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FILED

SEP 17 2020

Timothy W. Fitzgerald
SPOKANE COUNTY CLERK

Superior Court of Washington, County of Spokane

In re: Surina Dissolution

Petitioner:

Sirinya Polarij (Surina)

And Respondent:

Aaron Surina

No. 17-3-01817-0

Motion for Order Relief set aside judgement
under Rule 60 nun pro tunc – Clerical error
AND AFFADAVIT OF TRUTH BY RESP

Amended Final orders

(MT)

**Motion to correct clerical issue nun pro tunc;
Amended Final Orders and relief of Judgements under
Rule 59a and 60**

1. Relief Requested

- My name is: Aaron Surina I am a pro se litigant and am indigent, I ask the court:
- Order petitioner to provide the 8332 tax exemptions as awarded in the final orders from 2019 forward. Counsel made a number of clerical errors in the final orders that Judge Price was clear about but missed.
- The actual amount at separation is quite a bit less than the only statement the judge had available at the time.
- **See Exhibit A FOR UPDATED STATEMENT OF AUGUST 14, 2017 TO RECALCULATE EQUITABLE SPLIT AT THE DATE OF SEPERATION FOR AMENDED QDRO.**
- The QDRO was actually altered and 1800 in fees was deducted from my Acct in review fees where a reply was given requesting if two awards were ordered doubling the amount.

- The total award from the retirement is more than the retirement had and I object to changing the separation date to current.
- Order the petitioner to produce the subpoena for access of retirement accounts to prove she did not illegally impersonate me again with her friends as my deposits since separation are absolutely none of her business and the fraud continues.
- The 1,800 dollars in review fees due to a non Fidelity QDRO submitted are part of the total award which Judge Price clearly and twice confirmed on November 27th verbatim page 50 lines 15 – 17 order the maximum amount including fees and associated transaction deductions into total amount which are already 1,800.00 and on an amount which in Exhibit A ACTUALLY WAS 1,700 DOLLARS LESS ON THE DATE OF SEPERATION .
- The court/county issued orders and seized the legal sole and separate property of the respondent on August 14, 2017 and would be deceived into ordering the sale of the house to pay for a GAL to investigate the petitioner whom was indigent. This constitutes a public charge. decisions to reflect the court's ruling on November 27, 2019 on page 10 starting at line 4 to Line 17. (SEE VERBATIM OF FINAL RULING 11/27/2019)
- The actual amount at separation is attached in August 14, 2017 statement exhibit A
- Amend and sign final orders nun pro tunc to correct the following clerical errors
- Setoff QDRO with denied judgements that the court, through clerical error, awarded and forced to be satisfied AND
- Order the county/court/treasurer to issue bond/check in the amount of 810,000.00 for the compensation of respondent's property at twice the value AND
- Order the county/court/treasurer to issue bond/check in the amount of 90,000.00 (36 x 2500.00) for 36 months of rent or close therein as the court calculates properly. The court chose to pay the public charge for the petitioner at this level of living for 36 months and did not have the right to force the respondent out of the rents and profits of such large investment and acted without authority when ordering such outrageous awards.
- No reasonable person would have done that with their own house so it's evident that the court in this matter should compensate for this as a regulatory takings separate from the property being liquidated and the cost of the actual real estate lost prior to a trial AND
- The respondent received none of his household property or belongings back that the court ordered. He lost all of his life's things. Everything was stolen.

2. Statement of Issues

I ask the court to decide the following issues (*specify*):

- The orders submitted after hours on December 20, 2019 were not drafted with the court's final rulings given orally in November of 2019. They were rushed and signed without a hearing between the final ruling and orders submitted by opposing counsel on December 20, 2019. These need to be amended according to Fidelity which requires the final orders match the **QDRO see exhibit A page 3**.
- There was no abandonment by respondent as stated in the application for support services and title IV-D support which took place while still living and being supported by the respondent contrary to application details made in July 2017.
- This objection filed on Sept 4th is based on the provisions found within the SSA preventing unwarranted intrusion into the family of american citizens by Congress and my children are not in need of government assistance.
- QDRO has specific orders given in the court's ruling including all penalties and fees are included in this total award. See above mention of verbatim location of ruling.
- The parties currently have 50/50 parenting plan which is set to revert to a parenting plan that caused many issues and would disrupt the obligations of both parents and the children's education and healing with constant confusion played by the petitioner.
- Children's need for increased efforts with elementary educational assistance by both parties.
- The children are currently denied communication with anybody including refusing to facilitate communication with their grandparents, local friends and cousins as well as all other family members.
- Remove petitioners request to not receive calls from children when not with her. Children should never be denied phone calls to biological parents. Where was this discussed and why would this be in any order or parenting plan? This is avoided by every parenting professional and software for co parenting available. This extends to Dad and this is a denial of a child's rights of access to their fit and loving parent who has been a victim of human trafficking in this very court for 3 years now.
- This communication is a very important part of the children recovering from the 3 years of physical, sexual and emotional assaults they have been forced into.
- Why petitioner does not want her children calling her when with Dad is not for this court to decide but the respondent does not share in this state of mind and asks the court to

consider this issue and allow the children phone contact with Dad. Petitioner and Respondent haven't spoken for 3 years now and have no issues with each other.

- This case was not a case between respondent and petitioner. It was a case between Peittioner's loan brokers and their misuse of civil proceedings against respondent which is why we are here on the 24th still 8 and a half years later and nearly 3 and a half years after our short 5 year marriage ended. Give me what is due and leave me alone please.

3. Statement of Facts/Ground

These facts support my request *(list supporting facts)*:

- Children are used to the fair 50/50 parenting plan and reverting to the past plans would really disrupt their growth and healing process and cause undue burden to already impacted educational progress from missing so much school last year.
- The respondent was laid off due to the work on phone systems being outsourced to vendors and overall the outdated phone system industry is being replaced by phone calls over the internet
- The respondent's income prior to this very rare position at Providence which he moved to Spokane to work was around 63,000.00/yr. The respondent is unlikely to find another position with the previous income at this time as only two systems exist in the area. The court's phone system and sacred heart. Both have been outsourced in previous reorganization of IT services..
- The respondent has a right to request the court perform "an ability to pay inquiry on all LFO's assigned by the court" as caselaw in State of WA vs. Blazini set precedence on. See Exhibit C

4. Evidence Relied Upon

I ask the court to consider declarations and other documents that support this request:

- Exhibit A: QDRO letter of denial without correcting QDRO as outlined and matching amended final orders with correct Fidelity Statement for Aug 14, 2017
- Exhibit B: Judgement documents showing clerical errors for motion denied May 17th by Judge Hazel in the amount of over 19,000.00
- The court continued to protect the revenue being received from dshs incentives which are obtained by keeping the children in the petitioner's custody.

5. Legal Authority

I have the right to ask for these orders according to the law and civil rule 60.

I meet the requirements for the parenting plan modification required in RCW 26.09.260.

The court's intentions and the final ruling of case 17-3-01817-0 which was given orally in person on November 27, 2019 without any further hearings that would remove awards provided respondent other than potential ex-parte communications with the court where respondent was not provided an opportunity to question his accusers.

In State v. Jones, 182 Wn.2d 1, 338 P.3d 278 (2014), a recent unanimous decision by this court, we said that Ford held unpreserved sentencing errors "may be raised for the first time upon appeal because sentencing can implicate fundamental principles of due process if the sentence is based on information that is false, lacks a minimum indicia of reliability, or is unsupported in the record." Jones, 182 Wn.2d at 6.

42 usc 1301(d) formal objection clause in the title iv-d services by any fit parent.

6. A Proposed Order needs to be drafted and is not attached to this Motion.

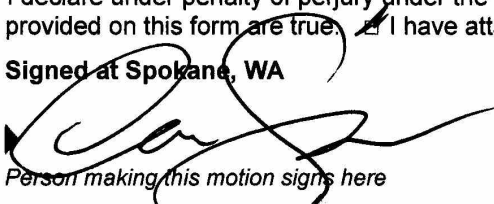
Person making this motion fills out below

I declare under penalty of perjury under the laws of the state of Washington that the facts I have provided on this form are true. ☒ I have attached (number of): 14 pages.

Signed at Spokane, WA

Date: ~~8/28/2020~~

9/12/2020


Person making this motion signs here

Aaron Surina
Print name here

I agree to accept legal papers for this case at (check one):

☐ the following address (this does **not** have to be your home address):

~~PO box 30423, Spokane, WA 99223 - (707) 200-4372~~

12000 Stinson Ave

HAYDEN, ID, 83835 - Please update
case