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**Timothy W. Fitzgerald
SPOKANE COUNTY CLERK**

**SUPERIOR COURT OF WASHINGTON
COUNTY OF SPOKANE**

In re the Marriage of:

SIRINYA SURINA,

and

AARON MICHAEL SURINA,

Petitioner,

Respondent.

No. 17-3-01817-0

DECLARATION OF RESPONDENT
AARON MICHAEL SURINA
REGARDING MOTION FOR
CONTEMPT

Aaron Michael Surina declares:

1. I am the Respondent and the Father of the minor children David and Andrew Surina.

2. I am competent to testify to the matters stated herein of my own personal knowledge.

3. I am certain that I am not, and was never, an immigration sponsor for my Mother-in-Law, Benjamas Srirattanakun. I am not responsible for her medical expenses under the September 28, 2017 Temporary Family Law Order nor any modifications thereof. Allegations contained in the declarations of the Petitioner and her mother, Benjamas Srirattanakun, regarding my legal duty to pay medical expenses incurred by the Benjamas Srirattanakun are unfounded in fact or law.

4. I do not agree with the requests for sanctions contained in the Petitioner's Motion for Contempt Hearing.

DECLARATION OF RESPONDENT AARON
MICHAEL SURINA REGARDING MOTION FOR
CONTEMPT - 1

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1 5. There are three allegations of contempt contained in the Petitioner's Motion for Contempt
2 Hearing: 1) that I did not pay the cellular telephone bill, a water bill and payments due on a Hyundai
3 car, 2) that I did not work with Petitioner's counsel to amend a federal tax return, and 3) that I
4 entered onto the premises of the other party.

5 6. I deny that I wilfully violated the Court's orders as explained below.

6 7. I admit that I was slow in paying the cell phone bill and in making the car payment. I will
7 explain my slowness in making those payments below. Both of those bills were paid several days
8 prior to the filing of the Petitioner's Motion for Contempt. With respect to the water bill, I do not
9 receive that bill directly. It is mailed to the residence at which the Petitioner resides. The Petitioner
10 failed to timely provide me the water bill and due to the financial demands of supporting two
11 households from my employment income I can, and do, fall short of the cash necessary to pay each
12 of those bills on time each month. For that reason it is critical that the Petitioner provide me the
13 bills which she receives in a timely manner because it may take me several weeks to have the cash
14 available to pay them.

15 8. The financial burden placed upon me by the Temporary Family Law Orders entered in
16 this case is severe. I am required to entirely support two separate households which include two
17 adults and my two sons in the Petitioner's household and myself separately. The Petitioner refuses
18 to find employment and does not help to financially support either herself or her children. After
19 deductions for the \$1,464.00 in child support which I pay to the Petitioner each month, deductions
20 for the family's health insurance payment of approximately \$1,037.00 per month and other
21 deductions for prudent and appropriate items like life insurance, contributions to our health savings
22 account and retirement account contributions and depending on the availability of project funding
23 and the hours I can work, I receive a variable net pay of about \$ 2,000.00 every two weeks. From
24 that net pay I must make a mortgage payment of approximately \$1,588.00 for the residence in which
25 the Petitioner resides, \$467.00 for the car the Petitioner drives, pay variable utility bills for the
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28 DECLARATION OF RESPONDENT AARON
MICHAEL SURINA REGARDING MOTION FOR
CONTEMPT - 2

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1 residence in which the Petitioner lives, but which presently include the Comcast cable bill for
2 \$109.00, the sewer bill at about \$50.00 per month (but which isn't paid every three months), the
3 water bill which varies seasonally but which runs between \$45 and \$60 per month, the trash bill
4 which often has excess bag charges and runs around \$150.00 (also paid every three months), the
5 family T-Mobile cell phone bill which runs \$123.00 per month, the insurance payment for our cars
6 (the car the Petitioner drives which requires full coverage and mine which are worth under
7 \$2,000.00) which is \$125.00 per month, and medical bills which are in the thousands currently
8 between my children and I. The counselor for David is not considered an in-network provider
9 apparently because her bill that I received recently is over \$1,000.00 in itself. There is only one
10 person working out of the 9 people involved in this case. The total of the expenses for persons
11 residing in the Petitioner's residence which I must pay each month to my calculation averages
12 \$3,900.00 per month. I also necessarily have to pay my living expenses which are comprised of the
13 same types of utilities, internet, trash, electric, sewer, gas, Hyundai, rent and so forth and my credit
14 related debt all of which also total approximately \$3,400.00 per month.

15 9. The mortgage payment on the residence in which the Petitioner, her mother and my sons
16 David and Andrew reside and the payment on the Hyundai car which the Petitioner drives alone is
17 approximately 60% of my monthly net pay. The phone bills, the utility bills, the out-of-pocket
18 medical expenses, the car insurance expenses, and the counseling expense for David equates to
19 about 90% of my monthly net pay, leaving me approximately \$459.00 monthly with which to pay
20 my living expenses and bills, including gas to commute to work nearly 500 miles a week now, food,
21 rent and everything required to maintain a healthy residence and keep my job.

22 10. Due to the forgoing financial demands I am not able to pay in full each bill when it
23 comes due and because I have no control over the consumption of resources at the Petitioner's
24 residence with respect to power and water utilities and trash collection, it's difficult to know what
25 demands will be made on my earnings each month for items.

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28 DECLARATION OF RESPONDENT AARON
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1 11. In late March 2018 in consultation with my employer it was decided that I should take
2 some family leave time to regroup. It was necessary to preserve my employment and it wasn't
3 necessarily my idea. As a result my income dropped and that created a financial exigency. I was
4 trying to balance payments as best I could and because I do not regularly receive the bills and
5 notices regarding water service to the Petitioner's residence, I did not understand that the water
6 service was in jeopardy of being discontinued for non-payment.

7 12. I did not intend for the water service at the Petitioner's residence to be interrupted for
8 non-payment and I also did not intend for our cell phone service to be interrupted for non-payment.
9 Both of those situations were entirely resolved and those services restored prior to the filing of the
10 Petitioner's Motion for Contempt. I have returned to work and my income will return to normal,
11 which does not ease the financial strain of having one family member support two separate
12 households, but it will help.

13 13. With respect to the allegation that I did not work with Petitioner's counsel to amend a
14 federal tax return, that is also untrue. At approximately the same time as the March 15, 2018
15 hearing in this matter, I retained counsel who shared my concerns about signing a joint tax return
16 with the Petitioner when I believed that the Petitioner had received income from sources in Thailand
17 which she had not disclosed to me. I decided to obtain advice on that issue and then to have my
18 accountant evaluate the tax issues associated with filing a join return. On May 25, 2018, I provided
19 my attorney with my 2017 tax information and the tax return which had been prepared by my
20 accountant and asked that my attorney provide the information to the Petitioner's counsel which I
21 understand occurred on that same day. Following the service of the Petitioner's Motion for
22 Contempt, I requested and received a letter from my accountant on the tax issue which is filed as a
23 Sealed Financial Source Document separately from this Declaration, but I incorporate that letter into
24 this Declaration as though the same was an attachment to this Declaration. I ask the Court to
25 consider my accountant's letter as it considers whether I am in wilful violation of the Court's order
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28 DECLARATION OF RESPONDENT AARON
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1 to cooperate with Petitioner's counsel regarding our 2017 tax returns. The accountant has prepared
2 the taxes and is waiting on information to be revealed in this case through the Petitioner's sworn
3 statements. For example, the annuities that were cashed out which were shown to have been
4 invested in by me previously as an example.

5 14. With respect to the allegation that I violated the Court's Temporary Family Law Order
6 by entering upon the premises of the Petitioner, that is also untrue. The allegation raised by the
7 Petitioner's mother, Benjamas Srirattanakun, is that on May 23, 2018 I took a cell phone which I
8 own from the Petitioner's residence. The allegation is that I had given the phone to the Petitioner's
9 mother, which I deny. I had agreed that David could use it to call me but his mother denies him the
10 ability to call me. He recites my phone number every time I pick him up and grovels that mom
11 won't let me have my phone. I did not have any understanding of her mother's actual use of it. My
12 phone is a black framed LG Stylo. Unknown to me until after a recent visitation, my son David had
13 removed a similar looking work phone from my car and took it home with him. The phone has
14 games on it which my sons play when they are with me on visitation. The work phone is equipment
15 which I need to do my job at work. I confirmed with David that he had taken it with him to the
16 Petitioner's residence by accident. During the May 23, 2018 visitation I asked him to return it to me
17 at the time of the exchange. I remained in the car in the driveway as is the procedure we use during
18 exchanges at the Petitioner's residence. The Petitioner apparently was not home at the time of that
19 exchange and her Mother does not speak English, so there was no way for me to explain what I
20 thought had happened with my phone. I am honestly apprehensive during the exchanges when
21 Benjamas Srirattanakun is the only adult home due to concerns about the language problem leading
22 to issues in the past. During this exchange, at my request, David returned outside to my vehicle and
23 passed me what I thought was the work phone. As I prepared to leave the driveway there was no
24 abnormal behavior from the Petitioner's mother. I was not yelling for David to hurry up. To my
25 knowledge she would not understand the words 'hurry up' even if I had.

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28 DECLARATION OF RESPONDENT AARON
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1 15. Once I arrived home I realized that my son David brought me the wrong phone.
2 Sometime later the Petitioner sent me a text about the phone. By the time I realized I had the wrong
3 phone it was after 5:00 p.m. and my attorney's office was closed for the day. The next day, on May
4 24, 2018, I called my attorney and he said he would call the Petitioner's attorney to make
5 arrangements for the return of the LG Stylo and to ask him to have Sirinya find and return my
6 phone. I generally always take a witness with me to the exchanges because of false allegations
7 which have been made during past exchanges and I try to avoid conflict. I get along with Sirinya
8 fine; it's the others who seem to have an have interest in the outcome of this case that cause the
9 most conflict.

10 16. On May 25, 2018, in response to the Petitioner's request that I return the phone, I went
11 to T-Mobile to arrange for the phone to be picked up there by the Petitioner. On that same day I
12 pressed my attorney to try to make arrangements with the Petitioner's counsel to return my work
13 phone. It is my understanding that the Petitioner picked up the LG Stylo from the T-Mobile
14 location where I had left it prior to the time of the filing of her Motion for Contempt. I understand
15 that the Petitioner's counsel is upset that I asked David to return my phone to me. It was my
16 understanding that David had taken it and so it made sense to me that he would know where it was
17 and would be able to retrieve it for me.

18 17. I ask that the Court disregard the allegations contained in the Declarations of the
19 Petitioner and of Benjamas Srirattanakun which do not relate in any way to the Temporary Family
20 Law Orders in this case, such as the allegations that I have not paid medical expenses tor Benjamas
21 Srirattanakun or debts incurred by the Petitioner for herself or for the children outside the scope of
22 the Temporary Family Law Orders.

23 18. I also ask that the Court deny the Petitioner's Motion for Contempt and further deny the
24 Petitioner's requested sanctions and her request for an award of attorneys fees regarding her Motion
25 for Contempt.

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28 DECLARATION OF RESPONDENT AARON
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1 I declare under the penalty of perjury of the laws of the state of Washington that the
2 foregoing is true and correct.

3 DATED this 7 day of June 2018.

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7 Aaron M. Surina,
Declarant

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28 DECLARATION OF RESPONDENT AARON
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CONTEMPT - 7

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