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FILED

MAY 02 2019

Timothy W. Fitzgerald
SPOKANE COUNTY CLERK

Superior Court of Washington, County of SPOKANE

In re:

Petitioner:

SIRINYA P. SURINA

And Respondent:

AARON MICHAEL SURINA

No. 17-3-01817-0

Motion for Contempt Hearing and
Restraining Order
(MTSC)

Motion for Contempt Hearing

To both parties:

Deadline! Your papers must be filed and served by the deadline in your county's Local Court Rules, or by the State Court Rules if there is no local rule. Court Rules and forms are online at www.courts.wa.gov.

If you want the court to consider your side, you **must**:

- File your original documents with the Superior Court Clerk; AND
- Give the Judge/Commissioner a copy of your papers (if required by your county's Local Court Rules); AND
- Have a copy of your papers served on all other parties or their lawyers; AND
- Go to the hearing.

The court may not allow you to testify at the motion hearing. Read your county's Local Court Rules, if any.

Bring proposed orders to the hearing.

To the person filing this motion:

To schedule a hearing on this motion, you must ask the court to sign the Order to Go to Court for Contempt Hearing (Order to Show Cause) (FL All Family 166). This Order may be signed "ex parte" (without the other party there). Contact the Superior Court Clerk's office for the procedure in your county. You must have this Motion and the Order to Go to Court personally served (by someone else) on the other party.

To the person receiving this motion:

If you do not agree with the requests in this motion, file a statement (using form FL All Family 135, *Declaration*) explaining why the court should not approve those requests. You may file other written proof supporting your side.

I Sirinya Surina declare:

1. I am the Petitioner in this case.

2. The other party, Aaron M. Surina, did **not** obey the orders below that were signed by the court on: August 10, 2018, January 3, 2019 and March 29, 2019 in Spokane Washington.

The Orders noted above order Respondent to cooperate with the sale of the family residence. The March 29, 2019 order named Ms. Surina as the agent of the Community to enter into the Purchase and Sale Agreements, which she has done.

The current Purchase and Sale Agreement is for \$326,000.00 but is contingent upon replacing the roof shingles. (See attached true and correct copy of the contingency filed under separate cover.) The residence's property insurance coverage is provided by Home Site Insurance Company. Home Site Insurance requires Mr. Surina to agree to move forward with the claim for the roof damage. He refuses to do so. (Please see the Email exchange with counsel and Angela Aguilar, Home Site adjuster filed as Exhibit A)

3. **Request** – I ask the court to:

- Order the other party to go to court to show why the court should not approve the judgment and orders I've requested,
- Find the other party in contempt, and
- Approve the requests checked below.

4. **Money judgment requested**

I ask the court to approve a judgment ordering the other party to pay:

Judgment for	Debtor's name	Creditor's name	Amount	Interest
Civil penalty	Aaron Surina	Sirinya Surina	\$ 500.00	\$
Lawyer fees and costs	Aaron Surina	Keith A. Glanzer	\$1,500.00	\$
Yearly Interest Rate for child support, medical support, and children's expenses: 12% . For other judgments: % (12% unless otherwise listed)				
Lawyer (name): Keith A. Glanzer represents: Sirinya Surina				
Lawyer (name): Richard Kuck represents: Aaron Surina				

5. **Fines and penalties (remedial sanctions) requested**

Approve other reasonable orders, including ordering the other party to:

- Pay a fine – civil penalty (required for violations of parenting time orders),
- Pay a fine for each day the court's orders are not followed,
- Meet certain conditions to stop being in contempt (purge the contempt),
- Pay my lawyer fees and costs, if any,
- Give me make-up parenting time, if appropriate, and

- 1 • Any other relief allowed by law (Chapter 7.21 RCW, Chapter 26.09 RCW, Chapter
2 26.10 RCW, Chapter 26.26 RCW, and RCW 26.18.040).

3 Send the other party to jail.

4 **6. Other orders requested:**

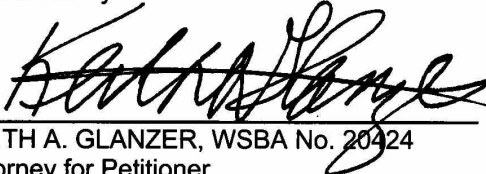
5 I declare under penalty of perjury under the laws of the state of Washington that the facts I have
6 provided on this form are true.

7 Signed at Spokane, Washington

Date: 4-26-19

8 
9 _____
10 Sirinya Surina
11 Petitioner/Moving Party

12 Presented by:

13 
14 _____
15 KEITH A. GLANZER, WSBA No. 20424
16 Attorney for Petitioner

17

Warning! Documents filed with the court are available for anyone to see unless they are sealed. Financial,
18 medical, and confidential reports, as described in General Rule 22, **must** be sealed so they can only be seen by
19 the court, the other party, and the lawyers in your case. Seal those documents by filing them separately, using a
20 Sealed cover sheet (form FL All Family 011, 012, or 013). You may ask for an order to seal other documents.

Claim Number: 2442807 Surina

Keith Glanzer

Fri 4/26/2019 2:36 PM

To: claims@homesite.com <claims@homesite.com>; richk@rklaw.com <richk@rklaw.com>

2 attachments (4 MB)

04-26-19 Surina 8-10-19 Order 1-3-19 Order 3-29-19 Order.pdf;
Third_Party_Authorization_(130201915436PM).pdf;

April 26, 2019

Dear Ms. Aguilar:

Thank you for following up on your April 22, 2019 call to me yesterday, April 25, 2019.

It is my understanding from our telephone conversation that, Mr. Surina, the named insured on the Home Site property insurance, does not want to move forward with the roof damage claim my client, through her attorney, filed with Home Site. It is further my understanding that Mr. Surina represented to you that he was divorced and that my client was his "ex-wife" and had no standing to make a claim. Also, Mr. Surina represented to you that he was not represented by an attorney on the Home Site insurance policy.

Washington state is a community property state, and Ms. Sirinya Surina has an undetermined community property interest in the family residence.

The claim for the damages to the residence was filed with Home Site based on the attached court orders that names Ms. Sirinya Surina the sole member of the community responsible for selling the family residence.

The release signed by Mr. Surina, your insured, authorized me to contact the mortgage company to obtain the insurance information. I did this only after Mr. Surina refused to provide me with that information pursuant to court order.

The current Purchase and Sale Agreement to sell the house is contingent upon the roof being repaired. The residence was inspected by the buyers under the current Purchase and Sale Agreement. The buyer's inspector alerted the buyers to have the roof inspected by someone else since the inspector does not do roof inspections. In compliance with the recommendation of the inspector, my client had the roof inspected by a qualified roofing contractor. The contractor met with your field adjuster and it has been determined the roof should be replaced under the Home Site insurance contract.

The information about the need for a roof replacement was provided to Mr. Surina through his attorney of record, Richard Kuck. I have already provided you with Mr. Kuck's information, but here is his contact information once again: Work Telephone: 208-667-3600; Cell Telephone: 208-659-1316; Address: Law Office of Richard Kuck, 250 Northwest Blvd, Suite 104, Coeur d'Alene ID 83814.

EXHIBIT A

I have attached the August 10, 2018, January 3, 2019 and the clarifying March 29, 2019 order, which requires Mr. Surina to cooperate with the sale of the family residence due to the financial hardship it was causing Mr. Surina. Mr. Surina motioned the court to modify a Temporary Family Law Order, which ordered him to pay the family expenses, including the mortgage payments during the pendency of entering a final order.

Even though the court ruled against Mr. Surina about the financial modification of the order, Mr. Surina stopped making the mortgage payment in September 2018. The mortgage is \$14,000.00 in arrears. Time is of the essence about moving this roof repair contingency forward to close the sale of the residence and save what equity the Surina's have left in the property.

I am filing a motion for contempt against Mr. Surina because cooperating and signing all documents necessary to accomplish the sale of the residence, I feel, includes moving forward with the insurance claim on the roof.

I will keep you posted. Please contact me with any questions about the attached documents.

KAG

Keith A. Glanzer, P.S.
2024 W. Northwest Blvd
Spokane, WA 99205
Telephone: 509-326-4526
Facsimile: 509-324-0405

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