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FILED

MAR 11 2020

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

ORDER AND JUDGMENT ON MOTION
FOR: CONTEMPT AND RESTRAINING
ORDER

Summary of money judgment from 3.2 in the table below.

Judgment for	Debtor's name	Creditor's name	Amount	Interest
Civil penalty	Aaron Surina	Sirinya Surina	\$ 500.00	\$
Lawyer fees and costs	Aaron Surina	Sirinya Surina	\$ 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				

I. BASIS

Petitioner, Sirinya Surina through her attorney, Keith A. Glanzer, moved the court to enter an order on contempt for violations of the orders entered herein on August 10, 2018, January 3, 2019 and March 29, 2019 in Spokane, Washington.

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Order on Motion re: Contempt and Restraining Order
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II. FINDINGS

2.1 The court has considered the *Motion for Contempt*; A hearing was held on Friday, May 17, 2019 and it makes findings as follows:

2.2 The August 10, 2018 Order on Motion to Immediately Place Family Residence up for Sale. . . Etc. found an economic need had been established and therefore a sale was necessary. (page 1; paragraph 2.4). The parties were ordered to cooperate in immediately listing and showing the home in a manner that would effectuate a sale of the residence as soon as possible after an offer was accepted. It further ordered that "No offer within current market value could be unreasonably withheld." (pg 2; line 15). The current market value offer to purchase the property includes a contingency to replace the roof. Respondent, Aaron Surina has failed to cooperate with the current offer to purchase the property when he unreasonably refuses to authorize insurance coverage on the contingency.

2.3 The January 3, 2019 Order on Contempt ordered "Respondent, through his attorney, to immediately provide Petitioner through her attorney all documentation regarding the mortgage lender including but not limited to. . . ." All documentation regarding the mortgage lender necessarily includes its documentation on the insurance company insuring its interest in the subject property. Respondent refused to provide this information after repeated attempts to obtain it, which forced Petitioner Sirinya Surina, through her attorney to contact the mortgage holder to obtain the information to open a claim against the residential property.

2.4 The March 27, 2019 Order on Motion For: Conveyance of Real Estate clarified the court's January 3, 2019 order. It ordered respondent, Sirinya Surina to execute all documents named above to complete the sale of the family residence as ordered by the court August 10, 2018 with . . . buyers, if any, in the future. (page 3; line 16) Respondent's refusal to facilitate the current Purchase and Sale Agreement contingency to replace the roof and repair the fascia through an insurance claim prevents Petitioner from efficiently executing the Purchase and Sale Agreement contingency and forces the price of the sale to be reduce by \$15,000.00 or more.

2.5 Contempt. The August 10, 2018, January 3, 2019 and March 27, 2017 orders were not obeyed.

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- 2.6 The buyer, Kenneth V. Trotter, under his current Purchase and Sale Agreement has made his purchase contingent upon replacing the roof and fascia to be completed by a licensed and bonded professional.
- 2.7 The requested repairs are insured under a Home Site property insurance policy due to covered damages to the roof of the residence.
- 2.8 Respondent, Mr. Aaron Surina is the named insured of the Home Site insurance policy and as such must authorize the covered replacement and repairs to be completed under the policy.
- 2.9 Glacier Property Solutions, a licensed and bonded professional roofing company has met with the Home Site field adjuster to determine Home Site's coverage of the damage.
- 2.10 Respondent has unreasonably refused to authorize Home Site Insurance Company to move forward with the claim and make the necessary repairs.
- 2.11 Aaron Surina acted in bad faith when he intentionally violated the orders by failing to timely cooperate with the Purchase and Sale Agreement contingency of replacing the roof and repairing the fascia.
- 2.12 Attorney Fees and Costs. Attorney fees and costs in the amount of \$1,500.00 and sanctions in the amount of \$500.00 ordered below are reasonable.
- 2.13 Judgment entered below in the amount estimated cost to replace and repair the roof in the amount of \$22,513.01 is reasonable.
- 2.14 Petitioner has shown good cause to grant Petitioner's motion.

III. ORDER

IT IS ORDERED that:

- 3.1 **Contempt.** Aaron M. Surina is in contempt.
- 3.2 The Oral ruling of the court is entered by this reference as though fully set forth herein

*This was never
signed -
addressed to BA*

3.3 Money Judgment.

Judgment for	Debtor's name	Creditor's name	Amount	Interest
Civil penalty	Aaron Surina	Sirinya Surina	\$ 500.00	\$
Lawyer fees and costs	Aaron Surina	Sirinya Surina	\$ 1,500.00	\$
	Aaron Surina	Sirinya Surina		
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				

3.4 Jail Time.

Aaron M. Surina must serve (number): days in the Spokane County Jail.

☐ Jail time is suspended (postponed) under these conditions:

The court will review compliance with these conditions at the review hearing set in section 3.7 below.

☐ Jail time starts: ☐ immediately ☐ on (date): . He must report to the jail on this date. The detainee must be released from jail as soon as s/he satisfies the conditions listed in section 3.6 below.

3.5 Judgment in the amount of the estimated cost of repair of \$22,513.01 shall be immediately entered against Respondent.

3.6 Contempt can be corrected (purged) if: Respondent immediately executes the Authorization to Adjust Insurance Claim and Assignment of Insurance Claim to Glacier Property Solutions before close of business on Monday, May 20, 2019 and also pays the judgments for Attorney Fees and Penalty entered today.

3.7 Compliance with conditions listed in Section 3.6 on May 22, 2016.

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3.8 Attorney Fees and Costs. Attorney fees and costs in the amount of \$1,500 and sanctions in the amount of \$500.00 are ordered as noted above.

DATED this ____ day of May 2019

JUDGE TONY HAZEL

Presented by:

Approved for entry:
Notice of Presentation waived:

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

AARON SURINA, Pro se
Respondent