

No. 45674-5-II

IN THE COURT OF APPEALS
OF THE STATE OF WASHINGTON
DIVISION II

Timothy J. Benz

Appellant.

v.

Aliza Wiseman (f/k/a Tristan Benz)

Respondent.

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DIVISION II
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STATE OF WASHINGTON
BY
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RESPONDENT'S BRIEF

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A. Response to Assignment of Error

The trial court correctly awarded approx. \$80,000 from Morgan Stanley account #-318 to Aliza Wiseman (Exhibit "A" as part of Decree).

The trial court explicitly refused to acknowledge any agreements. All issues were decided on record/in open court, through its lawful proceedings that included evaluation of all evidence/testimony from both parties. (Verbatim Reports ("V.R.s") 10/1/13, 10/11/13, 11/1/13)

On record, the trial court verified the 6/9/13 Department of Social and Health Services Agreed Settlement/Consent Order ("DSHS-ASCO") applied to "*medical support provisions only*," leaving child support to be decided by the court, as above described. (Trial Exhibit #11, V.R. 10/1/13)

The trial court properly designated past due child support payments for DEC 2012, JAN 2013, and FEB 2013 in the form of a money judgment, in concurrence with Appellant's testimony in open court and California Child Support Services Case #200000001199146 ("CCSS Case #200000001199146"). (V.R. 10/1/13)

The trial court properly accepted into evidence Aliza Wiseman's accurate WA State Child Support Worksheets which it understood differed to those used in the DSHS-ASCO which identifies its figures as those that had been exclusively directed by the Appellant. (Trial Exhibit #11)

The trial court selected a highly qualified judge to carry out its just, lawful, and equitable decisions in keeping with its proper discretion.

The trial court provided both parties equal/ample opportunity to make opening statements, testify, cross examine, try evidence, and argue before each knowingly/voluntarily “rested his/her case.” (V.R. 10/1/13)

The trial court properly allocated its time examining/identifying all evidence in open court/on record and carefully considered contents of all exhibits deemed admissible prior to making its fair/equitable division of assets/liabilities. (V.R. 10/1/13)

The trial court did not award any same assets but divided the cash portion of one asset between parties. It took the annual income/financial positions of both parties into account before making its lawful/equitable division of assets/liabilities and clarifying /reiterating its position in response to Appellant’s same argument at trial and in post-trial hearings. (Exhibit “A” as part of Decree, V.R.s 10/1/13, 10/11/13, 11/1/13)

B. Issues Pertaining to Assignments of Error

In compliance with *RCW 26.09.080*, the trial court’s ruling on division of assets/liabilities was just, equitable, and considered all relevant factors including but not limited to the financial position of both spouses. Appellant himself affirms that it “sought all available documentation to determine the value and ownership (community vs. separate) of all assets and liabilities.” (V.R. 10/1/13, p.13, Appellant’s brief).

Farmer vs. Farmer, 172 Wn.2d 616, 625, 259 P.3d 256 (2011) affirms that the trial court has broad discretion to determine what is just/

equitable based on the circumstances of each case, not excluding this one. The trial court acted within its proper discretion when making its just/equitable rulings, which it did through its lawful proceedings in open court/on record, after ascertaining the “whole picture” that presented itself through careful review of all evidence and testimony. V.R.s accurately convey the “whole picture,” as illustrated by even a minor example: while minutes show that, on 10/1/13, Appellant objected to nearly all of Aliza Wiseman’s exhibits and she did not object to any of his, and the trial court’s V.R. shows that Aliza repeatedly deferred to the court to discern for itself the admissibility/credibility of the Appellant’s trial exhibits and that, while it accepted some of his exhibits, it did so while several times reiterating, “for what it’s worth...” The trial court’s V.R.s have been conspicuously omitted by Appellant. (V.R. 10/1/13)

In re Marriage of Rockwell, 141 Wn. App. 235 242 170 P.3d 572 (2007) applies explicitly to long-term marriages only/ exclusively defined as 25 years or longer and are irrelevant to this case that involves a marriage of a mere 15 years.

On 10/1/13, in open court/on record, the trial court reaffirmed its just/equitable division of assets/liabilities and further clarified its position, specifically addressing its award of approx. \$80,000 from Morgan Stanley Account # –318 to Aliza Wiseman, and affirming its opinion on that asset that changed form, not character, stating it was particularly “not pleased”

with Appellant's assertion that Aliza was awarded cash "taken covertly," stating its position was that the asset "was not covertly taken." It further noted that, although it had [awarded the asset] not ruled on the nature of the asset, if it were to rule on that issue, it would rule the asset was "her separate property used for community purposes." (V.R. 10/11/13)

On 10/11/13, the trial court responded to the post-trial letter it received from Appellant, dated 10/9/13, that questioned the equitable nature of the court's rulings and argued against facts contained in the trial court's V.R. from 10/1/13, claiming the court had allowed some purported agreements while disallowing purported others. Attached to his letter was a financial document he designed which asked the court, "...is this the equitable split you had intended?" His letter also stated, "Without the pre-agreed split (now heavily in favor of Petitioner) unfortunately I may be forced to withdraw my offer of \$750 per month [child support]." The trial court responded on record by reaffirming that it had not acknowledged any agreements and reminded the Appellant of its position that was stated in open court on 10/1/13 that had parties "in fact reached agreement, there would be no trial." Moreover, Appellant's claim contradicts his own admission in the first paragraph of trial papers he filed on 9/30/13 which state, "... the parties have thus far been unable to reach a settlement agreement." (V.R. 10/11/13, Appellants trial papers filed 9/30/13)

The trial court's V.R. from 10/1/13 affirms that Appellant caused all child support worksheets to be irrelevant when he testified under oath, in open court, to his belief that \$750.00/ mo. was acceptable and in the best interests of children (now swiftly approaching ages 17, 15, and 12). On record, during subsequent proceedings, the trial court reaffirmed that child support was determined through its lawful proceedings held on record/in open court. (V.R.s 10/1/13, 10/11/13, 11/1/13)

Appellant's claim that parties had some purported 50/50 split is willfully false and lacks all merit whatsoever. It is also irrelevant. Both parties testified that no agreement had been reached and, in open court/on record, the trial court acknowledged no agreements and again affirmed this fact on 10/11/13, in open court. (V.R.s 10/1/13, 10/11/13, Appellant's trial papers filed 9/30/13, Aliza Wiseman's trial papers filed 9/15/13)

Under oath, by his own admission, the Appellant recognized child support payments associated with **DEC 2012, JAN 2013, and FEB 2013** as past due, defining them as delinquent. The court properly allocated delinquent payments as a money judgment. (V.R.s 10/1/13, 10/25/13)

Through its careful review of evidence on record, the trial court discerned that Appellant had earned no income during marriage, refused every request for child support since separation (3/1/11) up until CCSS Case #200000001199146 established child support at \$1,154.00/mo. as of DEC 2012 (at lesser rate of \$750.00/mo., est. cumulative cost is \$18K),

retained all proceeds from the Sumsky promissory note investment made from Aliza Wiseman's separate assets to himself for years (est. cumulative cost from separation 3/1/11 is **\$24K** as proceeds adjusted from \$1,100/mo. to \$408.33/mo. in 2012), has ample assets offshore/in U.S., and despite his signature (presumably his "word") on the 6/9/13 DSHS-ASCO, had not paid even one dime to reimburse Aliza for his portion of the children's medical expenses, including ongoing \$200.00/mo. orthodontic costs, nor for any travel or other "outside of regular support" costs identified on record/accepted into evidence at trial. To date, nearly 15 months later, Appellant has made no attempt to do so. (V.R. 10/1/13, Trial Exhibit #3, Appellant's social security statement admitted after lunch recess)

The trial court examined the DSHS-ASCO in open court, and verified it applied to "medical support provisions only," clearly leaving determination of child support to its lawful proceedings. It reviewed a note in the DSHS-ASCO that affirmed calculations it used did not reflect the true income/financial position of Aliza Wiseman and acted within its proper discretion when accepting into evidence calculations based on Aliza's true income/financial position. (V.R., 10/1/13, Trial Exhibit #11)

The trial court selected Honorable Judge Steve Dixon who is a qualified Judge with extensive legal and trial experience in all areas of law, both criminal and civil. The court is presumed to employ only

qualified judges. Having presided over previous matters in this highly contested case, it is reasonable to believe it made an informed decision.

On 10/1/13, on record, the trial court provided Aliza Wiseman with the opportunity to make an opening statement. It then provided Appellant equal opportunity to do the same. He complained that he hadn't received an advanced copy of Aliza's statement. The trial court advised she was not required to provide him one and asked if he would like to respond/defer. He chose to defer. Despite many opportunities made available to him in open court that day, he did not make one before declaring under oath that he had no more to say and voluntarily "resting his case." (V.R., 10/1/13)

The trial court provided both parties equal/ample opportunity to testify, solicited additional testimony, and even expressed willingness to carry trial over, if needed. Only after receiving informed/voluntary testimony from both parties that each had nothing more to say and so "rested their case," did it conclude its lawful proceedings. (V.R., 10/1/13)

The trial court understood its award and addressed Appellant's same arguments during its lawful proceedings held in open court/on record, on 10/1/13, 10/11/13, 10/25/13, and 11/1/13, respectively. Just prior to lunch recess at trial, the parties indicated they possessed all remaining necessary financial documents for the trial court to make its just/equitable rulings, yet needed time to search. On record, the trial court advised the parties to use the lunch recess to search. After lunch, both

parties submitted all remaining necessary documents and each testified, under oath, to having identified all known assets/liabilities. After both parties each knowingly/voluntarily “rested their case,” the trial court affirmed its acceptance of all evidence/testimony, took final recess, and returned with its just/equitable division of assets/liabilities. (V.R., 10/1/13)

The trial court understood Aliza Wiseman’s true income/financial position when it accepted into evidence her record of expenditures that identified nearly \$14K in medical/orthodontic/related expenditures outside of child support for which she was never reimbursed any portion, as well as more than \$172K in legal/other related expenditures in addition to what the trial court recognized as her having remained sole financial support for the children throughout the marriage until CCSS Case #200000001199146 established child support in DEC 2012. In open court/on record, the trial court asked to see Aliza Wiseman’s receipts that substantiated her financial declaration. She presented these in open court. (V.R. 10/1/13)

On 10/1/13, the court responded to Appellant’s argument against Aliza’s right to exercise financial independence and for his controlling the entire Sumsky promissory note investment made from her separate assets, including the “other” half the court properly awarded to Aliza Wiseman, by reaffirming its rulings on record, in open court. Appellant’s claims that he is broke, has poor credit, and does not earn enough to maintain a child support payment of \$750.00/mo. (less than 25% of what it actually costs to

support (3) children nearly 17, 15, and 12) failed to persuade the trial court to change its rulings. These same claims remain questionable basis from which to again argue for control over Aliza's award and/or purportedly on behalf of the children's future financial stability. (V.R.s 10/1/13, 10/11/13)

Through its review of financial records in open court on 10/1/13, the trial court discerned that Aliza was the *only* parent to consistently provide adequate support for the children, as affirmed by its rulings. (V.R.s 10/1/13, 11/1/13, Trial Exhibit #3, Appellant's social security statement admitted after lunch recess)

On record, the trial court reviewed/documented/determined the relevance, credibility, and nature of each piece of evidence, including several items it defined as "impeachable collateral" against Appellant. Its close examination that resulted in these and other determinations stands in remarkable contrast to Appellant's claim that it spent this time yet also lacked comprehension of the contents of evidence. (V.R. 10/1/13)

Appellant's claim of purported "wishes and pre-trial agreement" between parties contradicts the papers each party submitted to the court, in advance of trial. It is willfully false, irrelevant, intentionally misleading, and lacks all merit whatsoever. (V.R. 10/1/13, Appellant's trial papers filed 9/30/13, Respondent's trial papers filed 9/15/13)

C. Statement of the Case

In fairness to the trial court that is subject to this action, all that is necessary to affirm that it acted within the law and all proper discretion when properly awarding a just/equitable division of assets/liabilities are its verbatim reports (V.R.s) of proceedings conspicuously omitted by the Appellant. The trial court's V.R.s also affirm that it responded to the Appellant's same arguments during its lawful proceedings held on record/in open court, even reaffirming its rulings, clarifying its position(s), and, on 11/1/13, finally advising Appellant that his obvious dissatisfaction with its rulings did not constitute sufficient basis for appeal. (RES JUDICATA, V.R.s 10/1/13, 10/11/13, 10/25/13, and 11/1/13)

The Washington State Bar Association affirms, "If no settlement is reached, the court will decide how to divide the property..." In their trial papers submitted, each party testified that no settlement agreement had been reached. On 10/1/13, the court stated, in open court/on record, that it acknowledged *no* agreements, explicitly clarifying that all matters would be determined through its lawful proceedings. (Appellant's trial papers filed 9/30/13, Aliza Wiseman's trial papers filed 9/15/13, V.R. 10/1/13)

The trial court followed proper procedures and exercised its proper discretion when it determined child support and decided how to divide the property through its lawful proceedings, held in open court. The trial court broke no law and considered all relevant factors, including but not limited

to the financial position of both spouses, prior to deciding its fair/equitable division of assets/liabilities in this case. (V.R.s 10/1/13, 10/11/13, 11/1/13)

The V.R.s of proceedings affirm the trial court adhered to **RCW 26.09.080** and was in keeping with the rulings of “***Farmer vs. Farmer, 172 Wn.2d 616, 625, 259 P.3d 256 (2011)***” that hold a trial court judge in WA state has broad discretion to make findings of fact and conclusions of law. ***In re Marriage of Rockwell, 141 Wn. App. 235 242 170 P.3d 572 (2007)*** applies explicitly to long-term marriages that are only/exclusively defined as 25 years or longer and are irrelevant to this case that involves a marriage of a mere 15 years. (V.R.s 10/1/13, 10/11/13, 10/25/13, 11/1/13)

The trial court’s award of Morgan Stanley Account # -318 is just/equitable. The court’s review of all evidence included Appellant’s social security statement showing he made no income during marriage and Trial Exhibit #3 affirming Morgan Stanley Account # -318 was explicitly opened/used to receive Aliza’s separate loss of consortium funds that she received due to the death of her father from mesothelioma. Its rulings affirm that this account was not intended to “funnel monies” (a troubling term) and did not consist of “comingled” assets, but her own separate assets that had changed form, not character. On 10/11/13, the court reaffirmed its rulings and specifically its position on this award. Further, it stated that if it had gone beyond awarding the asset to also ruling on its nature, it would rule it was “her separate property used for community

purposes.” (V.R.s 10/1/13, 10/11/13, Trial Exhibit #3, Appellant’s social security statement admitted into evidence just after lunch recess 10/1/13)

The Morgan Stanley Account # 5-777 was awarded once, splitting the cash portion of the asset between parties. Appellant’s argument that it was twice awarded was already addressed on record/in open court, at trial, when the court clarified/affirmed its rulings. It again reaffirmed its rulings in subsequent proceedings. Appellant also attempted his same argument directly in a 10/16/13 email to Aliza Wiseman, in which he stated, “There is only one MS IRA (Rollover) account, in my name (#5-777 attached – provided to you during discovery in 2011), with the value \$20,348, that the judge awarded to me. This account was split on the balance sheet the judge looked at because the \$9,454 was in cash and the balance of \$10,894 was in mutual funds. The \$9,454 that the judge awarded to both parties equally are the same funds (\$9,454) in the same account (# 5-777).” (V.R.s 10/1/13, 10/11/13, and 11/1/13, Exhibit “A” as part of the Decree, email of 10/16/13, attached)

Child Support was determined in open court/on record, after the trial court verified the DSHS-ASCO applied to “*medical support provisions only*,” leaving support to its lawful proceedings. It properly accepted into evidence Aliza Wiseman’s accurate WA State Child Support Worksheets which it understood differed to those associated with the DSHS-ASCO which notes figures it used had been dictated by Appellant.

Child support was determined through testimony provided by each party under oath/in open court/on record. Appellant testified that \$750.00/mo. was acceptable and in the best interests of children. His testimony rendered any/all worksheets irrelevant. The court understood the \$750.00/mo. payment constituted only a fraction of what it actually costs to support (3) young ladies of middle/high school ages and that Aliza would necessarily need to provide the balance in excess of any/all WA Child Support Worksheet(s). The court explicitly asked Aliza if she believed the amount was in the best interests of children and she testified that it was. The trial court properly allocated delinquent payments as a money judgment when, by his own admission under oath, the Appellant recognized child support payments associated with **DEC 2012, JAN 2013, and FEB 2013** as past due, in concurrence with CCSS Case #200000001199146. (Trial Exhibit #11, V.R.s 10/1/13, 10/11/13)

The court had become increasingly familiar with the nature of this highly contested case as proceedings evolved and chose a qualified judge, Honorable Judge Steve Dixon, who is reputed to have a wide range of knowledge and experience in all matters (civil and criminal) that come before the court, to preside over its trial court proceedings. The V.R.s of proceedings affirm that Honorable Judge Steve Dixon proved extremely qualified in his ability to discern truth and to ascertain the “whole picture”

through his careful review of all evidence/testimony. The trial court's rulings also reflect this fact. (V.R.s 10/1/13, 10/11/13, 10/25/13, 11/1/13)

The trial court exercised proper discretion, providing both parties equal/ample opportunity to testify, soliciting additional testimony, and expressing willingness to carry trial over, if needed. Only after receiving informed/voluntary testimony from both parties that they each had no more to say and "rested their case," did it conclude its lawful proceedings. (V.R., 10/1/13)

The Appellant's attempt to tarnish Honorable Judge Steve Dixon's sound reputation by making unconscionable, unfounded claims as to his qualifications and also insinuating he was relieved of his duties when, in fact, he continues to serve as a highly respected Superior Court judge in WA state is troubling. While not a credentialed authority, Appellant also makes unfounded claims about "psychological projection," while remaining unaware of his own engagement in the behavior, as evidenced by his assertion that this judge is somehow "unqualified." His outrageous claim stands in remarkable contrast to a statement made about him during proceedings on 11/1/13. As the V.R. of proceedings on that date affirms, Aliza Wiseman attended via telephone and was asked, on record, to call back in 15 minutes so the Appellant could review papers prior to signing them. When she returned to the courtroom at the precise time requested, she waited quietly on the line, as the trial court was in discussion with the

Appellant who was complaining about the Agreed Final Order for Parenting Plan that the parties had achieved in the settlement conference on 5/17/13. The court responded to his complaint on record and expressed its concern about his questionable decision-making over the years-long process. The Appellant then stated that he wanted to see his children, to which the judge responded, "Sir...you are... not *qualified*...to tell you the truth, to be blunt... I urge you to obtain counsel." (V.R. 11/1/13)

Then, in open court/on record, the Appellant responded to the above statement by immediately launching into yet another argument in opposition of the trial court's child support ruling. The court reiterated its position before asking him whether he agreed the documents accurately reflected its rulings, explicitly stipulating that this did not mean whether the Appellant was in agreement (the judge stated that he could see that the Appellant was not), but whether he agreed that the documents accurately reflected its rulings. When the Appellant finally agreed that they did, the court instructed him to sign the documents in open court, after which the matter was concluded. For unknown reason, the Appellant overlooked signing the Decree, however signed all other documents. As there were other cases waiting and the court had spent ample time/frustration in responding to his arguments, it understandably moved on. This oversight did not impact the substance/outcome and was promptly rectified by the court. (V.R. 11/1/13, Final Decree with notation, "nunc pro tune")

Brief History (leading to trial):

The Appellant attempts to paint a picture of (2) parties who were working along amicably, in agreement, but who simply ran out of time and were somehow just looking to finalize “verbiage” at trial. As with his unfounded claim that the trial court accepted some purported agreements and not purported others, this picture stands in contrast to the known facts of contemporaneous history, his own admission in paragraph (1) of his trial papers which states, “... the parties have thus far been unable to reach a settlement agreement,” and his certain knowledge of Aliza’s trial papers filed more than (2) weeks prior to trial, which stated no agreement had been reached and explicitly requested the court decide all matters with the best interests of children in mind. (V.R. 10/1/13, Appellant’s trial papers filed 9/15/13, Aliza Wiseman’s trial papers filed 9/30/14)

The settlement conference on 5/17/13 was extremely contentious; however, parties did achieve the Agreed Final Order for Parenting Plan. As stated in Aliza Wiseman’s trial papers, “*the substance contained in the documents Petitioner filed at settlement were sufficient to achieve a parenting plan by settlement that offered needed protections on behalf of the children and did not achieve results that would have had Petitioner living under same conditions of abuse as throughout the marriage ad to date (doing all the work, paying for it, living under constant threat /and fear, etc.)*” (Aliza Wiseman’s trial papers filed on 9/15/13)

With the Agreed Final Order For Parenting Plan achieved, the court set a trial date of 9/17/13 for remaining issues, giving parties (4) months to resolve differences or prepare for trial. On 6/19/13, the parties engaged in another contentious hearing initiated by Appellant with DSHS. As the trial court affirmed by open court review of Trial Exhibit #11, this conflict was resolved when Aliza conceded to Appellant's terms of a manipulated child support worksheet. (V.R. 10/1/13, Trial Exhibit #11)

The parties received an extra (2) weeks to prepare when the court rescheduled trial for 10/1/13. On 10/1/13, the trial court recognized parties had had more than (4) months to come to settlement agreement and avoid trial, yet failed to do so. In open court, on record, it explicitly stated that it recognized no agreements and that all matters would be decided through its lawful proceedings, as affirmed by the verbatim report. (V.R. 10/1/13)

At trial, parties testified under oath to having provided all known assets/liabilities which constituted sufficient documentation for the court to readily make its just/equitable division of assets/liabilities, as supported by trial minutes indicating the court took only a (19) minute recess before doing so. (V.R. 10/1/13, Minutes p.3-4)

Appellant's claim about exhibits approved/not exploits abbreviated record. The court's V.R.s most accurately reflect its determinations on admissibility/credibility of each party's exhibits. (V.R. 10/1/13)

Aliza saw no value in cross-examination due to Appellant's long/well documented history of denial, obfuscation, omission, and willfully false statements. Instead, she trusted in the facts/substance of this case and in the trial court's ability to discern truth and issue its just/equitable rulings that would finally set her free, which is why she traveled to WA State on 10/1/13 despite fears for her own personal safety; that she might at last be able to continue providing for the children devoid of the economic abuse inflicted by his relentless unnecessary legal conflict.

“Trial Facts & Matters for Consideration”

This section is as redundant as Appellant's “Brief History” and likewise includes matters outside scope of trial, placing Aliza at risk of the same. However, she understands she must respond, for accuracy of record.

Morgan Stanley Account # -318 was explicitly opened to receive Aliza Wiseman's separate loss of consortium funds she received due to the death of her father from mesothelioma. (p.13, this brief)

The trial court reviewed Aliza Wiseman's loss of consortium funds including several cancelled checks whose combined total exceeded \$22K that Appellant directly deposited into his personal account without her knowledge/consent when all such checks exclusively belonged to Morgan Stanley Account # -318. (V.R. 10/1/13, Trial Exhibit #3)

Money taken out of the Port Orchard property in the form of a Heloc loan against its equity whose source was Aliza Wiseman's separate assets (the down payment and all monthly payments for that property came from her separate loss of consortium funds) and was directly deposited by Appellant into his personal checking account without her knowledge/consent. A portion was later returned to the Morgan Stanley Account # – 318 that was exclusively controlled by his authority and which offered larger sums better "return" than a checking account would. On 10/11/13, the trial court reaffirmed its position on its award and the nature of this asset that changed form, not character, also stating if it were to rule on the asset's nature, it would rule it was "her separate assets used for community purposes." (V.R. 10/1/13, V.R. 10/11/13, Trial Exhibit #3)

The trial court recognized no "ongoing community bills" as the Appellant claims to pay and none can be identified because: a) since separation on 3/1/11, no more charges were made to the credit card Aliza was required to put everything on in lieu of directly managing *any* of her own separate assets and/or having money on her person, b) the children received *free* WA State health insurance, c) Appellant continued to pay roughly \$34.00/mo. to maintain access to his WA state sponsored health insurance after separation, d) trial court rulings affirm Aliza remained sole support for the children throughout the marriage and until CCSS Case #200000001199146 first established child support in **DEC 2012**, and e)

parties agreed to sell the Port Orchard residence in early 2011, however the Appellant, who exclusively controlled the asset, engaged in relentless and well documented tactics of delay, denial, refusal, obfuscation, and control. By his own admission, he no longer continued paying mortgage on the Port Orchard residence that nobody lived in since 3/1/11. On 5/7/13, after more than (2) years of no payments, a notice appeared on the door of the Port Orchard residence identifying it as “abandoned.” Around that same time, a representative of Puget Sound Energy affirmed that the Appellant had continued to pay the electricity bill for the residence, despite agreement to list the property and documented proof that no one had been living there for more than (2) years. While documents deemed by the trial court as “impeachable collateral” against Appellant included those he submitted to the WA State Department of Licensing and Superior Court of California, San Mateo County, that falsely claimed this property as his primary residence when he is known to have moved to Gig Harbor in March 2011 (affidavit of Lindy Lincoln) and there was no “community” reason for making any such payments/false claims. However, his business is “foreclosure investments” and per documents considered at trial, this property in its current condition (on paper together with its physical state) fits the definition of what industry experts specifically refer to as a “sweet deal for the savvy investor.” Documents deemed by the trial court to be “impeachable collateral” taken together with known tax law suggest the

possibility of their being somehow income tax related. Nevertheless, in **April 2010** Appellant tied the deed of the Port Orchard residence to the Sumsky promissory note investment made from Aliza's separate assets. The court's award split the Sumsky investment and gave the "foreclosure investment" to Appellant, instructing him to hold Aliza Wiseman harmless from this asset that he exclusively controls. In yet another act of his contumacious conduct, Appellant currently maintains his documented pattern of delay and has, to date refused to respond to Aliza's multiple requests for proof her name has been removed from the loan, to effectively hold her harmless, as directed by the trial court. As a result, she continues to remain tied to the debt from which the trial court directed she be freed.

- If Appellant's credit is not as exemplary as during marriage when the court affirmed he made no income, it is unrelated to Aliza.
- Appellant claims he lacked warning/discussion when Aliza left the marriage/marital home with his concurrence, leaving behind the majority of assets that had been acquired through her separate assets. His claim stands in plain contrast to his previous testimony before the court and to his certain knowledge that he had been served with papers and had engaged in numerous discussions with Aliza between her January filing and separation on 3/1/11. Kitsap County Sheriff's Office report **OCA: K11-002368** dated 3/6/11, irrefutably shows Appellant made a willfully false statement of

relevant material fact to officer of the law, Chris S. Andrews, as averred by the officer's report that states, "PAR/Tim Benz states his wife; PAR/Tristan Benz moved out of their Long Lake Road home **a day ago...**" The affidavit of Lee Swoboda on file with the court and other witness testimony affirms he filed this report a full (5) days after she and the children had relocated, in one of a series of unconscionable actions that presumably contributed to the trial court's statement of concern on record/in open court, over his "questionable" decisions throughout. (V.R. 11/1/13)

- Appellant's claim about Aliza's handmade craft business is willfully false and stands in contrast to a) known facts of this case, b) the affidavit of Nicole D. Butler, and c) his own admission in email on 3/12/11, when he asked whether Aliza still planned to use the merchant services associated with her online store and, if so, directed her to change them into her name, explicitly warning, "If not, I'm going to cancel them." (email 3/12/11 attached)
- It is unclear whether Appellant's former counsel, Ms. Amanda DuBois, was adequately informed as to all facts/substance of this case when attempting to advise her client. Ms. DuBois had stated to Aliza Wiseman's former counsel, Jaqueline L. Tacher, that she had no idea regarding Appellant's military background (*one of the willfully false statements he made to (2) superior courts that was*

blatantly intended to diminish perceived threat was his claim of a mere 2-3 years when, by his own admission in an email he sent on 8/17/09, it was at least six) and just (2) days after receiving Ms. Tacher's letter that raised grave concerns about his answers to interrogatories not "adding up," along with several omissions, possible obfuscations, problems with subpoenas issued to both his employers Gintz & Toner/FairPlay Realty (who she said gave her more trouble than in all the (25) years in which she had been issuing them and which may be explained by WA State case S-11-0620-13-SC02) and by Mr. Mike Sumsky (who did not respond at all), and that indicated a formal deposition would be required, his former counsel, Amanda DuBois, promptly filed her withdrawal.

- On 10/11/13, the trial court affirmed its position that Aliza Wiseman removed her separate property from Morgan Stanley # - 318 that was then used to provide for the children in this case.
- The Appellant's long documented history of disengagement, financial and other neglect/abuse is substantiated by his: **a)** social security statement/business tax filings that show no earnings, **b)** refusal of every request for support from separation **3/1/11** until CCSS Case #200000001199146 first established child support as of **DEC 2012** (conservative cumulative est.: \$18K), **c)** denying sanitary napkins for the girls' "time" in summer **2012** (exhibit "O,"

declaration of Janet R. Stump, Aliza Wiseman's filing of 2/14/13),
d) keeping all monthly payments from the Sumsky promissory
note investment made from Aliza's separate assets to himself
(cumulative est.: \$24K). Remarkably, Appellant claims he keeps
this income made from her separate assets to himself so that he can
put it toward his own child support payment obligation. His own
WA Child Support Worksheets show he reserves \$416.00/mo. as a
"voluntary retirement contribution," prior to calculations on behalf
of children. All this while he argues he hasn't enough to sustain
payments of \$750.00/mo..., and, e) despite his signature to the
6/19/13 DSHS-ASCO (presumably his "word") and his certain
knowledge of all expenditures for these expenses already in excess
of \$14K as of 10/1/13, including ongoing orthodontic payments of
\$200.00/mo., to date, he has not sent one dime to reimburse Aliza,
yet his appeal unconscionably asserts "no commensurate off-set."

- The Appellant claims the only way he can maintain \$750.00/mo.
child support payments is by taking from Aliza's separate assets
(through collecting proceeds from the Sumsky investment made
from her separate assets and/or acquiring what the trial court
lawfully awarded to her), as court's rulings affirm was his pattern.

- Aliza Wiseman pays over 75% of what is required to support (3) children (swiftly approaching ages 17, 15, and 12) by working (2) jobs and taking from her annuity when needed.
- Since 2011, when parties agreed Aliza and the girls would relocate to California, and for years since, Appellant did not object to CA cost of living. Moreover, it is irrelevant to support calculations.

Other Case Facts & Matters to Consider

Aliza and her siblings each received their loss of consortium funds due to the death of their father from mesothelioma. Her separate assets were controlled by the exclusive authority of Appellant throughout marriage and exceeded a million dollars. (Trial Exhibit #3 and Exhibit “K” of Aliza Wiseman’s 2/14/13 filing).

Aliza’s deceased father came into contact with asbestos while working in some of the worst conditions, in the harshest of climates, in Alaska, installing pipe insulation to support his (3) children. Himself a product of the Great Depression, he did not accept “welfare” and would have given the shirt off his back to ensure his own children did not go (1) day without shoes on their feet, clothing on their backs, a roof over their heads, and the best possible education he could afford. That these funds obtained due to his untimely death were extorted/embezzled at the expense of his grandchildren’s best interests of health, welfare, and future educational opportunities is irrefutably not in accordance with Aliza’s late father’s

wishes nor what she would ever agree to them. Appellant's claim regarding agreement to any purported intended use is willfully false.

Aliza has not received any more of such funds in some time and has liquidated her annuity to help offset the difference between earnings and expenses as she works to rebuild during this period of no actual reprieve from unnecessary ongoing conflict/litigation initiated by Appellant.

In February 2014, Aliza secured a job as an executive assistant to the director of a nonprofit organization in Los Angeles, so she may better work to continue providing what is actually required to support (3) young ladies of middle/high school ages. Based on his long documented history of financial abuse/neglect (which this appeal continues to fuel), to actually consider relying on financial support from the Appellant is not a plan that promises to ensure future financial stability for the children in this case.

The Appellant refers to his reported income of **2012** as the result of his prior refusals to respond to requests for 2013 income. As stated in Aliza's trial documents filed 9/15/13, Appellant's income is a curiosity, as he is reported to rank in the 70th percentile of his WA State peers whose median income is \$85K, yet apparently makes a mere fraction of that, himself.

With numerous LLC entities through which his transactions are processed via the foreclosure model he utilizes, it is challenging to reconcile this apparent inconsistency. Regardless, the court affirmed its rulings on child support several times, on record/in open court. (V.R.s 10/1/13, 10/11/13)

In 2011, Aliza was offered work in California. Both parties agreed she and the children would relocate. The job fell through and she solely supported the girls using her separate assets and by working P/T at a hair salon while authoring a book and working in her business. She also solely provided all custodial care for the children, as she had throughout their lives, while continuing to face exorbitant legal and other costs associated with these highly contested proceedings.

Appellant provides only self-care, claims to work all hours while reporting nominal earnings from 2012, maintains ample assets offshore/in U.S., is not known to have liquidated any of his own assets on behalf of the children, keeps to himself all proceeds from the Sumsky investment made from Aliza Wiseman's separate assets and, to date, has not attempted to reimburse Aliza one dime for all known medical and other "outside child support" expenses that are well in excess of \$14K. The trial court's rulings affirm he provided no child support until CCSS Case #200000001199146 established support as of **DEC 2012**. (V.R. 10/1/13)

The trial court did not question the proper allocation of Aliza Wiseman's separate assets as it understood through its examination of all evidence/testimony at trial, that her funds had been allocated on behalf of solely supporting the children and as previously stated herein. Its careful review of evidence included a record of the loss of consortium funds she received due to the death of her father from mesothelioma. These assets

were controlled and extorted/embezzled exclusively by Appellant who directly deposited her separate assets into his own personal account without her knowledge/consent, gutted two houses of all equity, and never put one penny away for the children's education, despite his claims of having been an auditor for Arthur Young, a certified independent financial planner, and, until recently, a "CFA investment specialist" with Gintz & Toner/Fairplay Realty (WA State case S-11-0620-13-SC02). His baseless claim that Aliza has been "under-employed" is outrageous, particularly in light of his long documented history of abusive financial neglect, failure to earn income, and current claim of inability to maintain a \$750.00/mo. child support payment without being pushed to what he states is "well below the Federal Poverty Self-Support Reserve," all while blatantly collecting/reserving over \$800.00/mo. (Sumsky proceeds/"voluntary retirement"), outside of what he claims as earned income.

On record, the trial court was audibly not impressed to discern yet another willful attempt by Appellant to obfuscate truth, this time with regard to the DSHS-ASCO that applied to "medical support provisions only." (V.R. 10/1/13, Trial Exhibit #3, Trial Exhibit #11)

The court's rulings and statements on record convey its little regard for Appellant's claims about Aliza Wiseman's efforts to seek refuge/ justice through the CA courts. (V.R. 10/1/13, 10/11/13, 11/25/13, and 11/1/13).

The trial court's rulings affirm Appellant's claims regarding Aliza's actions over (3) years of proceedings lack substance/merit. The filing of his unconscionable appeal and likely future attempts by Appellant to use the judicial system for his nefarious ends serves to further substantiate the only abusive use of conflict in this case is his own, as part of a pattern that was discerned by the trial court after ascertaining the "whole picture" that presented itself through its careful review of all evidence/testimony in open court, on record. (V.R.s 10/1/13, 10/11/13, and 11/1/13)

As averred in Aliza Wiseman's 3/18/13 letter to the court, more than one attorney hired by Appellant to pursue his nefarious ends immediately filed a notice of withdrawal. This attorney's withdrawal was filed after Appellant admitted in email that his motion to obtain a temporary order had been retaliatory, causing his testimony that was the basis of his argument to constitute perjury. His testimony affirmed the merit of Aliza Wiseman's claim in her 2/14/13 filing that "*this proceeding initiated by Respondent is frivolous, unnecessary, and unequivocally and abusive tactic of the Respondent to use the legal system to inflict perpetuation of economic abuse and maintain contact to harass the Petitioner.*" In effect, such rulings were not due to court err, but the direct result of Appellant's having made willfully false statements to (2) Superior Courts and (1) officer of the law which then resulted in a domino effect that ultimately has caused great trauma to the children in this case, as well as the loss of

needed protection for which Aliza can now only reconcile herself to the reality that no piece of paper can protect anyone. As stated in her 2/14/13 filing and underscored by a 3/12/13 letter from Dr. Wingfield, *“Irrefutably and by all reports, the children in this case have a naturally strong, healthy, balanced and stable relationship with Petitioner. In contrast, Respondent has a long history of neglect and abuse of the children which has resulted in their lack of a healthy or stable relationship.”*

The Appellant’s willfully false claim of abduction is yet one more nefarious attack without merit. Any reasonable person can see that it is impossible to abduct children lawfully in one’s sole custodial care, as the children have been in Aliza’s sole care throughout their lives. Likewise, the results of Aliza Wiseman’s Psychological Evaluation performed in response to the Appellant’s admittedly retaliatory legal action affirm his claim lacks all merit/substance whatsoever. Results state, “... both tests indicate she functions at a high level, and does not have any symptoms of mental illness, acute mood disturbances, or personality disorders. The test profiles suggest that she is positive in her outlook toward her life and has a good attitude... When individuals are in a situation in which their parenting capacity is in question or challenged, it would not be unusual for a mother or father to demonstrate high levels of anxiety or stress which may appear to others as irrational or “disturbed.” The results of Ms. Wiseman’s psychological testing suggest that she is not mentally ill but is

experiencing an acute stress reaction to her legal situation.” (2/25/13 evaluation report from Mary Ann Rowe, Ph.D., on file).

The trial court’s review of all evidence/testimony did not support Appellant’s claim to a purported relationship between himself and the children. Moreover, its 11/1/13 statement on record to Appellant makes clear its opinion on the subject, as well. As stated in Aliza Wiseman’s 2/14/13 response filing, “...for years, while living in the same house, the Petitioner and the children lived separate lives from the Respondent who denied them access, interest, regard, respect, and concern whatsoever.” The trial court discerned that, despite having been given “liberal visitation” by the court in the April order granted to Aliza Wiseman and affording him every opportunity to establish a relationship, he made *no effort whatsoever* to initiate *any* contact with the children since his last known email dated 3/1/13 (save (5) traumatic hours they were in his custody on 3/5/13) all the way up to trial 10/1/13, not even to ask Aliza, “how are they?” For anyone claiming to have ongoing grave concern for another parent’s mental health and resulting welfare of children in her care, there is no logic to his failing to show any concern by not even asking how they are. While countless fathers in similar legal situations cannot let a day much less (6) months go by without at least asking how children are, Appellant did not do so nor would he think of doing so given his historical pattern of disengagement that is the result of his documented

severe lack of empathy and rigidity. (V.R.s 10/1/13, 11/1/13, letter from therapist Barbara mills dated 1/30/13)

The Agreed Final Order For Parenting Plan includes language Aliza wanted to read “both parties,” but conceded to Appellant’s demand it read, “the respondent wants the children’s wishes to be part of this visitation process. As such, he will only schedule [visitation] if one or more of the children agree to it.” (8/8/13 Agreed Final Order For Parenting Plan)

The insertion of so much irrelevant material by Appellant in his brief serves only nefarious, retaliatory ends. As Aliza Wiseman’s trial papers state, “*By his own admission, Tim Benz will do whatever it takes to protect his reputation. In email (4/24/13) he stated, “Alternatively, you can continue with your allegations and take your chances in court in the hopes of getting a decision in your favor. Given your recent court track record history, that might be a risky move. You will force me to defend myself, my name and my reputation with everything I’ve got. Based on previous court decisions there is a good chance that future court’s decision could result in a similar, significant impact on the lives of the girls.” (Exhibit “D” page 27).*”

D. Summary of Argument

A trial court judge has broad discretion to make findings of fact and conclusions of law that should not be reversed unless there is a clear abuse of discretion as a matter of law. Conspicuously, the Appellant denies this

court of appeals the verbatim reports of the trial court's proceedings which unequivocally affirm there was no impropriety or abuse as a matter of law.

This appeal is frivolous and lacks all merit whatsoever. Appellant has not cited any WA state law to which the trial court did not adhere. The Farmer ruling he cites affirms the court acted within its proper discretion in making its fair/equitable division of assets/liabilities. The Rockwell ruling he cites is irrefutably irrelevant, applying exclusively to marriages of 25 years or more (when this pertains to a marriage of only 15 years).

Irrefutably, the court appointed a qualified judge and the trial court conducted its proceedings with impartiality, in accordance with the laws of WA State and its proper discretion. It did not acknowledge any agreements; gave equal/ample opportunity to make opening/closing statements and to present/ review/clarify/object to evidence, testify, cross examine, argue, and voluntarily "rest their case;" it did not rush, even offering to hold trial over, if needed, and properly allocated time to examine/identify, on record, each piece of evidence; it fully considered the contents of all exhibits and took the annual income/financial positions of both parties into account prior to making its lawful/equitable decisions.

This appeal is a blatant attempt to retry a case simply because, as pointed out by the trial court itself on record, on 11/1/13, the Appellant is obviously dissatisfied with its rulings. Appellant simply wants another bite at the apple. Moreover, his arguments were already addressed on record/in

open court, at trial on 10/1/13 and in subsequent proceedings held on 10/11/13, 10/25/13, and 11/1/13, constituting RES JUDICATA.

Unconscionably, the Appellant again attempts to obfuscate before yet another court by falsely suggesting parties were in a state of amicable agreement when his claim stands in remarkable contrast to the known facts of contemporaneous events, the trial court's statements/actions made on record/in open court, the Appellant's own admission in trial papers he filed on 9/30/13, and his certain knowledge of the contents of Aliza Wiseman's trial papers she filed on 9/15/13.

In another outrageous act of contumacious conduct, the Appellant unconscionably attempts to tarnish Honorable Judge Steve Dixon's sound reputation by making unfounded claims regarding his qualifications that are, in fact, exemplary and by falsely insinuating this judge was somehow relieved of his duties when, in fact, he continues to serve as a highly-respected Superior Court Judge in WA state. While not a credentialed authority himself, Appellant makes baseless accusations regarding "psychological projection," while blatantly unaware of his own engaging in this very behavior by falsely asserting the judge properly appointed to this case is somehow "unqualified." This unfounded claim stands in remarkable contrast to a statement made by the judge to the Appellant while on record, in open court, on 11/1/13, that "Sir...you are... not *qualified*...to tell you the truth, to be blunt... I urge you to obtain counsel."

This appeal proves nothing of court error but affirms Appellant's willful contumacy for the trial court's rulings and the relentless pursuit of his own nefarious ends. Rather than take *any responsibility* for his own wrongdoing, error, lack of qualifications, and/or failures with respect to any point or party to these proceedings, he accuses anyone who sees fit to contradict his assertions and/or authority of being in error, unclear, confused, and/or unqualified.

Just as Appellant cannot accept the trial court's rulings, he cannot accept the marriage is over and it is time to move on. Rather than use his ample assets to temporarily bridge the gap between his reported income and the actual financial needs of children, he continues to behave in keeping with what the court's rulings affirmed was his history - seeking all funds necessary to support children by taking from Aliza Wiseman's separate assets, without earning or "comingling" any of his own. Notably, were the desired ends of Appellant to be met in appeal, he would be entirely absolved from the need to earn any money to meet his support obligations for at least 3.89 years to come, while Aliza would continue to work hard to keep paying over 75% of what is actually required to support three young ladies (swiftly approaching ages 17, 15, and 12).

As the trial court rulings affirm, Aliza Wiseman remains the *only* parent who consistently provides adequate support for the children. Despite (3) years of highly contested proceedings which have caused her

loss of employment, legal expenses in excess of \$100K, no reimbursement for any portion of medical/other expenses that are well in excess of \$14,000.00, etc., she continues to focus on moving forward; authoring a book, trying this case to its just conclusion, working full time as executive assistant to the director of a nonprofit organization in Los Angeles, and part time as a free-lance copywriter.

The trial court's rulings were intended to afford Aliza Wiseman her unfettered right to make a life for herself and the children, free from Appellant's relentless use of the judicial system to obtain his nefarious pursuit of perpetuating his historical pattern of control, harassment, and abuse. Based on past behavior, it is all but *guaranteed* that he will soon initiate only more proceedings, as it does not matter what she or the court does/does not do, no concession is enough, regardless of the consequences to the children or any other party impacted by these proceedings.

Aliza Wiseman does not know what it will take to stop Appellant from his nefarious pursuits, only that she did not file any appeal to further conflict, try to take any of what the trial court justly/equitably awarded to another, or attempt to mitigate any of her own responsibilities in this case.

E. Conclusion

This appeal should be dismissed as no abuse of discretion as a matter of law has occurred, as no ruling cited by Appellant proves otherwise, his

claims were already repeatedly addressed by the trial court during its lawful proceedings held on record/in open court (RES JUDICATA), and it is, on its face, frivolous and lacking all merit and substance whatsoever.

F. Request For Attorney's Fees

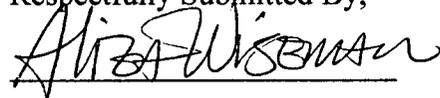
While countless parents work to make ends meet, Appellant pursues frivolous legal action, arguing points already addressed by the trial court and making claims his own testimony contradicts/ has rendered irrelevant. While he has ample assets here/offshore, admittedly solely collecting \$408.33/mo. from the Sumsky investment made from Aliza's separate assets and reserves \$416.00/mo. for "voluntary retirement" prior to addressing financial needs of children, he claims inability to sustain \$750.00/mo. child support payments which he testified at trial were acceptable and in the best interests of children. He fills his brief with irrelevant content, compelling Aliza to spend over 120 hours to respond, to ensure accurate record. These hours should have gone to the girls and to earning for their continued benefit. Driving school, teen car insurance, clothing, shelter, medical, education, food, and other basics in this tough economy all cost money. The trial court's rulings affirm Aliza is the only parent who consistently provides for the children's actual needs, which is difficult enough without also having to respond to this time-consuming, retaliatory, frivolous, and meritless legal action against the trial court.

In addition to supplies/ mailing, Aliza has spent over 120 hours in her efforts to respond. On behalf of the girls, she would welcome any amount this honorable court of appeals might see fit to offset these costs that she believes should rather have been used to their benefit.

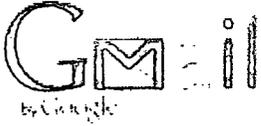
I declare under penalty of perjury that the foregoing is true and correct executed this Tuesday, September 2, 2014 in Los Angeles, California.

Dated: September 2, 2014

Respectfully Submitted By,

A handwritten signature in black ink that reads "Aliza Wiseman". The signature is written in a cursive style and is positioned above a horizontal line.

Aliza Wiseman,
Pro Se Respondent



Final Decree

Tim Benz <timbenz1@gmail.com>
To: Aliza Wiseman <alizawiseman@gmail.com>

Wed, Oct 16, 2013 at 3:20 PM

There is only one MS IRA (Rollover) account, in my name (# 5-777 attached - provided to you during discovery in 2011), with value \$20,348, that the judge awarded to me. This account was split on the balance sheet the judge looked at because the \$9,454 was in cash and the balance of \$10,894 was in mutual funds. The \$9,454 that the judge awarded to both parties equally are the same funds (\$9,454) in the same account (# 5-777).

Tim Benz

(360) 731-9069

From: Aliza Wiseman [mailto:alizawiseman@gmail.com]
Sent: Wednesday, October 16, 2013 8:24 AM
To: Tim Benz
Subject: Final Decree

Tim,

Please provide the number for the account with 9K so the decree may be completed per Honorable Judge Dixon's direction. Thank you.

Sincerely,

Aliza

650-517-3121



A-10 - 2010 12.pdf
86K

From: **Tristan Benz** <tristanbenz.com@gmail.com>
Date: Sat, Mar 12, 2011 at 10:41 PM
Subject: Re: Bills etc.
To: Tim Benz <webtb488@gmail.com>

Post trial Supporting document
page 42

I don't have the Group Health bill.

I don't know what Moneris is...and I saw you changed the password on Authorize.net. No worries - I'll get that changed in a few days time, anyway. How do we get Maiden America transferred entirely into my name? I'd like to do the same with the bank account but can open a new one, if necessary.

Which recipe books? I know there's one flat one here. And I think a braii book (skinny paperback) as well - I'll double check. Otherwise, just let me know. I took the steamer because of the cats. I took the new vacuum I purchased because of carpets and the small one due to stairs and wood floors here. But you're welcome to have the small vacuum (you've got the carpet attachment and the extra bags there for it anyway). Also, we didn't get the box spring for Cat's white bed, which she's thrilled to have back so, if you happen to have room to put that in the truck for her, I'm sure she'd appreciate that as a "trade."

On Sat, Mar 12, 2011 at 1:06 PM, Tim Benz <webtb488@gmail.com> wrote:

Trying to pay bills this AM. I don't have the Group Health bill due on the 5th of every month. What 'joint' bills - if any - have you paid this month (and last)?

Are you still using Authorize.net & Moneris? If so, contact them ASAP to change service to your new bank account. If not, I'm going to cancel them.

You took quite a few recipe books that my Mom sent me. I could use them.

You took all three vacuum cleaners. I would appreciate the small one. I believe you want the cooking trays, muffin tins, silpats? How about a trade?

WASHINGTON STATE COURT OF APPEALS
Division II

In Re the Marriage of:

TIMOTHY J. BENZ,

Pro Se, Petitioner/Appellant
and

ALIZA WISEMAN (f/k/a TRISTAN BENZ),

Pro Se, Respondent

NO. 45674-5-11

Declaration of Service of
RESPONDENT'S BRIEF

I, Aliza Wiseman, Pro Se Respondent in the above referenced matter, hereby certify that on this date, a true and correct copy of the RESPONDENT'S RESPONSE BRIEF (attached), was personally filed with the Court and served via e-mail to timbenz1@gmail.com and Certified Mail, postage pre-paid upon the following:

Timothy Benz

5727 Baker Way NW #101

Gig Harbor, Washington, 98332.

Dated this 3rd day of September, 2014



ALIZA WISEMAN,
Pro Se, Respondent

Service Declaration

Aliza Wiseman
alizawiseman@gmail.com
P.O. Box 351896
Los Angeles, CA 90035
(650) 209-0318

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STATE OF WASHINGTON