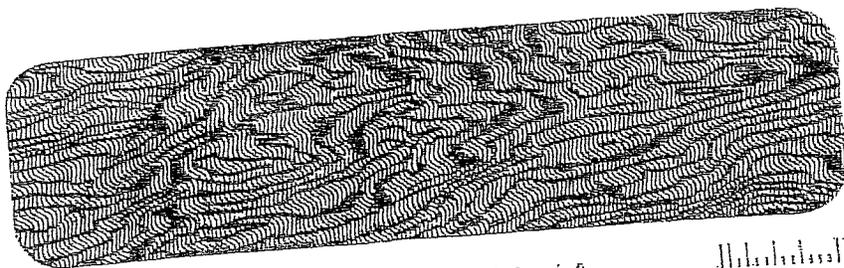
house_list_091206.xls

	Description / comments	Qty.	Grp	Owner	Value	RM/NM	%	Total
211	revere-ware copper bottom pans - set - neil purchased pre-marriage	1	Kitchen	Neil	?			\$
212	ironing board	1	laundry	Neil	\$ 10.00			\$
213	fishing tackle box rod(s)/reels	1	misc.	Neil	?			\$
214	blue bookcase	1	misc.	Neil	?			\$
215	pleasant picture	1	misc.	Neil	?			\$
216	Blow Dart Gun	1	misc.	Neil	\$ 10.00			\$
217	samari sword	1	misc.	Neil	\$ 50.00			\$
218	Clarinet - pre marriage	1	misc.	Neil	?			\$
219	large metal navy parts box	1	misc.	Neil	?			\$
220	Sony playstation game controller	2	misc.	Neil	?			\$
221	teapots from china		misc.	Neil	?			\$
222	Stereo Amp - pre-marriage	1	misc.	Neil	?			\$
222	advent speakers - nm - pre-marriage	1	misc.	Neil	?			\$
222	stuf in attic? Cabinet top, Tile table, pre-marriage	1	misc.	Neil	?			\$
225	1 Teac tape recorder-nm - pre-marriage	1	misc.	Neil	?			\$
226	Old records		misc.	Neil	?			\$
226	Music CD's		misc.	Neil	?			\$
227	Framed picture of hudsons	1	misc.	Neil	?			\$
228	drafting equipment	1	Office	Neil	?			\$
229	brown metal file cabinet	1	Office	Neil	?			\$
230	kayaking paddle	1	Sports	Neil	\$ 50.00			\$
231	skate board (protective gear, Tools, etc.)		Sports	Neil	\$ 400.00			\$
232	Neil medals from TKD and Microsoft		Sports	Neil	\$ 75.00			\$
233	lap top computer	1	Sports	Neil	?			\$
234	software for computer	1	Tools	Neil	?			\$
235	desktop computers with monitor	1	Tools	Neil	?			\$
236	Monitor	1	Tools	Neil	?			\$
237	computer hand Tools	1	Tools	Neil	\$ 400.00			\$
238	chest full of craftsman Tools	1	Tools	Neil	?			\$
238	large sawhorses (2)	1	Tools	Neil	?			\$
240	sears shop vac	1	Tools	Neil	?			\$
241	large vise	1	Tools	Neil	?			\$
242	wood clamps, quick clamp, pipe clamp	1	Tools	Neil	?			\$
243	car ramps	1	Tools	Neil	?			\$
244	Flourescent work light	1	Tools	Neil	?			\$
245	small vise	1	Tools	Neil	?			\$
246	cement tools	1	Tools	Neil	?			\$
247	4-way ladder	1	Tools	Neil	?			\$
248	12 foot aluminum ladder	1	Tools	Neil	?			\$
249	IPAQ (palm pilot)	1	Tools	Neil	?			\$
250	desktop computer	1	Tools	Neil	\$ 100.00			\$
251	HP d145 printer	1	Tools	Neil	\$ 690.00			\$
		1	Tools	Neil	\$ 200.00			\$

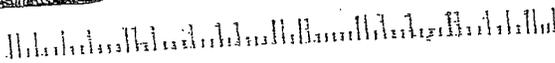
house_list_091206.xls

	Description / comments	Qty.	Grp	Purchase	Owner	Value	RM/NM	%	Total
252	roll-around maple work table - custom made by Neil	1	Tools	Purchase	Neil	?			\$
253	white blanket	1	bed room	Gift	Robin	?			\$
254	1 cabinet downstairs -blue from pharmacy	1	f	Gift	Robin	?			\$
255	blue dresser	1	Furniture	Gift	Robin	?			\$
256	glass maroon lamp	1	Furniture	Gift	Robin	?			\$
257	old wooden rocker	1	Furniture	Gift	Robin	?			\$
258	old fabric rocker	1	Furniture	Gift	Robin	?			\$
258	hall way 1/2 table	1	Furniture	Gift	Robin	?			\$
259	dressers - erin uses 1, Robin uses other, ian has one m's father made	3	Furniture	Gift	Robin	?			\$
260	oak hope chest	1	Furniture	Gift	Robin	?			\$
261	tea cup shelf	1	Furniture	Gift	Robin	?			\$
262	handmade couch table	1	Furniture	Gift	Robin	?			\$
26	1 dresser downstairs made by EB which holds motorcycle clothes	1	Furniture	Gift	Robin	?			\$
26	glass wick lamps - inherited	2	Furniture	Inherited	Robin	?			\$
265	outdoor metal lounge chair	1	Furniture	Purchase	Robin	?			\$
266	several wooden windows Teri / Robin bought	1	Furniture	Purchase	Robin	?			\$
267	large family of moles	1	Garden	Gift	Robin	?			\$
268	old Kitchen table	1	Kitchen	Gift	Robin	?			\$
269	misc. tea cups / saucers	1	Kitchen	Purchase	Robin	?			\$
270	Misc. old pharmacy bottles	1	Kitchen	Purchase	Robin	?			\$
271	large tip-over brass fire extinguisher	1	misc.	Gift	Robin	?			\$
272	1 wooden (tin lined box) grandpa's	1	misc.	Inherited	Robin	?			\$
273	2 milk glass lamps/ 1 set salt pepper shakers given by I. Roland -rm	1	misc.	Inherited	Robin	?			\$
274	teak bookcases	2	misc.	Purchase	Robin	?			\$
275	Old records	2	misc.	Purchase	Robin	?			\$
275	Music CD's	3	misc.	Purchase	Robin	?			\$
276	rosewood classical guitar	1	misc.	Purchase	Robin	?			\$
277	oak writing surface w/2 oak file cabinets	1	Office	Gift	Robin	?			\$
278	Palm sander	1	Tools	Gift	Robin	?			\$
27	metric Tools set - in metal box	1	Tools	Gift	Robin	?			\$
280	linksys router	1	Tools	Gift	Robin	?			\$
281	1 wooden end table to be repaired for Ian 1 rocker (rm)	1	Tools	Purchase	Robin	?			\$
282	wooden medicine cabinets wooden windows from barn				Robin	?			\$
283	1 tin candle lantern				Robin	?			\$
284	quilt,								\$
285									\$
286	rubbing "stuff"								\$
287									\$
288	9MM Glock	1	Sports	Purchase	Neil	600.00			\$
289	40 Glock	1	Sports	Purchase	Neil	450.00			\$
290	Baretta Tomcat .32	1	Sports	Purchase	Neil	225.00			\$
291	Browning O/U 20ga. Shotgun	1	Sports	Purchase	Neil	550.00			\$

Deutsche Bank Alex. Brown
Deutsche Bank Securities Inc.
Street, 46th Floor
CA 94111



88372+1614 14



Pershing LLC
One Pershing Plaza, Jersey City, NJ 07399

DEUTSCHE BANK SECURITIES INC
ONE SOUTH STREET
BALTIMORE MD 21202-3298

2101602656
Date: 01/26/04
Account No: 6UX-198525-1

Paid To: HEEL R MASON

DATE: 01/26/04 AS PER YOUR REQUEST

DESCRIPTION:

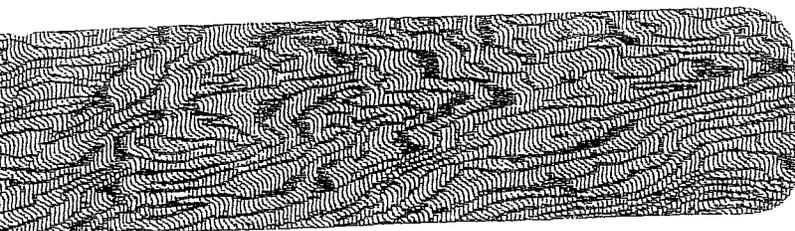
NET AMOUNT

AMOUNT
TAXES
FEES
DUES

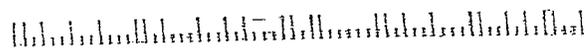
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Bank Securities Inc.
el. 45th Floor
94111



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Pershing LLC
One Pershing Plaza, Jersey City, NJ 07399

DEUTSCHE BANK SECURITIES INC
ONE SOUTH STREET
BALTIMORE MD 21202-3298

2101602651
Date: 01/26/04
Account No: GUX-198525-1

Paid To: NEL R MASON

DATE
01/26/04 AS PER YOUR REQUEST

DESCRIPTION

DESCRIPTION	AMOUNT
	\$15,000.00
NET AMOUNT	\$15,000.00



CHECKING DEPOSIT RECEIPT

Keep until transaction is posted to your passbook or confirmed on your statement.

DEPOSIT	DATE	ACCOUNT NUMBER	REF.
CRDT 0006 12345 00019 Savings 62329611 Deposit Amount \$15,000.00 Available Balance \$16,788.38	2/13/2004 09:57 AM		10011001-262 FEB 13 2004 325170754

10011001-262

CHECK CASHING AND CLEARING: For your protection and ours, when a check is accepted, it held for cash amount may temporarily be placed on your account. Please allow 2 BUSINESS DAYS for LOCAL checks, 3 BUSINESS DAYS for NON-LOCAL checks. Foreign checks will be cashed on next business day.

RCW 26.09.080. Disposition of Property and Labilities - Factors

“In a proceeding for dissolution of the marriage, legal separation, declaration of invalidity, or in a proceeding for disposition of property following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of the property, the court shall, without regard to marital misconduct, make such disposition of the property and the liabilities of the parties, either community or separate, as shall appear just and equitable after considering all relevant factors including, but not limited to”.

(1) The nature and extent of the community property;

(2) The nature and extent of the separate property;

(3) The duration of the marriage; and

(4) The economic circumstances of each spouse at the time the division of property is to become effective, including the desirability of awarding the family home or the right to live therein for reasonable periods to a spouse with whom the children reside the majority of the time.

RCW 26.16.010. Separate Property of Husband.

“Property and pecuniary rights owned by the husband before marriage and that acquired by him afterwards by gift, bequest, devise or descent, with the rents, issues and profits thereof, shall not be subject to the debts or contracts of his wife, and he may manage, lease, sell, convey, encumber or devise by will such property without the wife joining in such management, alienation or encumbrance, as fully and to the same effect as though he were unmarried”.

RCW 26.16.020. Separate Property of Wife.

“The property and pecuniary rights of every married woman at the time of her marriage or afterwards acquired by gift, devise or inheritance, with the rents, issues and profits thereof, shall not be subject to the debts or contracts of her husband, and she may manage, lease, sell, convey, encumber or devise by will such property to the same extent and in the same manner that her husband can, property belonging to him”.

RCW 26.16.030. Community Property Defined – Management and Control.

“Property not acquired or owned, as prescribed in RCW 26.16.010 and 26.16.020, acquired after marriage by either husband or wife or both, is community property. Either spouse, acting alone, may manage and control community property, with a like power of disposition as the acting spouse has over his or her separate property, except”:

(1) Neither spouse shall devise or bequeath by will more than one-half of the community property.

(2) Neither spouse shall give community property without the express or implied consent of the other.

(3) Neither spouse shall sell, convey, or encumber the community real property without the other spouse joining in the execution of the deed or other instrument by which the real estate is sold, conveyed, or encumbered, and such deed or other instrument must be acknowledged by both spouses.

(4) Neither spouse shall purchase or contract to purchase community real property without the other spouse joining in the transaction of purchase or in the execution of the contract to purchase.

(5) Neither spouse shall create a security interest other than a purchase money security interest as defined in *RCW 62A.9-107 in, or sell, community household goods, furnishings, or appliances, or a community mobile home unless the other spouse joins in executing the security agreement or bill of sale, if any.

(6) Neither spouse shall acquire, purchase, sell, convey, or encumber the assets, including real estate, or the good will of a business where both spouses participate in its management without the consent of the other: PROVIDED, That where only one spouse participates in such management the participating spouse may, in the ordinary course of such business, acquire, purchase, sell, convey or encumber the assets, including real estate, or the good will of the business without the consent of the nonparticipating spouse.

NO. 35570-1
COURT OF APPEALS, DIVISION II
OF THE STATE OF WASHINGTON

FILED
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DIVISION II

07 MAR -2 PM 1:56

STATE OF WASHINGTON
BY [Signature]

NEIL RADFORD MASON)
Respondent/Appellant,))
vs.))
ROBIN RUTH MASON,)
Petitioner/Respondent.)

Pierce County Cause No. 05-3-01107-5

CERTIFICATE OF DELIVERY
R.A.P. 10.2(h) & 18.5(b)

I, James F. Leggett, attorney for Appellant, certify under penalty of perjury under the laws of the State of Washington that I caused to be delivered a copy of Appellant's opening Brief by deposit with ABC Messenger Service on the 23rd day of February, 2007 and the four volumes of transcript of proceedings, properly addressed and postage prepaid, to Robin Mason at the address listed below and attached hereto is a copy of the delivery receipt showing receipt by the addressee:

Robin Mason
c/o her attorney G. Thomas Ryan
Attorney at Law
112 West Meeker
Puyallup, WA 98371

I further certify that the original and one copy of the Opening Brief of Appellant pursuant to RAP 10.4(a)(1), along with the this Proof of Service was delivered this date for filing via ABC Legal Messengers to the Court of Appeals Division II at the address below.

Court of Appeals Division II
950 Broadway Ste 300
Tacoma, WA 98402

Signed at Tacoma, Pierce County, Washington on 2 MAR, 2007.

[Signature]
JAMES F. LEGGETT, WSBA #6630
Attorney for Appellant

ABC-LEGAL MESSENGERS, INC.

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MESSENGER SERVICE LAST DAY	Firm Name Leggett & Kram	Phone 253-272-7929	Attorney Leggett	Secretary Stacey
	Firm Address 1901 South I Street, Tacoma WA 98405	Case Name Mason v. Mason		
	Cause No.	Date 2-23-07		

Documents:
 Letter dated 2-22-07, Appellant Brief, Report of Proceedings, 4 volumes

XXXX	Return Conformed ABC Slip Only	Return Conformed Copy
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 Please deliver to G. Thomas Ryan

G. Thomas Ryan Attorney at Law 112 West Meeker Puyallup, WA 98371	<div style="font-size: 2em; font-weight: bold;">RECEIVED</div> <div style="font-size: 1.2em; font-weight: bold;">FEB 26 2007</div>
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