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FILED

DEC 20 2019

Timothy W. Fitzgerald
SPOKANE COUNTY CLERK

Superior Court of Washington, County of SPOKANE

In re the Marriage of:

SIRINYA SURINA

Petitioner,

And

AARON MICHAEL SURINA

Respondent.

No. 17-3-01817-0

Findings and Conclusions about a
Marriage
(FNFCL)

Findings and Conclusions about a Marriage

1. Basis for findings and conclusions

A contested trial was conducted with witness testimony and submitted exhibits by both parties before Judge Michael Price, Spokane County Superior Court, Department 5, from August 12, 2019 through August 14, 2019. Written closing arguments were submitted to the court on August 23, 2019. The Court made its oral ruling on the record November 27, 2019. The following people were present at trial and at the oral ruling of the court:

Petitioner: Sirinya Surina

Petitioner's Lawyer: Keith A. Glanzer

Respondent: Aaron M. Surina

Various Witnesses at trial, including Karmen Colby, Respondent's sister, who was present when the court made its oral ruling.

The court's oral ruling has been reduced to writing. ~~The verbatim transcript of the court's oral ruling filed herein is included in the court's findings and conclusions.~~

~~The court's verbatim transcript (hereinafter "VBT") shall be part of the permanent record and shall be included as Findings of Fact and Conclusions of Law in all future judicial rulings. Conflicts, if any, between the verbatim transcript and the written findings, decree, child support order or parenting plan shall be resolved in favor of the verbatim transcript.~~

The Court makes the following findings of fact and conclusions of law:

2. Notice

The Respondent has appeared in this case, or has responded to or joined the *Petition*.

The Respondent was served in person on: August 14, 2017.

3. Jurisdiction over the marriage and the spouses

At the time the *Petition* was filed,

The Petitioner lived in Washington State.

The Respondent lived in Washington State.

The Petitioner and Respondent lived in this state while they were married, and the Petitioner and Respondent still lives in this state

Conclusion: The court has jurisdiction over the marriage.
The court has jurisdiction over the Respondent.

4. Information about the marriage

The spouses were married on December 29, 2010 at Douglas, OR.

5. Separation Date

The marital community ended on or about August 14, 2017. The parties stopped acquiring community property and incurring community debt on this date.

6. Status of the marriage

Divorce - This marriage is irretrievably broken, and it has been 90 days or longer since the *Petition* was filed and the *Summons* was served or the Respondent joined the *Petition*.

Conclusion: The Petition for divorce should be granted.

7. Separation Contract

There is no separation contract.

8. Real Property

Neither spouse owns any real property.

1 **9. Community Personal Property**

2 The spouses' community personal property is listed in Exhibit C. This Exhibit is attached
3 and made part of these Findings.

4 **Conclusion:** The division of community personal property described in the final order is
5 fair (just and equitable).

6 **10. Separate Personal Property**

7 The separate personal property has already been divided fairly between the spouses. Each
8 spouse should keep any separate property that s/he now has or controls.

9 **11. Community Debt**

10 The community debt has already been divided fairly between spouses.

11 **Conclusion:** The division of community debt described in the final order is just and equitable.

12 **12. Separate Debt**

13 The separate debt has already been divided fairly between the spouses.

14 **Conclusion:** The division of separate debt described in the final order is just and equitable.

15 **13. Spousal Support**

16 *ms* Spousal support was requested. ~~Further findings regarding Spousal support are found in~~
17 ~~the VBT of the court's oral ruling as noted in Section 1 above.~~

18 *ms* **Conclusion:** Spousal support should **not** be ordered ~~because as noted in VBT as~~
19 ~~noted in Section 1 above.~~

20 **14. Lawyer Fees and Costs**

21 *ms* Each party should pay his/her own fees or costs. ~~Further findings regarding lawyer fees~~
22 ~~and costs are found in the VBT of the court's oral ruling as noted in Section 1 above.~~

23 **15. Protection Order**

24 *ms* ~~Sigmya Surina requested an Order for Protection in this case.~~

25 **Conclusion:** ~~The court should approve an Order for Protection because of \~~
~~RCW 26.09.191 as noted in Section 16 below.~~

16. Restraining Order

The Petitioner requested a *Restraining Order*.

Conclusion: The court should approve a *Restraining Order* because: Respondent,
Mr. Surina, has repeatedly engaged in abusive use of conflict with the Petitioner and has
consistently involved the minor children in the conflicts, which is then contrary to the
children's best interest and emotional health.

1 **17. Pregnancy**

2 Neither spouse is pregnant.

3 **18. Children of the marriage**

4 The spouses have the following children together who are still dependent:

<u>Children's names</u>	<u>Age</u>
1. David Michael Surina	7
2. Andrew Alex Surina	3

6 **19. Jurisdiction over the children** (RCW 26.27.201 – .221, .231, .261, .271)

7 The court can approve a *Parenting Plan* for the children the spouses have together because:

8 **Exclusive, continuing jurisdiction** – A Washington court has already made a custody
9 order or parenting plan for the children, and the court still has authority to make other
orders for David Michael Surina, Andrew Alex Surina.

Home state jurisdiction – Washington is the children's home state because :

11 David Michael Surina, Andrew Alex Surina lived in Washington with a parent or
12 someone acting as a parent for at least the 6 months just before this case was filed,
or if the children are less than 6 months old when the case was filed, they have lived
in Washington with a parent or someone acting as a parent since birth.

13 **20. Parenting Plan**

14 The court signed the final *Parenting Plan* filed separately today.

15 **21. Child Support**

16 The dependent children should be supported according to state law.

17 The court signed the final *Child Support Order* and *Worksheets* filed separately today.

18 **22. Other Findings or Conclusions**

19 Vexatious Litigator

20 Petitioner asked the court to find that Respondent is a vexatious litigator and to
21 prevent him from filing court actions without leave of the court. ~~Petitioner testified,~~
22 ~~presented witness testimony and entered exhibits to the court as evidence to support her~~
23 ~~claims. Petitioner further submitted briefing including case law about the subject. The~~
24 ~~court considered all of the above but finds the evidence unpersuasive and denies~~
25 ~~Petitioner's request~~

However, the court finds that all future disputes between the parties should be
brought before it in Spokane County Superior Court, Department 5 on its motion calendar.

The court's further findings regarding vexatious litigation are found in the previously noted
verbatim transcript and are included here as noted Section 1 above.

1 Community Waste

2 Petitioner argued that Respondent committed waste of community property by delaying
3 the court ordered sale of the community residence and refusing to file an insurance claim
4 for the damaged roof of the residence. ~~Petitioner testified, presented witness testimony~~
5 ~~and entered exhibits which were admitted as evidence about Respondent's waste of~~
6 ~~community property totaling over \$10,000. Petitioner further submitted briefing including~~
7 ~~case law about the subject. The court considered all of the above but finds the evidence~~
8 ~~unpersuasive and denies Petitioner's request.~~

9 ~~The court's further findings regarding community waste are found in the previously noted~~
10 ~~verbatim transcript and are included here as noted Section 1 above.~~

11 Community Property

12 Petitioner asked the court to find that the family residence was community property and
13 therefore the proceeds from the sale of the property should be characterized as community
14 property and divided equitably. Respondent disputed that the family residence was
15 community property. ~~Petitioner testified, presented witness testimony and offered exhibits~~
16 ~~which were admitted by the court as evidence of the community property nature of the family~~
17 ~~residence. The court considered all the evidence of the parties and was persuaded by~~
18 ~~evidence of the community property nature of the family residence and finds that it is~~
19 ~~community property and the division of the property in the decree is just and equitable.~~

20 ~~The court's further findings regarding the community property nature of the family~~
21 ~~residence are found in the previously noted verbatim transcript and are included here as~~
22 ~~noted Section 1 above.~~

23 Thailand Property

24 Respondent asked the court to find that the parties owned community property in
25 Thailand. Respondent offered exhibits admitted by the court as evidence about property
owned by the parties in Thailand. Petitioner offered exhibits admitted by the court which
countered Respondent's exhibits regarding community property located in Thailand. The
court found the Respondent's exhibits unpersuasive and found that the court could not
divide up property the community does not possess.

~~The court's further findings regarding Thailand community property are found in the~~
~~previously noted verbatim transcript and are included here as noted Section 1 above.~~

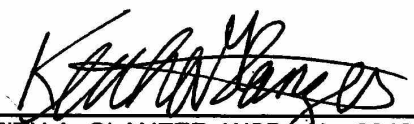
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Date 12-28-19 
JUDGE MICHAEL PRICE

Presented by:

Approved for entry:


KEITH A. GLANZER, WSBA No. 20424
Attorney for Petitioner

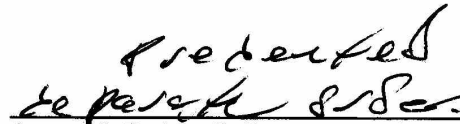

Aaron M. Surina, Self-represented
Respondent

Exhibit C

Surina Community Property

Entertainment Center	\$50.00
King Size Bed & Dresser	\$500.00
Couch & Love Seat	\$250.00
2 Twin Beds	\$150.00
Queen Bed	\$150.00
Dresser	\$50.00
Office Desk	\$100.00
2 Small Freezers	\$100.00
Kitchen Utensils	\$100.00
Snowblower	\$50.00
Lawn Mower	\$30.00
King Size Bed	\$150.00
Dining Table & Chairs	\$150.00
2014 Hyundai Santa Fe Sport; Vin: 5XYZUDLB8EG204207; Plate #:ASG9736	\$14,875.00
3 Guns	\$1,500.00
Various Kitchen Utensils	\$100.00
2- TVs	\$200.00
Tools and Toolbox	\$1,500.00
Computer	\$300.00
2003 Ford Expedition	\$4,625.00
2001 BMW 7 Series	\$3,300.00
Motorcycle	\$3,500
Proceeds from sale of community property residence	\$57,527.32
PH&S Retirement Program 9-30-17	\$23,191.76