

N *AMENDED*

FILED

FILED

2023 OCT 12 A 5:08

2023 AUG -3 P 4:35

TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK

Superior Court of Washington,
County of Spokane

TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK

FILED

In re: Surina v Surina

OCT 12 2023

Petitioner:

Sirinya Surina

v.

Respondent:

Aaron Surina

No. 17-3-01817-0

Motion for Judgement on Taxes with
Declaration of estimated Loss
(MT)

TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK

Aaron Surina
PO BOX 30123
Spokane, WA 99223
ams@surina.org
707.200.4372

Date: August 2, 2023

Honorable Judge
WA State Superior Court for Spokane County
1116 W. Broadway Ave
Spokane, WA 99201

1 **RE: Motion for judgement and Affidavit of calculated estimation of true loss**
2 **in tax opportunities (2020 – 2022)**

3 **Case 17-3-01817-0**

4 **[Spokane Co Superior Court]**
5
6

7 I, Aaron Surina, the Respondent in the above-captioned case, respectfully
8 submit this Motion for Recovery of Tax Credits and Stimulus Payments, along with an
9 additional request to vacate the back support arrears unjustly levied against me.
10

11 **1. Background and Relevant Facts:** I am the Respondent in this family law
12 matter, and the Petitioner is the custodial parent of our children. As part of the court's
13 orders and in compliance with applicable tax laws, the Petitioner was obligated to
14 provide IRS Form 8332, "Release/Revocation of Release of Claim to Exemption for
15 Child by Custodial Parent," to me for the tax years 2020 and 2022. Regrettably, the
16 Petitioner has not fulfilled this obligation, resulting in substantial financial losses for
17 me.
18
19

20 Furthermore, despite my diligent efforts to meet my child support obligations
21 through consistent work while my income was continuously garnished and the
22 process was effortless and automated under an income withholding order. The
23 Petitioner's refusal to provide the required IRS Form 8332 deprived me of the
24 opportunity to claim appropriate tax credits and benefits, exacerbating the financial
25 strain on my family.
26
27

1 **2.** Request to Vacate Back Support Arrears: To my surprise, I recently
2 discovered that substantial back support arrears have been levied against me,
3 without any prior notice or opportunity for challenge. Every paycheck received since
4 2021 was garnished to fulfill my child support obligations, leaving no opportunity for
5 me to address or contest any alleged arrears. I had no intent or fault in the
6 accumulation of these arrears, as I diligently complied with the income withholding
7 order. The employer did not comply however and is liable for 100% of the money
8 owed to the Petitioner. The remedy for this can be found in the superior court under
9 26.18.110 (6)(a).
10

11
12 Moreover, the lengthy amount of time with no notice to me, while the dept of
13 child support did engage my employer and discuss weeks where it appeared to DCS
14 I was not working leaves me thinking everything is ok and this "digital" or "realtime
15 modern" payment system of garnishment is only functional when an employer is
16 compliant with the income withholding order. This scenario seems like their wrongful
17 assignment of these back support arrears has resulted in a negative label of
18 "deadbeat dad" unjustly attached to me. Afterall, I have, in good faith, worked with
19 Idaho Child Support and Washington Child Support to address a prior erroneous lien
20 that was issued, and Idaho Child Support confirms that the lien was created under
21 fraudulent circumstances and manipulation.
22
23
24

25 Given the circumstances and my continuous compliance with the income
26 withholding order, I humbly request this Honorable Court to vacate the back support
27

1 arrears unjustly assigned to me, as they were levied without proper notice or
2 opportunity for challenge.

3
4 3. Impact on Tax Credits and Stimulus Payments: As a direct
5 consequence of the Petitioner's refusal to comply with court orders and provide the
6 necessary IRS Form 8332, I have incurred significant financial losses concerning tax
7 credits and stimulus payments for tax years 2020, 2021, and 2022.

8
9 Below are the calculations for the estimated loss:

10
11 **A. Tax Year 2020:**

- 12
13 • Child Tax Credit: \$2,000
14 • Estimated Loss of Stimulus Payment: \$1,200 to \$1,400
15

16 **B. Tax Year 2021:**

- 17
18 • Child Tax Credit: \$3,000 to \$3,600
19

20 **C. Tax Year 2022:**

- 21 • Child Tax Credit: \$3,000 to \$3,600
22 • Estimated Loss of Stimulus Payment: \$1,200 to \$1,400
23
24
25
26
27

1
2
3 **4. Equitable Relief and Recovery:**

4
5 I seek equitable relief to recover the lost tax credits and stimulus payments and
6 request the vacation of the unjust back support arrears. I think it would be more
7 appropriate to order the judgement on the party who failed in their obligation with
8 regards to remittance of the child support deedeel believe that equity demands that the
9 court intervenes to rectify these unfortunate circumstances.
10

11 **5. Prayer for Relief:**

12
13 I, Aaron Surina, respectfully request the following relief from this Honorable Court:

14 **A.** Order the employer who failed to withhold randomly out of some of the
15 checks the proper amount based on the amount of weeks worked, failed to pay
16 timely causing a huge the liability on the party who failed in their required portion of
17 this program. Remove the label of deadbeat which applies when someone
18 prosecuted for abandonment (FACT: no abandonment has ever nor will ever occur)
19 or fails to pay their court ordered obligations intentionally. I did not fail to pay
20 intentionally. I did not fail to pay at any time during this accrual. Oddly every
21 paycheck had a garnishment during the time this back support accumulated. I have
22 a single child support case. I had 0 arrears. Every check there is a garnishment or
23 income withholding order that takes some of the money out and redistributes it as if
24 there is only a single house raising my children without me. I consider that paid
25 when I see my check garnished. Apparently somehow the paycheck garnishment
26
27

Page 5 of 7

1 was miscalculated or not attached properly. Some months it was correct, some
2 months it was garnished but accrued arrears. I considered it another attempt by the
3 petitioner to assign erroneous amount to me as that has happened and liens have
4 been drafted in the past with 0 arrears as I stated. Furthermore there are funds in
5 the amount of nearly 10,000 dollars in that child support account at this time from me
6 paying my obligations and my children are not at risk of poverty, the state treasury is
7 no longer burdened with costs associated and assigned by the petitioner's refusal to
8 provide health or any other item that has a dollar amount, I have taken charge of my
9 children from being wards of the state and assume full financial responsibility for their
10 care. I do not need any service from the state or help taking care of my children.
11
12
13
14

15 I do need the court's help taking care of this however. I ask that the court
16 Order the vacation or stay at a minimum and removal of the back support arrears
17 unjustly assigned to me without proper notice or opportunity for challenge or even a
18 notice for my awareness or bill to allow this erroneous withholding to be corrected. 2
19 years goes by without a word to me. No levy on my accounts, no garnishment
20 notices. Nothing.. I just signed up for healthcare for my sons and I including vision,
21 dental and all the costs associated with providing for our children are mine to bear
22 and always have been. The petitioner is quick to state that I don't financially support
23 our children. This is mud slinging and is obviously not the case.
24
25
26
27

1 B. Order the Petitioner to reimburse me for the estimated loss of tax credits and
2 stimulus payments, totaling \$11,600 to \$14,800, as a result of the Petitioner's non-
3 compliance and wrongful actions.

4
5 C. Any further relief that this Honorable Court deems just and equitable.

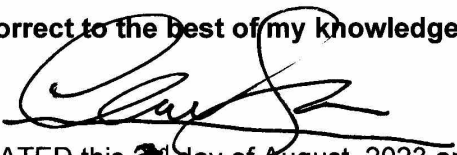
6
7 **6. Conclusion:**

8
9 I, Aaron Surina, appreciate the court's attention to this motion and request. I
10 firmly believe that your intervention will ensure justice and fairness in this
11 matter, protecting the rights and well-being of all parties involved.

12
13
14
15
16 **Respectfully submitted,**

17
18
19 I remain committed to upholding the principles of justice and maintaining the
20 utmost professionalism throughout this litigation. Thank you for your attention to
21 this matter, and I look forward to the Court's guidance in resolving this case.

22
23
24 **I swear or affirm under penalty of perjury that the foregoing is true and**
25 **correct to the best of my knowledge and belief.**

26  **AARON SURINA**

27 DATED this ~~2~~^{3rd} day of August, 2023 and signed in Spokane County, Washington

Page 7 of 7

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27


Aaron Surina

FILED

2023 AUG -3 P 4: 35

TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK

CERTIFICATE OF SERVICE

3rd

I certify that on August ~~2nd~~, 2023, a copy of this pleading of loss, and motion to move the court was served on the counsel of the petitioner, by email.

Respectfully,


AARON SURINA pg 1 of 1
Spokane, WA 08/3/2023

State of Washington, County of Spokane

FILED

In re: employer judgement
Sirinya Surina

2023 OCT 12 A 5

Case No. 17-3-01817-0

Petitioner
&

Aaron Surina
Respondent

TIMOTHY W. FITECH
SPOKANE COUNTY CLERK

**AFFIDAVIT OF TRUTH BY
RESPONDENT (NOTARIZED SWORN,
SIGNED AND SUBSCRIBED)**

AFFIDAVIT SWORN, SIGNED AND SUBSCRIBED BY RESPONDENT

I, Aaron Surina, residing at
3318 S. Bernard St, Spokane, WA
99203, being duly sworn, depose and
state as follows:

I am the affiant in this matter and
have personal knowledge of the facts
stated herein.

I understand that I am making
this statement under oath and subject to
the penalties of perjury.

I certify that the information
contained in this affidavit is true and
correct to the best of my knowledge,
information, and belief.

I understand that providing false
information in this affidavit may result in
legal consequences, including but not
limited to perjury charges.

I have executed this affidavit
voluntarily and without any form of
coercion or duress.

Signature:

[Signature] 10/12/23
Aaron Surina Date:

NOTARY BLOCK:

Subscribed and sworn to before me on
this 12th day of October, 2023 at
Spokane, Spokane County, Washington.
Notary Public:

[Signature]
[Notary Public's Name]

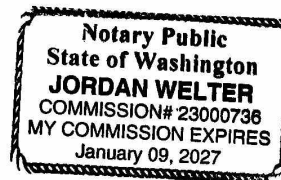
My Commission Expires:

January 09, 2027
[Notary Commission Expiration Date]

Dated this 12th of October, 2023

Documents Affiant is attesting to:

Motion FOR Judgement
Filed 8/3/23



AARON SURINA AMS@SURINA.ORG

PO BOX 30123, SPOKANE, WA 99223

PAGE 1 OF 1

**PUBLIC NOTARY OF SWORN, SIGNED AND
SUBSCRIBING OF RESPONDENT**

State of Washington, County of Spokane

FILED

In re:

Sirinya Surina

Petitioner
&

Aaron Surina

Respondent

2023 OCT 12 A 5:08

Case No. 17-3-01817-0

TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK

AFFIDAVIT OF TRUTH BY
RESPONDENT (NOTARIZED SWORN,
SIGNED AND SUBSCRIBED)

AFFIDAVIT SWORN, SIGNED AND SUBSCRIBED BY RESPONDENT

I, Aaron Surina, residing at
3318 S. Bernard St, Spokane, WA
99203, being duly sworn, depose and
state as follows:

I am the affiant in this matter and
have personal knowledge of the facts
stated herein.

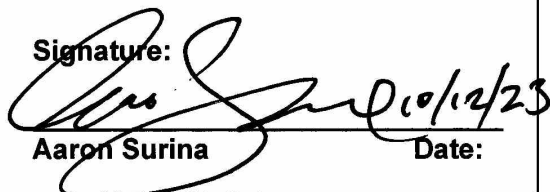
I understand that I am making
this statement under oath and subject to
the penalties of perjury.

I certify that the information
contained in this affidavit is true and
correct to the best of my knowledge,
information, and belief.

I understand that providing false
information in this affidavit may result in
legal consequences, including but not
limited to perjury charges.

I have executed this affidavit
voluntarily and without any form of
coercion or duress.

Signature:


Aaron Surina Date: 10/12/23

NOTARY BLOCK:

Subscribed and sworn to before me on
this 12th day of October, 2023, at
Spokane, Spokane County, Washington.
Notary Public:

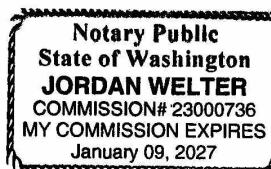
[Notary Public's Name]

My Commission Expires:

January 09, 2027
[Notary Commission Expiration Date]

Dated this 12th of October, 2023

Documents Affiant is attesting to:
MOTION FOR JUDGEMENT
ON TAXES - FILED 8/3/23



AARON SURINA AMS@SURINA.ORG

PO BOX 30123, SPOKANE, WA 99223

PAGE 1 OF 1

PUBLIC NOTARY OF SWORN, SIGNED AND
SUBSCRIBING OF RESPONDENT