

[x] EXPEDITE (If filed within 5 court days of hearing)  
[X] Hearing is set: To accompany motion on same day & time  
Date: 9-17-21  
Time: 10:00am Zoom #: 242-974-5214 Rm:4  
Judge/Calendar: Schaller/Prelim Continuance

E-FILED  
THURSTON COUNTY, WA  
SUPERIOR COURT  
09/15/2021 4:59:56 PM  
Linda Myhre Enlow  
Thurston County Clerk

**Superior Court of Washington  
for Thurston County Family &  
Juvenile Court**

In re: Guardianship of  
Hazel Belle Ursa Smith

Respondent(s): Minor Child(ren)

**No. 21-4-00443-34**

**Prelim (in limine) Request for  
Continuance.  
By John Smith, grandfather  
(to be considered prior to  
Motion to Revise)**

(Cover Sheet)

**TITLE OF DOCUMENT**

**Prelim (in limine) Request for Continuance & Proposed Order**

**by JOHN SMITH, grandfather, pro se**

**NAME: John Smith, grandfather  
Mailing ADDRESS: PO Box 1711,  
Shelton, WA 98584  
PHONE: (360)427-3599**

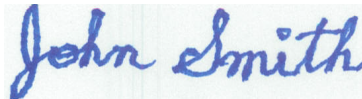
### **MATERIAL & RELEVANT FACTS (& DECLARATION)**

New evidence revealing the **Abuse of Process** by the Stokers and **fraud** by security guard Robert K. Kurtz have been discovered affecting the disposition of this case and must be weighed and a STAY granted to prevent a miscarriage of justice and harm to the children at issue.

I, John Smith, **certify the Court record Index List and Attachments submitted** are true copies of what I received and entered into the record from the Thurston County Family & Juvenile Court in case #21-4-00443-34 pursuant to ER 902 and 1005. Selena Smith is indigent, presently unemployed and unable to afford transcripts of the audio of the review hearings of this case, & was not appointed a lawyer.

I declare under penalty of perjury of the laws of the State of Washington and pursuant to GENERAL Court RULE 13 and RCW 9A.72.085 that the foregoing is true and correct to the best of my knowledge.

Signed at Mason, [County] Washington [State] on 9-15-2021.

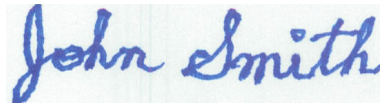


Signature of Petitioner or Lawyer/WSBA No.

John Smith (grandfather), pro se  
Print Name

**I have e-mailed/posted a copy of this entire document and contents to Breckan Scott, attorney for the Stokers, Selena Smith & James Wells on 9-15-21. (<http://amicuscuria.com/wordpress/?p=24546>), not Mr. Ayer.**

Respectfully Signed & submitted in Mason, [County] Washington [State] on 9-15-2021 [Date]



Signature of moving party or Lawyer/WSBA No.

John Smith (grandfather), pro se  
Print Name

[x] EXPEDITE (If filed within 5 court days of hearing)  
[X] Hearing is set: To accompany motion on same day & time  
Date: 9-17-21  
Time: 10:00am Zoom #: 242-974-5214 Rm:4  
Judge/Calendar: Schaller/Prelim Continuance

**Superior Court of Washington  
for Thurston County Family &  
Juvenile Court**

In re: Guardianship of  
Hazel Belle Ursa Smith

Respondent(s): Minor Child(ren)

**No. 21-4-00443-34  
Ex Parte Request for  
Continuance.  
By John Smith, grandfather  
(Kortokrax & Brandt recused)**

TO: The Clerk of the Thurston County and Juvenile Court, (360)709-3260, 2801 32nd AVE SW,  
Tumwater, WA 98512;

AND,

Breckan Scott-Gabriel, bar #:41585, attorney for Kathryn Stoker (maternal grandmother) and Hans Stoker (husband of Kathryn Stoker, but NOT the grandfather), PO Box 1123, Yelm, WA 98597-1123, PH. (360)960-8951, fax (360)485-1916, e-mail: [breckan@breckanlaw.com](mailto:breckan@breckanlaw.com);

AND,

Selena Ursa Smith, mother, e-mail: [doublekachina007@protonmail.com](mailto:doublekachina007@protonmail.com), domiciled in Oregon  
mailing address: 6901 26<sup>th</sup> Ct SE, Lacey, WA 98503, Ph. (971)803-9898

AND,

Robert Ayers (father), e-mail: unknown, Ph. unknown, address: unknown

AND,

James D Wells, e-mail: [rodytok@gmail.com](mailto:rodytok@gmail.com), Ph. (253) 948-8260, address: 210 Kiona Rd,  
Randle WA 98377

**DECLARATION**

1. I am the maternal grandfather of Raven and Onawa Smith-Wells, Hazel Smith and father of Selena Smith in this action.
2. I have filed a Motion to Revise scheduled to be heard at 10:00am on 9-17-21 before Judge Schaller.
3. There are over 800 pages of recorded documents to review, multiple substantive errors, failure of due process, jurisdiction disputes, and perjured declarations as well as new exculpatory evidence that has come to light after over hundreds of hours of investigation into the principles. Collating these into a format that can be readily grasped has proven difficult due to my poor eyesight and health. I need more time to

organize this mountain of complexity and dozens of cumulative and substantive errors including violations of Constitutional mandates and lack of proper jurisdiction in a foreign state into a proper brief to aid the court in its review of this case with the lives of 3 small children and a destitute mother with but 1 hand hanging in the balance.

4. I need additional time to prepare the pleadings in a manner meaningfully accessible to the court. The children are currently unlawfully in the custody of the petitioners in violation of Constitutionally required due process. A continuance will not disturb the status quo in the interim. I need additional time to find a consulting attorney.
5. The mother is distraught and despairs of ever recovering her children. She believes they will die in the custody of the petitioners and feels prayers are the only solace left for them. The mother is now living in Portland, pending a trial in Thurston County. She has written she hates every member of her family including this one. She no longer cooperates in efforts to seek redress and review for the injuries she has suffered as a result of abuse of process and perjured declarations by the petitioners and their agents. The petitioners have arranged their strategy to cut off any/all communication with the children's mother or this grandfather.
6. A continuance is absolutely necessary to allow for bringing the truth to light in the motion to revise, without which, the unfair burden on the mother and this grandfather will only be further exacerbated. It is an emergency as further procedural errors and violations of civil/human rights continue to mount. The improper consolidation of the cases has introduced further confusion and conflation of dissimilar statutory construction between a permanent guardianship petition and an emergency guardianship petition (RCW 11.130.225) with dissimilar due process mandates and Constitutional prerequisites. i.e. Full Faith and Credit is NOT Carte Blanch in a foreign jurisdiction. This straightforward recognition of the 14<sup>th</sup> Amendment and separate state sovereignty has been ignored to date.

I declare under penalty of perjury of the laws of the State of Washington and pursuant to GENERAL Court RULE 13 and RCW 9A.72.085 that the foregoing is true and correct to the best of my knowledge.

Signed at Mason, [County] Washington [State] on Sept. 15, 2021 [Date]

**Date:** \_\_\_\_\_

**Judge or Commissioner: X** \_\_\_\_\_

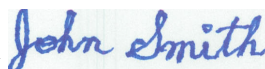
*Signature*

\_\_\_\_\_  
**Printed Name**

**Respectfully submitted by:**

**Date:** 9-15-21

**John Smith (grandfather): X** \_\_\_\_\_



*Signature*

**Printed Name: JOHN SMITH, grandfather** \_\_\_\_\_

[x] EXPEDITE (If filed within 5 court days of hearing)  
[X] Hearing is set: To accompany motion on same day & time  
Date: 9-17-21  
Time: 10:00am Zoom #: 242-974-5214 Rm:4  
Judge/Calendar: Schaller/Prelim Continuance

**Superior Court of Washington  
for Thurston County Family &  
Juvenile Court**

In re: Guardianship of  
Hazel Belle Ursa Smith

Respondent(s): Minor Child(ren)

**No. 21-4-00443-34**  
**[ ] Proposed/[ ] Order for**  
**Continuance**  
**[ ] Granted**  
**[ ] Denied**  
**By John Smith, grandfather**  
**(Kortokrax & Brandt recused)**

TO: The Clerk of the Thurston County and Juvenile Court, (360)709-3260, 2801 32nd AVE SW,  
Tumwater, WA 98512;

AND,

Breckan Scott-Gabriel, bar #:41585, attorney for Kathryn Stoker (maternal grandmother) and Hans Stoker (husband of Kathryn Stoker, but NOT the grandfather), PO Box 1123, Yelm, WA 98597-1123, PH. (360)960-8951, fax (360)485-1916, e-mail: [breckan@breckanlaw.com](mailto:breckan@breckanlaw.com);

AND,

Selena Ursa Smith, mother, e-mail: [doublekachina007@protonmail.com](mailto:doublekachina007@protonmail.com), domiciled in Oregon  
mailing address: 6901 26<sup>th</sup> Ct SE, Lacey, WA 98503, Ph. (971)803-9898

AND,

Robert Ayers (father), e-mail: unknown, Ph. unknown, address: unknown

AND,

James D Wells, e-mail: [rodytok@gmail.com](mailto:rodytok@gmail.com), Ph. (253) 948-8260, address: 210 Kiona Rd,  
Randle WA 98377

Having heard/read the request from Mr Smith along with the material facts surrounding the complexity, the impact on the minor children and litigants, the court [ ] finds/[ ] does not find justice by all the parties would be best served by granting the continuance.

It [ ] is/[ ] is not **ordered** a continuance is granted along with a relaxation of the rules to provide Mr. Smith additional time to seek a consulting attorney and prepare a properly drafted brief to advise the court of the many errors and objections he alleges are material and substantive in this case.

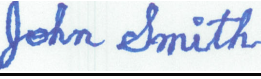
The motion to revise [ ] will/[ ] will not be continued to Judge Schaller's next available slot on her calendar on \_\_\_\_\_ [date] at \_\_\_\_\_ [time] via \_\_\_\_\_ #[ZOOM ID, Rm #: \_\_\_\_\_. (Kortokrax & Brand are recused)

[DATE] \_\_\_\_\_

X  
Judge/commissioner *signature*

\_\_\_\_\_  
Printed Name

Respectfully submitted by

X   
*Signature*

[DATE] 9-15-21

John Smith, grandfather  
Printed Name