

No. 65813-1-I  
No. 66410-6-I  
No. 66710-6-I

COURT OF APPEALS, DIVISION ONE  
STATE OF WASHINGTON

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In re the Marriage of:

ALI GANJAIE

Petitioner/Appellant,

v.

KATHERINE GANJAIE

Respondent

Superior Court No.: 07-3-08410-3 SEA

FILED  
COURT OF APPEALS DIVISION ONE  
STATE OF WASHINGTON  
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RESPONSE BRIEF OF RESPONDENT, KATHERINE GANJAIE

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TABLE OF CONTENTS

A. ASSIGNMENTS OF ERROR ..... 1

B. STATEMENT OF THE CASE ..... 1

C. ARGUMENT .....4

1. The Standard for Review is Abuse of Discretion .....4

2. The Appellant’s Decision Not To Provide A Complete Transcript  
of the Proceedings Precludes a Determination That There Was Not  
Adequate Factual Support For The Trial Court’s Decisions. .... .6

3. The Trial Court Had the Jurisdiction and Authoirty to Order  
The Sale of the Family Residence:..... .8

4. The Trial Court Did Not Improperly Modify The Property  
Division: ..... 11

5. The Trial Court Did Not Violate Civil Rule of Procedure 60: .. .15

6. RAP 7.2 Did Not Remove Jurisdiction From the Trial Court In  
This Case:..... 16

D. CONCLUSION .....18

TABLE OF AUTHORITIES

Page

Table of Cases

*Arneson v. Arneson*, 38 W.2d 99, 227 P.2d 1016 (1995) . . . . .8,10  
*Baker v. Baker* 80 Wn.2d 736, 498 P.2d 315 (1972); . . . . . 5  
*Barfield v. City of Seattle*, 100 Wn.2d 878, 676 P.2d 438 (1984). . . . .5  
*Brossman v. Brossman*, 32 Wn.Ap.. 851, 650 P.2d 246 (1982) . . . . . 5  
*Bulzomi v. Dep't of Labor & Industries*, 72 Wn.App. 522, 525, 864 P.2d 996 (1994). . . . . 7,8  
*Cowiche Canyon Conservancy v. Bosley*, 118 Wn.2d 801, 808, 828 P.2d 549 (1992). . . . .7, 8  
*In re Marriage of Campbell*, 22 Wn.App. 560, 598 P.2d 1124 (1978); . 5  
*State ex rel. Carroll v. Junker*, 79 Wn.2d 12, 26, 482 P.2d 775 (1971). 5  
*Matter of Marriage of Crosetto* 82 Wn.App. 545, 918 P.2d 594 (1996) . . . . . 7  
*In re Marriage of Foley*, 84 Wn.App. 839, 930 P.2d 929 (1997) . . . . .9  
*Goore v. Goore*, 24 Wn. 139, 63 p. 1092 (1901) . . . . . .9  
*High v. High*, 41 Wn.2d 811, 252 P.2d 272 (1953) . . . . .8,10  
*Hokamp v. Hokamp*, 32 Wn.2d 593, 203 P.2d 357 (1949) . . . . .9  
*In re Marriage of Kovacs*, 121 Wn.2d 795, 854 P.2d 629 (1993). . . . . 5  
*McCausland v. McCausland*, 129 Wn. App. 390, 118 P.3d 944 (2005). . 5  
*In re Miller's Guardianship*, 26 Wn.2d 202, 173 P.2d 538 (1946). . . . . 13  
*Morris v. Woodside*, 101 Wn.2d 812, 815, 682 P.2d 905 (1984). . . . .7  
*Murphy v. Murphy*, 44 Wn.2d 737, 270 P.2d 808 (1954) . . . . .9  
*In re Marriage of Rich*, 80 Wn.App. 252, 259, 907 P.2d 1234. . . . . 7  
*In re Marriage of Sedlock*, 69 Wn.App. 484, 849 P.2d 1243, review denied, 122 Wn.2d 1014 (1993). . . . .9,10  
*Steffen v. Department of Licensing*, 61 Wn.App. 839, 812 P.2d 516 (1991). . . . . 6  
*In re Marriage of Stern*, 68 Wn.App, 922, 846 P.2d 1387 (1993).. . . . 5  
*Thorndike v. Hesperian Orchards, Inc.* 54 Wn.2d 570, 343 P.2d 183 (1959). . . . . 6  
*In Re Marriage of Thompson*, 97 Wn.App. 873 (Div. One, 1999) . . . . 16

Statutes

CR 60. ....16  
RAP 7.2 .. ...16  
RAP 7.2(e). .... 17  
RAP 7.2(c) . ....17  
RCW 26.09.080 ..... 9  
RCW 26.09.170(1) .....13, 16

Other Authorities

Washington Family Law Desk book, 2<sup>nd</sup> Edition, Section 65.4(2). 5

**A. ASSIGNMENTS OF ERROR**

The Respondent, Katherine Ganjaie submits that the court below did not error in its ruling and is not seeking review. The prior rulings of the trial court should be affirmed.

**B. STATEMENT OF THE CASE**

This matter was originally tried in King County Superior Court before the Honorable Patricia Clark and final orders were signed and entered April 8, 2009.

This present appeal represents three separate appeals filed by Ali Ganjaie, in pro se, that have been consolidated by order of this court. In this brief Ali Ganjaie and Katherine are referenced by their first names in places for the sake of clarity. No disrespect should be inferred or is intended. Previous to these three appeals Ali had filed two additional prior appeals related to the dissolution of his marriage from the respondent. The first appeal filed was Case #: 627627 and was a motion for discretionary review. This matter was disposed of on March 27, 2009. The second appeal, Case #: 63464-0-1, filed by Ali Ganjaie was fully briefed and claimed seven errors were committed by the trial court, including limiting his time with his daughter due to RCW 26.09.191(1), (2), (3) and (4) findings; error in child support calculation; error in

ordering a protective order without sufficient evidence of any act of domestic violence; error in the distribution of assets and liabilities; error in denying Mr. Ganjaie spousal maintenance; error in awarding attorney's fees and sanctions to the Respondent; and error in awarding an education fund and car to the Appellant as assets. After due consideration, this court affirmed all of the rulings of the trial court. A copy of the decision is attached hereto as Exhibit 1 for the court's reference. Mandate was issued on Case #: 63464-0-1 on April 16, 2010 and is attached hereto as well. It is important to emphasize that the Trial court ordered the sale of the home and that Ali Ganjaie was also ordered to pay all expenses related to the family home until the house was sold. This ruling was appealed in Case # 63464-0-I and the decision of the trial was affirmed. To the extent Ali Ganjaie seeks to re-appeal matters previously affirmed, his claim is barred.

The Decree of Dissolution provided that the Hon. Judge Clark retained jurisdiction over this matter for all purposes (Appeal No. 65813-1-I, Clerk's Papers (CP) p. 11) and that if the house is not sold within six months of the decree provided that either party may motion the court for further rulings regarding the sale of the home (Appeal No. 65813-1-I CP p. 13) the decree also provided that adjustments in the sale price were to

be made by motion to Judge Clark and that if Mr. Ganjaie damaged the home or reduced the value of the home, this also may be addressed by motion to Judge Clark. (Appeal No. 65813-1-I CP p. 13).

After the decree was entered, Mr. Ganjaie did not cooperate in the sale of the home and the Respondent was forced to motion the court to appoint a special master to facilitate the sale. The trial court appointed a special master and ordered that the costs of the special master are to be advanced by Ali and paid from Mr. Ganjaie's share of the proceeds from the sale of the home. Due to Mr. Ganjaie's lack of cooperation in showing the home, the sales price of the house was reduced and on July 2, 2010 Judge Clark ordered that Mr. Ganjaie's share of the net proceeds of the sale of the home to be reduced proportionately with all reductions in the sale price of the home. Eventually, it was necessary for the court to evict Mr. Ganjaie from the home when he refused to allow the sale of the home. The home was eventually sold for \$465,000 and on January 5, 2011, after full hearing and briefing the court determined that any proportionate share of the sale proceeds to Mr. Ganjaie was exceeded by the costs Mr. Ganjaie incurred associated with the sale of the home and ordered that the funds were to be distributed to the Respondent and for payment of the special master's fees. (Appeal 66710-6-I, CP p. 3-46,

and CP p. 74-75) (Appeal 66710-6-I, Verbatim Report of Proceedings (VRP) p. 6, lines 9-25 and p. 7, lines 1-17)

The present consolidated appeal pertains to three (3) post dissolution rulings related to the disposition of the marital property. Appeal Case #: 65813-1 claims the court did not have jurisdiction to order the sale of the property, the court erred in modifying the decree and the court's ruling violated "Federal Civil Rule Procedure 60(c)(1)". The second appeal, Case No. 66410-7-I claims error on the trial court on the grounds that the trial court no longer had jurisdiction pursuant to RAP 7.2(e) and RCW 26.09.170(1). The third appeal, Case No. 66710-6-I claims error on the trial court associated with the court's January 5, 2011 order again claiming an error in modification of the decree and that the trial court had no jurisdiction under RAP 7.2(e).

### **C. ARGUMENT**

#### **1. The Standard for Review is Abuse of Discretion**

The Appellant claims error and abuse of discretion. Appellant cites no authority for the applicable standard of review, but the Respondent contends the standard of review is abuse of discretion, meaning that a decision that is manifestly unreasonable or based on untenable grounds, including an erroneous view of the law. *McCausland*

*v. McCausland*, 129 Wn. App. 390, 118 P.3d 944 (2005). The abuse of discretion is applied to a discretionary ruling made by the trial court after determining the facts. In family law, most of the trial court's decisions after finding the facts are discretionary decisions. These include division of property, *Baker v. Baker* 80 Wn.2d 736, 498 P.2d 315 (1972); the amount of support *In re Marriage of Campbell*, 22 Wn.App. 560, 598 P.2d 1124 (1978); or maintenance, *Brossman v. Brossman*, 32 Wn.App. 851, 650 P.2d 246 (1982) review of parenting plan decisions, *In re Marriage of Kovacs*, 121 Wn.2d 795, 854 P.2d 629 (1993).

A trial court will be found to have abused its discretion only where the decision is “manifestly unreasonable or exercised on untenable grounds or for untenable reasons” . *State ex rel. Carroll v. Junker*, 79 Wn.2d 12, 26, 482 P.2d 775 (1971); *Barfield v. City of Seattle*, 100 Wn.2d 878, 676 P.2d 438 (1984). “It is very difficult to establish an abuse of discretion.” Washington Family Law Desk book, 2<sup>nd</sup> Edition, Section 65.4(2). Factual determinations will be affirmed if supported by substantial evidence. *In re Marriage of Stern*, 68 Wn.App. 922, 846 P.2d 1387 (1993) (rejecting an argument that an appellate court should review factual issues on a de novo basis). A trial court's findings of fact will not be disturbed on appeal if they are supported by substantial

evidence. *Thorndike v. Hesperian Orchards, Inc.* 54 Wn.2d 570, 343 P.2d 183 (1959). Substantial evidence exists if there is sufficient evidence in the record to persuade a fair-minded, rational person of the truth of the declared premise. *Steffen v. Department of Licensing*, 61 Wn.App. 839, 812 P.2d 516 (1991).

Appellant, Mr. Ganjaie does not address the standard of review separately but does not appear to dispute that the proper standard of review is abuse of discretion and argues that on the facts of this case, the court committed seven separate errors.

**2. The Appellant's Decision Not To Provide A Complete Transcript of the Proceedings Precludes a Determination That There Was Not Adequate Factual Support For The Trial Court's Decisions.**

Mr. Ganjaie claims errors were committed by the trial court on July 2, 2010, November 10, 2010 and January 5, 2011. Transcripts were only provided for the July 2, 2010 and January 5, 2011 hearings. Clerk's papers were also only provided for the first and third appeal, not the second appeal regarding the November 10, 2010 ruling. No transcript was provided for the November 10, 2010 hearing. Further, the

Appellants confusing brief is devoid of almost any reference to the clerks transcript of the prior proceedings.

Because of the Appellant's failure to provide a Clerk's Papers or a transcript of the November 10, 2010 proceeding below, or to make references to the record where provided, this precludes this court's review of the record for substantial evidence supporting the findings and the trial court's factual findings must be viewed as verities on appeal. *Morris v. Woodside*, 101 Wn.2d 812, 815, 682 P.2d 905 (1984). In the case of setting forth specific reasons for deviation from a standard child support calculation, lack of specific findings is not fatal, and in absence of findings on a particular issue, the appellate court may look to oral opinion to determine the trial court's basis. *Matter of Marriage of Crosetto* 82 Wn.App. 545, 918 P.2d 594 (1996). Unchallenged findings are verities on appeal. *Cowiche Canyon Conservancy v. Bosley*, 118 Wn.2d 801, 808, 828 P.2d 549 (1992). This appeals court does not review a trial court's credibility determinations, nor can we weigh conflicting evidence. *In re Marriage of Rich*, 80 Wn.App. 252, 259, 907 P.2d 1234. The party seeking review has the burden to perfect the record so that, as the reviewing court, it has all the relevant evidence before it. *Bulzomi v. Dep't of Labor & Industries*, 72 Wn.App. 522, 525, 864 P.2d

996 (1994). An insufficient appellant record precludes review of the alleged errors. *Bulzomi*, 72 Wn.App. at 525. This court should not consider arguments that are not supported by any reference to the record or by any citation to authority. *Cowiche Canyon*, 118 Wn.2d 809.

Without specific reference to what was deficient in the factual findings below, Appellant's argument fails.

**3. The Trial Court Had the Jurisdiction and Authority to Order The Sale of the Family Residence:**

The order of the sale of the home was stated in the April 8, 2009 Decree (Appeal No. 65813-1-I, CP at 13). This prior ruling was affirmed after appeal (See Exhibit 1 hereto). To the extent that Mr. Ganjaie is attempting to claim that the court had no authority to order the sale of the home, his claim is barred by the prior rulings of this court.

In Appeal No. 65813-1-I Appellant claims that the trial court abused its discretion in ordering the sale of the family residence citing *High v. High*, 41 Wn.2d 811, 252 P.2d 272 (9153) and *Arneson v. Arneson*, 38 W.2d 99, 227 P.2d 1016 (1951). Respondent contends that the trial court had the authority to order the sale and this is consistent with current Washington State authority.

RCW 26.09.080 grants the Superior Court presiding over a dissolution proceeding the jurisdiction and authority to order disposition of the property of the parties, whether it be community or separate. In a divorce action the court has jurisdiction to dispose of all property of the parties described in the complaint, separate as well as community.

*Goore v. Goore*, 24 Wn. 139, 63 p. 1092 (1901)

A dissolution trial court may order the parties to sell certain of their properties and then distribute the proceeds to one or both of them. *See, e.g. Murphy v. Murphy*, 44 Wn.2d 737, 270 P.2d 808 (1954) (trial court's decree ordering sale of parties home affirmed, despite wife's contention that the home was not marketable in its present condition); *Hokamp v. Hokamp*, 32 Wn.2d 593, 203 P.2d 357 (1949) (trial court's decree ordering sale of the parties' home affirmed, where the home was worth \$30,000 and net marital estate was valued at \$33,656). In order to achieve an equitable property distribution between parties, the trial court has jurisdiction to order the sale of the family home. *In re Marriage of Foley*, 84 Wn.App. 839, 930 P.2d 929 (1997)

A trial court has the authority to compel the sale of the family residence even absent the consent of the parties. *In re Marriage of*

*Sedlock*, 69 Wn.App. 484, 849 P.2d 1243, *review denied*, 122 Wn.2d 1014 (1993).

The *High v. High* case does not stand for the position it is cited by the Appellant. The *High v. High* case found that the trial court lacked jurisdiction to order the sale of family assets for the benefit of creditors and is distinguishable from this case. In *High* the couple bought three separate tracts of land for speculation which the trial court ordered to be sold. The trial court's decision was reversed in that the reviewing Court felt that a forced sale would be inequitable because the property would likely increase in value, not because the court generally lacked jurisdiction to order a forced sale. Thus, *High* is not determinative of the present issue. Nor, does the *Arneson v. Arneson* case support Appellant's position. The case of *Arneson v. Arneson*, found that the trial court lacked jurisdiction to order sale of family assets for the benefit of creditors. (*Arneson* at 103). The *Arneson* decision is distinguishable because the trial court improperly ordered a sale of the couple's assets for the benefit of the creditors. This case does not involve a sale for the benefit of the creditors.

Both statutory and case law support that the trial court had ample authority to order the sale of the home. The Appellant's argument is without support.

**4. The Trial Court Did Not Improperly Modify The Property Division:**

In each of his three pending appeals Mr. Ganjaie claims it was an error for the trial court to issue further orders regarding the sale of the residence. Respondent disputes these claims and contends that the trial court made no error regarding the property division and subsequent rulings regarding the sale of the home.

The Decree of Dissolution provided that the Hon. Judge Clark retained jurisdiction over this matter for all purposes (Appeal No. 65813-1-I, CP p. 11) and that if the house is not sold within six months of the decree provided that either party may motion the court for further rulings regarding the sale of the home (Appeal No. 65813-1-I CP p. 13) the decree also provided that adjustments in the sale price were to be made by motion to Judge Clark and that if Mr. Ganjaie damaged the home or reduced the value of the home, this also may be addressed by motion to Judge Clark. (Appeal No. 65813-1-I CP p. 13). The Decree also

provided that Mr. Ganjaie was to pay all costs associated with the home until sale and that either party may motion the court for further rulings on the sale of the home. (Appeal No. 65813-1-I CP p.13).

In this case, the trial court ordered that the home be sold and used the expected proceeds from the sale of the home balance the property division. (Appeal No. 65813-1-I CP p.16) The trial court directed that the home was to be listed at the appraised price, but retained jurisdiction and provided that the parties could motion the court for further rulings on the sale of the home. (Appeal No. 65813-1-I CP p. 13). Largely due to the conduct of Mr. Ganjaie the sale of the home was delayed (Appeal 66710-6-I, VRT, p. 6, lines 19-25 and p. 7, lines 1-17) and a decrease in the sales price was required. When the price was decreased, the trial court ordered that Mr. Ganjaie's share of the property be reduced proportionately (Appeal No. 65813-1-I CP p. 47-48). The court's property division did not change rather it simply adjusted the amount of sale proceeds to Mr. Ganjaie that was reduced proportionately because the home did not sell for the original price anticipated by the trial court. Ultimately, Mr. Ganjaie's conduct became so egregious that his proportionate share of the sale proceeds did not cover the costs he was ordered to pay related to the home pending sale and as the result of his

attempts to prevent the sale of the home. (Appeal No. 66710-6-I CP at 3-46)

The Washington Supreme Court has upheld awards of property made contingent upon the occurrence or nonoccurrence of an event. In *In re Miller's Guardianship*, 26 Wn.2d 202, 173 P.2d 538 (1946) the court approved an award of all martial property to the husband of an incompetent where the trial court provided that the wife would be entitled to one-half the value of the property awarded to the husband in the event she regained her sanity. It was not improper or outside of the trial court's authority to retain jurisdiction pending the sale of the home and adjust the division of the proceeds from the sale of the home after its ultimate sale.

Further, RCW 26.09.170(1) provides that "[t]he provisions as to property disposition may not be revoked or modified, unless the court finds the existence of conditions that justify the reopening of a judgment under the law of this state". The Respondent contends that the record below supports that there was adequate support and justification for the trial court to modify the ruling regarding the sale of the home and the proceeds based upon the Appellant's conduct and the change in the market conditions.

The April 8, 2009 Decree ordered that the family residence be immediately listed for sale. (Appeal No. 65813-1-I CP at 13). On July 10, 2010 on noticed and briefed motion the trial court found the home was not even listed for sale until October of 2009. (Appeal No. 65813-1-I, VRT, p. 8, lines 3-15) Mr. Ganjaie appeared at the hearing and presented argument and evidence and the trial court found that Mr. Ganjaie had delayed the listing of the home for sale (Appeal No. 65813-1-I, VRT, p. 8, lines 3-15), had not cooperated in the showing of the home (Appeal No. 65813-1-I, VRT, p. 4, lines 18-22), had forced the court to appoint a special master for the sale of the home to act on his behalf (Appeal No. 65813-1-I CP at 18-22), and as the result of these delays and the decline in the real estate market, Mr. Ganjaie's share of the net proceeds from the sale of the home were to be reduced proportionately. (Appeal No. 65813-1-I CP at 47-48). The conditions in existence at the time of this ruling supports the court's orders and modification of the decree. The ruling should be affirmed.

The second appeal (Appeal No 66410-7-I) claims the court no longer had jurisdiction to enter the order on November 10, 2010, but no reference is made to the record below, nor did the Appellant request

clerk's papers or transcripts related to this hearing, and for the reasons argued in the subsection above, his appeal fails.

The third appeal (Appeal No. 66710-6-I) claims the court again had no jurisdiction to modify the decree. However, the record supports that a full noticed hearing was held (Appeal No. 66710-6-I, CP at 1-2 and 3-46). The trial court found that the delay in the sale of the home and the increase in costs was due to the actions of Ali Ganjaie. (Appeal No. 66710-6-I, VRT, p. 6, 11-25 and p. 7, lines 1-17).

Respondent submits and avers that at all times the trial court acted within its jurisdiction and that the conduct of Ali Ganjaie in his attempts to delay and prevent the sale justified the trial court's modification of the decree regarding the sale proceeds of the family home. The decision of the trial court should not be disturbed on appeal and should be affirmed. To do otherwise will simply allow Mr. Ganjaie yet another opportunity to prolong a dissolution proceeding that should have resolved fully years ago.

**5. The Trial Court Did Not Violate Civil Rule of Procedure 60:**

Mr. Ganjaie claims that granting the July 2, 2010 motion violates "Federal Civil Rule Procedure 60(c)(1)". I believe the court will

concede that the Federal Rules of Civil Procedure do not apply to this case. It is assumed that Mr. Ganjaie intended to reference the Washington Superior Court Civil Rules, specifically Rule 60. Civil Rule 60 pertains to relief from judgment or order. The motion related to the July 2, 2010 ruling related to reallocating the proceeds from the sale of the home and removing Mr. Ganjaie from the home due to his attempts to prevent the sale. The authority cited in support of the motion was RCW 26.09.170(1) not CR 60. (Appeal No. 65813-1-I CP 3) A trial court's power to modify a divorce decree is governed by RCW 26.09.170(1). *In Re Marriage of Thompson*, 97 Wn.App. 873 (Div. One, 1999) The motion was largely denied and the court ordered that the sales price of the home be reduced and Mr. Ganjaie's share of the net proceeds be reduced proportionately. (Appeal No. 65813-1-I CP 48) It is unclear to the Respondent how this violated Civil Rule 60, and for the reasons discussed above, Respondent contends that it was well within the court's authority to order as it did and no error was committed.

**6. RAP 7.2 Did Not Remove Jurisdiction From the Trial Court In This Case:**

In his second and third appeal, Mr. Ganjaie contends that trial court lost jurisdiction to enter further rulings pursuant to RAP 7.2(e). Ali

does not elaborate on how RAP 7.2(e) removed jurisdiction from the trial court. Respondent does not see how RAP 7.2(e) somehow removed jurisdiction.

RAP 7.2(c) pertains to Enforcement of a Trial Court Decision in Civil Cases and states as follows:

In a civil case, except to the extent enforcement of a judgment or decision has been stayed or as provided in rules 8.1 or 8.3, the trial court has authority to enforce any decision of the trial court and a party may execute on any judgment of the trial court. Any person may take action premised on the validity of a trial court judgment or decision until enforcement of the judgment or decision is stayed provided in rules 8.1 or 8.3.

No motion to stay the enforcement of the judgment was brought by Ali at any time. While he has repeatedly filed appeals in this matter, without further action, that did not remove jurisdiction from the trial court and it is not a basis to attack to decision below.

**D. CONCLUSION**

It is requested that this appeal be denied and the decisions of the court below be affirmed.

Respectfully Submitted,

DATED: July 5, 2011 at Seattle, Washington.

A handwritten signature in black ink, appearing to read "Daniel A. Clare", written over a horizontal line.

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*The Court of Appeals*  
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*State of Washington*  
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98101-4170

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March 8, 2010

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CASE #: 63464-0-1

In re the Marriage of Ali Ganjaie, Appellant v. Katherine Ganjaie, Respondent  
King County, Cause No. 07-3-08410-3 SEA

Counsel:

Enclosed is a copy of the opinion filed in the above-referenced appeal which states in part:

"Affirmed."

Counsel may file a motion for reconsideration within 20 days of filing this opinion pursuant to RAP 12.4(b). If counsel does not wish to file a motion for reconsideration but does wish to seek review by the Supreme Court, RAP 13.4(a) provides that if no motion for reconsideration is made, a petition for review must be filed in this court within 30 days. The Supreme Court has determined that a filing fee of \$200 is required.

In accordance with RAP 14.4(a), a claim for costs by the prevailing party must be supported by a cost bill filed and served within ten days after the filing of this opinion, or claim for costs will be deemed waived.

Should counsel desire the opinion to be published by the Reporter of Decisions, a motion to publish must be filed within 20 days of the date of this letter.

Sincerely,



Richard D. Johnson  
Court Administrator/Clerk

LAM

Enclosure

c: The Honorable Patricia Clark

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

In the Matter of the Marriage of	)	
	)	No. 63464-0-1
ALI GANJAIE, f/k/a	)	
GHOLAMALI GANJAIE,	)	DIVISION ONE
	)	
Appellant,	)	
	)	
and	)	
	)	UNPUBLISHED OPINION
	)	
KATHERINE GANJAIE,	)	FILED: March 8, 2010
	)	
Respondent.	)	
_____	)	

BECKER, J. — Ali Ganjaie appeals five trial court orders entered in a dissolution proceeding. He elected not to include any verbatim reports of the dissolution trial in the appellate record. The lack of a record prevents this court from reviewing most of his arguments. Finding no abuse of discretion in the rulings that can be reviewed, we affirm.

The appellate record consists of 109 pages of clerk's papers, 19 trial exhibits, and a 15 page parenting plan evaluation. The record reflects that there was a trial on Ali's petition for dissolution, with a decree and other final orders entered on April 8, 2009. According to the trial court's findings of fact, Ali and Katherine Ganjaie married in September 1981 and separated in July 2007. Ali filed the petition for dissolution in December 2007.

26.09.191(2)(a). In the parenting plan here, the trial court made such a finding as to Ali. Further, the court found an “abusive use of conflict by the parent which creates the danger of serious damage to the child’s psychological development.” Based on these findings, the court restricted Ali’s contact with his daughter. The court ordered Ali to engage in domestic violence treatment in order to have increasing and eventually unsupervised visitation time with his daughter. The court also entered a protective order that prohibits Ali from contacting his daughter except as established in the parenting plan.

Ali argues that the protection order is an abuse of discretion. He argues that the court should have required an adequate showing of cause before allowing a hearing on a modification of a parenting plan. A court has a statutory duty to require a showing of adequate cause before conducting a hearing on a proposed modification to a permanent parenting plan. RCW 26.09.260. Ali’s argument fails because this case does not involve a modification to a permanent parenting plan. Rather, it involves the establishment of a permanent parenting plan to replace a temporary plan.

Ali also argues that the trial court erred by not ordering a “screening/assessment” regarding the impact of the court’s order limiting his contact with his daughter. When a trial court imposes a limiting factor on parental contact in the parenting plan, a statute requires that both parties “shall be screened to determine the appropriateness of a comprehensive assessment regarding the impact of the limiting factor on the child and the parties.” RCW 26.09.191(4).

necessary to provide the verbatim reports because they contained no evidence supporting the domestic violence finding. But without a complete record we cannot evaluate Ali's claim. Bulzomi, 72 Wn. App. at 525. The trial court's findings of fact are thus verities on appeal. Cowiche Canyon, 118 Wn.2d at 808.

Ali argues summarily that the protective order violates the due process clause of the Fourteenth Amendment. But he does not explain how and cites no authority. We therefore do not review this contention. Cowiche Canyon, 118 Wn.2d at 809.

#### SPOUSAL MAINTENANCE

The trial court found that "Maintenance was not requested" in the findings of fact and conclusions of law. Ali claims that he did make a motion for spousal maintenance to last until he finds employment. If Ali did request spousal maintenance, his request is not included in the appellate record. Without a record of such a request, the claim is unreviewable. Bulzomi, 72 Wn. App. at 525.

#### CHILD SUPPORT AWARD

In the order of child support, the trial court found Ali's actual monthly net income to be \$5,018. The court set Ali's monthly child support transfer payment at \$677.21 per month. In a handwritten addendum, the court granted "a deviation down to \$25 per month based on father's temporary unemployment. The deviation is effective for six months. October 1, 2009 the payments shall

Charles Schwab investment account. The court also ordered Ali to pay all expenses related to the family home until the house sold.

Ali contends that the trial court abused its discretion by dividing the community property in an unjust and inequitable fashion in violation of RCW 26.09.080. He asserts that the Mercedes is not his asset because the car is reserved for the exclusive use of the parties' son, who was 19 years old in 2009. He similarly asserts that the investment account is not his asset because it is reserved for the son's college expenses. He claims that the court's calculations do not reflect Katherine's withdrawal of \$3,000 from the safe deposit box. And he argues that Katherine should have to pay half the house expenses until it sells.

Upon dissolution, the trial court must make a just and equitable division of all community and separate property. RCW 26.09.080. We will reverse a trial court's division of property in a dissolution only for a manifest abuse of discretion. In re Marriage of Brewer, 137 Wn.2d 756, 769, 976 P.2d 102 (1999).

Ali does not point to evidence in the record supporting his claims. For example, he claims in his brief that Katherine admitted during cross-examination that she withdrew \$3,000 from the safe deposit box. But we do not have a report of proceedings to confirm that she did give such testimony. The 19 trial exhibits contain no information corroborating Ali's assertions that the car or investment account are for his son's exclusive use. Thus, Ali has not demonstrated any error by the trial court in its division of the parties' assets, and he has not shown the division to be inequitable.

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION I**

In the Matter of the Marriage of	)	No. 63464-0-1
	)	
ALI GANJAIE, f/k/a	)	
GHOLAMALI GANJAIE,	)	MANDATE
	)	
Respondent,	)	King County
	)	
v.	)	Superior Court No. 07-3-08410-3 SEA
	)	
KATHERINE GANJAIE,	)	
	)	
Appellant.	)	

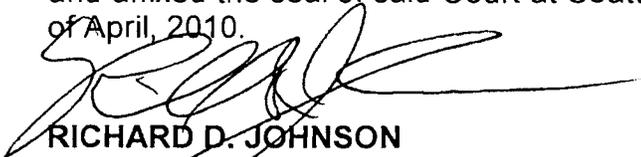
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**THE STATE OF WASHINGTON TO:** The Superior Court of the State of Washington in and for King County.

This is to certify that the opinion of the Court of Appeals of the State of Washington, Division I, filed on March 8, 2010, became the decision terminating review of this court in the above entitled case on April 16, 2010. This case is mandated to the Superior Court from which the appeal was taken for further proceedings in accordance with the attached true copy of the decision.

c: Ali Ganjaie  
Daniel Allan Clare  
Hon. Patricia H. Clark

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and affixed the seal of said Court at Seattle, this 16th day of April, 2010.



**RICHARD D. JOHNSON**  
Court Administrator/Clerk of the Court of Appeals,  
State of Washington, Division I.



FILED  
COURT OF APPEALS DIV  
STATE OF WASHINGTON

2011 JUL -5 PM 12: 55

RECEIVED  
COURT OF APPEALS  
DIVISION ONE

JUL 05 2011

No. 65813-1-I  
No. 66410-6-I  
No. 66710-6-I

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

In Re the Marriage of,	)	
	)	
ALI GANJAIE	)	No. 65813-1-I
	)	No. 66410-6-I
PETITIONER,	)	No. 66710-6-I
	)	
	)	DECLARATION OF
	)	MAILING
	)	
KATHERINE GANJAIE	)	
	)	
<u>RESPONDENT</u>	)	

**DECLARATION OF MAILING**

DANIEL A. CLARE, hereby certifies and declares:

I am the attorney of record for Respondent, KATHERINE GANJAIE in the above-captioned proceeding and I make this declaration based upon my personal knowledge and belief. My Washington State Bar number is 31328.

On July 5, 2011 I deposited a true and correct copy of the document entitled RESPONSE BRIEF OF RESPONDENT, KATHERINE GANJAIE into the United States mail, first class postage

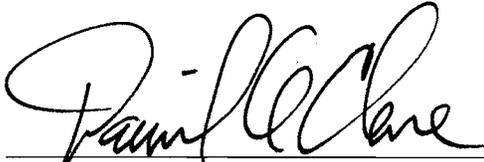
pre-paid, addressed to the opposing party counsel with a pdf copy also  
send by email to:

ALI GANJAIE  
2011 East Lake Sammamish Place  
Sammamish, WA 98074

Email Address: ali.ganjaie@gmail.com

I certify and declare under penalty of perjury under the laws of the  
State of Washington that the foregoing is true and correct.

DATED: July 5, 2011 at Seattle, Washington.

  
Daniel A. Clare, WSBA #31328