

E-FILED
THURSTON COUNTY, WA
SUPERIOR COURT
09/16/2021 8:02:07 AM
Linda Myhre Enlow
Thurston County Clerk

[X] EXPEDITE (If filed within 5 court days of hearing)
[X] Hearing is set: Present at same Time & Date as Motion
Date: 9-17-21
Time: 10:00amm Zoom #: 242-974-5214 Rm:4
Judge/Calendar: **Schaller**/Motion to Revise

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

In re: Emergency Guardianship of
Hazel Belle Ursa Smith

Respondent(s): Minor Child(ren)

No. 21-4-00443-34

**Case Record Index &
Attachments pp 301-450**

**By JOHN SMITH
(Index & Attachments 501 - 607
(Pursuant to ER 902 & 1005
(RCW 2.24.050, CR 19, 24 & 59)**

(Cover Sheet)

TITLE OF DOCUMENT

**Case Record & Attachments Index
by JOHN SMITH**

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

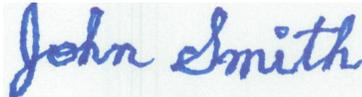
MATERIAL & RELEVANT FACTS (& DECLARATION)

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 never 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.

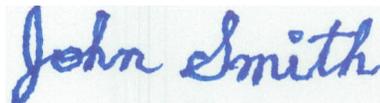


Signature of Petitioner or Lawyer/WSBA No.

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 Petitioner or Lawyer/WSBA No.

John Smith (grandfather), pro se
Print Name

SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY FAMILY AND JUVENILE COURT	NO. 21-4-00443-34
In re: The Emergency Guardianship of Hazel Belle Ursa Smith	ATTACHMENT LIST (ATTLST)
Respondent(s): The Minor Child(ren)	JUDGE Schaller Clerk: Court Reporter: Date: 10-17-21 @ 10:00am ZOOM ID: 242-974-5214 Rm:4 Type of Hearing: Motion for Revision

Received from	Number of Attachment	Admitted? Y/N Date, Not Offered, etc.	Attachment Description
Selena Smith	501 (1)	5-27-21	Case Schedule Notice
Selena Smith	502 (2)	5-27-21	Case Info CoverSheet
Selena Smith	503 (3)	5-27-21	443 Summons
Selena Smith	504 (4)	5-27-21	443 Emergency Guardianship Petition
Selena Smith	505 (4)	5-27-21	Annotated 443 Emergency Grdn Petition
Selena Smith	506 (5)	5-28-21	443 Motion for SC Order
Selena Smith	507	6-28-21	443 Reply Dec of Kat Stoker
Selena Smith	508 (6)	5-28-21	Motion for DCYF to Release CPS info
Selena Smith	509 (7)	5-28-21	Motion for DCYF to Release CPS info
Selena Smith	510 (8)	5-28-21	443 ex parte Motion for Emergency Order
Selena Smith	511 (9)	5-28-21	443 Notice of ex parte Emery HRG (none)
Selena Smith	512 (11)	5-27-21	443 Emergency Grdn for minors Petition
Selena Smith	513 (12)	5-28-21	443 Declaration of NJ Security Guard Kurtz

Received from	Number of Attachment	Admitted? Y/N Date, Not Offered, etc.	Attachment Description
Selena Smith	514 (14)	5-28-21	443 ex parte Immediate Order & HRG Notice
Selena Smith	515 (16)	5-28-21	443 ex parte immed order & notice Kortokrax
Selena Smith	516 (17)	5-28-21	443 ex parte Mot HRG Kortokrax
Selena Smith	517 (18)	12-17-20	20-2-30788-34 DV Protection Order Zinn
Selena Smith	518 (19)	6-1-21	443 Dec of Mira Glasser
Selena Smith	519 (20)	6-1-21	Dec of Kaitlyn Dey
Selena Smith	520	6-1-21	Dec & Exhibit 'A' of John Smith
Selena Smith	521	7-22-21	443 Alt Proposed Order & Findings Fact
Selena Smith	522 (21)	6-1-21	443 Dec of Marylou White
Selena Smith	523 (22)	6-1-21	443 Mot HRG set FULL(?) HRG
Selena Smith	524 (23)	6-1-21	443 ex parte immed order Rebekah Zinn
Selena Smith	525 (24)	6-1-21	443 Dec of Ryan McGarvey
Selena Smith	526 (25)	6-1-21	443 Dec of Joshua D Buckley
Selena Smith	527 (26)	6-1-21	443 Dec of Jonathan R Moore
Selena Smith	528 (27)	6-1-21	443 Dec of Benjamin Donlon
Selena Smith	529 (28)	6-1-21	443 Dec of Katherine Sponagle
Selena Smith	530 (29)	6-2-21	443 Dec & Exhibit 'A' of John Smith
Selena Smith	531 (30)	6-11-21	443 Motion to Vacate
Selena Smith	532 (31)	6-11-21	443 Declaration of Selena Smith
Selena Smith	533 (32)	6-11-21	443 Notice of HRG by Selena
Selena Smith	534 (33)	6-11-21	443 Motion 2 Vacate by Selena
Selena Smith	535 (34)	6-16-21	443 Motion in Limine (Join) by John
Selena Smith	536 (35)	6-16-21	443 Dec by Maya Stoker
Selena Smith	537 (36)	6-16-21	443 Dec by Kathryn Stoker
Selena Smith	538 (37)	6-16-21	443 Dec by Heather Stoker
Selena Smith	539 (38)	6-16-21	443 Dec by Chad Stoker

Received from	Number of Attachment	Admitted? Y/N Date, Not Offered, etc.	Attachment Description
Selena Smith	540 (39)	6-16-21	443 Dec by Hans Stoker w/stolen docs
Selena Smith	541 (40)	6-16-21	443 Dec of Alex Stoker
Selena Smith	542 (41)	6-16-21 conflct	Immed ex parte emerg order Scott-Kortokrax
Selena Smith	543 (42)	6-16-21	Kortokrax recusal but enters order anyway
Selena Smith	544 (43)	6-16-21	Kortokrax ex parte recusal notice
Selena Smith	545 (44)	6-21-21	Memo, objection, Dec by John Smith
Selena Smith	546 (46)	6-21-21	443 Mot 2 Join by John Smith
Selena Smith	547 (47)	6-23-21	443 Mot 2 Join by John Smith
Selena Smith	548 (48)	6-24-21	443 Mot 2 Join grandfather by Selena Smith
Selena Smith	549 (49)	6-24-21	443 Declaration of Amy Gmazel
Selena Smith	550 (50)	6-24-21	443 Deny Mot 2 Vacate by Selena; Zinn
Selena Smith	551 (51)	6-25-21	443 Not of HRG 2 Join by John Smith
Selena Smith	552 (52)	6-25-21	443 Not of HRG 2 Join by John Smith
Selena Smith	554 (54)	6-25-21	443 Counter to Alex Stoker by Selena Smith
Selena Smith	555 (55)	6-25-21	443 Notice HRG 2 Join by John Smith
Selena Smith	556 (56)	6-25-21	443 Order Short Setting Time - Zinn
Selena Smith	557 (57)	6-25-21	443 E-mail submitted by Edith Vanderweal
Selena Smith	558 (58)	6-25-21	443 Ex Parte Motion denied - Zinn
Selena Smith	559 (59)	6-28-21	Counter Aff 2 Kat Stoker by Selena Smith
Selena Smith	560 (60)	6-28-21	443 Declaration by Kat Stoker
Selena Smith	561 (61)	6-29-21	443 Selena rebuttal Dec to Kathryn Stoker
Selena Smith	562 (62)	6-29-21	443 Affidavit of John Smith
Selena Smith	563 (63)	6-29-21	215-JV-171 CO. case re: Hazel Smith (8yo)
Selena Smith	564 (64)	6-30-21	443 Mot HRG clerk's notes
Selena Smith	565 (65)	6-30-21	443 Order Setting HRG
Selena Smith	566 (66)	7-2-21	443 Not of ex parte HRG

Received from	Number of Attachment	Admitted? Y/N Date, Not Offered, etc.	Attachment Description
Selena Smith	567 (67)	7-2-21	443 Mot Srv by Pub (hired skip tracer Kurtz?)
Selena Smith	568 (68)	7-2-21	443 Not ex parte HRG by Breckan. Scott
Selena Smith	569 (69)	7-2-21	443 Mot Srv Pub by Breckan Scott
Selena Smith	570 (70)	7-2-21	443 Order Proposed by Breckan Scott
Selena Smith	571 (71)	7-6-21	443 Mot HRG clerk's notes
Selena Smith	572 (72)	7-8-21	443 Prelim Objection Exhibit 'F'
Selena Smith	573 (73)	7-8-21	443 Mot Reconsider unheard
Selena Smith	574 (74)	7-8-21	443 Mot 2 Reconsider by John Smith
Selena Smith	575 (75)	7-8-21	443 CounterAff 2 James Wells by John Smith
Selena Smith	576 (76)	7-8-21	443 Prelim Obj Exhibit 'G'
Selena Smith	577 (77)	7-8-21	443 Prelim Obj Exhibit 'F'
Selena Smith	578 (78)	7-9-21	443 Not HRG by John Smith 2 Reconsider
Selena Smith	579 (79)	7-9-21	443 Mot 2 Reconsider by John Smith
Selena Smith	580 (80)	7-9-21	443 Amended Counter 2 James Wells
Selena Smith	581 (81)	7-9-21	443 Memorandum
Selena Smith	582 (82)	7-9-21	443 Prelim Objection Exhibit 'F'
Selena Smith	583 (83)	7-9-21	443 Prelim Objection Exhibit 'G'
Selena Smith	584 (84)	7-9-21	443 Not HRG Mot 2 Revise unheard
Selena Smith	585 (85)	7-12-21	443 Not HRG Mot 2 Revise (court canceled)
Selena Smith	586 (86)	7-12-21	443 Mot 2 Revise
Selena Smith	587 (87)	7-12-21	443 Memorandum & CounterAff
Selena Smith	588 (88)	7-16-21	443 Motion to Revise
Selena Smith	589 (89)	7-16-21	443 Not of Mot 2 Revise HRG
Selena Smith	590 (90)	7-16-21	443 Memo & CounterAff
Selena Smith	591 (91)	7-19-21	443 Not HRG Alt Proposed Order (rejected)
Selena Smith	592 (92)	7-19-21	443 Alt Proposed Order & Findings

Received from	Number of Attachment	Admitted? Y/N Date, Not Offered, etc.	Attachment Description
Selena Smith	593 (93)	7-19-21	443 Not Alt Proposed Order (Sched full)
Selena Smith	594 (94)	7-20-21	21-1-00676-34 PC Dec
Selena Smith	595 (95)	7-20-21	443 Dec of Kathryn Stoker
Selena Smith	596 (96)	7-20-21	443 Proposed Order & Findings by Scott
Selena Smith	597 (97)	7-22-21	443 Not HRG (bad set) by Scott
Selena Smith	598 (98)	7-27-21	443 Not Address Change
Selena Smith	599 (99)	7-29-21	443 HRG review clerk's notes
Selena Smith	600 (100)	7-29-21	443 Order on Review (Scott's adopted)
Selena Smith	601 (101)	7-29-21	443 Praecipe by Selena Smith
Selena Smith	602 (102)	7-29-21	443 Subpoena Duces Tecum by Selena Smith
Selena Smith	603 (103)	7-29-21	443 Praecipe by Selena Smith
Selena Smith	604 (104)	7-29-21	443 Subpoena Duces Tecum by Selena Smith
Selena Smith	605 (105)	7-29-21	443 CounterAff to Kat Stoker by Selena
Selena Smith	606 (106)	8-5-21	443 Not HRG fee waiver (rejected)
Selena Smith	607 (107)	8-5-21	443 Praecipe by Selena Smith
Selena Smith	608		
Selena Smith	609		
Selena Smith	610		
Selena Smith			

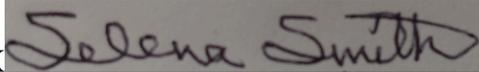
Received from	Number of Attachment	Admitted? Y/N Date, Not Offered, etc.	Attachment Description

STIPULATION TO EXHIBIT LIST

I have examined the exhibits in the above-entitled case and stipulate the exhibits noted as admitted are acceptable for review by the judge.

Dated: August 11, 2021.

X _____
Breckan Scott, esq. (Atty for Petitioners)

X 
Selena Smith, mother, pro se



John Smith, grandfather

- 1 4. Petitioner's counsel should not be rewarded for incompetence or **deliberately** misleading the court
2 as to the relationship of Hans Stoker to the children, i.e. as the grandfather. By rights, an officer of
3 the court should be sanctioned for such **deliberate** misrepresentation.
- 4 5. The movant is aware of other pending cases involving the children at issue in this cause and has
5 brought it to this court's attention. It is anticipated the Colorado court will grant Washington State
6 jurisdiction due to Hazel's new circumstances and new siblings. But petitioner's counsel has left
7 the action filed to address Hazel's legal standing incomplete while failing to seek this court's
8 permission to modify the caption to correct the oversight/error.
- 9 6. No return of service has been filed to date providing proof of proper service on the children's
10 fathers.
- 11 7. The overly broad claims of mental illness alleged regarding Selena Smith are unproven,
12 undocumented to my knowledge, and undiagnosed. They are as likely to be personality disorders
13 as mental illness. The petitioner's bare assertions in this respect carry no weight what soever.
14 Neither has any medical training or is a medical expert.
- 15 8. The moving party, John Smith, was trained as a nurse in an officially designated nursing program
16 in Bremerton's Olympic college.
- 17 9. Kathryn Stoker falsely alleged I, John Smith. Was or had been mentally ill in an action she brought
18 seeking custody/guardianship of Selena's oldest daughter, Maya, who Selena is now estranged
19 from and changed her name to Stoker because she admitted she thought it would be more
20 advantageous to her. This is the kind of parental alienation Selena justly fears from the Stokers
21 even while she isolates her children from their family in response to that fear and affectations
22 claims of being a domestic violence victim as a pretext. Once the Stokers kicked Selena's
23 boyfriend out of the house long after Selena herself had abandoned it (and obtained a protection
24 order against him in Thurston Family Court) he disappeared from sight and, to my knowledge,
25 hasn't been heard from since.
- 26 10. Selena left Washington State, in whole or in part, because her boyfriend and she were both caught
27 trying to manipulate the system for assistance payments/benefits while Selena was out of State for
28 weeks and the children remained in her boyfriend's care. They each filed ompeting motions for DV
protection and Washington State cut them both off from further payments, suspecting welfare
fraud. Thu, financially, Selena felt she had no choice but to seek assistane in other states claiming
to be a DV victim in hiding. This worked until the New Jersey incident where she began fleeing
from the authorities wanting to question her about child neglect.
- 11 Kathryn Stoker has offered and pursuing dental care for Hazel's serious need to avoid a root canal
at her young age, something Selena never tended to despite her mother's best efforts to make an
appointment for Hazel and pay the dentist. Hazel's speech had noticeably regressed upon her
return to the Stoker residence.
- 12 The Stoker's state they are having to completely gut the home they allowed Selena and her
boyfriend (James Wells) to occupy for years without paying rent estimated to be worth about
\$2,400/mo. While the Stokers hods themselves out now as responsible parties rescuing my
grandchildren from squalid conditions now, they did nothing about those squalid conditions when
they existed for years on their own doorstep in a house they owned.
- 13 Kathryn Stoker was very unsupportive of Selena's last two pregnancies and indicated her
disapproval while urging her daughter to get an abortion. Selena refused.

28 **I have furnished a copy of this today to the Stoker's attorney and Selena by e-mail as listed above.**



13

E-FILED
THURSTON COUNTY, WA
SUPERIOR COURT
06/23/2021 8:01:37 AM
Linda Myhre Enlow
Thurston County Clerk

EXPEDITE (If filed within 5 court days of hearing)

Hearing is set

Date: 6-24-21

Time: 4:00pm Zoom #:4296555966 Rm:2

Judge/Calendar: Rebekah Zinn/ex parte

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

In re: Emergency Guardianship of
Hazel Belle Ursa Smith

Respondent(s): Minor Child(ren)

No. 21-4-00443-34

**MOTION TO JOIN of John Smith
(grandfather)
(Rule 19)
(filing fees waived for family
members in Guardian actions)**

(Cover Sheet)

TITLE OF DOCUMENT

Motion to Join (RULE 19) of John Smith (grandfather)

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

[X] EXPEDITE (if filing within 5 court days of hearing)

[X] Ex Parte Hearing is set:

Date: 6-24-21

Time: 4:00pm Zoom #:4296555966 Rm:2

Judge/Calendar: Rebekah Zinn, et al; ex parte

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

In re: Emergency Guardianship of
Hazel Belle Ursa Smith

Respondent(s): Minor Child(ren)

No. 21-4-00443-34

**MOTION TO JOIN of John Smith
(grandfather)
(Rule 19)
(filing fees waived for family
members in Guardian actions)**

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;

AND,

Selena Ursa Smith (aka: Laura?), e-mail: girlsforscience@yahoo/girlsforscience.icloud.com,
current address uncertain, undisclosed(?);

AND,

James Daniel Wells (father of Raven and Onawa), (253)948-8260(?), rodytok@gmail.com; homeless,

AND,

Robert Ayers (father of Hazel), Ph. Unknown, address: unknown in Colorado, E-mail: (?)

I Identity of Parties

I, John Smith (maternal grandfather of the subject minors in this action) brings this motion as a necessary and indispensable party in interest. Without counsel of necessity, pro se, and do seek the relief as an intervenor/party to this action summarized in section II below, and such other relief as the court deems just by all the parties.

MOTION to JOIN (Rule 19) of
pinbalwyz@yahoo.com

page 2 John Smith, grandfather 360-427-3599
PO Boc 1711, Shelton, WA 98584

Kathryn Stoker (maternal grandmother) and her husband, Hans Stoker (who is NOT the grandfather of the children, contrary to his and his wife's sworn misrepresentations in their filed pleadings to this court) brought this action before this court well BEFORE the young children at issue had been evaluated by any qualified Family and Children's social worker within the State of their domicile or oversight of a state court properly presiding over the same, i.e. Oregon, where this court's emergency ex parte order to seize the children was executed at midnight and spirited, under cover of darkness, out of that state after handing off the children to the Stokers at a gas station adjacent to I-5 north of Eugene. The seizure was executed, as described at midnight, 5-30-21 in/near Oakridge, OR, the initial ex parte emergency petition for seizing the mother's 3 children was filed 5-27-21, the order granting the petition was entered on 5-28-21. The petitioners necessarily filed their petition prior to the children being examined and evaluated precisely to deny Selena Smith (my daughter) and her children due process with this court's approval, aid, and abetment under color of state law in violation of Oregon's sovereignty, the federal ADA (my daughter only has one hand), status as a destitute DV survivor (contrary to UCCJEA requirements, and in violation of meaningful protection under the 6th and 14 Amendment as well as principles laid out in Troxel vs. Troxel and the Elian Gonzalez international case.

JURISDICTION

The Petitioners (Stokers) are longtime residents of and domiciled in Thurston County, Washington.

The person bringing this motion, John Smith (maternal grandfather of the child(ren) at issue) is a longtime resident of and domiciled in Mason County, Washington.

Selena Smith, the mother of the very young child(ren) at issue in this cause, due to DV, fled the State of Washington with her children prior to 11-24-20, which is the date James Wells (her boyfriend) filed a DV Protection Petition (20-2-30761-34 | JAMES DANIEL WELLS, Jr vs SELENA URSA SMITH) subsequent to Selena's leaving the state to preserve her and her children's safety. Mr. Wells' purpose was to use the children (who he sought custody of in the petition) to support himself. The petition was denied by Court Commissioner Rebekah Zinn. Mr. Wells is currently sleeping in the open near Mt. Adams and is homeless.

Selena Smith filed a petition for DV protection, alleging Mr. Wells was violently abusive with her and the children, an alcoholic, and in need of anger management classes. Court Commissioner Rebekah Wells ruled in Selena's favor and ordered Mr. Wells to surrender his firearms. This action was filed by Selena from out of State. I, John Smith, personally observed her testifying to this court (Court Commissioner Rebekah Zinn, presiding) from an out of state DV women's shelter and read the filed declaration of an advocate associated with that shelter confirming evidence she had seen of what appeared to be stalking while Selena was staying in that out-of-state DV shelter.

(20-2-30788-34 | SELENA URSA SMITH vs JAMES DANIEL WELLS, Jr)

i.e. Selena Smith and her children had been absent and no longer resided in Washington State for longer than 6 months prior to having her 3 children seized around midnight on 5-30-21 under the color of Washington State law via an ex parte emergency guardianship order executed beyond its own borders in a foreign state (Oregon). Court Commissioner Rebekah Zinn was either well aware Selena Smith had left Washington State with her children (or should have been) more than 6 months before the instant case had been filed.

Even case officers with the New Jersey Division of Children & Families admitted they had no authority to use a New Jersey Court Order (under the circumstances) to order law enforcement in Oregon to seize Selena's children upon New Jersey's direction, although security guard Robert Kurtz did not. When Kurtz's actions were challenged by myself, a case worker supervisor retorted it was NJ Division of Children & Families to track or find missing families/children when receiving reports/suspicion of the same. Except...there WERE NO missing children. They were with their mother who had no legal duty to provide the State of New Jersey or the Stokers with such information. Nor was there a nation wide manhunt for Selena Smith, only the illegal surveillance conducted by security guard Robert Kurtz which he chose not to reveal in his declaration submitted to this court to avoid incriminating himself.

Robert Kurtz was acting solely on his own without authority from his agency or direction to invade Selena's privacy by conspiring with the Stokers who were using software on her I-phone to track, unbeknownst to her, Selena's movements, purchases, bills and confidential health/billing records obtained by opening her mail without permission (as well as rifling through her personal papers left where Selena once resided on the Stoker property). Adding outrage to injury, the Stokers kept the notices of fines received in the mail they opened rather than forwarding it to Selena's new mailing address of which they were aware—putting Selena's Driver's License at risk of suspension as a result for lack of notice.

This rogue action by a Washington Family Court fails what even grade school children would recognize as the SMELL TEST. The statutory construction of a normal petition for guardianship of minors in Washington State replete with a full complement of meaningful due process is very different from an ex parte emergency petition for guardianship of minors with effectively **no meaningful due process**. Accordingly, the ex parte judicial excess of Washington's judiciary ought to be a pleasure enjoyed by its own citizens which it is accountable to rather than being visited upon the citizens of foreign states.

In Troxel vs. Troxel, the U.S. Supreme Court pronounced Washington's Courts interpretation of the 'best interests' of the child(ren) "breathtaking in scope"! Additionally, they concluded a parent's bond with their minor children was so fundamental a right that a state which substituted its judgment for a parent's exceeded its authority no matter how seductive the state's reasoning might be unless there was genuine true imminent harm that would come to the child(ren). Not only is that not evident in the instant case, but the child(ren) at issue were not evaluated by a qualified expert prior to the court issuing its ex parte emergency seizure order executed out-of-state under cover of darkness.

Kathryn Stoker lied to me when she described the circumstances and genesis of that seizure as well as the date of the court hearing (Nathan Kortokrax presiding who recused himself) as on the 18th of this month when it, in truth, was the 16th. The Stokers also lied about my daughters mental condition and claims there was a "nation wide manhunt" for Selena.

This court did not provide Selena with 60 day notice to respond from service out-of-state, nor was a Return of Service filed in either of the 2 case #'s involving the child(ren) to either father or permission for alternative service sought.

In short, this case and all orders pursuant to it are void ab initio for failure to establish proper subject matter and in personam jurisdiction over all the parties. The issuance of the ex parte emergency order to seize the children executed out-of-state was based on fraudulent misrepresentations and deceptions that are a matter of record presented to the court. Nor did the court take any care to insure the child(ren) were genuinely at risk before giving them the impression that their mother was a 'bad' person as they were

seized as though she was Joan Dillinger. I have ordered and will be paying for the video, audio, photos, and police reports from the Oakridge PD. I will present them to this court for its consideration given the chance. I have spoken to the Oakridge authorities about this case. Their assessment does not support the tale the Stokers had to tell this court. The midnight raid on Selena and her child(ren) is what one would expect in a totalitarian regime or from Hollywood. I have spent many hours listening to and questioning my daughter about it. The story she has is convincing when she is given the time to be heard. It is abundantly clear she is not delusional or mentally ill. She does cry as she gets upset about her babies. She also yells at me when she misunderstands what I can and cannot do for her, e.g. represent her in court. I am not an attorney.

II RELIEF SOUGHT

I am requesting permission to intervene/join this action under Rule 19 as a necessary and indispensable party in interest, and such other relief as this court deems just by all the parties.

It is certain my exwife and her husband will not allow me to visit with or maintain a relationship with my daughter.

It is also clear my daughter is so angry and afraid now, of her mother and her husband, she conflates me with them and cannot be counted on to keep me informed of where my grandchildren are to let me love and protect them, even from afar if that is her wish.

I do not smother my daughter and applaud her effort to be free to live her life as a free person without interference from her mother and father. But no good can come of the rancor that has developed between my daughter and the Stokers, Hans in particular. I do not repeat the depth of her antipathy toward that man. It is largely based on the harm already had under his influence upon Selena's brother, Chad, and my oldest granddaughter, Maya, Selena's oldest daughter. Both Chad and Maya changed their name from Smith to Stoker. Maya was transparent enough to confess, when challenged by her mother, she did so for the advantage she thought it would bring her. Chad is less genuine. The Stokers are multi millionaires and live on a 5 acre 5 million dollar estate located on the Nisqually Reach with two large homes on the estate...one a custom built and designed mansion. They also own several parcels of real estate, some with vacation homes on them. Neither is young and strong or sober enough to be raising my young grandchildren. They both take a lot of mild altering/psychosomatic prescribed drugs and try to bully my daughter into doing the same.

While their overindulgence has proven harmful (along with their deliberate and familial alienation) to my children and grandchildren over the years, I do believe Selena should allow them to remain in contact with our (Kathy and mine) grandchildren. It is well that the grandchildren should know their grandparents without either controlling them or Selena's relationship/bonding with her children but for the most dire of circumstances—circumstances that do not exist in the instant case despite the fraud and deceptions this court acted on intended for execution in a foreign state without proper jurisdiction.

Washington State's public policy with respect to children is to reunify families, not tear them apart. This court, to date, has deeply insulted that policy, without jurisdiction or due diligence.

Selena has but one hand, is indigent, homeless, a DV victim fleeing her abuser, and desperately needs a court appointed lawyer, as do the child(ren) need a GAL not of the Stoker's choosing.

I John Smith [Name] **Declare** that:

1. A. I am the grandfather of Hazel Smith. Hans Stoker, contrary to his and his wife's sworn misrepresentation to this court, is **not**.

Petitioners submitted materially misleading and fraudulent information to prompt this court to issue an ex parte emergency Guardianship of Minors order executed out of state (OR.).

The Petitioners had no standing to be granted this emergency petition devoid of meaningful due process executed in a foreign state.

There is a custody/parenting plan order that exists in Colorado defining the father's (Robert Ayers) visitation rights regarding Hazel the petitioners and the mother did not inform this court of, even during a colloquy from the court seeking clarification on the matter that I personally witnessed.

There was no emergency or threat of imminent harm when the children of Selena Smith, the mother, were seized in Oakridge, Oregon around midnight after this court had issued an emergency order which the Oakridge police erroneously acted on without oversight from any Oregon State court where the children and their mother resided and were domiciled. More than 6 months had elapsed since Selena Smith fled the State of Washington with her children to avoid her DV abuser.

The child(ren) at issue in this cause had been absent from Washington State in their mother's care for over 6 months when they were seized after midnight, and transferred hours later under cover of darkness to the Stokers at a gas station north of Eugene, OR. adjacent to I-5 around 3:00am on 5-31-21. Subsequently, they were spirited across the state line into Washington and are at this time residing on the Stoker's 5 million dollar estate.

The mother (Selena Smith) is indigent, homeless but for her RV, working as an auto parts delivery service, and about to have her WA. Driver's license revoked by Washington State due to her inability to pay for a Minnesota speeding ticket received after she had just left an 80mph zone across the neighboring state line. The Stokers opened Selena's mail without her permission, then failed to send the notice to Selena's new mailing address which they knew about.

The Thurston venue the petitioners plotted in advance is highly inconvenient for Selena. She is unrepresented, has no computer or printer or access to the internet and about to lose her license on Monday, 6-21-21. Thurston County represents a grave hardship as a venue for her, but the petitioners knew this when they filed in Thurston County, calculating it would hamstring Selena from being able to respond effectively, counting on her poverty to grease the skids they had constructed.

Selena Smith desperately needs appointed counsel in this case because she cannot afford an attorney and has no practical way presently to attend this court in person.

Selena Smith has objected on the record to these proceedings for want of jurisdiction, the Stokers having failed to provide even the barest scintilla of due process to the mother and the fathers of the children.

No Return of Service has been filed in this case I have seen verifying what was served on the parents, both fathers, and that it was done properly.

No motion demonstrating due diligence seeking alternative service on the fathers has been filed in this case/litigation.

There is evidence this court has tampered with the record (altering the caption in the filed documents/pleadings) without so much as a sua sponte motion being made part of the record permitting it—a violation of WA State criminal law and the rules of court prohibiting such tampering. (See this courts lining out of 2 of the children's names in this case number rather than granting an amended document or sua sponte motion or giving opposing parties the opportunity to object or weigh in on the matter.

Discussion of filing a petition for a Write of Habeas Corpus to produce the children in an Oregon court has been had and is being explored.

I, John Smith, also object to these proceeding as void ab initio because proper jurisdiction was never obtained since the parents ere not properly served and subject matter jurisdiction is in doubt given no order from Washington State prior to the instant case gave the Stokers any standing whatsoever

The Uniform Child-Custody Jurisdiction & Enforcement Act

The above law has been adopted by 49 out of the 50 states with the exception of Massachusetts and Puerto Rico. Its purpose evolved from a coordinated interstate effort to prevent forum shopping and styming the other parent's due process and access to the children, the very antithesis of what is occurring in the instant case before this court. Most galling is the fact the Stokers are not the children's parents and Hans Stoker is not the grandfather despite what he misled the court to believe under penalty of perjury. Kathryn Stoker also perjured herself in support of the false claim made by Hans Stoker, as did their attorney, an officer of this court, who admitted she knew Hans was not the grandfather when she signed and submitted her petition to this court.

Some laws enacted after the UCCJA added a Federal dimension to interstate and international child-custody practices that was unforeseen by the drafters of the UCCJA in 1968 (but which was considered by drafters of the UCCJEA in 1997). In addition to the PKPA, these Federal laws include the Full Faith and Credit provisions of the VAWA, enacted in 1994; the Hague Convention, ratified in 1986; and the ICARA, enacted in 1988.¹⁹ The VAWA. In recognition of the fact that domestic violence victims often leave the State where they were abused and need continuing protection in their new locations, the VAWA provides, among other things, for interstate enforcement of protection orders. Custody provisions incorporated into protection orders, however, are not governed by the VAWA.²⁰ These provisions are "custody determinations," subject to the PKPA and State law governing jurisdiction in child-custody cases. Neither the PKPA nor the UCCJA explicitly addresses the key concerns of domestic violence victims who must litigate child custody interstate. The UCCJEA, however, addresses these concerns with a number of provisions. For instance, it protects against disclosure of a

victim's address, expands emergency jurisdiction to cases in which a parent or sibling is at risk, and requires courts to consider family abuse in their "inconvenient forum" analysis.

It is aimed at and constructed to discourage/prevent parents from forum shopping by moving children from one state's jurisdiction to another so as to prevent access to and/or meaningful due process in resolving custody disputes litigation...precisely the strategy the Stokers have used in dispossessing Selena of her children except they are NOT the parents of the children, had no court standing or ordered visitation rights or pending litigation affecting the status of the children and no genuine emergency existed where the children were at risk of immediate/imminent harm when seized out of state in Oakridge, OR. in the dead of night.

Certainly Washington is an 'inconvenient forum/jurisdiction' given my daughter's indigent status and circumstances. It effectively deprives her of all meaningful due process protections that might otherwise have been available via a normal guardianship of minors petition. Your clients have acted illegally and in bad faith by rifling through Selena's personal records and opening her mail without permission.

The Stokers are also far too old to be raising my grandchildren. Hans is an alcoholic and both of them take a variety of mood altering/psychosomatic prescribed drugs, insisting my daughter should do the same.

The Stokers have smeared my daughter's reputation and credibility from here to Kingdom Come using their false narrative of character assassination and mental illness to anybody who would listen, their own children in particular. Kathy's older brother (Dee) is said to now suffer from dementia. Kathy's younger brother, Thomas Warren and his wife, Diane Warren are estranged from the Stokers for the alienation of affections of Thomas Warren's own children for much the same reason Selena Smith complains of the Stokers alienating Selena's children from her.

Kathryn Stoker admitted to Selena she was using Selena's I-PHONE TO TRACK SELENA across the U.S., which explains a lot which the New Jersey Division of Children & Families security guard, Robert Kurtz, would not. His was a declaration full of unsubstantiated speculation, innuendos, and illegal surveillance (fruit of a poisoned tree doctrine) fed to him largely by the Stokers the court relied on heavily when signing its order for ex parte emergency relief executed out of state erroneously allowing the seizure of my grandchildren from my daughter.

THE SMELL TEST

MOTION to JOIN (Rule 19) of
pinbalwyz@yahoo.com

page 8 John Smith, grandfather 360-427-3599
PO Boc 1711, Shelton, WA 98584

After decades of allowing her mother to support her in exchange for generous visitation and association with her children, Selena realized in the wake of a falling out with her drug/alcohol addicted boyfriend and DV abuser (James Wells) over a dispute regarding who the government social agencies would send the children's public assistance to, her relationship with her mother was more a liability than an asset to the integrity of her bond with her young children. James was more like having an extra special needs child in an adult's body in Selena's household than a parental partner. With only one good hand, Selena's handicap (only one hand) made doing household chores more difficult than it would be for a normal person with two good hands. She had exhausted her support from Washington welfare agencies in the wake of her dispute with Jim over the money which made both parents look suspicious/fraudulent, or worse, in the State's eyes. Washington refused to provide either of them further public assistance benefits.

James Wells filed petitions for a DV restraining order and one for a parenting plan seeking custody for himself of his two young children, Onawa and Raven in Thurston County Family Court. The house Selena and James resided in belonging to the Stokers became squalid by the owner's (and Maya Stoker's) own declaration--a condition on their own doorstep the Stokers had allowed to continue unabated for years. They also allowed the drug and alcohol abuse within that squalid residence along with the DV to continue throughout those same years. None of this was a secret to the Stokers. The Stoker residence, though a waterfront mansion on the Nisqually Reach worth many millions of dollars, is falling into disrepair. It certainly isn't squalid, but Maya's declaration indicates the home the Stokers allowed Selena, James Wells, and my grandchildren to live in practically at the Stokers door step, rent free, was! It would appear the Stokers find fault with squalid home conditions unless it's a home they own and control. When I met my wife in southern California in the 70's, she was a heavy recreational drug user and smoker, but I'm not referring to marijuana. She continues to prefer mood altering/psychosomatic prescribed medications.

Selena filed her own counter petition for DV protection against Jim Wells with the court circa December 3, 2020 while out of state in a DV protected women's shelter. The matter was heard before court commissioner Rebekah Zinn who entered the DV protection order in Selena's (and her children's) favor. James Wells was ordered to undergo drug/alcohol evaluation and treatment, a condition he has not complied with along with anger management classes.

James had begun to describe Selena as an "evil woman", implying she should be 'eliminated'. Selena became frightened due to Jim's association with drug addicts, his own use of meth and alcohol as well as his association with the Hell's Angels biker club. Selena fled WA State out of fear, seeking safety in out of state DV shelters for women. Selena began to notice vehicles (at least one in particular) that appeared to be stalking her. Her DV advocate noted it as well and filed a report with the Thurston Family court stating so under penalty of perjury. But this all fed into the Stoker's false narrative that Selena was delusional and mentally ill--a classic example of gaslighting. Yet it was consistent with Kat's history many years prior of hiring a detective to surveil me and a Mason County Court clerk to monitor me on her behalf.

As Selena traveled, she began to amass unpaid traffic tickets and toll road/bridge violations in various states. The Stokers received the notices of the same in their mailbox where Selena was receiving her mail. Out of curiosity, they opened that mail and then submitted some of it in their declarations to this court in the instant ex parte emergency guardianship cases--products of violating Selena's right to privacy. Neither did Selena give permission for the Stokers to rifle through her personal records in the house she left. The Stokers used Selena's medical records they discovered in her personal belongings and submitted those to the court as well--another instance of their invading Selena's privacy, an actionable cause for collateral litigation.

Selena started to become aware that the CPS agencies in various states she was traveling through or near were receiving complaints about her children. She imagined this might be due to retaliation from James for her obtaining a DV protection order against him. On occasion, she would call her mother in Washington. She spent some time in Massachusetts, NY, Maryland, Montana, Wisconsin, Wyoming, Oregon, and (she says) no more than 5 days in New Jersey (Brooklawn, not Camden as Han Stoker falsely claimed before this court), yet she noted 12 CPS complaints lodged with NJ authorities when she was not present in NJ. This may be consistent with someone tracking Selena with her I-phone, but not knowing her exact location. Proximity may have been enough to trigger the welfare requests/CPS complaints from an invisible observer. Security guard Robert Kurtz declined in his declaration to name the methods he had access to for tracking Selena across the country, perhaps to avoid criminal liability. But he freely admits he did so. His employer in NJ stated Kurtz had no authority to engage in this conduct under their aegis. Yet he developed a great quantity of detailed facts regarding Selena and the Stokers--information he could only have gotten from the Stokers, including their misrepresentation to him they were the grandparents of Selena's children.

Amy (Selena's best friend) confirmed Selena's suspicions about her I-Phone which Kathy paid for in a 'family' plan. How ironic. Selena turned the I-phone off and that seemed to stop the incidents associated with the tracking. She confronted her mother (Kathy) about this once Selena had purchased a burner cell phone at a retail store. Kathy admitted to Selena's suspicions and promised to turn the tracking off. Selena didn't believe her. The burner cell phone lacked many of the capabilities the I-phone had. In a moment of naive weakness (the time she spent vacationing with her children next to a park in Oakridge, Oregon) she turned the I-phone on. That was enough to trigger the plan the Stokers and security guard Kurtz had hatched. They now knew Selena's approximate location, had a description of her RV and license plate.

Without knowing anything about the condition or immediate circumstances of the grandchildren, they resorted to filing an ex parte emergency guardianship petition in Washington State rather than in Oregon where the mother and grandchildren were then residing. This was done IN ADVANCE (before the circumstances and any imminent risk of harm to the grandchildren could be determined) so as to conspire with Kurtz and some Oregon officials (but not Oregon's courts) to seize the grandchildren in the dead of night. An Oakridge LEO observed, at the time, the children had adequate care and their basic needs met from all appearances.

""We've GOT them," announced the call the Stokers received after dark and after they'd already filed their ex parte emergency guardianship petition in anticipation rather than in a reaction to any determination of an emergency reflecting the children's instant circumstances. In fact, there was no emergency or imminent risk of harm to the children. Selena's fears of her mother's hysterical possessiveness and control fetish had been realized. But it was too late to stop the cascade of events where her children were seized and taken from their mother as though she was on the FBI's most wanted list, a fugitive from justice. Joan Dillinger? The effect this had on her children is incalculable. The effect this had on their mother was devastating to the point I fear for her life. My daughter is inconsolable and weeps piteously every time Raven's (her youngest) name comes up. Sometimes she is so overwrought, she yells at and insults me over the phone. This upsets me, but I try to reassure her nevertheless.

The children were sped to a handoff point at a gas station north of Eugene somewhere around 3:00am at night.. The Stokers then smuggled their kidnapped wards into Washington State where they had secured a court order prohibiting Selena from visiting or contacting her children. Way to go, Stokers! It's likely Selena's very young and confused children now believe their mom is a 'bad' person (to use Maya's phrase) and a fugitive from justice akin to Al Capone.

There was no legitimate reason why a normal petition for the guardianship of minors replete with meaningful due process protections could not have been pursued absent any imminent risk to Selena's children. The Stokers have managed to destroy my grandchildren's mother, leaving them only with a drug addled alcoholic homeless father too habitually indolent to work. The Stokers, according to plan, have picked up the pieces (once again!) of the family they shattered to gratify their own egos and sense of self-righteous importance.

I believe my daughter is frustrated by what she sees as my inadequacy to be able to protect her and her children from the Stokers. I feel she's dead set on excluding the Stokers from the rest of her life and is likely to conflate me as part of the mix, throwing me out as the baby with the bathwater. i.e. I believe I wouldn't have any more access to my children than the Stokers were Selena to have her druthers. I can't describe how this saddens me.

I don't want to be bullied by anyone into choosing between my daughter and my grandchildren. I am getting a LOT of pressure from ALL sides to do so. But I simply won't do it. I believe I will be punished for it no matter who prevails. Thus, I will continue to pursue (including an appeal if necessary) my motion to join this action in order to preserve the little access I have to my grandchildren. The Stokers certainly aren't going to willingly accommodate me in any event. They never have. They did everything possible to convince my children behind my back I was the bugaboo. I expect they won't change their habits when they engage with my grandchildren, perpetuating the cycle of abuse for yet another generation.

MOTION to JOIN (Rule 19) of
pinbalwyz@yahoo.com

page 11 John Smith, grandfather 360-427-3599
PO Boc 1711, Shelton, WA 98584

OBJECTIONS & RULE 19

I object to these proceeding as being without proper jurisdiction, thus void ab initio. I further object to them as an abuse of process under color of state law based on fraudulent misrepresentations to this court, discrimination against my handicapped daughter (in violation of the Americans with a Disability Act (ADA)), and failure to provide my daughter sufficient time to object and make her case for vacating/dismissing this action and restoring her children to her immediately.

I also object to these proceedings because the are tantamount to cruel and unusual punishment visited on my daughter and grandchildren that will leave them deeply scarred should they survive this ordeal in violation of the 8th Amendment, the 14th, and the 6th (transparency). Cutting my daughter off without providing her with a meaningful quantum of time to make her case does not meet the requirement the court must provide justice and fairness to all the parties. It has not.

I have electronically e-mailed a copy of this document to the petitioner's attorney, Breckan Scott, Selena Smith, and James Wells today.

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 June 22, 2021 [Date].



Signature of Petitioner or Lawyer/WSBA No.

John Smith (grandfather), pro se

Print Name

pinbalwyz@yahoo.com

(360)427-3599

PO Box 1711, Shelton, WA 98584

I have e-mailed a copy of this entire document to Breckan Scott, attorney for the Stokers, Selena Smith, but not Robert Ayers having no contact information for him, on 6-22-21.

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

In re: Emergency Guardianship of Hazel
Belle Ursa Smith

No. 21-4-00443-34

Respondent(s): Minor Child(ren)

**Proposed Order of John Smith
(grandfather)
(Rule 19)
(filing fees waived for family
members in Guardian actions)**

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;

AND,

Selena Ursa Smith (aka: Laura?), e-mail: girlsforscience@yahoo/girlsforscience.icloud.com,
current address uncertain, undisclosed(?);

AND,

James Daniel Wells (father of Raven and Onawa), (253)948-8260(?); rodytok@gmail.com; homeless,

AND,

Robert Ayers (father of Hazel), Ph. Unknown, address: unknown in Colorado, E-mail: (?)

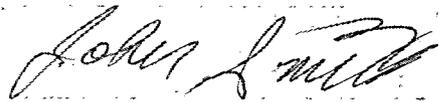
Findings of Fact and Conclusions of law

**This court finds, by a preponderance of the evidence and declarations presented that John Smith is
the father of Selena Smith and the maternal grandfather of her children.**

This court will take John Smith's objections to jurisdiction into consideration and under advisement.

ORDER

John Smith's request to join this action pursuant to RULE 19 is granted.



6-22-21

Respectfully submitted by John Smith

Date

Signature of Judge/Commissioner

Date

MOTION to JOIN (Rule 19) of
pinbalwyz@yahoo.com

page 13 John Smith, grandfather 360-427-3599
PO Boc 1711, Shelton, WA 98584

21-4-00443-34
MT 50
Motion
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13

E-FILED
THURSTON COUNTY, WA
SUPERIOR COURT
06/24/2021 2:22:01 PM
Linda Myhre Enlow
Thurston County Clerk

EXPEDITE (If filed within 5 court days of hearing)

Hearing is set

Date: 6-30-21

Time: 9:00am Zoom #: 242-974-5214 Rm:4

Judge/Calendar: Rebekah Zinn/Motion & argument

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

In re: Emergency Guardianship of
Hazel Belle Ursa Smith

Respondent(s): Minor Child(ren)

No. 21-4-00443-34

**MOTION TO JOIN John Smith
(grandfather)
(Rule 19)
(filing fees waived for family
members in Guardian actions)**

(Cover Sheet)

TITLE OF DOCUMENT

**Preliminary Motion to Join (RULE 19) John Smith (grandfather) and
Appoint an Attorney for Selena Smith, an indigent party**

**NAME: Selena Smith, indigent mother
Mailing ADDRESS: 6901 26th Ct, SE,
Lacey, WA 98503
PHONE: (360)427-3599**

Preliminary MOTION to JOIN (Rule 19) 1 Selena Smith, mother (971) 803-9898
doublekachina007@protonmail.com 6901 26th Ct SE, Lacey, WA 98503

[X] EXPEDITE (if filing within 5 court days of hearing)

[X] Hearing is set:

Date: 6-30-21

Time: 9:00pm Zoom #: 242-974-5214 Rm:4

Judge/Calendar: Rebekah Zinn/Motion & Argument

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

In re: Emergency Guardianship of
Hazel Belle Ursa Smith

Respondent(s): Minor Child(ren)

No. 21-4-00443-34

**Preliminary MOTION TO JOIN
John Smith (grandfather) and
Appoint an Attorney for Selena
Smith (moving party)
(Rule 19)
(filing fees waived for family
members in Guardian actions)**

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;

AND,

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

AND,

Robert Ayers (father of Hazel), Ph. Unknown, address: unknown in Colorado, E-mail: (?)

I Identity of Parties

I, Selena Smith (indigent mother of the subject minor(s) in this action) brings this motion to join a necessary and indispensable party in interest (**John Smith**) without counsel of necessity, pro se, and do seek a court appointed attorney to represent me in this action as summarized in section II below, and such other relief as the court deems just by all the parties.

Preliminary MOTION to JOIN (Rule 19)
doublekachina007@protonmail.com

2

Selena Smith, mother (971) 803-9898
6901 26th Ct SE, Lacey, WA 98503

Kathryn Stoker (maternal grandmother) and her husband, Hans Stoker (who is NOT the grandfather of the children, contrary to his and his wife's sworn misrepresentations in their filed pleadings to this court) brought this action before this court well BEFORE the young children at issue had been evaluated by any qualified Family and Children's social worker within the State of their domicile or oversight of a state court properly presiding over the same, i.e. Oregon, where this court's emergency ex parte order to seize the children was executed around midnight and they were spirited, under cover of darkness, out of Oregon after handing off the very young three to the Stokers at a gas station adjacent to I-5 north of Eugene that night. The seizure was executed, as described at midnight, 5-30-21 in/near Oakridge, OR, the initial ex parte emergency petition for seizing my 3 children was filed 5-27-21, the order granting the petition was entered on 5-28-21. The Stokers filed their petition prior to the children being examined and evaluated precisely to deny me and my children due process with this court's approval, aid, and abetment under color of state law in violation of Oregon's sovereignty, the federal ADA (I have only one hand), my status as a destitute DV survivor (contrary to UCCJEA requirements, and in violation of meaningful protection under the 6th and 14 Amendment as well as principles laid out in Troxel vs. Troxel and the notorious Elian Gonzalez international case.

JURISDICTION

The Petitioners (Stokers) are longtime residents of and domiciled in Thurston County, Washington.

I, Selena Smith (mother), am the person person bringing this motion. I had left Washington State without any intention of returning more than 6 months prior to the date my children were seized in Oregon where I resided and was domiciled with my children.

I, Selena Smith, the mother of the very young child(ren) at issue in this cause, due to DV, fled the State of Washington with my children prior to 11-24-20, which is the date James Wells (my boyfriend) filed a DV Protection Petition (20-2-30761-34 | JAMES DANIEL WELLS, Jr vs SELENA URSA SMITH) after I left Washington State to preserve my and my children's safety. Mr. Wells' purpose was to use the children (who he sought custody of in the petition) to support himself. The petition was denied by Court Commissioner Rebekah Zinn. Mr. Wells is currently sleeping in the open near Mt. Adams, is homeless and non-compliant with a subsequent DV protection order issued by the court.

I, Selena Smith filed a petition for DV protection, alleging Mr. Wells was violently abusive with me and the children, an alcoholic, and in need of anger management classes. Court Commissioner Rebekah Wells ruled in Selena's favor and ordered Mr. Wells to surrender his firearms. This action was filed by myself from out of State. I personally appeared before this court (Court Commissioner Rebekah Zinn, presiding) from an out of state DV women's shelter and filed the declaration of an advocate associated with that shelter confirming evidence I had seen of what appeared to be stalking while I was staying in that out-of-state DV shelter.

(20-2-30788-34 | SELENA URSA SMITH vs JAMES DANIEL WELLS, Jr)

i.e. I, Selena Smith, and my children have been absent and no longer resided in Washington State for longer than 6 months prior to having my 3 children seized around midnight on 5-30-21 under the color of Washington State law via an ex parte emergency guardianship order executed beyond Washington's own borders in a foreign state (Oregon). Court Commissioner Rebekah Zinn was either well aware I had left Washington State with my children (or should have been) more than 6 months before the instant case had been filed. I was under no legal obligation to inform my parents or Hans Stoker of my whereabouts, nor did the Stokers have standing to object since there was no court order granting them standing, custody, or

Preliminary MOTION to JOIN (Rule 19)
doublekachina007@protonmail.com

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Selena Smith, mother (971) 803-9898
6901 26th Ct SE, Lacey, WA 98503

visitation. Yet they conspired to track me in conjunction with security guard Robert Kurtz for months wherever I went using my I-phone to do so.

Even case officers with the New Jersey Division of Children & Families admitted they had no authority to use a New Jersey Court Order (under the circumstances) to order law enforcement in Oregon to seize my children upon New Jersey's direction, although security guard Robert Kurtz indifferent to the invasion of my privacy.. When Kurtz's actions were challenged, a case worker supervisor retorted it was NJ Division of Children & Families to track or find missing families/children when receiving reports/suspicion of the same. **Except...there WERE NO missing children!** They were with me, their mother, who had no legal duty to provide the State of New Jersey or the Stokers with such information. Nor was there a nation wide manhunt for me, only the illegal surveillance conducted by security guard Robert Kurtz, the means by which he chose not to reveal in his declaration submitted to this court to avoid incriminating himself.

Robert Kurtz was acting only on his own without authority from his agency or direction to invade my privacy by conspiring with the Stokers who were using software on my I-phone to track, unbeknownst to me, my movements, purchases, bills and confidential health/billing records obtained by opening my mail without permission (as well as rifling through my personal papers left where I once resided on the Stoker property). Adding outrage to injury, the Stokers kept the notices of fines received in the mail they opened rather than forwarding it to my new mailing address of which they were aware—putting my Driver's License at risk of suspension for want of notice. They used the unlawfully acquired document to try and prejudice the court against me. They may have succeeded, denying me fairness in these proceedings, or even the appearance of fairness.

This rogue action by a Washington Family Court fails what even grade school children would recognize as the SMELL TEST. The statutory construction of a normal petition for guardianship of minors in Washington State replete with a full complement of meaningful due process is very different from an ex parte emergency petition for guardianship of minors with effectively **no meaningful due process**. Accordingly, the ex parte judicial excess of Washington's judiciary ought to be a pleasure enjoyed by its own citizens which it is accountable to rather than being visited upon the citizens of foreign states.

In Troxel vs. Troxel, the U.S. Supreme Court pronounced Washington's Courts interpretation of the 'best interests' of the child(ren) "breathtaking in scope"! Additionally, they concluded a parent's bond with their minor children was so fundamental a right that a state which substituted its judgment for a parents exceeded its authority no matter how seductive the state's reasoning might be unless there was genuine true imminent harm that would come to the child(ren). Not only is that not evident in the instant case, but the child(ren) at issue were not evaluated by a qualified expert prior to the court issuing its ex parte emergency seizure order executed out-of-state under cover of darkness.

Kathryn Stoker lied to my father when she described the circumstances and genesis of that seizure as well as the date of the court hearing (Nathan Kortokrax presiding who recused himself) as on the 18th of this month when it, in truth, was the 16th. The Stokers also lied about my mental condition and claims there was a "nation wide manhunt" for me.

This court did not provide me with 60 day notice to respond from service out-of-state, nor was a Return of Service filed in either of the 2 case #'s involving the child(ren) to either father or permission for alternative service ought.

Preliminary MOTION to JOIN (Rule 19)
doublekachina007@protonmail.com

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Selena Smith, mother (971) 803-9898
6901 26th Ct SE, Lacey, WA 98503

In short, this case and all orders pursuant to it are void ab initio for failure to establish proper subject matter and in personam jurisdiction over all the parties. The issuance of the ex parte emergency order to seize the children executed out-of-state was based on fraudulent misrepresentations and deceptions that are a matter of record presented to the court. Nor did the court take any care to insure the child(ren) were genuinely at risk before giving them the impression that their mother was a 'bad' person as they were seized as though I was Dillinger. My father has ordered and will be paying for the video, audio, photos, and police reports from the Oakridge PD. They will reveal my children were not imperiled and their needs were being met; they were not living in squalid conditions. I will present this evidence to this court for its consideration given the chance. I have spoken to the Oakridge authorities about this case. Their assessment does not support the tale the Stokers had to tell this court. The midnight raid on myself and my child(ren) is what one would expect in a totalitarian regime or from Hollywood. I have spent many hours discussing these events with my father. He is part of my and my children's life and has always tried to maintain a relationship with us. He has never interfered with my relationship with my children. He is a necessary and indispensable party to this action as the Stokers have never respected his role in our lives which can be seen in their declarations where Hans and his wife deceives the court into believing he is my father and my children's grandfather. My story is persuasive if the court would but take the time to hear it out. My father, John Smith, has taken the time to do so since he learned of my predicament despite my mother dissembling to him. It is abundantly clear I am **not** delusional or mentally ill. I do cry and get upset about my babies. My father is not an attorney, but he has an important ongoing role in our lives that will be ignored by the Stokers if he is not allowed to join this action and represent himself on behalf of his relationship with me and my children.

II RELIEF SOUGHT

I am requesting my father, John Smith, be joined to this action under Rule 19 as a necessary and indispensable party in interest, and such other relief as this court deems just by all the parties.

It is certain the Stokers will not allow my father to remain part of my children's lives or to visit freely with them as they have always disparaged him as long as I can remember, even as a child living in their household.

I am requesting a court appointed attorney because I am indigent, cannot afford to hire one, am at risk of having my parental rights effectively extinguished by the Stokers, and because this court is an inconvenient venue I do not have meaningful access to.

Washington State's public policy with respect to children is to reunify families, not tear them apart. This court, to date, has deeply insulted that policy, without proper jurisdiction or due diligence.

DECLARATION

I have but one hand, am indigent (though employed), homeless, a DV victim fleeing my abuser, and desperately needs a court appointed lawyer, as do the child(ren) need a GAL not of the Stoker's choosing. I, Selena Smith [Name] **Declare** that:

1. A. I am the mother of Hazel Smith. Hans Stoker, contrary to his and his wife's sworn misrepresentation to this court, is **not**.

Preliminary MOTION to JOIN (Rule 19) 5 Selena Smith, mother (971) 803-9898
doublekachina007@protonmail.com 6901 26th Ct SE, Lacey, WA 98503

Petitioners submitted materially misleading and fraudulent information to prompt this court to issue an ex parte emergency Guardianship of Minors order executed out of state in Oregon.

The Petitioners had no standing to be granted this emergency petition devoid of meaningful due process executed in a foreign state.

There is a custody/parenting plan order that exists in Colorado defining the father's (Robert Ayers) visitation rights regarding Hazel the petitioners did not inform this court of, even though they were well aware of it. Their testimony and representations are not credible.

There was no emergency or threat of imminent harm when my children were seized in Oakridge, Oregon around midnight after this court had issued an **ex parte** emergency order which the Oakridge police erroneously acted on without oversight from any Oregon State court where the children and I resided and were domiciled. More than 6 months had elapsed since I fled the State of Washington with my children to avoid DV abuse.

The ex parte emergency guardianship order executed out-of-state issued by this court violated Oregon's sovereignty and any meaningful due process I and my children were entitled to before our rights and welfare were violated.

My child(ren) at issue in this cause had been absent from Washington State in my care for **over 6 months** when they were seized after midnight, and transferred hours later under cover of darkness to the Stokers at a gas station north of Eugene, OR. adjacent to I-5 around 3:00am on 5-31-21. Subsequently, they were spirited across the state line into Washington and are at this time residing on the Stoker's 5 million dollar estate in Thurston County on the waterfront of the Nisqually reach.

I (Selena Smith) am indigent, homeless but for my RV, working as an auto parts delivery service, and just recently paid the traffic tickets threatening to suspend my WA. Driver's made all the more pernicious due to the Stokers seeking to use the unlawfully acquired document (notification) to prejudice this court rather than forward my mail to my new mailing address where I could have more timely responded. This reveals the Stokers did not act in good faith for my ever entrusting my mail to them and their demonstrated indifference to my welfare, contrary to the rosy picture they paint of themselves before this court. The Minnesota speeding ticket I received was shortly after I crossed a state line from a jurisdiction where the speed limit was 80mph. The Stokers opened my mail without my permission, then failed to send the notice to my new mailing address which they knew about. The court should refuse to take notice of this fruit from a poisoned tree.

The present Thurston venue the petitioners plotted in advance is highly inconvenient for me for all the reasons I've stated above.. I am unrepresented, have no computer or printer or access to the internet and my I-phone (the one the Stokers used to spy on me for months across country) is broken. I cannot afford to repair it. Thurston County represents a grave hardship as a venue for me--but the petitioners knew this when they filed in Thurston County, calculating it would hamstring me from being able to respond effectively, counting on my poverty to grease the skids they had constructed.

I desperately needs appointed counsel in this case because I cannot afford an attorney and have no practical way presently to attend this court in person.

I have objected on the record to these proceedings for want of jurisdiction, the Stokers having failed to provide even the barest scintilla of due process to the me and the fathers of the children.

Preliminary MOTION to JOIN (Rule 19) 6 Selena Smith, mother (971) 803-9898
doublekachina007@protonmail.com 6901 26th Ct SE, Lacey, WA 98503

No Return of Service has been filed in this case I have seen verifying what was served on the parents, both fathers, and that it was done properly.

No motion demonstrating due diligence seeking alternative service on the fathers has been filed in this case/litigation.

There is evidence this court has tampered with the record (altering the caption in the filed documents/pleadings) without so much as a sua sponte motion being made part of the record permitting it—a violation of WA State criminal law and the rules of court prohibiting such tampering. (See this courts lining out of 2 of the children's names in this case number rather than granting an amended document or sua sponte motion or giving opposing parties the opportunity to object or weigh in on the matter.

Discussion of filing a petition for a Write of Habeas Corpus to produce the children in an Oregon court has been had and is being explored.

I, Selena Smith, also object to these proceeding as void ab initio because proper jurisdiction was never obtained since the parents were not properly served and subject matter jurisdiction is in doubt given no order from Washington State prior to the instant case gave the Stokers any standing whatsoever. Nor were the required 60 days to respond to original process for out-of-state service respected.

The Uniform Child-Custody Jurisdiction & Enforcement Act

The above law has been adopted by 49 out of the 50 states with the exception of Massachusetts and Puerto Rico. Its purpose evolved from a coordinated interstate effort to prevent forum shopping and stymying the other parent's due process and access to the children, the very antithesis of what is occurring in the instant case before this court. Most galling is the fact Hans Stoker is not my children's grandparent despite what he misled the court to believe under penalty of perjury. Kathryn Stoker also perjured herself in support of the false claim made by Hans Stoker, as did their attorney, an officer of this court, who admitted she knew Hans was not the grandfather when she signed and submitted her petition to this court.

Some laws enacted after the UCCJA added a Federal dimension to interstate and international child-custody practices that was unforeseen by the drafters of the UCCJA in 1968 (but which was considered by drafters of the UCCJEA in 1997). In addition to the PKPA, these Federal laws include the Full Faith and Credit provisions of the VAWA, enacted in 1994; the Hague Convention, ratified in 1986; and the ICARA, enacted in 1988.¹⁹ The VAWA. In recognition of the fact that domestic violence victims often leave the State where they were abused and need continuing protection in their new locations, the VAWA provides, among other things, for interstate enforcement of protection orders. Custody provisions incorporated into protection orders, however, are not governed by the VAWA.²⁰ These provisions are "custody determinations," subject to the PKPA and State law governing jurisdiction in child-custody cases. Neither the PKPA nor the UCCJA explicitly addresses the key concerns of domestic

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violence victims who must litigate child custody interstate. The UCCJEA, however, addresses these concerns with a number of provisions. For instance, it protects against disclosure of a victim's address, expands emergency jurisdiction to cases in which a parent or sibling is at risk, and requires courts to **consider family abuse in their "inconvenient forum" analysis.**

It is aimed at and constructed to discourage/prevent **parents** from forum shopping by moving children from one state's jurisdiction to another so as to prevent access to and/or meaningful due process in resolving custody disputes litigation...precisely the strategy the Stokers have used in dispossessing me of my children except they are **NOT** the **parents** of the children, had no court standing or ordered visitation rights or pending litigation affecting the status of the children and **no genuine emergency existed where the children were at risk of immediate/imminent harm when seized out of state in Oakridge, OR. in the dead of night.**

Certainly Washington is an 'inconvenient forum/jurisdiction' given my indigent status and circumstances. It effectively deprives me of all meaningful due process protections that might otherwise have been available via a normal guardianship of minors petition. Petitioners have acted illegally and in bad faith by rifling through my personal records and opening my mail without permission.

The Stokers are also far too old to be raising my children. Hans is an alcoholic and both of them take a variety of mood altering/psychosomatic prescribed drugs, insisting I should do the same.

The Stokers have smeared my reputation and credibility from here to Kingdom Come using their false narrative of character assassination and mental illness to anybody who would listen, their own children in particular. Kathy's older brother (Dee) now suffers from dementia. Kathy's younger brother, Thomas Warren and his wife, Diane Warren are estranged from the Stokers for the parental alienation of affections of Thomas Warren's own children for much the same reason my father complains of the Stokers alienating my children from him.

Kathryn Stoker admitted to me she was using my I-PHONE TO TRACK me across the U.S., which explains a lot which the New Jersey Division of Children & Families security guard, Robert Kurtz, would not. His was a declaration full of unsubstantiated speculation, innuendos, and illegal surveillance (fruit of a poisoned tree doctrine) fed to him largely by the Stokers the court relied on heavily when signing its order for ex parte emergency relief executed out of state erroneously allowing the seizure of my children from me.

THE SMELL TEST

After decades of allowing my mother to support me in exchange for generous visitation and association with my children, I realized in the wake of a falling out with my drug/alcohol addled boyfriend and DV abuser (James Wells) over a dispute regarding who the government social agencies would send the children's public assistance to, my relationship with my mother was more a liability than an asset to the integrity of my bond with my young children. James (father) was

Preliminary MOTION to JOIN (Rule 19) 8 Selena Smith, mother (971) 803-9898
doublekachina007@protonmail.com 6901 26th Ct SE, Lacey, WA 98503

more like having an extra special needs child in an adult's body in my household than a parental partner. With only one good hand, my handicap made doing household chores more difficult than it would be for a normal person with two good hands. I had exhausted my support from Washington welfare agencies in the wake of my dispute with Jim (father) over the money which made both of us look suspicious/fraudulent, or worse, in the State's eyes. Washington refused to provide either of us further public assistance benefits.

James Wells filed petitions for a DV restraining order and one for a parenting plan seeking custody for himself of his two young children, Onawa and Raven in Thurston County Family Court. The house I and James resided in belonging to the Stokers became squalid by the owner's (and Maya Stoker's) own declaration--a condition on their own doorstep, which developed AFTER I left it, the Stokers had allowed to continue unabated. They also allowed the drug and alcohol abuse within that 'squalid' residence along with the DV to continue throughout those same years. None of this was a secret to the Stokers. The Stoker residence, though a waterfront mansion on the Nisqually Reach worth many millions of dollars, is falling into disrepair. It certainly isn't squalid, but Maya's declaration indicates the home the Stokers allowed myself, James Wells, and my children to live in practically at the Stokers door step, rent free, was!—according to them. It would appear the Stokers find fault with squalid home conditions unless it's a home they own and control.

I filed my own counter petition for DV protection against Jim Wells with the court circa December 3, 2020 while out of state in a DV protected women's shelter. The matter was heard before court commissioner Rebekah Zinn who entered the DV protection order in my (and my children's) favor. James Wells was ordered to undergo drug/alcohol evaluation and treatment, a condition he has not complied with along with anger management classes. Commissioner Zinn asked me what my financial status was, and I told her I had virtually nothing. She could see I was in an out of state DV women's shelter and was told I was indigent. Despite her knowledge of these mitigating factors under the UCCJEA, they were not considered in this case. Rather, Commissioner Zinn bought into the unsubstantiated fable I was mentally ill, allowing the Stokers to discredit me.

James had begun to describe me as an "evil woman", implying I should be 'eliminated'. I became frightened due to Jim's association with drug addicts, his own use of meth and alcohol as well as his association with the Hell's Angels biker club. I fled WA State out of fear, seeking safety in out of state DV shelters for women. I began to notice vehicles (at least one in particular) that appeared to be stalking me. My DV advocate noted it as well and filed a report with the Thurston Family court so stating under penalty of perjury. But this all fed into the Stoker's false narrative that Selena was delusional and mentally ill--a classic example of gaslighting. Yet it was consistent with Kat's history many years prior of hiring a detective to surveil my father and a Mason County Court clerk to monitor him on her behalf.

As I traveled, Hans and my mother began to amass unpaid traffic tickets and toll road/bridge violations in various states. The Stokers received the notices of the same in their mailbox where I was receiving my mail. Out of curiosity, they opened that mail and then submitted some of it in their declarations to this court in the instant ex parte emergency guardianship cases--products of

Preliminary MOTION to JOIN (Rule 19) 9 Selena Smith, mother (971) 803-9898
doublekachina007@protonmail.com 6901 26th Ct SE, Lacey, WA 98503

violating my right to privacy. Neither did I give permission for the Stokers to rifle through my personal records in the house I left. The Stokers used my medical records they discovered in my personal belongings and submitted those to the court as well--another instance of their invading my privacy, an actionable cause for collateral litigation.

I started to become aware that the CPS agencies in various states I was traveling through or near were receiving complaints about my children. I imagined this might be due to retaliation from James for my obtaining a DV protection order against him. On occasion, I would call my mother in Washington. I spent some time in Massachusetts, NY, Maryland, Montana, Wisconsin, Wyoming, Oregon, and no more than 5 days in New Jersey (Brooklawn, not Camden as Hans Stoker falsely claimed before this court), yet I noted 12 CPS complaints lodged with NJ authorities when I was not present in NJ. This may be consistent with someone tracking me with my I-phone, but not knowing my exact location. Proximity may have been enough to trigger the welfare requests/CPS complaints from an invisible observer. Security guard Robert Kurtz declined in his declaration to name the methods he had access to for tracking me across the country, perhaps to avoid criminal liability. But he freely admits he did so. His employer in NJ stated Kurtz had no authority to engage in this conduct under their aegis. Yet he developed a great quantity of detailed facts regarding me and the Stokers--information he could only have gotten from the Stokers, including their misrepresentation to him they were the grandparents of my children.

Amy (my best friend) confirmed my suspicions about my I-Phone which Kathy paid for in a 'family' plan. How ironic. I turned the I-phone off and that seemed to stop the incidents associated with the tracking. I confronted my mother (Kathy) about this once I had purchased a burner cell phone at a retail store. Kathy admitted to my suspicions and promised to turn the tracking off. I didn't believe her. The burner cell phone lacked many of the capabilities my I-phone had. In a moment of naive weakness (the time I spent vacationing with my children next to a park in Oakridge, Oregon) I turned the I-phone on. That was enough to trigger the plan the Stokers and security guard Kurtz had hatched. They now knew my approximate location, had a description of my RV and license plate.

Without knowing anything about the condition or immediate circumstances of my children, they resorted to filing an ex parte emergency guardianship petition in Washington State rather than in Oregon where I and my children were then residing and domiciled. This was done IN ADVANCE (before the circumstances and any claimed 'imminent risk of harm' to my children could be determined) so as to conspire with Kurtz and some Oregon officials (but not Oregon's courts) to seize my children in the dead of night. An Oakridge LEO observed, at the time, my children had adequate care and their basic needs met from all appearances.

""We've GOT them," announced the call the Stokers received after dark and after they'd already filed their ex parte emergency guardianship petition in anticipation rather than in a reaction to any determination of an emergency reflecting the children's instant circumstances. In fact, **there was no emergency or imminent risk of harm to the children.** My fears of my mother's hysterical possessiveness and control fetish had been realized. But it was too late to stop the cascade of

events when my children were seized and taken from their me as though I was on the FBI's most wanted list, a fugitive from justice. Dillinger? The effect this had on my children is incalculable. The effect this had on me was devastating to the point I was inconsolable. I still begin to cry every time Raven's (my youngest) name comes up.

My children were sped to a handoff point at a gas station north of Eugene somewhere around 3:00am at night.. The Stokers then smuggled their kidnapped wards into Washington State where they had secured a court order prohibiting me from visiting or contacting my children. This is exceptionally cruel to me and my children. It's likely my very young and confused children now believe their mom is a 'bad' person (to use Maya's phrase) and a fugitive from justice akin to Al Capone.

There was no legitimate reason why a normal petition for the guardianship of minors replete with meaningful due process protections could not have been pursued absent any imminent risk to my children. The Stokers have managed to destroy me and my children, leaving them only with a drug addled alcoholic homeless father too habitually indolent to work. The Stokers, according to plan, have picked up the pieces (once again!) of the family they shattered to gratify their own egos and sense of self-righteous importance.

My father is very saddened by the recent turn of events. He has difficulty expressing this.

My father very much wants to continue to be part of our lives and is committed to me and my children. He says he will continue to pursue (including an appeal if necessary) his motion to join this action, as will I to join him under Rule 19 in order to preserve any access he has to my children. The Stokers certainly aren't going to willingly accommodate him in any event. They never have. They did everything possible to convince us as children behind his back he was the bugaboo. I expect they won't change their habits when they engage with my children, perpetuating the cycle of abuse for yet another generation.

OBJECTIONS & RULE 19

I object to these proceeding as being without proper jurisdiction, thus void ab initio. I further object to them as an abuse of process under color of state law based on fraudulent misrepresentations to this court, discrimination against my handicap (in violation of the Americans with a Disability Act (ADA)), and failure to provide me sufficient time to prepare and object and make my case for vacating/dismissing this action and restoring my children to me immediately.

I also object to these proceedings because the are tantamount to cruel and unusual punishment visited on myself and my children that will leave them deeply scarred should they survive this ordeal in violation of the 8th Amendment, the 14th, and the 6th (transparency). Cutting me off without providing me with a meaningful quantum

Preliminary MOTION to JOIN (Rule 19)
doublekachina007@protonmail.com

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6901 26th Ct SE, Lacey, WA 98503

of time to make my case does not meet the requirement of the court to provide justice and fairness to all the parties. It has not.

I have electronically e-mailed a copy of this document to the petitioner's attorney, Breckan Scott, Selena Smith, but have yet to receive Robert Ayers' (father) contact info. Ms. Scott may presently have that info.

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 June 23, 2021 [Date].

A rectangular box containing a handwritten signature in cursive script that reads "Selena Smith".

Signature of Petitioner or Lawyer/WSBA No.

Selena Smith (mother), pro se

Print Name

I have e-mailed a copy of this entire document to Breckan Scott, attorney for the Stokers, Selena Smith, but not Robert Ayers having no contact information for him, on 6-23-21.

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

In re: Emergency Guardianship of Hazel
Belle Ursa Smith

Respondent(s): Minor Child(ren)

No. 21-4-00443-34

**Proposed Order of Selena
Smith
(Rule 19)
(filing fees waived for family
members in Guardian actions)**

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;

AND,

Selena Ursa Smith (aka: Laura?), e-mail: girlsforscience@yahoo/girlsforscience.icloud.com,
current address uncertain, undisclosed(?);

AND,

James Daniel Wells (father of Raven and Onawa), (253)948-8260(?), rodytok@gmail.com; homeless,

AND,

Robert Ayers (father of Hazel), Ph. Unknown, address: unknown in Colorado, E-mail: (?)

Findings of Fact and Conclusions of law

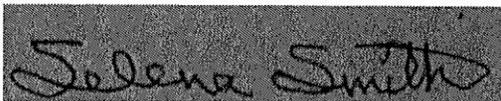
**This court finds, by a preponderance of the evidence and declarations presented that John Smith is
the father of Selena Smith and the maternal grandfather of her children.**

**This court will take Selena Smith's objections to jurisdiction into consideration and under
advisement.**

ORDER

**Selena Smith's request for a court appointed attorney is granted/. The Clerk of the court is ordered
to make the arrangements promptly and provide Selena Smith with the appointed attorney's contact
information.**

Selena Smith's request to join John Smith to this action pursuant to RULE 19 is granted.



6-23-21

Respectfully submitted by John Smith Date

Signature of Judge/Commissioner

Date

Preliminary MOTION to JOIN (Rule 19)
doublekachina007@protonmail.com

13 Selena Smith, mother (971) 803-9898
6901 26th Ct SE, Lacey, WA 98503

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FILED
SUPERIOR COURT
THURSTON COUNTY, WA
2021 JUN 24 PM 4:41
Linda Myhre Enlow
Thurston County Clerk

EXPEDITE (if filing within 5 court days of hearing)

Hearing is set:
 Date: _____
 Time: _____
 Judge/Calendar: _____

21-4-00443-34
ST 61
Statement
10553496



**SUPERIOR COURT OF WASHINGTON
FOR THURSTON COUNTY
FAMILY AND JUVENILE COURT**

GUARDIANSHIP of HAZEL SMYTH
ET AL vs. Plaintiff/Petitioner,

Defendant/Respondent.

NO. 21-4-00443-34

TITLE OF DOCUMENT:

STATEMENT of Amy GMAZEL

NAME: Amy GMAZEL
 ADDRESS: 6901 26TH CTSE
 LACEY, WA 98503
 PHONE: ()
 360-455-9717

PLEASE PRINT CLEARLY

Amy Gmazel
6901 26th ct. SE
Lacey, WA, 98503
(360) 455-9717

June 17, 2021

RE: Ms. Selena Smith Child Custody Case

To Whomever It May Concern,

I, Amy Gmazel, resident of Lacey, Washington, declare under penalty of perjury under the laws of the State of Washington that the statements to follow are true and correct. I have known Selena Smith since September of 1986, when Selena and I were both ten years old. We grew up together, and I was at one time acquainted with many members of her immediate and extended family. She and her children have visited my home many times and have briefly lived with me.

I emphatically believe that Selena Smith should regain custody of her minor children Hazel, Onawa, and Raven. I believe that separation from their mother is doing these children active harm. Selena is a good, loving parent and shares a close bond with her children. I further believe, based on observing their interactions, that the children trust and are securely attached to her.

I have observed Selena's parenting on many occasions. I have frequently been impressed by the patience she shows the children, carefully explaining an action or request, and calmly deescalating an impending conflict. Hazel, especially, seems to have thrived under Selena's care and has made dramatic improvement in language, motor, and social skills.

I believe that the bond the children share with Selena is stronger than the relationships they share with other family members, and that the three children will suffer greatly if they continue to be kept from their mother's care. I beg the court to reunite these children with their mother.

Amy Gmazel

A handwritten signature in black ink, appearing to read "Amy Gmazel". The signature is written in a cursive, flowing style with a large initial "A".



FILED
SUPERIOR COURT
THURSTON COUNTY, WA

2021 JUN 24 PM 1:27

LINDA MYHRE ENLOW
THURSTON COUNTY CLERK

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THURSTON COUNTY SUPERIOR COURT FOR WASHINGTON STATE	
<u>Guardianship of Hazel Smith, et al</u> Plaintiff / Petitioner, vs. Defendant / Respondent.	

EX PARTE

NO. 21-4-443-34

DENIAL OF EX PARTE MOTION

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THIS MATTER came before the court on the motion of:

Plaintiff / Petitioner Defendant / Respondent Selena Smith

For an ex parte motion for: Motion to Vacate

The Court reviewed the file and motion and finds the relief requested should be DENIED because:

- There is no proposed order in the file.
- This is not properly an ex parte motion.

Other:
The arguments presented reflect on how to rule on
and interpret evidence, rather than a proper ground
 DATED: 6-24-21 to vacate under CR 60(b)(1)
 OR CR 60(b)(4).

Rebekah Zinn
 JUDGE/COURT COMMISSIONER
 REBEKAH ZINN



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E-FILED
THURSTON COUNTY, WA
SUPERIOR COURT
06/25/2021 9:40:07 AM
Linda Myhre Enlow
Thurston County Clerk

**Superior Court of Washington, Thurston County
Family and Juvenile Court**

In the Guardianship of:

HAZEL BELLE URSA SMITH

Respondent: The minor child(ren)

Case No. 21-4-00443-34

**Notice of Hearing for
Court Commissioner Motions – to JOIN (Rule 19)
Family Law, Juvenile, & Probate & Guardianship**

(NTHG) (Shelley Brandt & Kortokrax recused)

To the County Clerk and all parties:

1. A court hearing has been scheduled for: 6-30-21 (date) at 9:00 am (time).

To keep everyone safe during COVID19, the Court is asking that parties, participants, families, and attorneys attend their hearings as indicated below, virtually, by video or telephone participation through Zoom. If this is not possible, the Courthouse is open and located at 2801 32nd Avenue SW, Tumwater, WA 98512.

2. The **name** of the motion or type of hearing is: Motion to JOIN (Rule 19)

The motion was filed on: 6-21-21 (date) by John Smith, grandfather (name of party).

3. The hearing should be scheduled on the following court session:

→ Check that the court session is available before you schedule a hearing. You can see whether a session is full on the Clerk's web page: www.co.thurston.wa.us/clerk

Family Law without attorneys

Courtroom 2: Zoom Meeting ID: 429-655-5966#

(Monday 9:00 & 10:30 a.m.)

Courtroom 4: Zoom Meeting ID: 242-974-5214#

(Wednesday 11:00 a.m.)

Courtroom 3: Zoom Meeting ID: 786-408-0165#

(Friday 1:30 & 2:30 p.m.)

Family Law with attorneys

Courtroom 4: Zoom Meeting ID: 242-974-5214#

(Tuesday 9:00 & 10:30 a.m.; 1:30 p.m.)

(Thursday 9:00 & 10:30 a.m.)

State Family Law

Courtroom 4: Zoom Meeting ID: 242-974-5214#

Wednesday 2:00 & 3:00 p.m.

Minor Guardianship/ Non-Parental Custody

Courtroom 4: Zoom Meeting ID: 242-974-5214#

(Wednesday 9:00 & 10:00 a.m.)

Probate & Guardianship

Courtroom 2: Zoom Meeting ID: 429-655-5966#

(Friday 2:00 & 3:00 p.m.)

Youth at Risk & CHINS

Courtroom 3: Zoom Meeting ID: 786-408-0165#

(Monday 10:00 & 11:00 a.m.)

Juvenile Miscellaneous Motion

Youth in person, other participants by Zoom

Courtroom 3: Meeting ID: 786-408-0165#

(Monday 2:00 & 2:30 p.m.)

Juvenile Changes of Plea

Youth in person, other participants by Zoom

Courtroom 3: Meeting ID: 786-408-0165#

(Changes of Plea: Thursday 10:00 & 10:30 a.m.)

See section 7 for Zoom Meeting Instructions.

Warnings!

- You need to schedule this hearing by 5:00 p.m. at least 6 business days ahead of time. Consult local and state court rules.

- If you do not go to the hearing, the court may sign orders without hearing your side. You must file all paperwork to respond to a motion before the court hearing.
- If you do not have an attorney, a courthouse facilitator must approve the final paperwork before a final hearing can be scheduled. LSPR 94.04.

4. Declaration of Service

I declare that on 6-21 & 6-25, 2021, deposited in the United States mail, delivered through a legal messenger service, personally delivered, a copy of this notice of hearing, the motion, and all paperwork filed along with the motion, to all people listed below in section 6.

I declare under penalty of perjury under the laws of Washington State that the foregoing is true and correct.

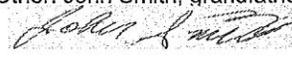
Signed at Mason (county) Washington (State) on 6-25-21 (date signed).


 _____ (signature)
 John Smith, grandfather (printed name)

5. Person Scheduling this Hearing:

Petitioner Respondent

Other: John Smith, grandfather

Sign: 

Print Name: John Smith, grandfather

WSBA # _____ (if attorney)

Address: PO Box 1711

City/State/Zip: Shelton, WA 98584

Telephone: (360)427-3599

Email (required): pinbalwyz@yahoo.com

Date: 6-25-21

6. Names and Contact Information for Everyone Notified of this Hearing

Name: Breckan Scott-Gabriel
Attorney for: Kathryn and Hans Stoker
WSBA #: 41585
Address: PO Box 1123, Yelm, WA 98597-1123
 10501 Creek St SE, Suite 6 Yelm, WA 98597
Telephone: (360)960-8951, fax (360)485-1916, (360)464-2636
Email: desiree.breckanlaw@gmail.com
breckan@breckanlaw.com

Name: Robert Ayers (father)
Attorney for: N/A
WSBA #: _____
Address: unknown

Telephone: unknown
Email: unknown

Name: Selena Smith (mother)
Attorney for: _____
WSBA #: _____
Address: 6901 26th Ct, SE, Lacey, WA 98503 (mailing)

Telephone: (971) 803-9898
Email: doublekachina007@protonmail.com

Name: _____
Attorney for: _____
WSBA #: _____
Address: _____

Telephone: _____
Email: _____

Attach more pages if needed.

7. Instructions for Appearing to your Zoom Meeting

Joining by Computer or Smartphone

Zoom hearings can be joined from the internet, the Zoom application ("App"), landline or mobile phone (**Instructions below**), and with a H.323 or SIP device.

You will need the Zoom Meeting ID number for the hearing. The Zoom Meeting ID for your calendar can be found in section 3 on the first page of this Notice and on the court's website.

1. Go to <https://zoom.us/>
2. Once on the Zoom site and click the "Join a meeting" option, or use this link:
<https://zoom.us/join>
3. Enter the Meeting ID and click "Join"

You can also download an application ("App") to your smartphone or device. To download the Zoom mobile application, visit the zoom website at <https://zoom.us/download>

4. Once you have joined, you will enter the virtual waiting room. Prior to the start of your hearing, the judicial officer or court employee will admit you into the virtual hearing. You might have to wait past the start of your hearing time. Please be patient.

Join by telephone if:

- You do not have a microphone or speaker on your PC/Mac,
- You do not have a smartphone (iOS or Android), or
- You cannot connect to a network for video and VoIP (computer audio)

DO NOT RECORD ANY COURT HEARINGS

The Court keeps a record of all proceedings. Do not record any court proceedings. You can order transcripts or copies of the hearing from the Court. If you would like to order a copy of the record or a transcript of the proceeding, information can be found on the Court's Website:

<https://www.thurstoncountywa.gov/sc/Pages/transcripts.aspx>

To join by telephone:

If you are joining via telephone, call one of the telephone numbers listed in the box, then enter your calendar Zoom Meeting ID number. The Zoom Meeting ID for your calendar can be found in section 3 on the first page of this Notice and on the court's website.

1. Call one of the telephone numbers provided in the box below.

Dial by your location

- +1 253 215 8782 US (Tacoma)
- +1 669 900 9128 US (San Jose)
- +1 346 248 7799 US (Houston)
- +1 646 558 8656 US (New York)
- +1 301 715 8592 US (Germantown)
- +1 312 626 6799 US (Chicago)

<https://us02web.zoom.us/j/kcK71YNq>

2. Enter the assigned Zoom Meeting ID number found in section 3 followed by # symbol.
 - Phone Controls:
 - *6 - Toggle mute/unmute
 - *9 - Raise hand

Considerations for Virtual Hearings:

Virtual hearings are just like attending court in person.

Required:

- Dress appropriate
- Mute your microphone unless you are asked to speak
- Follow judicial officer's stated rules or risk being removed from the hearing
- You can only attend one virtual hearing at a time, please contact the court if you are scheduled to appear in multiple hearings.

If Possible:

- Avoid moving your video or quick movements
- Find a quiet space

21-4-00443-34
NTHG 54
Notice of Hearing
10554451



3

E-FILED
THURSTON COUNTY, WA
SUPERIOR COURT
06/25/2021 8:01:29 AM
Linda Myhre Enlow
Thurston County Clerk

**Superior Court of Washington, Thurston County
Family and Juvenile Court**

In the Guardianship of:
HAZEL BELLE URSA SMITH

Case No. 21-4-00443-34

Respondent: The minor child

**Motion to JOIN Notice of Hearing for
Ex Parte and Emergency Motions During
Covid-19 Protocols (Kortokrax recused)**

(NTHG) (Rule 19) (Shelley Brandt recused)

To the County Clerk and all parties:

1. A court hearing has been scheduled for: 6-25-21 (date) at 4:00pm (time).

THERE MAY BE NO IN-PERSON HEARING (see information below for each calendar).

2. The name of the motion or type of hearing is: Ex Parte MOTION To JOIN (Rule 19)

The motion was filed on: 6-22-21 (date) by John Smith, grandfather (name of party).

3. The hearing should be scheduled on the following court session:

→ Check that the court session is available before you schedule a hearing. You can see whether a session is full on the Clerk's web page: www.co.thurston.wa.us/clerk

**Probate & Guardianship Ex Parte Motions
DECIDED WITHOUT A HEARING**
DO NOT GO TO COURT
Monday at 8:00 a.m.

Ex parte -- Emergency Motions
Monday through Friday at 4:00 p.m.
APPEAR FOR HEARING BY ZOOM
* See last page for instructions.

**State Family Law Agreed Ex Parte Orders
DECIDED WITHOUT A HEARING**
DO NOT GO TO COURT
Wednesday at 8:00 a.m.

→ You need to schedule this hearing by 12:00 p.m.
the day of the scheduled hearing.

Monday/Wednesday:
Courtroom 4: Meeting ID: 242-974-5214#

**Family Law Agreed Orders
DECIDED WITHOUT A HEARING**
DO NOT GO TO COURT
Friday 8:00 a.m.

Tuesday/Thursday:
Courtroom 2: Zoom Meeting ID: 429-655-5966#

**Final Agreed Orders
DECIDED WITHOUT A HEARING**
DO NOT GO TO COURT
Thursday 3:30 pm

Friday:
Courtroom 3: Meeting ID: 786-408-0165#

→ A hearing on all of the above calendars
needs to be scheduled by 12:00 p.m. at least 2
business days ahead of time.

Do not contact court administration to check on the status of documents being filed or signed. You can check Odyssey Portal at <https://odysseyportal.courts.wa.gov/odyportal> to see if your documents have been filed. If you do not have Odyssey Portal you can contact the Clerk's Office by emailing county_clerk@co.thurston.wa.us or by calling 360-709-3260.

4. Declaration of Service

I declare that on June 25, 2021, I
 deposited in the United States mail, delivered through a legal messenger service, personally delivered, a copy of this notice of hearing, the motion, and all paperwork filed along with the motion, to all people listed below in section 6.

I declare under penalty of perjury under the laws of Washington State that the foregoing is true and correct.

Signed at MASON (county) Washington (State) on 6-25-21



(signature)

John Smith, grandfather (printed name)

5. Person Scheduling this Hearing:

Petitioner Respondent

Other: John Smith, grandfather

Sign:



Print Name: John Smith, grandfather

WSBA # _____ (if attorney)

Address: PO Box 1711, Shelton, WA 98584

City/State/Zip: _____

Telephone: (360)427-3599

Email (required): pinbalwyz@yahoo.com

Date: June 25, 2021

6. Names and Contact Information for Everyone Notified of this Hearing

Name: Breckan Scott-Gabriel

Attorney for: Kathryn and Hans Stoker

WSBA #: 41585

Address: PO Box 1123, Yelm, WA 98597-1123

10501 Creek St SE, Suite 6 Yelm, WA 98597

Telephone: (360)960-8951, fax (360)485-1916, /360)464-2636

Email: desiree.breckanlaw@gmail.com
breckan@breckanlaw.com

Name: Robert Ayers (father)

Attorney for: _____

WSBA #: _____

Address: unknown

Telephone: unknown

Email: unknown

Attach more pages if needed.

Name: Selena Smith, pro se (mother)

Attorney for: _____

WSBA #: _____

Address: 6901 26th Ct, SE, Lacey, WA 98503 (mailing)

Telephone: (971) 803-9898

Email: doublekachina007@protonmail.com

Name: _____

Attorney for: _____

WSBA #: _____

Address: _____

Telephone: _____

Email: _____

8. Instructions for Appearing to your Zoom Meeting

Joining by Computer or Smartphone

Zoom hearings can be joined from the internet, the Zoom application ("App"), landline or mobile phone (**Instructions below**), and with a H.323 or SIP device.

You will need the Zoom Meeting ID number for the hearing. The Zoom Meeting ID for your calendar can be found in section 3 on the first page of this Notice and on the court's website.

1. Go to <https://zoom.us/>
2. Once on the Zoom site and click the "Join a meeting" option, or use this link: <https://zoom.us/join>
3. Enter the Meeting ID and click "Join"

You can also download an application ("App") to your smartphone or device. To download the Zoom mobile application, visit the zoom website at <https://zoom.us/download>

4. Once you have joined, you will enter the virtual waiting room. Prior to the start of your hearing, the judicial officer or court employee will admit you into the virtual hearing. You might have to wait past the start of your hearing time. Please be patient.

Join by telephone if:

- You do not have a microphone or speaker on your PC/Mac,
- You do not have a smartphone (iOS or Android), or
- You cannot connect to a network for video and VoIP (computer audio)

DO NOT RECORD ANY COURT HEARINGS

The Court keeps a record of all proceedings. Do not record any court proceedings. You can order transcripts or copies of the hearing from the Court. If you would like to order a copy of the record or a transcript of the proceeding, information can be found on the Court's Website:

<https://www.thurstoncountywa.gov/sc/Pages/transcripts.aspx>

To join by telephone:

If you are joining via telephone, call one of the telephone numbers listed in the box, then enter your calendar Zoom Meeting ID number. The Zoom Meeting ID for your calendar can be found in section 3 on the first page of this Notice and on the court's website.

1. Call one of the telephone numbers provided in the box below.

Dial by your location

+1 253 215 8782 US (Tacoma)
+1 669 900 9128 US (San Jose)
+1 346 248 7799 US (Houston)
+1 646 558 8656 US (New York)
+1 301 715 8592 US (Germantown)
+1 312 626 6799 US (Chicago)

<https://us02web.zoom.us/j/kcK71YNq>

2. Enter the assigned Zoom Meeting ID number found in section 3 followed by # symbol.
 - Phone Controls:
 - *6 - Toggle mute/unmute
 - *9 - Raise hand

Considerations for Virtual Hearings:

Virtual hearings are just like attending court in person.

Required:

- Dress appropriate
- Mute your microphone unless you are asked to speak
- Follow judicial officer's stated rules or risk being removed from the hearing
- You can only attend one virtual hearing at a time, please contact the court if you are scheduled to appear in multiple hearings.

If Possible:

- Avoid moving your video or quick movements
Find a quiet space



3

E-FILED
THURSTON COUNTY, WA
SUPERIOR COURT
06/25/2021 8:49:09 AM
Linda Myhre Enlow
Thurston County Clerk

**Superior Court of Washington, Thurston County
Family and Juvenile Court**

In the Guardianship of:

HAZEL BELLE URSA SMITH

Respondent: The minor child(ren)

Case No. 21-4-00443-34

**Notice of Hearing for
Court Commissioner Motions – to JOIN (Rule 19)
Family Law, Juvenile, & Probate & Guardianship**

(NTHG) (Shelley Brandt & Kortokrax recused)

To the County Clerk and all parties:

1. A court hearing has been scheduled for: 6-30-21 (date) at 9:00 am (time).

To keep everyone safe during COVID19, the Court is asking that parties, participants, families, and attorneys attend their hearings as indicated below, virtually, by video or telephone participation through Zoom. If this is not possible, the Courthouse is open and located at 2801 32nd Avenue SW, Tumwater, WA 98512.

2. The **name** of the motion or type of hearing is: Motion to JOIN (Rule 19)

The motion was filed on: 6-21-21 (date) by John Smith, grandfather (name of party).

3. The hearing should be scheduled on the following court session:

→ Check that the court session is available before you schedule a hearing. You can see whether a session is full on the Clerk's web page: www.co.thurston.wa.us/clerk

- Family Law without attorneys**
Courtroom 2: Zoom Meeting ID: 429-655-5966#
(Monday 9:00 & 10:30 a.m.)
Courtroom 4: Zoom Meeting ID: 242-974-5214#
(Wednesday 11:00 a.m.)
Courtroom 3: Zoom Meeting ID: 786-408-0165#
(Friday 1:30 & 2:30 p.m.)

- Probate & Guardianship**
Courtroom 2: Zoom Meeting ID: 429-655-5966#
(Friday 2:00 & 3:00 p.m.)

- Youth at Risk & CHINS**
Courtroom 3: Zoom Meeting ID: 786-408-0165#
(Monday 10:00 & 11:00 a.m.)

- Family Law with attorneys**
Courtroom 4: Zoom Meeting ID: 242-974-5214#
(Tuesday 9:00 & 10:30 a.m.; 1:30 p.m.)
(Thursday 9:00 & 10:30 a.m.)

- Juvenile Miscellaneous Motion**
Youth in person, other participants by Zoom
Courtroom 3: Meeting ID: 786-408-0165#
(Monday 2:00 & 2:30 p.m.)

- State Family Law**
Courtroom 4: Zoom Meeting ID: 242-974-5214#
Wednesday 2:00 & 3:00 p.m.

- Juvenile Changes of Plea**
Youth in person, other participants by Zoom
Courtroom 3: Meeting ID: 786-408-0165#
(Changes of Plea: Thursday 10:00 & 10:30 a.m.)

- Minor Guardianship/ Non-Parental Custody**
Courtroom 4: Zoom Meeting ID: 242-974-5214#
(Wednesday 9:00 & 10:00 a.m.)

See section 7 for Zoom Meeting Instructions.

Warnings!

- You need to schedule this hearing by 5:00 p.m. at least 6 business days ahead of time. Consult local and state court rules.

- If you do not go to the hearing, the court may sign orders without hearing your side. You must file all paperwork to respond to a motion before the court hearing.
- If you do not have an attorney, a courthouse facilitator must approve the final paperwork before a final hearing can be scheduled. LSPR 94.04.

4. Declaration of Service

I declare that on 6-21 & 6-25, 2021, deposited in the United States mail, delivered through a legal messenger service, personally delivered, a copy of this notice of hearing, the motion, and all paperwork filed along with the motion, to all people listed below in section 6.

I declare under penalty of perjury under the laws of Washington State that the foregoing is true and correct.

Signed at Mason (county) Washington (State) on 6-25-21 (date signed).



(signature)

John Smith, grandfather (printed name)

5. Person Scheduling this Hearing:

Petitioner Respondent

Other: John Smith, grandfather

Sign: 

Print Name: John Smith, grandfather

WSBA # _____ (if attorney)

Address: PO Box 1711

City/State/Zip: Shelton, WA 98584

Telephone: (360)427-3599

Email (required): pinbalwyz@yahoo.com

Date: 6-25-21

6. Names and Contact Information for Everyone Notified of this Hearing

Name: Breckan Scott-Gabriel

Attorney for: Kathryn and Hans Stoker

WSBA #: 41585

Address: PO Box 1123, Yelm, WA 98597-1123

10501 Creek St SE, Suite 6 Yelm, WA 98597

Telephone: (360)960-8951, fax (360)485-1916/(360)464-2636

Email: desiree.breckanlaw@gmail.com
breckan@breckanlaw.com

Name: Robert Ayers (father)

Attorney for: N/A

WSBA #: _____

Address: unknown

Telephone: unknown

Email: unknown

Attach more pages if needed.

Name: Selena Smith (mother)

Attorney for: _____

WSBA #: _____

Address: 6901 26th Ct, SE, Lacey, WA 98503 (mailing)

Telephone: (971) 803-9898

Email: doublekachina007@protonmail.com

Name: _____

Attorney for: _____

WSBA #: _____

Address: _____

Telephone: _____

Email: _____

7. Instructions for Appearing to your Zoom Meeting

Joining by Computer or Smartphone

Zoom hearings can be joined from the internet, the Zoom application ("App"), landline or mobile phone (**Instructions below**), and with a H.323 or SIP device.

You will need the Zoom Meeting ID number for the hearing. The Zoom Meeting ID for your calendar can be found in section 3 on the first page of this Notice and on the court's website.

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2. Once on the Zoom site and click the "Join a meeting" option, or use this link:
<https://zoom.us/join>
3. Enter the Meeting ID and click "Join"

You can also download an application ("App") to your smartphone or device. To download the Zoom mobile application, visit the zoom website at <https://zoom.us/download>

4. Once you have joined, you will enter the virtual waiting room. Prior to the start of your hearing, the judicial officer or court employee will admit you into the virtual hearing. You might have to wait past the start of your hearing time. Please be patient.

Join by telephone if:

- You do not have a microphone or speaker on your PC/Mac,
- You do not have a smartphone (iOS or Android), or
- You cannot connect to a network for video and VoIP (computer audio)

DO NOT RECORD ANY COURT HEARINGS

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<https://www.thurstoncountywa.gov/sc/Pages/transcripts.aspx>

To join by telephone:

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1. Call one of the telephone numbers provided in the box below.

Dial by your location

+1 253 215 8782 US (Tacoma)
+1 669 900 9128 US (San Jose)
+1 346 248 7799 US (Houston)
+1 646 558 8656 US (New York)
+1 301 715 8592 US (Germantown)
+1 312 626 6799 US (Chicago)

<https://us02web.zoom.us/j/kcK71YNq>

2. Enter the assigned Zoom Meeting ID number found in section 3 followed by # symbol.
 - Phone Controls:
 - *6 - Toggle mute/unmute
 - *9 - Raise hand

Considerations for Virtual Hearings:

Virtual hearings are just like attending court in person.

Required:

- Dress appropriate
- Mute your microphone unless you are asked to speak
- Follow judicial officer's stated rules or risk being removed from the hearing
- You can only attend one virtual hearing at a time, please contact the court if you are scheduled to appear in multiple hearings.

If Possible:

- Avoid moving your video or quick movements
- Find a quiet space



FILED
SUPERIOR COURT
THURSTON COUNTY, WA

2021 JUN 25 PM 4: 58

Linda Myhre Enlow
Thurston County Clerk

SUPERIOR COURT OF WASHINGTON IN AND FOR THURSTON COUNTY FAMILY & JUVENILE COURT	
<p>IN re <u>Minor Guardianship of Smith, et al</u> Petitioner(s), and Respondent(s).</p>	<p>NO. <u>21-4-443-34</u> <u>21-4-452-34</u></p> <p>ORDER SETTING HEARING (ORST)</p> <p><i>(Clerk's Action Required)</i></p>

This matter shall be set for a hearing by agreement after hearing argument as follows:

Date: 6-30-21 Time: 9:00 am/pm

Judicial Officer and/or Name of Calendar: Minor Guardianship

Type of Hearing: 1) John Smith's motion to join
2) Motion to appoint counsel for Selena Smith.

The court sets these hearings on shortened time.

DATED: 6-25-21

REBEKAH ZINN

JUDGE/COMMISSIONER
REBEKAH ZINN

PETITIONER or
Atty for Petitioner, WSBA# _____

RESPONDENT or
Atty for Respondent, WSBA# _____



3

FILED
SUPERIOR COURT
THURSTON COUNTY, WA
2021 JUN 25 PM 5:03
LINDA MYHRE ENLOW
THURSTON COUNTY CLERK

**SUPERIOR COURT OF WASHINGTON
IN AND FOR THURSTON COUNTY
FAMILY & JUVENILE COURT**

Guardianship of:

HAZEL SMITH, ONAWA SMITH-
WELLS, RAVEN SMITH WELLS

No. 21-4-00443-34, 21-4-00452-34
COVER SHEET

- CASA Plan/Report; Guardian ad Litem Report (RTGAL)
- Letter from _____ (LTR)
- Report Treatment (RPT)
- Report Progress (RPT)
- Report UA Results (RPT)
- Report Visitation (RPT)
- Review Report DSHS ISSP (RVWRPT)
- Other: Email Correspondence

Dated: 6/25/21



Edith Vanderwal, Court Operations Manager

Edith VanderWal

From: Edith VanderWal
Sent: Friday, June 25, 2021 2:50 PM
To: pinbalwyz@yahoo.com
Cc: breckan@breckanlaw.com
Subject: RE: Emergency Guardianship of minors Thurston cases 21-4-000443-34 & 21-4-00452-34

Dear Mr. Smith,

Judicial Officers are prohibited from ex parte contact with all individuals, including lawyers, in all contested cases. It would be inappropriate for a Judicial Officer to respond to correspondence from an individual or have information regarding your case relayed to a Judicial Officer by staff.

The email you sent below will be filed in the Court file and I am also including counsel in this email. Do not contact, or attempt to contact any Judicial Officer directly or through Court staff.

If there is information you would like to provide for the Court to consider for a hearing, than that information needs to be filed in the Court file with copies provided to all parties and a bench copy to the Court.

If you have any questions regarding this matter, please contact legal counsel of your choice.

Sincerely,

Edith VanderWal
Court Operations Manager
2801 32nd Ave SW
Tumwater WA 98512
(360) 709-3232

From: Amicus Curia [mailto:pinbalwyz@yahoo.com]
Sent: Friday, June 25, 2021 4:58 AM
To: Shelley Brandt <shelley@cordesbrandt.com>
Cc: Doublekachina007 <doublekachina007@protonmail.com>; Breckan Scott <breckan@breckanlaw.com>; Jim Tok <rodytok@gmail.com>
Subject: Emergency Guardianship of minors Thurston cases 21-4-000443-34 & 21-4-00452-34

TO: Commissioner/Judge Shelley Brandt
RE: Objection to Shelley Brandt presiding in above Guardianship cases
Ms. Brandt,

You represented my ex-wife, Kathryn Stoker, in a bitter custody battle between us many years ago. You became very familiar with the Stokers. You came to know them. My ex-wife, who you represented is a litigant in the above listed cases I have motions pending before. You

appear to be the judge/commissioner assigned to our case involving my daughter and her children on 6-30-21.

Moreover, you became very belligerent with me outside the court room after the judge directed me to provide you a copy of a document I'd filed in that case, nearly resulting in a physical altercation as I recall.

We approached the copying machine then in the courthouse and I provided you my original for you to copy while I stood by waiting for you to return the document. I was shocked by your refusal to return it. I never forgot the incident or your condescending belligerence. It prompted me to hold onto any of the future documents you needed to see in my tightly clinched fist. I have never forgotten you.

If you are a commissioner, there is no provision in Washington Court rules or statutes to affidavit you. Nevertheless, you have no business presiding over the above cases because I cannot get a fair hearing or the appearance of one before you for all the reasons stated besides the fact we hate each other. You should recuse yourself ASAP from the above listed cases. I vehemently object to your presence in any courtroom where my children, I, and my ex-wife have litigation pending.

No personal offense is intended. But my grandchildren's and my daughter's future are at stake in this matter, and there could be no more inappropriate judge or commissioner presiding over it than you given our animosity between us and your history of representing my wealthy ex-wife.

In the interest of justice, fairness, and the appearance thereof, please recuse yourself immediately. You know the words I speak are true.

Cordially,

John Smith, goatherd (360)427-3599

DBA: Amicus Curia, paralegal ("We help you help yourself")

DBA: Amicus Curia Collections, Inc. ("Debt Redemption")

DBA: Soul Snatcher, Productions (Investigatory News Gathering, Photos)

mol n labé

"If ye love wealth better than liberty, the tranquility of servitude than the animated contest of freedom, go from us in peace. We ask not your counsels or arms. Crouch down and lick the hands which feed you. May your chains sit lightly upon you, and may posterity forget that you were our countrymen!" --Samuel Adams--

"You cannot build character and courage by taking away a man's initiative and independence." - William J.H. Boetcker -

<http://amicuscuria.com>

<http://www.amicuscuria.com/roseycuria2.gif>

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"If you can look into the seeds of time, And say which grain will grow and which will not, Speak then to me, who neither beg nor fear Your favors nor your hate." -MacBeth-

"None are more hopelessly enslaved than those who falsely believe they are free." -Goethe-

The last day you have on earth, the person you became will meet the person you could have become."— Anonymous



THURSTON COUNTY SUPERIOR COURT

Friday, June 25, 2021, 4:00 p.m.
Ex Parte Calendar

Court Commissioner Nathan Kortokrax
Alyssa Devoe, Deputy Clerk
Hearing Recorded

Underlined Parties Present at Hearing
Parties Appeared Via Zoom Unless Otherwise Noted

3. 21-4-00443-34

Guardianship of HAZEL BELLE URSA SMITH, RAVEN
GAIA SHENANDOAH SMITH-WELLS, ONAWA
KACHINA SMITH-WELLS

PETITIONER: STOKER, HANS ET AL

SCOTT, BRECKAN

Motion Hearing

Also present: John Smith, Grandfather/Moving Party
Selena Smith, Mother

Mr. Smith presented testimony in support of the motion.

The Court found no emergency. Mr. Smith stated his objection for the record.

The Court entered and signed: **Order Setting Hearing.**

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E-FILED
THURSTON COUNTY, WA
SUPERIOR COURT
06/28/2021 8:01:47 AM
Linda Myhre Enlow
Thurston County Clerk

EXPEDITE (If filed within 5 court days of hearing)

Hearing is set

Date: 6-30-21

Time: 9:00am Zoom #: 242-974-5214 Rm:4

Judge/Calendar: Rebekah Zinn/Motion & argument

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

In re: Emergency Guardianship of
Hazel Belle Ursa Smith

Respondent(s): Minor Child(ren)

No. 21-4-00443-34

Counter-Affidavit to
Kathryn Stoker's from
SELENA SMITH

(Cover Sheet)

TITLE OF DOCUMENT

**Counter-Affidavit to Kathryn Stoker's
from SELENA SMITH**

NAME: Selena Smith, indigent mother

**Mailing ADDRESS: 6901 26th Ct, SE,
Lacey, WA 98503**

PHONE: (360)427-3599

Counter-Affidavit to Kathryn Stoker's
doublekachina007@protonmail.com

1 Selena Smith, mother (971) 803-9898
6901 26th Ct SE, Lacey, WA 98503

[X] EXPEDITE (if filing within 5 court days of hearing)

[X] Hearing is set:

Date: 6-30-21

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for Thurston County Family &
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In re: Emergency Guardianship of
Hazel Belle Ursa Smith

No. 21-4-00443-34

**Counter-Affidavit to Kathryn
Stoker's from SELENA SMITH**

Respondent(s): Minor Child(ren)

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;

AND,

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

AND,

Robert Ayers (father of Hazel), Ph. Unknown, address: unknown in Colorado, E-mail: (?)

I Identity of Parties

I, Selena Smith (indigent mother of the subject minor(s) in this action) enter this counter-affidavit to Kathryn Stoker's Declaration into the record without counsel of necessity, pro se, for this court's consideration as the truth and nothing but the truth. I reserve the right and continue to object to the jurisdiction of this court as stated below under JURISDICTION.

Kathryn Stoker (maternal grandmother) and her husband, Hans Stoker (who is NOT the grandfather of the children, contrary to his and his wife's sworn misrepresentations in their filed pleadings to this court) brought this action before this court well BEFORE the young children at issue had been evaluated by any qualified Family and Children's social worker within the State of their domicile or oversight of a state court properly presiding over the same, i.e. Oregon, where this court's emergency ex parte order to seize the children was executed around midnight and they were spirited, under cover of darkness, out of Oregon after handing off the very young three to the Stokers at a gas station adjacent to I-5 north of Eugene that night.

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The seizure was executed, as described at midnight, 5-30-21 in/near Oakridge, OR, the initial ex parte emergency petition for seizing my 3 children was filed 5-27-21, the order granting the petition was entered on 5-28-21. The Stokers filed their petition prior to the children being examined and evaluated precisely to deny me and my children due process with this court's approval, aid, and abetment under color of state law in violation of Oregon's sovereignty, the federal ADA (I have only one hand), my status as a destitute DV survivor (contrary to UCCJEA requirements, and in violation of meaningful protection under the 6th and 14 Amendment as well as principles laid out in Troxel vs. Troxel and the notorious Elian Gonzalez international case.

JURISDICTION

The Petitioners (Stokers) are longtime residents of and domiciled in Thurston County, Washington.

I, Selena Smith (mother), am the person bringing this motion. I had left Washington State without any intention of returning more than 6 months prior to the date my children were seized in Oregon where I resided and was domiciled with my children. I returned briefly in March to recover some of my property, from the Stokers, but did not reside in Washington. The Stokers used this date to deceive the court into believing less than 6 months had lapsed since I left Washington in late November, 2020 as a DV survivor with my 3 young children. Thus, this court does not have proper in personam or subject matter jurisdiction even if there had not been an in excess absence of my children residing/domiciled in Washington. **In light of these facts, all actions/orders taken/entered by this court are void ab initio.** The basis for this court's rulings have been fraudulent misrepresentations and deception submitted to this court by the Stokers.

I, Selena Smith, the mother of the very young child(ren) at issue in this cause, due to DV, fled the State of Washington with my children prior to 11-24-20, which is the date James Wells (my boyfriend) filed a DV Protection Petition (20-2-30761-34 | JAMES DANIEL WELLS, Jr vs SELENA URSA SMITH) after I left Washington State to preserve my and my children's safety. Mr. Wells' purpose was to use the children (who he sought custody of in the petition) to support himself. The petition was denied by Court Commissioner Rebekah Zinn. Mr. Wells is currently sleeping in the open near Mt. Adams, is homeless and non-compliant with a subsequent DV protection order issued by the court.

I, Selena Smith, filed a petition for DV protection, alleging Mr. Wells was violently abusive with me and the children, an alcoholic, and in need of anger management classes. Court Commissioner Rebekah Wells ruled in Selena's favor and ordered Mr. Wells to surrender his firearms. This action was filed by myself from out of State. I personally appeared before this court (Court Commissioner Rebekah Zinn, presiding) from an out of state DV women's shelter and filed the declaration of an advocate associated with that shelter confirming evidence I had seen of what appeared to be stalking while I was staying in that out-of-state DV shelter.

(20-2-30788-34 | SELENA URSA SMITH vs JAMES DANIEL WELLS, Jr)

i.e. I, Selena Smith, and my children have been absent and no longer resided in Washington State for longer than 6 months prior to having my 3 children seized around midnight on 5-30-21 under the color of Washington State law via an ex parte emergency guardianship order executed beyond Washington's own borders in a foreign state (Oregon). Court Commissioner Rebekah Zinn was either well aware I had left Washington State with my children (or should have been) more than 6 months before the instant case had been filed. I was under no legal obligation to inform my parents or Hans Stoker of my whereabouts, nor did the Stokers have standing to object since there was no court order granting them standing, custody, or

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visitation. Yet they conspired to track me in conjunction with security guard Robert Kurtz for months wherever I went using my I-phone to do so.

Even case officers with the New Jersey Division of Children & Families admitted they had no authority to use a New Jersey Court Order (under the circumstances) to order law enforcement in Oregon to seize my children upon New Jersey's direction, although security guard Robert Kurtz indifferent to the invasion of my privacy.. When Kurtz's actions were challenged, a case worker supervisor retorted it was NJ Division of Children & Families to track or find missing families/children when receiving reports/suspicion of the same. **Except...there WERE NO missing children!** They were with me, their mother, who had no legal duty to provide the State of New Jersey or the Stokers with such information. Nor was there a nation wide manhunt for me, only the illegal surveillance conducted by security guard Robert Kurtz, the means by which he chose not to reveal in his declaration submitted to this court to avoid incriminating himself.

Robert Kurtz was acting only on his own without authority from his agency or direction to invade my privacy by conspiring with the Stokers who were using software on my I-phone to track, unbeknownst to me, my movements, purchases, bills and confidential health/billing records obtained by opening my mail without permission (as well as rifling through my personal papers left where I once resided on the Stoker property). Adding outrage to injury, the Stokers kept the notices of fines received in the mail they opened rather than forwarding it to my new mailing address of which they were aware—putting my Driver's License at risk of suspension for want of notice. They used the unlawfully acquired document to try and prejudice the court against me. They may have succeeded, denying me fairness in these proceedings, or even the appearance of fairness.

This rogue action by a Washington Family Court fails what even grade school children would recognize as the SMELL TEST. The statutory construction of a normal petition for guardianship of minors in Washington State replete with a full complement of meaningful due process is very different from an ex parte emergency petition for guardianship of minors with effectively **no meaningful due process**. Accordingly, the ex parte judicial excess of Washington's judiciary ought to be a pleasure enjoyed by its own citizens which it is accountable to rather than being visited upon the citizens of foreign states.

In Troxel vs. Troxel, the U.S, Supreme Court pronounced Washington's Courts interpretation of the 'best interests' of the child(ren) "breathtaking in scope"! Additionally, they concluded a parent's bond with their minor children was so fundamental a right that a state which substituted its judgment for a parents exceeded its authority no matter how seductive the state's reasoning might be unless there was genuine true imminent harm that would come to the child(ren). Not only is that not evident in the instant case, but the child(ren) at issue were not evaluated by a qualified expert prior to the court issuing its ex parte emergency seizure order executed out-of-state under cover of darkness.

Kathryn Stoker lied to my father when she described the circumstances and genesis of that seizure as well as the date of the court hearing (Nathan Kortokrax presiding who recused himself) as on the 18th of this month when it, in truth, was the 16th. The Stokers also lied about my mental condition and claims there was a "nation wide manhunt" for me.

This court did not provide me with 60 day notice to respond from service out-of-state, nor was a Return of Service filed in either of the 2 case #'s involving the child(ren) to either father or permission for alternative service ought.

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In short, this case and all orders pursuant to it are void ab initio for failure to establish proper subject matter and in personam jurisdiction over all the parties. The issuance of the ex parte emergency order to seize the children executed out-of-state was based on fraudulent misrepresentations and deceptions that are a matter of record presented to the court. Nor did the court take any care to insure the child(ren) were genuinely at risk before giving them the impression that their mother was a 'bad' person as they were seized as though I was Dillinger. My father has ordered and will be paying for the video, audio, photos, and police reports from the Oakridge PD. They will reveal my children were not imperiled and their needs were being met; they were not living in squalid conditions. I will present this evidence to this court for its consideration given the chance. I have spoken to the Oakridge authorities about this case. Their assessment does not support the tale the Stokers had to tell this court. The midnight raid on myself and my child(ren) is what one would expect in a totalitarian regime or from Hollywood. I have spent many hours discussing these events with my father. He is part of my and my children's life and has always tried to maintain a relationship with us. He has never interfered with my relationship with my children. He is a necessary and indispensable party to this action as the Stokers have never respected his role in our lives which can be seen in their declarations where Hans and his wife deceives the court into believing he is my father and my children's grandfather. My story is persuasive if the court would but take the time to hear it out. My father, John Smith, has taken the time to do so since he learned of my predicament despite my mother dissembling to him. It is abundantly clear I am **not** delusional or mentally ill. I do cry and get upset about my babies. My father is not an attorney, but he has an important ongoing role in our lives that will be ignored by the Stokers if he is not allowed to join this action and represent himself on behalf of his relationship with me and my children.

II DECLARATION

I have but one hand, am indigent (though employed), homeless, a DV victim fleeing my abuser, and desperately needs a court appointed lawyer, as do the child(ren) need a GAL not of the Stoker's choosing. I, Selena Smith [Name] **Declare** that:

My mother, Kathryn Stoker, has a history of covering up for the males in her family. This includes Chad, Alex and Hans Stoker. She lies where she has to or feels is necessary. She does not have good self-esteem or self-respect. She has been chronically depressed off and on throughout my life. My mother is a classic enabler and excuse maker. Her own choices in marriages and partnerships were more strained and dysfunctional than she is willing to admit. My mother cares very much about how she is perceived, however, and is careful to keep hidden her own failings or that of her family members.

Being open, honest, or authentic is not admirable or rewarded by my mother, Kathryn Stoker. It is a liability--something she would rather not deal with or encourage. My mother has her own shame and issues she does not cope with or face well. I believe she blames me for being honest and pointing out the obvious in not only my own affairs, but hers. However, I cannot ignore the negative impacts of familial dysfunction and neurosis I witness within her family. I know she resents this. My mother had children more to please her husbands and secure those relationships than she wanted or enjoyed having children or family. She was a distant mother, emotionally. While I confided in her, and wanted to be close with her and loved, my mother doesn't represent a healthy relationship for myself or my children, moving forward based on all my experience and what I know of her.

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My mother, Kathryn Stoker, is accurate when she states she picked out a psychiatrist for me at 16. I was going through upheavals in my life, the consequences of which she thought could be eliminated through medication, a preference she has pursued for herself through most of her life.

In my counter affidavit to Alex Stoker's declaration, I responded to that time period in more detail. At that time, I had no children, during the bulk what she is referring to. I was a young, confused adult, to be sure. I had my hand severed in a rock climbing accident near Spokane and had to undergo a series of major surgeries at 19 to reattach my hand to my arm, but which had not been preserved for 3-days until I was airlifted, along with my hand, to Harborview Trauma Center in Seattle. In addition, as I struggled with a newly acquired physical disability, and was forced to live with my mother and her husband again. Hans Stoker was not kind.

I ended up leaving their home and living in a rented out bus hulk near Evergreen State College, even though I was still going through surgeries. I was still very weak and thin, and in recovery, when I met Maya's father, Andrew Forman, now deceased. We lived together for two years off and on before I became pregnant with Maya. We did not plan the pregnancy. He left me for my best friend, Amy while I was still pregnant.

I focused on the expected baby, but was depressed. I hoped Andrew would come back, and accepted him whenever he did. But he always went back to my friend, Amy, which caused considerable tensions between us. It was emotionally very difficult. After the baby was born, he still kept this up, playing each of off against the other which developed into animosity between Amy and I. Eventually, it was too much for me, and as he was leaving me for her again, I begged him not to go. I pleaded. Andrew called his friends, had them take me to the hospital, and took my baby, Maya Smith, with him to Amy's place, telling me before he left I was crazy. Amy had been my best friend. We grew up together and she spent time with me in my mother's house as well as my father's. She recalls a great deal of what went on in each home.

I had been through a lot with Andrew Forman. I had very poor self-esteem and just accepted most of what he said to me. I didn't protest going to the hospital. His friends walked me in. And once there, I admitted I was depressed. From that point, I was admitted, and mostly repeated to the doctors what Andrew had told me about myself. The doctors labeled me with all kinds of stuff.

A social worker working with my family and myself explained to me after I'd been there a while that he knew I was very poor, and that the best thing he could do was make my condition seem as bad as possible, so I could get the services we needed. I never knew my mother and her husband had taken custody of Maya extrajudicially while I was being cared for. No one ever told me. I was never brought to court, or notified. My daughter was returned to me by my mother after I was released. Soon, my mother had me sign some court documents I didn't understand. Neither was I represented by an attorney, nor did I consult with one. It was my father who discovered, three years later, that my mother had custody, and I had been living without that knowledge.

My father, John Smith, learned of this through Parks Weaver, esq. (now deceased) who specialized solely in family law and was a 3rd generation lawyer whose grandfather had been a sitting justice on the Washington State Supreme Court. He informed my father that in the

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documents my mother had filed in her petition to the Thurston County Family Court (3rd party custody #99-3-00727-2) she had falsely alleged my dad was mentally ill even though he wasn't even a party to the action and had made no demands whatsoever related to the affair. My father didn't want to believe Parks, but when he read the court record, the proof was plain to see. On page 2, last paragraph, of her Motion and Declaration for an Ex Parte Restraining Order, my mother, **Kathryn Stoker, lies to the court when she states, "Her [Selena Smith] biological father is schizophrenic and they are trying to determine if Selena also suffers from schizophrenia,"** in the above referenced cause. Moreover, after submitting this perjured statement to that court, she moved to have the records and her perjured Declaration sealed. The court denied her motion to seal.

My mother, Kathryn, was lying to that court and tried unsuccessfully to hide the fact. She is lying to this court now on a number of substantive material issues. I am NOT mentally ill, my children were not at risk of eminent harm, my children and I had not resided in Washington for over 6 months when my mother misrepresented this fact in her filing on 5-27-21 submitted in the instant case. Nor was there a nationwide manhunt for my children and I. It was an orchestrated invasion of my privacy as my mother, in conjunction/league with NJ security guard Robert Kurtz, used my I-Phone to spy on me (which she admitted) as well as opened my private mail without my permission, and rifled through my personal papers. We confronted my mother about her perfidy and perjury submitted in the 1999 3rd Party Custody Declaration she had sought to hide from scrutiny.. She remedied it legally once confronted by moving to dismiss and that was the end of it. Or so I thought. My father knows the details of how she accomplished custody legally without my knowledge, and kept it hidden.

I am working full time, but being minimally compensated delivering auto parts to retailers in Portland. I have moved on with my life with my daughters. I want to continue to do so without being stalked by my mother and her husband. I took my father's counsel seriously and became healthy. I stopped depending on medication which proved to be one of the healthiest decisions I've made in life, and learned how to cope with the stresses and demands on a single handicapped mother in a precarious economy and pandemic. I left all the chaos, dysfunctional family dynamics, and chaos in the Stoker home behind, thank God. Maya's father, Andrew Forman, died in a car accident on the Hood Canal bridge when she was only a year and a half. He was DOA when helicoptered to the Seattle regional trauma center.

My mother is incorrect that I went into the hospital in 2010 due to depression over my marriage, or that I attempted suicide in response. That is simply false...part of a pattern of deception she uses in the courts to deny/thwart justice being done by all the parties and a genuine search for the truth. Her wealth makes her feel invulnerable to the consequences of deliberately misleading the courts and she should be sanctioned for it as she has done a lot of harm through the years with the practice.

My mother is misrepresenting the incident in Eureka, CA. In fact, my friend had gone missing, to whom I was close. James Wells (the father of my two youngest daughters) and his friend, Sky, forced me into a position where I was compelled to leave Onawa. After being told he would be there shortly to pick her up, I left on those reassurances because he did not want to see me. But Jim didn't show. My mother and Hans wouldn't let me see Onawa after that. I was breastfeeding Onawa at the time, and begging to be allowed to at least feed her. They insisted if I wanted to

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see her again, I had to go into the mental ward nearby. I disclosed to the doctor the circumstances and my reasons for traveling south to check on my friend's disappearance. I disclosed the abuse I was experiencing, including Jim's attempt to snatch Onawa, my youngest at the time, and his strange behavior rolling around on the front porch where he hurt both Onawa and myself. After I disclosed the abuse we'd experienced, James also visited with the doctor. I wanted help and law enforcement intervention but the doctor was uncooperative.

A still deep point of pain for me is the fact my mother and her husband Hans and James Wells (who would not leave the rent free house they provided rather than work for us to be independent) would use my children whenever I temporarily entrusted them to the Stokers, or James Wells (their father) to force my return to an abusive situation else they would not return my children to me. Nor was Hazel 'living' with my mother and her husband. I had to leave and I returned for her and Onawa. James Wells and the Stokers used my children to force me to always return to an abusive dysfunctional hostile environment. It was a chaotic scene I desperately wanted my children and I to escape permanently.

I never "ran away". This is a lie seeking to frame the false narrative with disingenuous semantics. I fled, in fear, numerous times, from abuse and violence. They weren't **"taking custody"** of Hazel or any of my children, nor did I ask them to. There were times when I was being hurt so badly, I did not have time to do anything but flee. My mother did not help me reunite with my children, and I was forced to return, every time, to be with them. My flight to the Midwest was to a DV safe house, where advocates attested to witnessing stalking and threatening behavior towards myself and them, which my advocates reported to the police. The police were able to stop and identify some of the participants, and recorded it.

My mother's recollection of my time at the Midwest shelter in 2019 are not true at all. I never called them from the Midwest to come get me or the children. Raven was born December 14, 2019. Her timeline is inaccurate. My first time at the Midwest DV shelter I had Onawa, but not Hazel. I knew I had to go back for her. I called my mother to ask for Hazel. She knew we had support and advocates. My advocates were encouraging me to have my mother arrange Hazel's reunification with Onawa and myself. They promised to keep us safe. **My mother and her husband refused.** Raven wasn't born yet. Is my mother is conceding in her declaration that as I was finally getting support, she was moving to take custody of Hazel. She sought to take advantage of the situation rather than doing the right thing and working with the domestic violence advocates and myself to return Hazel. I returned to retrieve Hazel. I had to submit and reluctantly 'make up' with James. I discussed my decision with the advocates. They did not judge me. They said it was my decision. And they understood.

For the record, Hazel can travel, and does just fine with travel, notwithstanding my mother's false claim submitted before this court to the contrary.

My mother's account in regards to enrolling Hazel in North Thurston School District is false. The State of Washington and North Thurston School District, whom my mother relies on to support Hazel's needs financially, told me later after I arrived in Washington my mother had asserted **she was the mother**, in many instances. They told me my mother never needed to be contacted in order for Hazel to receive services, even though I was out of state. They told me, as the mother, all I needed to do was talk to them over the phone, and we would have been able to arrange for

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all her needs remotely, with my authorization. In fact, they were alarmed because my mother had broken the law, and my consent and authorization was required. My mother was committing fraud. I never told my mother I couldn't handle Hazel. Some women are notorious for having stolen newborns from the hospital. My mother uses the courts to achieve the same end. It is simply untrue that my mother and Hans have had **custody** for several years of Hazel's young life. This is a gross misrepresentation. I have taken care of Hazel the majority of her life, been her primary caregiver through thick and thin, and been responsible for the majority of all her care. That includes the vast majority of her medical care and therapies, as well as assessments, she had received, including her club foot.

The conversation my mother, Kathryn Stoker, recapitulates of what my brother, Chad, and his wife, declared regarding a conversation with Hazel. It sounds nothing like my daughter, Hazel. Chad has served as my mother's agent since her Petition for 3rd party custody of Maya, my oldest.

I recently had a phone conversation with Hazel. She asked me why I hadn't come and gotten her yet. Where was I? Was I far? Was I coming? Was I working? Was I making money so I could take her on a road trip? Why wasn't I there yet? She also said Onawa was scared. I could hear Onawa. She sounded very unhappy. I'm sad. I am well aware of the truth of what my children think and feel, and the impact this is having on them. Hazel's conversation is really a communication about Hazel's sister Onawa.

My children aren't allowed in the front seat of our RV, and Onawa is the most frequent in getting in the front seats anyway. I have told Hazel she is to tell me if she notices Onawa or her sister going into the front, and she knows everyone, including her, get in trouble if they don't stay out of the front area. I don't want them in the driver's area or playing with the gear shift, etc. I am stern on this. Emphatic. That is not allowed. I encourage the girls to be responsible for each other and follow our family rules. Hazel wants her sister to be better behaved, and doesn't understand why Onawa isn't better at following the rules. I have told her it's because Onawa is still young and learning, and that Hazel is bigger, older, and better at understanding many things her sister doesn't yet, but she's still contemplating her sister and these concepts. Hazel has also been spanked a couple times--a practice I abandoned, because it was completely ineffective. Hazel and I discussed spanking, other alternatives, and talked openly about our feelings. However, she still remembers. But that is the extent of it.

Chad Stoker's account that I tell bad stories about the family isn't true. That doesn't even sound like Hazel. We talk very little about the family. We have, however, had discussions about alcohol and drugs, and their effect on people's behavior. When Hazel is asked if she goes to school, she is being accurate. She was about to end her school year by taking online standardized testing, as required, but we were unable to complete that, as the seizure of the children interfered with that. Her education and completion of this school year has been negatively impacted, as a result. I don't believe Hazel would be saying I get really angry. Or that I don't like it when she does art. I'm always encouraging her art and her interest in it, as well as keeping plentiful art supplies on hand. She's been fairly free to explore not only art whenever she chooses, but many interests of her choosing. Sometimes she's been at it so long I encourage her to focus on some other activities. She was telling me of all about her new drawings last we talked. As for talking when we're sleeping? She's largely allowed to do that and we're used to it. I don't like it. But I accept it. I do, however, ask her to be quiet while her sisters are trying to nap or go to sleep.

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My brother, Chad, translates/interprets Hazel badly, or isn't good at interpreting her experiences.

I have arranged and organized the vast majority of Hazel's care and therapies. Her medical needs. The majority of all my children's needs. While my mother may have provided some transportation at times and coordinated with me, that does not represent abdicating my responsibilities where Hazel, in particular, is concerned. My mother's false narrative is intended as a deception visited upon this court.

I did not become paranoid during the pandemic. **My mother and her husband refused to believe the pandemic was serious, and refused to follow quarantine measures or wear masks.** They wanted to come in and out of our house as they wished without following precautions. They continued to cross boundaries and live as they always did, and were angry I did take the pandemic seriously. They would not cooperate or work with me regarding keeping my family's health and safety regarding covid-19. Since there were supply shortages, yes, I did stock up on certain things. So did my mother. So did everybody. I also joined Lakewood Food Is Free, grew hundreds of plant starts for people to start new gardens with, made many new friends and many people expressed their appreciation for my contributions and efforts. I became more active in my community, not less. I was part of a network that shared food and helped provide food to low-income recipients. It is a fabrication on my mother and Hans's part that this was somehow a paranoid or delusional effort. Food insecurity did exist, and I was active in my community in helping mitigate that. In truth, I accurately predicted the economic impact of the pandemic and other outcomes. (e.g. inflated food prices). My mother and Hans mocked it, mocked Governor Inslee, and seemed to openly resent my participation in community efforts with others. I felt they were disrespectful of my family's safety and health. I remonstrated with them they were not to enter our home, and they needed to socially distance and wear their masks around us. They were angered, defiant.

I called CPS and asked to enter their voluntary program with Jim. They provided resources I felt James and I needed. It was not the same as an open CPS case. James and my mother and Hans treated it like it was. But they do have a voluntary program. You can ask them for resources and receive them. You don't have to have something wrong with you or your family to receive their resources. However, that's not how James interpreted it. It wasn't CPS intervening. It was another program with CPS providing our family with needed resources.

In 2020, James began drinking hard liquor, and more heavily than I'd ever see him drink, continuously. He also became more violent, out of control and abusive. In May he hurt me badly, and he had also been continuously verbally abusive with me, attacking my parenting and my relationship with the children. I still had a 5-month old baby I was breastfeeding. I thought for a while life would never get better, and I had no support. I am thankful for my friends in Lakewood Food Is Free who saw me through that rough time, and we're supportive. However, I was unaware my mother was planning to take custody and had hired a lawyer. That is a surprise. I was unaware. It appears she had done this a lot. She never told me. Or discussed it with me.

I started work for the census August 5, 2020. I ceased work for the census, in good standing, October 5, 2020. If I wasn't deployed with the census long distance, which I did when assigned for two weeks total, I was home every night after work. The younger children suffered because my mother and Hans wouldn't watch them while I was working. **They left then with James**, who

Counter-Affidavit to Kathryn Stoker's
doublekachina007@protonmail.com

10 Selena Smith, mother (971) 803-9898
6901 26th Ct SE, Lacey, WA 98503

was chronically and severely drunk the majority of the time. **They only wanted to watch Hazel.** I knew the children were being neglected, and it upset me. However, I was the only one working, and I needed to support us. We needed the money.

My mother's account of me finally managing to leave domestic violence with all three children after the last time James hurt me, and her husband was spitting and screaming into my face as I gathered my kids, is telling. She focuses on possessions we left behind and easily replaced, not our safety or why we left so quickly. I was intimidated by Hans and James, and their decision to continue to allow James to live there. I periodically checked in with her only to see when it would be convenient to arrange to move our things, which I did by phone. My mother was evasive. She wouldn't commit to a date. I was out of state. It was a financial hardship to return without a commitment from her. Ultimately, when I returned to the property two weeks later after he'd finally left, they only let me stay long enough to throw what I could in the RV, with a friend, and leave again. Hans and Alex intimidated both my friend and I while we were there. They also told me that since I hadn't shown them my final DV protection order within 30 days, I had technically abandoned my belongings. My mother would not give me back my dog, who had grown up alongside my babies. She informed me she had her microchipped, and the dog was hers now.

My mother did not attempt to keep in touch with me much. I didn't want to talk to her either. Or any of the Stoker family. Communication tended to be very brief. She never left any messages with any details of anything important.

My mother's allegations as to the "horrible" conditions at the motel 6 where we spent five days are misrepresented. The police department log does not support her account. Brooklawn, NJ Sargent Herst read the log verbatim over the phone to me. It was brief. It should also be obvious that motel 6 does not allow vermin to run rampant at their motels--that they have cleaning services. And we weren't there for very long--Certainly not long enough for the conditions to accumulate that my mother described. Given the massive deception surrounding her and Hans sworn statement there was a nationwide manhunt, open CPS cases in five states, and the sheer volume of deceit in the declarations that all mirror my mother and her husband's narrative, this court should impeach them as declarants and discount all they have to say. **Falsus in uno, falsus in omnibus.** (FALSE IN ONE THING, FALSE IN ALL THINGS). It doesn't make sense. It's not supported by contacts at these departments or agencies. I never fled police, workers, or kidnapped my children. Certainly, if my mother's allegations were true, I would have hardly have outraced anyone in my minivan which DOES have seatbelts and car seats which I drive the majority of the time. Moreover, the incident complained of was in mid-JANUARY of this year! What is the court rule or law for how long one must wear a hair shirt? My other van had to be converted, but has the capability to install car seats as well. I also own our RV, which is older, but safe, clean, dry, warm, everything works, and it runs reliably without any issues. I don't move it much however. We are welcome in our friends' homes, and spend quality time with them while parked in their driveway and sleep in our RV. It is not illegal in Oregon to live in your RV with your children, or even to be homeless with your children, as long as you care for them and have everything you need. We were checked up on in Oregon numerous times, and authorities found no issue. We were not domiciled in or residents of Washington when subjected to a midnight raid to seize my children pursuant to an unlawful ex parte emergency guardianship for minors order issued in Thurston County on 5-28-21 then executed at midnight on 5-30-21 in Oakridge, Oregon—a blatant violation of Oregon's

Counter-Affidavit to Kathryn Stoker's
doublekachina007@protonmail.com

11 Selena Smith, mother (971) 803-9898
6901 26th Ct SE, Lacey, WA 98503

sovereignty and my rights, along with my children's, to remain domiciled in Oregon, the deception visited on this court by the Stokers notwithstanding.

My mother and I are in disagreement over my mother's continued personal attempts to cut me out of decision making regarding Hazel's teeth. She first took Hazel to the dentist, of her choosing, when Hazel was first back in Washington a couple of years ago, per our agreement to jump start Hazel's access to resources for her autism in Washington State, prior to my arrival without consulting me. The dentist removed a lot of her teeth and put her out with nitrous oxide, a decision I did not authorize. I question whether it was even necessary. My mother is always finding ways to have more work done on Hazel's teeth, and I'm not convinced it's good for her. I have never once been able to meet the dentist or be appraised by the dentist involved as to any of the details. As a result, Hazel is missing most of her teeth and has elaborate metal plates separating her teeth. Of course I question it, and I wanted her personally evaluated by a dentist of my choosing, who respected I was the parent and acknowledged the need for my consent regarding extensive surgery and anesthesia for her teeth.

I have managed my own affairs medically and otherwise surrounding surgery, and all of Hazel's appointments, needs and surgeries for her club foot, as well as the majority of her care surrounding her autism--Her schooling, and more. There is absolutely no reason my mother should be assuming her care where her teeth are concerned. I'm actually worried about the long term impact on my daughter's mouth and my mother's incessant need to not have me present or involved. We take care of our hygiene, including our oral hygiene. I recognize my mother's inappropriate decision making obsession concerning Hazel's teeth, parental consent and the real need for me, as her mother, to be fully aware and involved in medical decisions regarding my daughter and children. I am there to protect my children, and the last line of defense in that, especially in the Stoker family. My mother has been inappropriate where Hazel's teeth and other matters are concerned. I urge the court not to give her or any of the Stoker's medical authority over any of the children. I also want to point out my mother is again relying on the state to finance the children's medical and other needs, despite their extreme wealth. While I do not begrudge the financial responsibilities regarding the children, and I embrace them, I don't believe my mother, or her husband, or any of the Stoker's, demonstrate good judgment or choices regarding my children's wellbeing, as much as they may propose to care for them. My daughter's medical care is particularly important, not something I have neglected, and I have always pursued it vigorously. My mother's behavior is inappropriate, is hysterically possessive, obsessive, and does not make sense. It is pernicious and continues a decades long pattern of parental and familial alienation.

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 June 27, 2021 [Date]



Signature of Petitioner or Lawyer/WSBA No.

Selena Smith (mother), pro se

Print Name

Counter-Affidavit to Kathryn Stoker's
doublekachina007@protonmail.com

12 Selena Smith, mother (971) 803-9898
6901 26th Ct SE, Lacey, WA 98503

I have e-mailed a copy of this entire document to Breckan Scott, attorney for the Stokers, Selena Smith, but not Robert Ayers having no contact information for him, on 6-27-21.

Signed at Mason, [County] Washington [State] on June 27, 2021 [Date]

A black and white image of a handwritten signature, which appears to be "Selena Smith", written in cursive on a dark background.

Signature of Petitioner or Lawyer/WSBA No.

Selena Smith (mother), pro se

Print Name

EXPEDITE (If filed within 5 court days of hearing)

Hearing is set

Date: 6-30-21

Time: 9:00am Zoom #: 242-974-5214 Rm:4

Judge/Calendar: Rebekah Zinn/Motion & argument

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

In re: Emergency Guardianship of
Hazel Belle Ursa Smith

No. 21-4-00443-34

Selena Smith's Exhibit 'A'

Respondent(s): Minor Child(ren)

(Cover Sheet)

TITLE OF DOCUMENT

**Exhibit 'A'
from SELENA SMITH**

NAME: Selena Smith, indigent mother

Mailing ADDRESS: 6901 26th Ct, SE,

Lacey, WA 98503

PHONE: (360)427-3599

Selena Smith's Exhibit 'A'
doublekachina007@protonmail.com

1 Selena Smith, mother (971) 803-9898
6901 26th Ct SE, Lacey, WA 98503

SELENA SMITH'S EXHIBIT 'A'

05-04-00

THURSTON COUNTY SUPERIOR COURT

PAGE 1

CASE#: 99-3-00727-2 DOM JUDGMENT# NO
 TITLE: IN RE MAYA JOY URSA SMITH
 FILED: 06/25/1999
 CAUSE: CUS CHILD CUSTODY
 RESOLUTION: DSM DATE: 03/24/2000 DISMISSAL WITHOUT TRIAL
 COMPLETION: DATE:
 CASE STATUS: ACT DATE: 06/25/1999 ACTIVE
 CONSOLIDATED:
 NOTE1:
 NOTE2:

21

-----PARTIES-----

CONN	LAST NAME,	FIRST MI TITLE	LITIGANTS	SERVICE
PET01	STOKER, HANS			
RSP01	SMITH, SELENA U			
PET02	STOKER, KATHRYN			
RSP02	FORMAN, ANDREW LOREN			
MNRO1	SMITH, MAYA JOY URSA			

-----ATTORNEYS-----

CONN	LAST NAME,	FIRST MI TITLE	LITIGANTS	DATE
ATP01	HOOD, TONI MARIE		PET01,02	

-----APPEARANCE DOCKET-----

SUB#	DATE	CD/CONN	DESCRIPTION	SECONDARY
1	06/25/1999	\$FFR	FILING FEE RECEIVED	110.00
2	06/25/1999	SM	SUMMONS (CUS)	
3	06/25/1999	PTCUS	PETITION FOR CUSTODY	
4	06/25/1999	MTSC	MOTION FOR ORDER TO SHOW CAUSE	
5	06/25/1999	NTIS	NOTICE OF ISSUE	07-08-1999MD
6	06/25/1999	TPROTSC	TEMP REST ORD & ORD TO SHO CAUS	07-08-1999
		ACTION	SHOW CAUSE/RESTRAINING ORDER	
	06/25/1999	EXWACT	EX-PARTE ACTION WITH ORDER	
		COM10	COMMISSIONER SCOTT C. NEILSON	
7	07/06/1999	AFSR	AFFIDAVIT/DECLARATION OF SERVICE	
-	07/08/1999	MTHRG	MOTION HEARING	
		COM09	COMM. H. CHRISTOPHER WICKHAM CC SMITH	
8	07/08/1999	ORPUB	ORDER FOR PUBLICATION 1PG	
9	07/08/1999	DCLR	DECLARATION	
10	07/08/1999	SMPB	SUMMONS BY PUBLICATION	
11	07/08/1999	TMO	TEMPORARY ORDER /CUSTODY 2PG	
12	07/08/1999	RRL	REGISTRY REFERRAL LETTER	
13	02/29/2000	ORTSC	ORDER TO SHOW CAUSE	03-24-2000M2
		ACTION	2:30 PM - DISMISSAL OF CASE	
-	02/29/2000	AFML	AFFIDAVIT OF MAILING	
14	03/10/2000	LTR	LETTER TO COUNSEL FR SUPERIOR COURT	
15	03/24/2000	MTHRG	MOTION HEARING	
		JDG02	JUDGE PAULA CASEY CC MOULTON	
16	03/28/2000	ORDSM	ORDER OF DISMISSAL	

-----END COPY CASE-----

FILED
SUPERIOR COURT
THURSTON COUNTY WASH.

99 JUL -8 PM 2:38

BETTY J. GOULD, CLERK

BY  DEPUTY

MEMORANDUM

BETTY J. GOULD, CLERK
THURSTON COUNTY CLERK'S OFFICE
2000 Lakeridge Drive, Bldg. 2
Olympia, WA 98502
(360) 786-5430

To: Washington State Support Registry
Support Enforcement Division
PO Box 9008, MS FU-11
Olympia, WA 98504

Date: July 8, 1999

From: Sharon Baldwin,
Deputy Clerk

Subject: In Re the Marriage OF STOKER AND FORMAN/SMITH
Thurston County Cause No. 99-3-00727-2

Title of Document	Documents Attached
Decree of Dissolution	
Findings of Fact & Conclusions of Law	
Parenting Plan	
Order of Support	
Worksheets	
Judgment & Order	
Order on Show Cause	
Other: O R . F O R PUBLICATION/TEMPORARY ORDER	X

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2.3 OTHER RESTRAINING ORDER.

The respondents are restrained from removing the child from the State of Washington.

2.4 BOND OR SECURITY.

Does not apply.

2.5 OTHER.

All pleadings and document shall be placed in a confidential file.

Reserved
H

Dated: 7/8/99

Judge/Commissioner

Presented by:
Foster, Foster & Schaller

Approved by:

TONI MARIE HOOD, WSBA #26473
Attorney for Petitioners

SELENA SMITH, Respondent

MICROFILMED

Petition (Domestic Relations). Information about how to get this form may be obtained by contacting the clerk of the court, by contacting the Office of the Administrator for the Courts at (360) 705-5328, or from the Internet at the Washington State Supreme Court homepage:

<http://www.wa.gov/courts/>

5. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your written response, if any, may be served on time.
6. One method of serving a copy of your response on the petitioner is to send it by certified mail with return receipt requested.

This summons is issued pursuant to RCW 4.28.100 and Superior Court Civil Rule 4.1 of the State of Washington.

DATED this 8 day of July, 1999.

FOSTER, FOSTER & SCHALLER

By Toni Marie Hood
TONI MARIE HOOD, WSBA #26473
Attorney for Petitioner

FILE ORIGINAL OF YOUR RESPONSE
THE CLERK OF THE COURT AT:

SERVE A COPY OF YOUR
RESPONSE ON:

Petitioner's Lawyer

Thurston County Superior Court
2000 Lakeridge Drive SW
Olympia, Washington 98502
Phone (360) 786-5430

Foster, Foster & Schaller
701 Evergreen Plaza
711 South Capitol Way
Olympia, Washington 98501

SUMMONS BY PUBLICATION
WPF DR 01.0270 (7/97)
RCW 4.28.100; CR 4.1
Page 2

FOSTER, FOSTER & SCHALLER
ATTORNEYS AND COUNSELORS
701 EVERGREEN PLAZA
711 SOUTH CAPITOL WAY
OLYMPIA, WASHINGTON 98501
(360) 943 1770

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**SUPERIOR COURT OF WASHINGTON
COUNTY OF THURSTON
FAMILY & JUVENILE COURT**

In re the Custody of:
MAYA JOY URSA SMITH, a Minor,

HANS STOKER and KATHRYN STOKER,

Petitioners,

and

SELENA U. SMITH, Mother,

ANDREW LOREN FORMAN, Alleged
Father,

Respondents.

NO. 99-3-00727-2

DECLARATION FOR SERVICE
BY PUBLICATION
(DCLR)

FILED
SUPERIOR COURT
HURSTON COUNTY WASH.
99 JUL -8 A9:17
DEPUTY CLERK
DEPUTY

I DECLARE:

1. Service of summons by publication is justified because the respondent/alleged father cannot be found in this state because:
 - the respondent/alleged father has concealed himself to avoid service of summons.
 - other:
 - The petitioner believes that the respondent/alleged father has no permanent address.
2. The facts supporting the above allegations are:
 - The petitioner believes the respondent/alleged father lives on the streets and has no permanent address. The petitioner only has minimal knowledge about places where the respondent/alleged father has been known to "hang out" at in the past. Recently, the petitioner was contacted by respondent/alleged father's mother who asked the petitioner if she knew where the respondent/alleged father was.

DECLARATION FOR SERVICE BY PUBLICATION
WPF DR 01.0260 (7/93)
RCW 4.28.100
Page 1

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3. The following efforts were made to locate the respondent for personal service or service by mail:

On June 30, 1999, S. Jackson, a qualified process server, attempted to locate the address given for the subject above at 4443 43rd Avenue NE, Olympia, WA and could locate no such address. There was a 6800-7400 block of 43rd NE but nothing in the 4400 block. There was also no such address on 43rd SE, NW, Ct SE, Ct NE, etc.

We were also told that the subject hangs out at Bulldog News and Jova Flow but couldn't find the subject at either location. At this time, ABC Legal Messenger, Inc., is unable to served the subject.

4. I do not know the respondent's address.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed at Olympia, Washington on this 8 day of July, 1999.


TONI MARIE HOOD, WSBA 26473
Attorney for Petitioner

DECLARATION FOR SERVICE BY PUBLICATION
WPF DR 01.0260 (7/93)
RCW 4.28.100
Page 2

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SUPERIOR COURT OF WASHINGTON
COUNTY OF THURSTON
FAMILY & JUVENILE COURT

FILED
SUPERIOR COURT
THURSTON COUNTY WASH.

99 JUL -8 09:17

HETTY J. GOULD CLERK

NO. 99-3-00727-2 GB

DEPUTY

ORDER FOR SERVICE OF SUMMONS BY
PUBLICATION
(If Required by Local Practice)
(ORPUB)

In re the Custody of:
MAYA JOY URSA SMITH, a Minor,

HANS STOKER and KATHRYN STOKER,

Petitioners,

and

SELENA U. SMITH, Mother,

ANDREW LOREN FORMAN, Alleged
Father,

Respondents.

I. BASIS

The court has considered a motion and declaration requesting that the summons in this matter be served on the respondent by publication.

II. FINDINGS

Based on the representations made in the declaration, the court FINDS that the summons in this matter may be served on the respondent by publication in accordance with RCW 4.28.100.

III. ORDER

IT IS ORDERED that the summons in this matter may be served on the respondent by publication in conformity with RCW 4.28.100.

Dated: 7/8/99

Judge/Commissioner

Presented by:

FOSTER, FOSTER & SCHALLER

TONI MARIE HOOD, WSBA #26473
Attorney for Petitioner

ORDER FOR SERVICE BY PUBLICATION
WPF DR 01.0265 (7/93)
RCW 4.28.100
Page 1 of 1

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FOSTER, FOSTER & SCHALLER
ATTORNEYS AND COUNSELORS
701 EVERGREEN PLAZA
711 SOUTH CAPITOL WAY
OLYMPIA, WASHINGTON 98501
(360) 943-1770

8

THURSTON COUNTY SUPERIOR COURT

THURSDAY, JULY 8, 1999
FAMILY LAW CALENDAR 9:00 AM

COMMISSIONER CHRIS WICKHAM
SANDY SMITH, CLERK

Underlined Parties Present at Hearing

PAGE 10

99-3-00644-6

BUI, GIAU
AND
TRAN, TUAN

YOUNG, DERIC NEIL

TRAN, TUAN PRO SE

23.

TEMPORARY ORDER

10:28 - Court called Tuan Tran or anyone representing him; not present.
Court signed: **Temporary Order, Temporary Parenting Plan, Order of Child Support and Child Support Worksheets** as presented by Mr. Young.

99-3-00682-9

CARLSON, HEATH JAMES
AND
CARLSON, RACHEAL LEE

RANSOM, CLARK T.

JORDAN, TERESA LANDREAU

24.

SHOW CAUSE

Hearing struck for non appearance of moving party.

99-3-00723-0

EBERLE, NANCY A
VS
GOODELL, WILLIAM ARTHUR ET AL

HILL, ROBERT MARTIN

25.

SHOW CAUSE

Court signed: **Temporary Order** as presented by Mr. Hill.

99-3-00727-2

STOKER, HANS ET AL
VS
SMITH, SELENA U ET AL

HOOD, TONI MARIE

26.

SHOW CAUSE/RESTRAINING ORDER

Court signed: **Order for Service of Summons by Publication and Agreed Temporary Custody Order** as presented by Ms. Hood.

ORIGINAL

FILED
SUPERIOR COURT
THURSTON COUNTY WASH.

99 JUL -6 P4:27

BETTY GOULD CLERK
BY GB DEPUTY

1 SUPERIOR COURT OF WASHINGTON
2 COUNTY OF THURSTON
3 FAMILY & JUVENILE COURT

4 In re the Custody of:
5 MAYA JOY URSA SMITH, a Minor,
6 HANS STOKER and KATHRYN STOKER,
7
8 and
9 SELENA U. SMITH, Mother,
10 ANDREW LOREN FORMAN, Alleged
11 Father,
12 Respondents.

No. 99-3-00727-2

DECLARATION OF SERVICE

11 I, Chad W. Stoker, do hereby state and declare as follows:

12 I am a citizen of the United States and of legal age; that on the June 26 1999, I handed
13 a copy of Summons for Nonparental Custody, Petition for Nonparental Custody, Motion and
14 Declaration for Ex Parte Restraining Order and for Order to Show Cause, Notice of Issue, Ex
15 Parte Restraining Order and Order to Show Cause in the above matter to the Respondent,
16 SELENA U. SMITH, at Saint Peters Hospital, Olympia, Washington.
17

18 I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE
19 OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

20 Signed at Olympia, Washington on this 28th day of June, 1999.

21
22
23 Chad W. Stoker
24

25 DECLARATION OF SERVICE - 1
26

Prev. Noted ✓

FILED
SUPERIOR COURT
THURSTON COUNTY, WASH.

99 JUN 25 PM 1:52

BETTY J. COULD, CLERK
[Signature]
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**SUPERIOR COURT OF WASHINGTON
COUNTY OF THURSTON
FAMILY & JUVENILE COURT**

In re the Custody of:
MAYA JOY URSA SMITH, a Minor,

HANS STOKER and KATHRYN STOKER,

and

SELENA U. SMITH, Mother,

ANDREW LOREN FORMAN, Alleged Father,
Respondents.

NO. **99 3 0727 2**

EX PARTE RESTRAINING ORDER/
ORDER TO SHOW CAUSE
(NONPARENTAL CUSTODY)
(TPROTSC)

 Clerk's Action Required

VIOLATION OF A RESTRAINING ORDER IN PARAGRAPH 3.4 BELOW WITH ACTUAL KNOWLEDGE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.09 RCW, AND WILL SUBJECT THE VIOLATOR TO ARREST. RCW 26.09.060

I. SHOW CAUSE ORDER.

It is ordered that the respondent appear and show cause if any, why the restraints below should not be continued in full force and effect pending final determination of this action and why the other relief, if any, requested in paragraph 1.3 of the motion should not be granted. A hearing has been set for the following date, time and place:

Date: July 8, 1999 Time: 9:00 a.m.
Place: Thurston County Superior Court Room/Department: Family & Juvenile Court

FAILURE TO APPEAR MAY RESULT IN A TEMPORARY ORDER BEING ENTERED BY THE COURT WHICH GRANTS THE RELIEF REQUESTED IN THE MOTION WITHOUT FURTHER NOTICE.

II. BASIS

A motion for a temporary restraining order without written or oral notice to the respondent or that party's lawyer has been made to this court.

*EX PARTE RESTRAINING ORDER/ORDER TO SHOW CAUSE
WPF CU 03.0170 11/98)
CR 65 (b); RCW 26.10.115
Page 1 of 2*

MICROFILMED

FOSTER, FOSTER & SCHALLER
ATTORNEYS AND COUNSELORS
701 EVERGREEN PLAZA
711 SOUTH CAPITOL WAY
OLYMPIA, WASHINGTON 98501
(360) 943-1770

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III. FINDINGS

The court adopts paragraphs 2.1, 2.2, and 2.4 of the Motion/Declaration for an Ex Parte Restraining Order and for an Order to Show Cause (Form WPF CU 03.0150), as its findings, except as follows:

IV. ORDER

It is ORDERED:

4.1 RESTRAINING ORDER.

Does not apply.

4.2 OTHER RESTRAINING ORDER.

The respondents are restrained from removing the child from the State of Washington.

The respondents are restrained from removing the child from the petitioners' home or child's daycare without supervised by a party agreed to by the petitioners.

4.3 SURRENDER OF DEADLY WEAPONS.

Does not apply.

4.4 EXPIRATION DATE.

This order shall expire on the hearing date set forth above or 14 days from the date of issuance, which ever is sooner, unless otherwise extended by the court.

Dated: June 25, 1999

Scott New
JUDGE/COMMISSIONER

Presented by:

Foster, Foster & Schaller

Toni Marie Hood
TONI MARIE HOOD, WSBA # 26473
Attorney for Petitioners

EX PARTE RESTRAINING ORDER/ORDER TO SHOW CAUSE
WPF CU 03.0170 11/98)
CR 65 (b); RCW 26.10.115
Page 2 of 2

MICROFILMED

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ATTORNEYS AND COUNSELORS
701 EVERGREEN PLAZA
711 SOUTH CAPITOL WAY
OLYMPIA, WASHINGTON 98501
(360) 943-1770

MD

**THE SUPERIOR COURT OF WASHINGTON
IN AND FOR THURSTON COUNTY
FAMILY AND JUVENILE COURT**

HANS and KATHRYN STOKER
Petitioners,
vs.
SELENA SMITH and ANDREW FORMAN
Respondents.

NO.

**FAMILY LAW
NOTICE OF ISSUE (NTIS)
Clerk's Action Required**

FILED
SUPERIOR COURT
THURSTON COUNTY, WASH.

99 JUN 25 PM 1:52

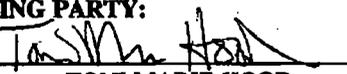
BETTY J. ~~WOOD~~, CLERK

98-3 ~~BETTY 27 2~~

TO: THURSTON COUNTY CLERK and to all other parties per list on reverse side;

PLEASE TAKE NOTICE that an issue of law in this case will be heard on the date below and the Clerk is directed to note this issue on the calendar checked below.

Calendar Date: July 8, 1999 Day of Week: Thursday

Bench Copies: Deliver to Court Administrator, Second Floor, Room 277 Filing Deadlines: By 12:00 noon, five court days preceding the scheduled hearing date [LSPR 94.03(b)(5)(A)]. Confirmation: * E-mail to famlaw@co.thurston.wa.us , fax to (360) 709-3286, or call 786-5423 by 10:00 a.m. two court days prior to hearing. ** E-mail to civlaw@co.thurston.wa.us , fax to (360) 753-4033, or call 786-5423 by noon three court days prior to hearing date [LCR 94.03(2)]. Court Address: 2801 32 nd Avenue SW, Olympia, WA 98512.	
<input type="checkbox"/> State Family Law (Monday - 9:00 a.m.) <input checked="" type="checkbox"/> Family Law (Tuesday/Thursday - 9:00 a.m.)* <input type="checkbox"/> Pro Se Family Law (Friday - 1:30 p.m.) <input type="checkbox"/> Review Hearing <input type="checkbox"/> Show Cause/Contempt <input type="checkbox"/> Support Issues <input type="checkbox"/> Residential Issues <input type="checkbox"/> Temporary Order <input type="checkbox"/> GAL Appt/Report <input type="checkbox"/> Present Order <input type="checkbox"/> Bench Warrant <input type="checkbox"/> Default <input type="checkbox"/> Adequate Cause <input type="checkbox"/> Paternity <input type="checkbox"/> Mediation <input checked="" type="checkbox"/> Restraining Order <input type="checkbox"/> Other _____	Motion Calendar (Friday - 1:30 p.m.)** <input type="checkbox"/> Motion to Revise <input type="checkbox"/> Status Conference <input type="checkbox"/> Other _____ I certify that on June __, 1999, I <input type="checkbox"/> deposited in the United States mail, <input checked="" type="checkbox"/> delivered through a legal messenger service, <input type="checkbox"/> personally delivered, a copy of this document to the attorney(s) of record for <input type="checkbox"/> Petitioner <input checked="" type="checkbox"/> Respondent. _____ for Attorney for <input checked="" type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
<input type="checkbox"/> Final Dissolution (with attorney/Tuesday - 8:30 a.m.) <input type="checkbox"/> Pro Se Final Dissolution (without attorney/Friday - 8:30 a.m.)	PRESENTING PARTY: Signed: <u></u> Type name: <u>TONI MARIE HOOD</u> WSBA #: <u>26473</u> Address: <u>711 South Capitol Way, Suite 701</u> <u>Olympia, WA 98501</u> Attorney for: <u>Petitioners</u> Phone: <u>(360) 943-1770</u> Date: _____
Domestic Violence (Wednesday - 9:00 a.m.) <input type="checkbox"/> Protection Order <input type="checkbox"/> Review	
Adoption (Monday - 9:00 a.m.) <input type="checkbox"/> Present Decree <input type="checkbox"/> Other _____	

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MD

**THE SUPERIOR COURT OF WASHINGTON
IN AND FOR THURSTON COUNTY
FAMILY AND JUVENILE COURT**

HANS and KATHRYN STOKER
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BETTY 27 2

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5

FILED
SUPERIOR COURT
THURSTON COUNTY, WASH.
99 JUN 25 PM 1:52
BETTY W. GOULD, CLERK
BY [Signature] DEPUTY

1
2 SUPERIOR COURT OF WASHINGTON
3 COUNTY OF THURSTON
4 FAMILY & JUVENILE COURT

5 In re the Custody of:
6 MAYA JOY URSA SMITH, a Minor,
7
8 HANS STOKER and KATHRYN STOKER,
9
10 and
11 SELENA U. SMITH, Mother,
12
13 ANDREW LOREN FORMAN, Alleged
14 Father,
15
16 Respondents.

NO. 99 3 00727 2
MOTION/DECLARATION FOR
EX PARTE RESTRAINING ORDER
AND FOR ORDER TO SHOW CAUSE
(NONPARENTAL CUSTODY)
(MTAF)

17 I. MOTION

18 Based upon the reasons set forth in the declaration below, the undersigned moves the court for a temporary
19 order and order to show cause.

20 1.1 EX PARTE RESTRAINING ORDER.

21 A temporary restraining order should be granted without written or oral notice to the other party or the
22 other party's lawyer because immediate and irreparable injury, loss, or damage will result before the
23 other party or the other party's lawyer can be heard in opposition. This order should restrain:

24 Selena Ursa Smith and/or Andrew Forman from removing the child from the State of
25 Washington.

26 OTHER:

Selena Ursa Smith and/or Andrew Forman from removing the child from the petitioners' home or
child's daycare without supervision by a party agreed to by the petitioners.

MOTION AND DECLARATION FOR EX PARTE RESTRAINING ORDER

WPF CU 03.0150 (7/97)

CR 65 (b); RCW 26.10.115

Page 1

FOSTER, FOSTER & SCHALLER
ATTORNEYS AND COUNSELORS
701 EVERGREEN PLAZA
711 SOUTH CAPITOL WAY
OLYMPIA, WASHINGTON 98501
(360) 943 1770

ORIGINAL

4

Selena Ursa Smith and Andrew Forman should be required to appear and show cause why these restraints should not be continued in full force and effect pending final determination of this action.

1
2 1.2 SURRENDER OF DEADLY WEAPONS.

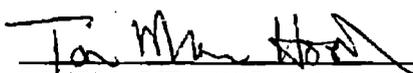
3 Does not apply.

4 1.3 OTHER TEMPORARY RELIEF.

5 Selena Ursa Smith and Andrew Forman also be required to appear and show cause why the court
6 should not enter a temporary order which:

7 grants the petitioner custody of Maya Joy Ursa Smith and gives reasonable supervised visitation
8 to Selena Smith

9
10 Dated: 6-25-99


11 TONI MARIE HOOD, WSBA # 26473
12 Attorney for Petitioners

13 II. DECLARATION

14 2.1 INJURY TO BE PREVENTED.

15 The ex parte restraining order requested in paragraph 1.1 above is to prevent the following injury
(define the injury):

16 See Paragraph 2.2 below.

17 2.2 REASONS WHY THE INJURY MAY BE IRREPARABLE.

18 This injury may be irreparable because:

19 I, Kathryn Stoker, am the grandmother of Maya Smith. Maya's mother, Selena, my daughter, voluntarily
20 admitted herself to St. Peter's Psychiatric Unit last Sunday, June 20, 1999. My daughter has suffered
21 from depression and disorganized thinking. Her biological father is schizophrenic and they are currently
22 trying to determine if Selena also suffers from schizophrenia. I believe she is a good mother when she
23 is stable and taking her medication, however, I am very concerned about her when she is not.

24 Since Selena graduated from high school, she has moved in and out of our house. We have continually

25 **MOTION AND DECLARATION FOR EX PARTE RESTRAINING ORDER**

26 **WPF CU 03.0150 (7/97)**

CR 65 (b); RCW 26.10.115

Page 2

provided financial and emotional support for Selena and Maya. Immediately after Maya was born, Selena and Maya lived with us. Maya has lived with us for the majority of her life. Except for one month when Selena took Maya to Hawaii and approximately three weeks when she took the child to California, Maya has been with us. Both times when Selena left the state with Maya we ended up buying her airplane tickets so that she could return to Washington State with the baby.

Approximately a week before she admitted herself to the hospital, Selena was set up with an apartment through the housing authority. I do not know the exact address of that apartment but I do have keys to the apartment.

I am filing this petition because I am concerned that Selena will leave the hospital and not continue to take her medication and that if she leaves with the baby in an unstable state that this could put the baby at risk. As I indicated earlier, I believe Selena is a good mother when she is stable and on medication, however, right now Selena needs some time to get healthy and get her condition properly diagnosed and treated. The day she was admitted to the hospital, she was very distressed, highly agitated and was very concerned about her daughter. Once the nurses told her that Maya was with me, she calmed down. I have informed Selena that I am going to be filing this petition in order to protect the baby. At the time that I explained this to her, she agreed to having the baby stay with me. I do not believe however at this time that she would be able to understand the legal documents in order to sign them herself.

It is believed that the baby's father is Andrew Forman, however, paternity has never been established. Mr. Forman lives on the street and has no permanent address or place of employment. He has never shown any interest in the child and has never paid support.

I believe it is in the best interest of the child to be placed with me, at least until Selena can stabilize her life and address her mental illness. Selena has a good relationship with us and I have no objection to having Selena coming over to the house once she is released from the hospital and spending as much time as she wants with the baby in my home. I do believe that for now that visitation should be supervised.

I am asking the court for an Ex Parte Restraining Order because I do not know when my daughter will be released from the hospital or whether she will take her medication or what follow up treatment will be needed. I do not know whether she will be willing to continue to stay there on a volunteer basis or if she will change her mind and attempt to take the child. Because of her current unstable mental condition, I believe that this could put the child at serious risk.

2.3 CLEAR AND CONVINCING REASONS WHY WEAPONS SHOULD BE SURRENDERED.

Does not apply.

2.4 REASONS FOR A TEMPORARY ORDER.

It is necessary that the court issue a temporary order with the relief requested in paragraph 1.3 above for the following reasons:

MOTION AND DECLARATION FOR EX PARTE RESTRAINING ORDER

WPF CU 03.0150 (7/97)

CR 65 (b); RCW 26.10.115

Page 3

1 Because it is unknown at this point how Selena will be diagnosed and whether or not she will continue
2 to participate in her own treatment it is necessary for the court to enter a temporary order until Selena's
3 condition stabilizes. Mr. Forman has never been involved or shown any desire to be involved with the
4 child's life and has no permanent address or means of support.

5 I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and
6 correct.

7 Signed at Olympia, Washington on this 25 day of June, 1999.

8 Kathryn Stoker
9 KATHRYN STOKER, Petitioner

10 **III. EFFORTS TO GIVE OTHER PARTY NOTICE.**

11 The following efforts have been made to give the other party or other party's lawyer notice and the following
12 reasons exist why notice should not be required:

13 The respondent, Selena Smith, is in St. Peter Hospital Psychiatric Unit. She was informed by the
14 petitioner that we would be filing a petition for nonparental custody. At that time, she agreed that the
15 child should be in her mother's custody at least temporarily. It is unclear to the petitioner if the
16 respondent is currently capable of signing or understanding any legal documents that would be
17 presented to her at this time. The hope is that the respondent will be assisted by new medication
18 provided by the hospital. However, she may still be unable to understand the full ramifications of the
19 legal proceeding at the hearing for show cause. If that is the case, I will be asking the court to
20 readdress the issue of continuing the ex parte restraining order at that time.

21 As indicated above, the exact whereabouts of the respondent, Andrew Forman, are unknown at this
22 time.

23 Dated: 6-25-99

24 Toni Marie Hood
25 TONI MARIE HOOD, WSBA #26473
26 Attorney for Petitioners

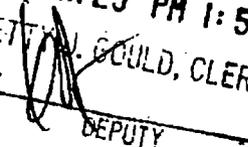
27 **MOTION AND DECLARATION FOR EX PARTE RESTRAINING ORDER**
28 **WPF CU 03.0150 (7/97)**
29 **CR 65 (b); RCW 26.10.115**
30 **Page 4**

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SUPERIOR COURT OF WASHINGTON
COUNTY OF THURSTON
FAMILY & JUVENILE COURT

FILED
SUPERIOR COURT
THURSTON COUNTY, WASH.

99 JUN 25 PM 1:52
BETTY W. GOULD, CLERK
BY  DEPUTY

In re the Custody of:
MAYA JOY URSA SMITH, a Minor,

HANS STOKER and KATHRYN STOKER,

Petitioners,

and

SELENA U. SMITH, Mother,

ANDREW LOREN FORMAN, Alleged Father,
Respondents.

NO. 99 3 00727 2
NONPARENTAL CUSTODY
PETITION
(PTCUS)

I. BASIS

1.1 IDENTIFICATION OF PETITIONER(S).

Name	¹ Kathryn Stoker (Mother of Respondent Smith)	² Hans Stoker (Stepparent of Respondent Smith)
Date of Birth	7/21/49	
Driver's License or Identocard (# and State)		
Home Address	2735 84th Ct NE Olympia, WA 98506	2735 84th Ct NE Olympia, WA 98506

1.2 IDENTIFICATION OF RESPONDENT(S).

Name	¹ Selena Ursa Smith	² Andrew Loren Forman
Date of Birth	6/11/76	Unknown
Driver's License or Identocard (# and State)		Unknown
Home Address	2735 84th Ct NE Olympia, WA 98506 (Currently at St. Peter Hospital)	Unknown

1.3 CHILDREN FOR WHOM CUSTODY IS SOUGHT.

3

1	Name	1 Maya Joy Ursa Smith	2
2	Date of Birth	2/28/98	
3	Social Security No.		
4	Home Address	2735 84th Ct NE Olympia, WA 98506	

5 1.4 JURISDICTION.

6 This court has jurisdiction over this proceeding for the reasons below.

7 This state is the home state of the child because the child lived in Washington with a parent or a
8 person acting as a parent for at least six consecutive months immediately preceding the
9 commencement of this proceeding and any absences from Washington have been only temporary.

10 1.5 UNIFORM CHILD CUSTODY JURISDICTION ACT INFORMATION.

11	Name of of Child	Mother's Name	Father's Name
12	Maya Joy Ursa Smith	Selena Ursa Smith	Andrew Loren Forman

13 The child permanently resides in this county or can be found in this county.

14 During the last five years, the child have lived in no place other than the State of Washington and
15 with no person other than the petitioner or the respondent.

16 Claims to custody or visitation.

17 The petitioner does not know of any person other than the respondent who has physical custody
18 of, or claims to have custody or visitation rights to, the child.

19 Other legal proceedings concerning the children.

20 The petitioner has not participated in, and is not aware of, any other legal proceedings concerning
21 the child, including any paternity, dependency or custody proceedings.

22 1.6 VISITATION.

23 Reasonable visitation rights should be given to Selena Ursa Smith. However, all visitation should
24 be supervised at this time. No visitation right should be granted to respondent Forman.

25 1.7 CHILD SUPPORT.

26 **NONPARENTAL CUSTODY PETITION**

WPF CU 01.0100 (11/98)

RCW 26.10.030(1)

Page 2 of 4

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Support for the dependent child should be set pursuant to the Washington State Child Support Schedule.

1.8 HEALTH INSURANCE COVERAGE.

Either or both parents should be required to maintain or provide health insurance coverage consistent with RCW 26.10.060.

1.9 CONTINUING RESTRAINING ORDER.

Selena Ursa Smith should be restrained from removing the child from the State of Washington.

1.10 THIS PETITION IS BEING FILED BECAUSE:

The child is not in the physical custody of one of the parents and neither parent is a suitable custodian for the child.

1.11 BEST INTEREST OF THE CHILD.

The requests made in this petition are in the best interests of the child for the reasons below:

See Motion and Declaration for Ex Parte Restraining Order.

II. RELIEF REQUESTED

The petitioner REQUESTS that the Court enter an order giving petitioner custody of the children listed in paragraph 1.3 of this petition and requiring either or both parents to maintain or provide health insurance coverage for the children consistent with RCW 26.10.060. The petitioner also REQUESTS the relief described below.

Order reasonable visitation pursuant to paragraph 1.6.

Enter a continuing restraining order.

Dated: _____

TONI MARIE HOOD, WSBA # 26473
Attorney for Petitioners

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

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I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed at Olympia, Washington on this 26 day of June, 1999.

Kathryn Stoker
KATHRYN STOKER, Petitioner

HANS STOKER, Petitioner

FILED
SUPERIOR COURT
THURSTON COUNTY, WASH.
99 JUN 25 PM 1:52
SETTY GOULD, CLERK
BY [Signature] DEPUTY

**SUPERIOR COURT OF WASHINGTON
COUNTY OF THURSTON
FAMILY & JUVENILE COURT**

In re the Custody of:
MAYA JOY URSA SMITH, a Minor,

HANS STOKER and KATHRYN STOKER,

and

SELENA U. SMITH, Mother,

ANDREW LOREN FORMAN, Alleged
Father,

Respondents.

NO. 99 3 00727 2

SUMMONS FOR NONPARENTAL
CUSTODY PROCEEDING
(SM)

TO THE ABOVE LISTED RESPONDENTS

1. An action has been started against you in the above court requesting that the petitioner be granted custody of Maya Joy Ursa Smith.

Additional requests, if any, are stated in the petition, a copy of which is served upon you with this summons.
2. You must respond to this summons and petition by filing a written answer with the clerk of the court and by serving a copy of your answer on the person signing this summons. You must also complete the Washington Child Support Schedule Worksheets served with this summons. The completed worksheets must be filed and served with your written answer.
3. Your written response to the summons and petition must be on form WPF CU 01.0300, Response to Nonparental Custody Petition. Information about how to get this form may be obtained by contacting the clerk of the court, by contacting the Office of the Administrator for the Courts at (360) 705-5328, or from the Internet at the Washington State Supreme Court homepage:

<http://www.wa.gov/courts/>

SUMMONS FOR NONPARENTAL CUSTODY PROCEEDING
WPF CU 01.0200 (7/97)
CR 4.1; RCW 26.10.030(2)
Page 1

FOSTER, FOSTER & SCHALLER
ATTORNEYS AND COUNSELORS
701 EVERGREEN PLAZA
711 SOUTH CAPITOL WAY
OLYMPIA, WASHINGTON 98501
(360) 943-1770

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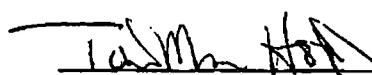
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- 4. If you do not file and serve your written answer within 20 days (60 days if you are served outside of the State of Washington) after the date this summons was served on you, exclusive of the date of service, the court may, without further notice to you, enter a default judgment against you ordering the relief requested in the petition. If you serve a notice of appearance on the undersigned person, you are entitled to notice before an order of default may be entered.
- 5. You may demand that the other party file this action with the court. If you do so, the demand must be in writing and must be served upon the person signing this summons. Within 14 days after you serve the demand, the other party must file this action with the court, or the service of this summons and petition will be void.
- 6. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your written answer, if any, may be served on time. Copies of these papers have not been served upon your attorney.
- 7. One method of serving your written answer and completed worksheets is to send them by certified mail with return receipt requested.

This summons is issued pursuant to Superior Court Civil Rule 4.1 of the State of Washington.

Dated: 6-25-99



 TONI MARIE HOOD, WSBA #26473
 Attorney for Petitioners

FILE ORIGINAL OF YOUR RESPONSE WITH THE CLERK OF THE COURT AT:

SERVE A COPY OF YOUR RESPONSE ON:

Thurston County Superior Court
2000 Lakeridge Drive SW
Olympia, Washington 98502
Phone (360) 786-5430

Petitioner's Lawyer
Foster, Foster & Schaller
701 Evergreen Plaza
711 South Capitol Way
Olympia, Washington 98501

SUMMONS FOR NONPARENTAL CUSTODY PROCEEDING
 WPF CU 01.0200 (7/97)
 CR 4.1; RCW 26.10.030(2)
 Page 2

FILED

THURSTON COUNTY SUPERIOR COURT
BETTY J GOULD
THURSTON COUNTY CLERK
OLYMPIA WA

99-3-00727-2

WA
Acct. Date Acct. Date Time
06/25/1999 06/28/1999 01:55 PM

Receipt/Item # Tran-Code Docket-Code
1999-02-06044/01 1100 \$FFR
Cashier: EJB

Paid By: FOSTER, FOSTER
Transaction Amount: \$110.00

Thurston

COUNTY SUPERIOR COURT

CASE INFORMATION COVER SHEET

Case Number 99 3 00727 2 Case Title Stoker v Smith/Foreman

Attorney Name Toni M Hood Bar Membership Number 26473

Please check the one category that best describes this case for indexing purposes. Accurate case indexing not only saves time in docketing new cases, but also helps in forecasting needed judicial resources. Cause of action definitions are listed on the back of this form. Thank you for your cooperation.

APPEAL/REVIEW

- Administrative Law Review (ALR 2)
Civil, Non-Traffic (LCA 2)
Civil, Traffic (LCI 2)

CONTRACT/COMMERCIAL

- Breach of Contract (COM 2)
Commercial Contract (COM 2)
Commercial Non-Contract (COL 2)
Third Party Collection (COL 2)

DOMESTIC RELATIONS

- Annulment/Invalidity (INV 3)
Child Custody (CUS 3)
Dissolution with Children (DIC 3)
Dissolution with no Children (DIN 3)
Foreign Judgment (FJU 3)
Legal Separation (SEP 3)
Mandatory Wage Assignment (MWA 3)
Modification (MOD 3)
Out-of-State Custody (OSC 3)
Reciprocal, Respondent in County (RIC 3)
Reciprocal, Respondent Out of County (ROC 3)

DOMESTIC VIOLENCE/ANTI-HARASSMENT

- Civil Harassment (HAR 2)
Domestic Violence (DVP 2)

JUDGMENT

- Abstract Only (ABJ 2)
Foreign Judgment (FJU 2)
Judgment, Another County (ABJ 2)
Judgment, Another State (FJU 2)
Tax Warrant (TAX 2)
Transcript of Judgment (TRJ 2)

MENTAL ILLNESS

- Alcoholic Treatment (ALT 6)
Mental Illness - Adult (MI 6)
Mental Illness - Juvenile (MIJ 6)

OTHER COMPLAINT/PETITION

- Action to Compel/Confirm Private Binding Arbitration (MSC 2)
Deposit of Surplus Funds (MSC 2)
Injunction (INJ 2)
Interpleader (MSC 2)
Minor Settlement (No guardianship) (MST 2)
Subpoenas (MSC 2)

ADOPTION/PATERNITY

- Adoption (ADP 5)
Initial Pre-Placement Report (PPR 5)
Paternity (PAT 5)
Paternity/URES (PUR 5)
Relinquishment (REL 5)
(Title 26) Termination of Parent-Child Relationship (TER 5)

PROBATE/GUARDIANSHIP

- Absentee (ABS 4)
Disclaimer (DSC 4)
Estate (EST 4)
Foreign Will (FNW 4)
Guardianship (GDN 4)
Guardianship/Estate (G/E 4)
Limited Guardianship (LGD 4)
Minor Settlement (With guardianship) (MST 4)
Will Only (WLL 4)

PROPERTY RIGHTS

- Condemnation (CON 2)
Foreclosure (FOR 2)
Quiet Title (QTI 2)
Unlawful Detainer (UND 2)

TORT, MEDICAL MALPRACTICE

- Hospital (MED 2)
Medical Doctor (MED 2)
Other Health Care Professional (MED 2)

TORT, MOTOR VEHICLE

- Death (TMV 2)
Non-Death Injuries (TMV 2)
Property Damage Only (TMV 2)

TORT, NON-MOTOR VEHICLE

- Asbestos (PIN 2)
Other Malpractice (MAL 2)
Personal Injury (PIN 2)
Products Liability (TTO 2)
Property Damage (PRP 2)
Wrongful Death (WDE 2)

WRIT

- Habeas Corpus (WHC 2)
Mandamus (WRM 2)
Restitution (WRR 2)
Review (WRV 2)

IF YOU CANNOT DETERMINE THE APPROPRIATE CATEGORY, PLEASE DESCRIBE THE CAUSE OF ACTION BELOW.

Hearing Date: 06/30/21
Hearing Time: 9am
Judge/Calendar: Review Hearing

E-FILED
THURSTON COUNTY, WA
SUPERIOR COURT
06/28/2021 10:44:08 AM
Linda Myhre Enlow
Thurston County Clerk

21-4-00443-34
DCLR 62
Declaration Affidavit
10565514



Superior Court of Washington, County of Thurston

In re:

Petitioner/s (person/s who started this case):
Kathryn and Hans Stoker

And Respondent/s (other party/parties):
Hazel Smith

No. 21-4-00443-34

Declaration of
(name): Kat Stoker Reply Declaration
(DCLR)

Declaration of (name): Kat Stoker

1. I am (age): over 18 years old and I am the (check one): Petitioner Respondent
 Other (relationship to the people in this case): _____

2. I declare: Please see attached, submitted under penalty of perjury.

Under penalty of perjury, I, Kathryn Stoker, swear or affirm as follows:

1. Service Update. Mr. Wells has accepted service (which has been e-filed) in case number 21-4-00452-34. We have been unable to locate Mr. Ayers (Hazel's Father, Case Number 21-4-00443-34) despite my attorney's use of a skip tracer and attempts to obtain information from Selena Smith for additional information that might assist in that endeavor. At this time, we request that the Court allow Service by Publication in Boulder County, CO as that is the last known location of Mr. Ayers.
2. Jurisdiction. Hazel (Case No. 21-4-00443-34) was the subject of a parenting plan order in Colorado. We have filed that Order under separate cover. Although Hazel is in Washington, was in Washington for a substantial amount of time after the Colorado Order, and her Mother is no longer in Colorado, there still appears to be the need for a UCCJEA conference because we do not know if Mr. Ayers is in Colorado. In the meantime, this Court may continue to exercise emergency jurisdiction as it has thus far. A detailed timeline of the children's residences was filed with my 6/15/21 Declaration which further demonstrates Washington as the state with the most ties to the children – including them staying overnight as recently as March 2021.
3. 6/15/21 Declarations Filed Under Seal But Not Sealed. On 6/15/21 we filed declarations of Hans Stoker, Chad Stoker, Alexander Stoker, and Heather Stoker, and Maya Stoker under a sealed health cover sheet because each contained correspondence to the Court from the Declarants that constitute health care information about Selena and the children. Maya's declaration further contains her own private, traumatic experiences that she suffered while in her Mother, Selena's, care. For unknown reasons, the Clerk did *not* file those under seal. Subsequently, Mr. John Smith, the biological maternal grandfather of the

children, has published all of the pleadings including those declarations onto his blog. He had initially agreed to at least take Maya Stoker's down, and make redactions to the other declarations, but did not take Maya Stoker's down from his blog. We request at this time that the Court seal those Declarations – if a litigant believes they should not be sealed, then the appropriate procedure is for that individual to file motion practice to unseal. At this juncture, it is appropriate for the Court to seal the declarations pending resolution of the matter, at which point Mr. Smith (or anyone else) can petition the Court to unseal all or parts of this highly sensitive and private record. We also request that the Court Order Mr. Smith to remove any such materials that has been sealed from his website/blog and not publish/share the materials without an appropriate Court Order allowing him to do so.

4. Visitation. It is appropriate during the guardianship that the children have safe, appropriate, visitation with their parents. We have no concerns providing Mr. Wells (Raven and Onawa's Father) reasonable visitation and will work with him directly to do so. Mr. Smith (maternal grandfather) has also expressed a strong desire to have visitation with the children – he had mentioned seeing the children once per month to my attorney. I do not object to the idea – although I am admittedly perplexed at his desire to do so, given that I was not aware he had expressed that desire at any point since their births. In any case, I am unable to be involved with supervising or facilitating any exchanges with Mr. Smith. During our divorce over 40 years ago, I believe I had a protective order because the relationship was extremely difficult. I do not want to go into the details of that ordeal, nor bring up old issues with Mr. Smith that are just likely to cause unnecessary conflict – however, I spent a substantial amount of time resolving the issues that stemmed from that experience/relationship and will not risk my physical or mental health again. At this

junction, I believe it is appropriate for the Court to appoint a Guardian Ad Litem and request that the GAL issue an interim report covering visitation issues with Mr. Smith and proceed accordingly.

5. Court Appointed Counsel and Motion to Join. It is fairly clear from the statute that if Selena is indigent (as I believe she is), that she is entitled to counsel. We agree that needs to happen as soon as possible. In regards to Mr. Smith's motion to join, we do not oppose - simply because my attorney has advised the standing for filing a guardianship petition is broad (anyone "with an interest in the welfare" of a minor can file) and thus opposition is likely not to be fruitful. I do have concerns about Mr. Smith's involvement - so far, he has called and berated me (both by himself and with Selena, during a call in which I thought she just wanted to talk to the children) on multiple occasions, and engaged in verbal abuse - accusing me of lying, being crazy, and then seemingly trying to catch me in any minor real or perceived inconsistency in order to further berate. Although, at my attorney's direction, I ceased answering any of his calls this last weekend, I would like the Court to Order that all communications to me from other parties in this matter to go through counsel, at least at this point. I love my daughter, Selena, and want to be supportive, but I need to enforce boundaries that I will not be abused anymore - either by her or her Father, John Smith. The priority right now is the grandchildren, and this will help all parties to focus on that priority.
6. Accusations Regarding Motive/Intent/Lies. We did not get involved or file this petition until *we were visited for a welfare check by Thurston County Sheriff on behalf of NJ Family Services*. This was not a welfare check initiated by us - but New Jersey because of the level of concern after Selena fled the squalid hotel room with the children before child

services could respond. Mr. Kurtz (who is a security *advisor* for NJ Family Services, not a “security guard” as Mr. Smith and Selena derisively refer to him) was not hired by us – nor did he have any motive other than the demonstrable safety concerns for the children. Thurston County Sheriff came to our house because that was the last known address for the children. That was when we received the contact information for NJ Family Services caseworkers, etc. *We became involved to prevent the kids from becoming wards of the State – again.* Selena has demonstrated with Maya and Hazel that she is unable to consistently be a fit parent. If the Court does not continue this guardianship now, the children will continue to suffer if returned to Selena at this time. It is my understanding that she is living in an abandoned house in Portland with other homeless individuals, whom she believes can provide childcare and assist her with homeschooling the children should they be returned to her. The risks and myriad concerns in such a scenario are themselves evidence of Ms. Selena Smith’s inability to understand and provide for her children’s best interests.

The next appropriate steps are to appoint an attorney for Ms. Smith, a Guardian Ad Litem, and to order Ms. Smith to undergo a comprehensive mental health evaluation by a licensed Psychiatrist, who reviews her complete medical/mental health records and has collateral contact with at least her family members (and any others that Ms. Smith identifies as necessary for a complete evaluation). We request that the Court grant those requests, and set a date for presentation of Orders and a hearing in 30 days to review the GAL’s interim report regarding visitation for Selena and Mr. Smith (as well as Mr. Wells, if we have not already worked out appropriate visitation with him).

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21-4-00443-34
AF 63
Affidavit
10566812



E-FILED
THURSTON COUNTY, WA
SUPERIOR COURT
06/29/2021 8:01:24 AM
Linda Myhre Enlow
Thurston County Clerk

EXPEDITE (If filed within 5 court days of hearing)

Hearing is set

Date: 6-30-21

Time: 9:00am Zoom #: 242-974-5214 Rm:4

Judge/Calendar: Rebekah Zinn/Motion & argument

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

In re: Emergency Guardianship of
Hazel Belle Ursa Smith

Respondent(s): Minor Child(ren)

No. 21-4-00443-34

Rebuttal-Affidavit to
Kathryn Stoker's Reply
Declaration
By SELENA SMITH

(Cover Sheet)

TITLE OF DOCUMENT

**Rebuttal-Affidavit to Kathryn Stoker's Reply Declaration
by SELENA SMITH**

**NAME: Selena Smith, indigent mother
Mailing ADDRESS: 6901 26th Ct, SE,
Lacey, WA 98503
PHONE: (360)427-3599**

Rebuttal-Affidavit to Kathryn Stoker's Reply
doublekachina007@protonmail.com

1

Selena Smith, mother (971) 803-9898
6901 26th Ct SE, Lacey, WA 98503

[X] EXPEDITE (if filing within 5 court days of hearing)

[X] Hearing is set:

Date: 6-30-21

Time: 9:00pm Zoom #: 242-974-5214 Rm:4

Judge/Calendar: Rebekah Zinn/Motion & Argument

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

In re: Emergency Guardianship of
Hazel Belle Ursa Smith

No. 21-4-00443-34

**Rebuttal-Affidavit to Kathryn
Stoker's Reply Declaration by
SELENA SMITH**

Respondent(s): Minor Child(ren)

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;

AND,

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

AND,

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

I Identity of Parties

I, Selena Smith (indigent mother of the subject minor(s) in this action) enter this counter-affidavit to Kathryn Stoker's Declaration into the record without counsel of necessity, pro se, for this court's consideration as the truth and nothing but the truth. I reserve the right and continue to object to the jurisdiction of this court as stated below under JURISDICTION. I also **object to Shelley Brandt presiding** over ANY aspect of this case due to her having received money from the Stokers, previously represented my mother against my father who seeks to join this action and she nearly precipitated a physical altercation with him during that custodial litigation years ago. A fair hearing without her recusal cannot be hadf.

Kathryn Stoker (maternal grandmother) and her husband, Hans Stoker (who is NOT the grandfather of the children, contrary to his and his wife's sworn misrepresentations in their filed pleadings to this court)

Rebuttal-Affidavit to Kathryn Stoker's Reply Selena Smith, mother (971) 803-9898
doublekachina007@protonmail.com 2 6901 26th Ct SE, Lacey, WA 98503

brought this action before this court well BEFORE the young children at issue had been evaluated by any qualified Family and Children's social worker within the State of their domicile or oversight of a state court properly presiding over the same, i.e. Oregon, where this court's emergency ex parte order to seize the children was executed around midnight and they were spirited, under cover of darkness, out of Oregon after handing off the very young three to the Stokers at a gas station adjacent to I-5 north of Eugene that night. The seizure was executed, as described at midnight, 5-30-21 in/near Oakridge, OR, the initial ex parte emergency petition for seizing my 3 children was filed 5-27-21, the order granting the petition was entered on 5-28-21. The Stokers filed their petition prior to the children being examined and evaluated precisely to deny me and my children due process with this court's approval, aid, and abetment under color of state law in violation of Oregon's sovereignty, the federal ADA (I have only one hand), my status as a destitute DV survivor (contrary to UCCJEA requirements, and in violation of meaningful protection under the 6th and 14 Amendment as well as principles laid out in Troxel vs. Troxel and the notorious Elian Gonzalez international case.

JURISDICTION

The Petitioners (Stokers) are longtime residents of and domiciled in Thurston County, Washington.

I, Selena Smith (mother), am the person bringing this motion. I had left Washington State without any intention of returning more than 6 months prior to the date my children were seized in Oregon where I resided and was domiciled with my children. I returned briefly in March to recover some of my property, from the Stokers, but did not reside in Washington. The Stokers used this date to deceive the court into believing less than 6 months had lapsed since I left Washington in late November, 2020 as a DV survivor with my 3 young children. Thus, this court does not have proper in personam or subject matter jurisdiction even if there had not been an in excess absence of my children residing/domiciled in Washington. **In light of these facts, all actions/orders taken/entered by this court are void ab initio.** The basis for this court's rulings have been fraudulent misrepresentations and deception submitted to this court by the Stokers.

I, Selena Smith, the mother of the very young child(ren) at issue in this cause, due to DV, fled the State of Washington with my children prior to 11-24-20, which is the date James Wells (my boyfriend) filed a DV Protection Petition (20-2-30761-34 | JAMES DANIEL WELLS, Jr vs SELENA URSA SMITH) after I left Washington State to preserve my and my children's safety. Mr. Wells' purpose was to use the children (who he sought custody of in the petition) to support himself. The petition was denied by Court Commissioner Rebekah Zinn. Mr. Wells is currently sleeping in the open near Mt. Adams, is homeless and non-compliant with a subsequent DV protection order issued by the court.

I, Selena Smith, filed a petition for DV protection, alleging Mr. Wells was violently abusive with me and the children, an alcoholic, and in need of anger management classes. Court Commissioner Rebekah Wells ruled in Selena's favor and ordered Mr. Wells to surrender his firearms. This action was filed by myself from out of State. I personally appeared before this court (Court Commissioner Rebekah Zinn, presiding) from an out of state DV women's shelter and filed the declaration of an advocate associated with that shelter confirming evidence I had seen of what appeared to be stalking while I was staying in that out-of-state DV shelter.

(20-2-30788-34 | SELENA URSA SMITH vs JAMES DANIEL WELLS, Jr)

i.e. I, Selena Smith, and my children have been absent and no longer resided in Washington State for longer than 6 months prior to having my 3 children seized around midnight on 5-30-21 under the color of

Rebuttal-Affidavit to Kathryn Stoker's Reply Selena Smith, mother (971) 803-9898
doublekachina007@protonmail.com 3 6901 26th Ct SE, Lacey, WA 98503

Washington State law via an ex parte emergency guardianship order executed beyond Washington's own borders in a foreign state (Oregon). Court Commissioner Rebekah Zinn was either well aware I had left Washington State with my children (or should have been) more than 6 months before the instant case had been filed. I was under no legal obligation to inform my parents or Hans Stoker of my whereabouts, nor did the Stokers have standing to object since there was no court order granting them standing, custody, or visitation. Yet they conspired to track me in conjunction with security guard Robert Kurtz for months wherever I went using my I-phone to do so.

Even case officers with the New Jersey Division of Children & Families admitted they had no authority to use a New Jersey Court Order (under the circumstances) to order law enforcement in Oregon to seize my children upon New Jersey's direction, although security guard Robert Kurtz indifferent to the invasion of my privacy.. When Kurtz's actions were challenged, a case worker supervisor retorted it was NJ Division of Children & Families to track or find missing families/children when receiving reports/suspicion of the same. **Except...there WERE NO missing children!** They were with me, their mother, who had no legal duty to provide the State of New Jersey or the Stokers with such information. Nor was there a nation wide manhunt for me, only the illegal surveillance conducted by security guard Robert Kurtz, the means by which he chose not to reveal in his declaration submitted to this court to avoid incriminating himself.

Robert Kurtz was acting only on his own without authority from his agency or direction to invade my privacy by conspiring with the Stokers who were using software on my I-phone to track, unbeknownst to me, my movements, purchases, bills and confidential health/billing records obtained by opening my mail without permission (as well as rifling through my personal papers left where I once resided on the Stoker property). Adding outrage to injury, the Stokers kept the notices of fines received in the mail they opened rather than forwarding it to my new mailing address of which they were aware—putting my Driver's License at risk of suspension for want of notice. They used the unlawfully acquired document to try and prejudice the court against me. They may have succeeded, denying me fairness in these proceedings, or even the appearance of fairness.

This rogue action by a Washington Family Court fails what even grade school children would recognize as the SMELL TEST. The statutory construction of a normal petition for guardianship of minors in Washington State replete with a full complement of meaningful due process is very different from an ex parte emergency petition for guardianship of minors with effectively **no meaningful due process**. Accordingly, the ex parte judicial excess of Washington's judiciary ought to be a pleasure enjoyed by its own citizens which it is accountable to rather than being visited upon the citizens of foreign states.

In Troxel vs. Troxel, the U.S. Supreme Court pronounced Washington's Courts interpretation of the 'best interests' of the child(ren) "breathtaking in scope"! Additionally, they concluded a parent's bond with their minor children was so fundamental a right that a state which substituted its judgment for a parents exceeded its authority no matter how seductive the state's reasoning might be unless there was genuine true imminent harm that would come to the child(ren). Not only is that not evident in the instant case, but the child(ren) at issue were not evaluated by a qualified expert prior to the court issuing its ex parte emergency seizure order executed out-of-state under cover of darkness.

Kathryn Stoker lied to my father when she described the circumstances and genesis of that seizure as well as the date of the court hearing (Nathan Kortokrax presiding who recused himself) as on the 18th of this month when it, in truth, was the 16th. The Stokers also lied about my mental condition and claims there was a "nation wide manhunt" for me.

Rebuttal-Affidavit to Kathryn Stoker's Reply Selena Smith, mother (971) 803-9898
doublekachina007@protonmail.com 4 6901 26th Ct SE, Lacey, WA 98503

This court did not provide me with 60 day notice to respond from service out-of-state, nor was a Return of Service filed in either of the 2 case #'s involving the child(ren) to either father or permission for alternative service ought.

In short, this case and all orders pursuant to it are void ab initio for failure to establish proper subject matter and in personam jurisdiction over all the parties. The issuance of the ex parte emergency order to seize the children executed out-of-state was based on fraudulent misrepresentations and deceptions that are a matter of record presented to the court. Nor did the court take any care to insure the child(ren) were genuinely at risk before giving them the impression that their mother was a 'bad' person as they were seized as though I was Dillinger. My father has ordered and will be paying for the video, audio, photos, and police reports from the Oakridge PD. They will reveal my children were not imperiled and their needs were being met; they were not living in squalid conditions. I will present this evidence to this court for its consideration given the chance. I have spoken to the Oakridge authorities about this case. Their assessment does not support the tale the Stokers had to tell this court. The midnight raid on myself and my child(ren) is what one would expect in a totalitarian regime or from Hollywood. I have spent many hours discussing these events with my father. He is part of my and my children's life and has always tried to maintain a relationship with us. He has never interfered with my relationship with my children. He is a necessary and indispensable party to this action as the Stokers have never respected his role in our lives which can be seen in their declarations where Hans and his wife deceives the court into believing he is my father and my children's grandfather. My story is persuasive if the court would but take the time to hear it out. My father, John Smith, has taken the time to do so since he learned of my predicament despite my mother lying to him. It is abundantly clear I am **not** delusional or mentally ill. I do cry and get upset about my babies. My father is not an attorney, but he has an important ongoing role in our lives that will be ignored by the Stokers if he is not allowed to join this action and represent himself on behalf of his relationship with me and my children.

II REBUTTAL DECLARATION

I have but one hand, am indigent (though employed), homeless, a DV victim fleeing my abuser, and desperately needs a court appointed lawyer, as do the child(ren) need a GAL not of the Stoker's choosing. I, Selena Smith [Name] Declare that:

Timeline:

After Hazel's birth, she was with me, her mother, continuously, and I managed every aspect of her care, including her extensive needs in relation to her club foot therapy and surgeries. In September 2013, 4.5 months after her birth, I took a diamond grading position in Las Vegas, NV, where her doctor appointments and therapy continued, and she was enrolled in daycare while I worked. I was an active, engaged mother, and we enjoyed a variety of activities when I was off work, including hiking almost every weekend, water parks, indoor playgrounds, and more. In fact, Hazel resided continuously in my care, and was well taken care of, as proven through photographic and other evidence to the CO family court, up to the point where the incident concerning our assault took place that I previously detailed in my counter affidavit to Alex Stoker's declaration.

As to the Colorado order, I understood at the time I made the decision to relocate with Hazel to Washington State that medical necessity was a valid reason for leaving the state, where she was
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concerned, and I never have made any attempts to withhold visitation from her father, Robert Ayer. I would welcome his participation in her life, and would cooperate fully in the necessary travel or accommodations to facilitate it. I do believe it is necessary to have his participation and notification in this matter.

Neither Hazel, nor Onawa or Raven, stayed overnight with my mother March 21st. They were with me in Portland, OR. My mother continues to mislead and deceive this court.

The Stoker's "health care information" regarding my health or the children's health is misrepresented, inaccurate and false in its total misrepresentation. The Stokers are attempting to seal the records with the reasoning that they are sharing health information. In fact, they are making unproven assertions and allegations that are not rooted in fact, and I see no reason why their filings should be protected as "health information". They are allegations and opinions. Not facts, health records, or other documents or evidence that I would expect might be considered, rightly sealed record status. Moreover, any privacy rights related to my children and myself belong to me, not the Stokers who were quick to violate my privacy when they opened my mail without my permission, rifled through my papers, and admitted to spying on me through my I-Phone, tracking me with it for months.

The children, despite the Stoker's assertions, have spent the majority of time in my care, with minimal time allotted to what would best be described as occasional babysitting, by my mother and her husband Hans Stoker. With the exception of the time Hazel was in their care in Colorado (the incident referred to in the counter affidavit to Alex Stoker's declaration) was sorted out. Hazel was restored to me in Colorado. The other exception is when Hazel was sent ahead of me to Washington State after our Colorado house flooded out and was uninhabitable, to get a jump start on services she needed. I attended to the necessary details of our move. This was done with my decision and at my direction--not my mother's or the Stoker's.

James Wells should not have visitation currently with the children, outside of an independent supervised visitation site, since a domestic violence final protection order was finalized January 5th by this court, Rebekah Zinn presided, for not only myself, but all three children, Hazel Belle Smith, Onawa Smith-Wells and Raven Gaia Smith-Wells. James Wells has not complied with that order and is prohibited by court order from visits with our children until he complies.

The suggestion by the Stoker's that they have no problem with it indicates collusion between the Stoker's and Mr. Wells to bypass the court's well considered and justly rendered decision regarding the welfare and safety of the children and myself. The court entered a finding we were domestic violence survivors which James Wells was guilty of and responsible for. It ordered him to be evaluated for alcohol abuse/dependency, attend anger management classes, and other remediation as conditions to be met before he is allowed contact with our children or myself. He has complied with none of those conditions save surrendering his firearms. He has not complied with the order's mandates he be evaluated for substance/alcohol abuse and enter into abuser treatment. James Wells repeatedly appeared under the influence before the court.

Surely this court will not allow the terms of that court order to be finessed by the Stokers in the instant litigation? The Stokers continue to acknowledge in any way I and my children were subjected to extreme emotional, psychological and physical abuse, as well as forced to witness it. The Stokers, in fact, defended and accommodated him, as they also did Maya Stoker's abuser, Charles Morris (See Maya's Declaration), when they came to his defense with an affidavit during

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my divorce proceedings. It is completely inappropriate for the Stokers to be working directly with Mr. Wells without oversight. They are not capable of being unbiased, objective or healthy in raising my children. Their judgment is flawed and self-serving. Nor do they demonstrate accountability. To expect them to self-report, to report objectively, to be the primary authority and renderers of observations generated from this situation, which they helped generate, is absurd.

My father, Mr. Smith, had no need to keep my mother apprised of his time on numerous occasions spent with his grandchildren, or ask her permission, because he had a relationship with me, and needed only to ask. He has many photographs over the years of his time with them. We have many community activities and other outings we could highlight, as well as personal time in his home, shared meals, trips, holidays, concerts and more, that attest to the fact he has strong bonds with his grandchildren, relationships, and attachment. While my mother didn't even visit me in the hospital with the birth of my last two children, my father did. My mother and the Stoker's are simply unaware of all the time my father, the children and I have spent together. They haven't bothered to pay attention to such things in the past, and what my mother had declared is pure conjecture...or worse.

My mother never had a protection order against my father. Ever. However, she does have a history of asserting he is mentally ill, crazy, etc.--Which he is not.

I object to any guardian ad litem the Stoker's would have a hand in choosing or paying for. They have already corrupted this entire proceeding.

I have NOT been present on any phone call where my father berated my mother. I have spoken with my daughter Hazel three times by phone. The first time, Marylou White and another mutual friend of ours were also present during the call. The second time, my father was present during the call. The third time, Marylou and a large group of the children's friends and mine were present.

Each time, people spent time focusing on and speaking with the children, focusing on them. Positively. What my mother is declaring simply wasn't the case. However, we did have to experience several hang-ups by the Stokers, the Stokers disconnecting their number, which they've had for decades, and rude behavior from Hans Stoker. I made a couple of phone calls to my mother regarding the case, inquiring in regards to her rational and reasoning, to better understand the situation. While we still do not understand each other, and disagreed, along the outlines of what is apparent in our very disparate court filings, beyond that, I was respectful. My mother, unfortunately, was not.

Kathryn Stoker was often rude and condescending. While it is true I do not like my mother at this point, and find her the furthest thing from supportive anyone could be in my life, and in many ways the children's lives, I don't target or go out of my way to disrespect my mother. I only appeal to her morals and ethics, such as they are, in this matter. Our conversations have been brief. The Stokers, are making a Herculean effort to portray me as an abuser.

The truth is the Stokers are dysfunctional, dishonest and abusive. As an abuser himself, Mr. James Wells has found himself in good company. In no way am I convinced my mother loves me. If she does, it has, nevertheless, been self-serving, controlling and toxic. She may want to be supportive, but she does not know how or hasn't the inclination. As I have pointed out to her this is not how one achieves what one wants or should go about things. Though she could choose

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to discuss matters and have real, honest talk and exploration, that has never been a path she has chosen. That is a choice, hers. What my father embraced, I appreciated over the years. It has done much for our relationship and his role in my adult life.

I talked with the Thurston County Sheriff's office 06/28/21 at 3:15pm. They stated there were no warrants for my arrest. I was told they responded to a call for a welfare check on my children and myself at the Stoker's residence, but not in response to the NJ family services division. I was residing and domiciled in Portland, OR at the time. I wasn't present at the Stoker home, nor had I been within the timespan of when the call had been placed. The details of that call are currently being processed under my records request.

Despite my mother's mountain of allegations and misrepresentation of the facts, the records, reports and workers at the departments and agencies to which she refers simply don't support her assertions in her filings and declarations. It is hysterical and irrational for my mother, as well as the Stokers, to suggest they acted to prevent Hazel from becoming a ward of the State. The facts don't support that. Her concern and worries are different than the reality. It may be her opinion I do not represent a fit mother. The fact is, I have demonstrated I am a fit mother with every penny I've ever earned, every fiber of my being, my hard work, my excellent job history, places of residence, and my efforts to defend myself and my children, to protect us and promote a healthy life when it became apparent I must act, which I did, proactively. My mother and the Stokers, were consistently unsupportive of my efforts, demonstrated denial, lacked accountability, personal or otherwise, engaged in victim blaming and abusive behavior.

My mother's assertion that I am living in an abandoned house in Portland, OR is completely false. I live in a perfectly functional house, with perfectly functional people. In fact, the Washington Post stopped by yesterday, at approximately 10:30 am, to do a story on us and our successes as a 501(c3) non-profit in serving our local Portland community. Members of my household are gainfully employed, with job histories and a variety of successes professionally that are admirable, including in the educational and teaching field, computer software development, advocacy and more.

My children have love their new home, the people we now surround ourselves with that comprise our household, new community, sense of belonging and support network. We live in a great neighborhood, with beautiful gardens, great neighbors and a wonderful school supportive of Hazel she is enrolled in for the coming school year. All the services and other activities my children and myself need and desire are present. We have been feeling very positive about how our life had turned around since leaving behind what amounts to a toxic intrusive dysfunctional family dominated by the Stokers who refused to cope or deal productively with their own issues, fostering domestic violence and abuse that was belittling and abusive to me and my children.

Kathryn Stoker's assertion that I am seeking daycare provision utilizing homeless individuals is a false. It is a home daycare in the neighborhood of where we live and Hazel's new school. It is a nice home—License--In compliance, and absolutely wonderful. Nor has a homeless individual been assisting during these pandemic months with Hazel in providing her schooling. I have been working with teachers and staff at the neighborhood school and a paraeducator, as well as other community members, who have helped provide books, educational materials, art supplies and one-on-one assistance. In reality, we exist in a wonderful, supportive neighborhood and community, which has been exciting and liberating for us.

Rebuttal-Affidavit to Kathryn Stoker's Reply Selena Smith, mother (971) 803-9898
doublekachina007@protonmail.com 8 6901 26th Ct SE, Lacey, WA 98503

The best decision, in every regard, this court could make for my children and myself, is to return the children immediately to our home, our community, our friends and their mother, who all love and miss them, and have consistently expressed this, whenever allowed to speak with them on the phone. Their grandfather, Mr. Smith, also expressed this, when given the opportunity, and is authentic in doing so, with a relationship he has cultivated all on his own outside of my mother's or the Stoker's purview, since they were infants. My father can expect regular visits with his grandchildren in my care, as he is accustomed to. He cannot expect the same from my mother.

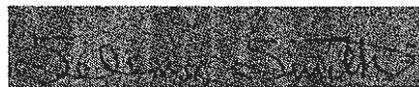
My mother and her husband, with myself, as a group, would need extended expert family therapy together for me to ever have the necessary trust for them to be visiting with my children unsupervised. I have suggested this many times to them when we were still on speaking terms. They always refused. I am suggesting it again, because I not only think it is necessary, but called for, and reasonable. Considering their Hell bent efforts to destroy my relationship with my children and father for decades, it is overly generous.

I am disturbed the Stokers speak of allowing Jim visitation with my children, despite the DV final protection order this court, Rebekah Zinn presiding, signed for the children and myself. They are seeking to finesse that court order through the instant proceedings orchestrated by an ex parte emergency guardianship executed at midnight in a foreign state despite their lack of proper standing ab initio. That protection order and its mandated conditions stands and remains immutable absent due process despite the Stokers' misapprehensions.

The Stokers, in continuing to exercise denial, poor judgement, and the perpetuation of family dysfunction, are acting in error, unlawfully, and to the detriment of the children's safety and welfare, further victimizing us after we have already persisted and overcome so much. The court was correct when it granted us the final protection order. We have been able to secure a new, better life with the protection of the court, and the court should not further entertain these matters orchestrate by Stokers at the expense of its own ruling, my children's human rights and my right to meaningful due process denied me to date. I remain destitute, without representation, childless, and the victim of the Stokers' lawless manipulation of this court through perjury and deceit. It is destroying my children and me by the day, leaving irreparable harm of egregious proportions and a great deal of grief among our friends and community, who support us and miss the children.

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 June 28, 2021 [Date]



Signature of Petitioner or Lawyer/WSBA No.

Selena Smith (mother), pro se

Print Name

Rebuttal-Affidavit to Kathryn Stoker's Reply
doublekachina007@protonmail.com

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Selena Smith, mother (971) 803-9898
6901 26th Ct SE, Lacey, WA 98503

I have e-mailed a copy of this entire document to Breckan Scott, attorney for the Stokers, Selena Smith, and James Wells, on 6-27-21.

Signed at Mason, [County] Washington [State] on June 27, 2021 [Date]

A rectangular box containing a handwritten signature in cursive that reads "Selena Smith".

Signature of Petitioner or Lawyer/WSBA No.

Selena Smith (mother), pro se

Print Name

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21-4-00443-34
AF 64
Affidavit
10566813



E-FILED
THURSTON COUNTY, WA
SUPERIOR COURT
06/29/2021 8:01:26 AM
Linda Myhre Enlow
Thurston County Clerk

EXPEDITE (If filed within 5 court days of hearing)
 Hearing is set
Date: 6-30-21
Time: 9:00am Zoom #: 242-974-5214 Rm:4
Judge/Calendar: Rebekah Zinn/Motion & argument

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

In re: Emergency Guardianship of
Hazel Belle Ursa Smith

Respondent(s): Minor Child(ren)

No. 21-4-00443-34

**Rebuttal-Affidavit to
Kathryn Stoker's Reply
Declaration
By JOHN SMITH**

(Cover Sheet)

TITLE OF DOCUMENT

**Rebuttal-Affidavit to Kathryn Stoker's Reply Declaration
by JOHN SMITH**

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

Rebuttal-Affidavit to Kathryn Stoker's Reply John Smith, grandfather (971) 803-9898
pinbalwyz@yahoo.com 1 PO Box 1711, WA 98584

[X] EXPEDITE (if filing within 5 court days of hearing)

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

In re: Emergency Guardianship of
Hazel Belle Ursa Smith

Respondent(s): Minor Child(ren)

No. 21-4-00443-34

**Rebuttal-Affidavit to Kathryn
Stoker's Reply Declaration by
JOHN SMITH**

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;

AND,

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

AND,

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

I Identity of Parties

I, Selena Smith (indigent mother of the subject minor(s) in this action) enter this counter-affidavit to Kathryn Stoker's Declaration into the record without counsel of necessity, pro se, for this court's consideration as the truth and nothing but the truth. I reserve the right and continue to object to the jurisdiction of this court as stated below under JURISDICTION. I also **object to Shelley Brandt presiding** over ANY aspect of this case due to her having received money from the Stokers, previously represented my ex-wife, Kathryn Stoker, a party herein, against myself who seeks to join this action and she nearly precipitated a physical altercation with me during that custodial litigation years ago. She also represented my daughter, Selena Smith, a party to this action. A fair hearing without her recusal cannot be had.

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pinbalwyz@yahoo.com

Kathryn Stoker (maternal grandmother) and her husband, Hans Stoker (who is NOT the grandfather of the children, contrary to his and his wife's sworn misrepresentations in their filed pleadings to this court) brought this action before this court well BEFORE the young children at issue had been evaluated by any qualified Family and Children's social worker within the State of their domicile or oversight of a state court properly presiding over the same, i.e. Oregon, where this court's emergency ex parte order to seize the children was executed around midnight and they were spirited, under cover of darkness, out of Oregon after handing off the very young three to the Stokers at a gas station adjacent to I-5 north of Eugene that night. The seizure was executed, as described at midnight, 5-30-21 in/near Oakridge, OR, the initial ex parte emergency petition for seizing my 3 grandchildren was filed 5-27-21, the order granting the petition was entered on 5-28-21. The Stokers filed their petition prior to the children being examined and evaluated precisely to deny their mother and my grandchildren due process with this court's approval, aid, and abetment under color of state law in violation of Oregon's sovereignty, the federal ADA (Selena has only one hand), her status as a destitute DV survivor (contrary to UCCJEA requirements, and in violation of meaningful protection under the 6th and 14 Amendment as well as principles laid out in Troxel vs. Troxel and the notorious Elian Gonzalez international case.

JURISDICTION

The Petitioners (Stokers) are longtime residents of and domiciled in Thurston County, Washington.

I, John Smith (grandfather), am the one seeking to join this action. My daughter left Washington State without any intention of returning **more** than 6 months prior to the date my grandchildren were seized in Oregon where Selena Smith resided and was domiciled with her children. She returned briefly in March to recover some of her property, from the Stokers, but did not reside in Washington. The Stokers misused this date to deceive the court into believing less than 6 months had lapsed since Selena left Washington in late November, 2020 as a DV survivor with her 3 young children. Thus, this court does not have proper in personam or subject matter jurisdiction even if there had not been a less than 6-month absence of my grandchildren residing/domiciled in Washington. **In light of these facts, all actions/orders taken/entered by this court are void ab initio.** The basis for this court's rulings have been fraudulent misrepresentations and deception submitted to this court by the Stokers.

Selena Smith, the mother of the very young child(ren) at issue in this cause, due to DV, fled the State of Washington with my grandchildren prior to 11-24-20, which is the date James Wells (her boyfriend) filed a DV Protection Petition (20-2-30761-34 | JAMES DANIEL WELLS, Jr vs SELENA URSA SMITH) after she left Washington State to preserve her and her children's safety. Mr. Wells' purpose was to use the children (who he sought custody of in the petition) to support himself. The petition was denied by Court Commissioner Rebekah Zinn. Mr. Wells is currently sleeping near Mt. Adams, and is non-compliant with a DV protection order issued by the court prohibiting him from contact with my grandchildren.

Selena Smith, filed a petition for DV protection, alleging Mr. Wells was violently abusive with her and the children, an alcoholic, and in need of anger management classes. Court Commissioner Rebekah Wells ruled in Selena's favor and ordered Mr. Wells to surrender his firearms. This action was filed by the mother from out of State. Selena personally appeared electronically before this court (Court Commissioner Rebekah Zinn, presiding) from an out of state DV women's shelter, filed the declaration of an advocate associated with that shelter confirming evidence she'd seen what appeared to be stalking while Selena was staying in that out-of-state DV shelter. I, John Smith, observed the proceedings.

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pinbalwyz@yahoo.com

(20-2-30788-34 | SELENA URSA SMITH vs JAMES DANIEL WELLS, Jr)

i.e. for longer than 6-months, Selena Smith, and her children had left and no longer resided in Washington State prior to having her 3 children seized around midnight on 5-30-21 under the color of Washington State law via an ex parte emergency guardianship order executed beyond Washington's own borders in a foreign state (Oregon). Court Commissioner Rebekah Zinn was either well aware Selena had left Washington State with her children (or should have been) more than 6 months before the instant case had been filed. Selena was under no legal obligation to inform the Stokers of her whereabouts, nor did the Stokers have standing to object since there was no court order granting them standing, custody, or visitation. Yet they conspired to track Selena cross-country in conjunction with NJ security guard Robert Kurtz for months wherever she went using her I-phone to do so.

Even case officers with the New Jersey Division of Children & Families admitted they had no authority to use a New Jersey Court Order (under the circumstances) to order law enforcement in Oregon to seize Selena's children upon New Jersey's direction, although security guard Robert Kurtz was indifferent to the invasion of my privacy when we spoke. When Kurtz's actions were challenged, a case worker supervisor retorted it was NJ Division of Children & Families 'policy' to track or find missing families/children when receiving reports/suspicions of the same. **Except...there WERE NO missing children!** They were with Selena, their mother, who had no legal duty to provide the State of New Jersey or the Stokers with such information. Nor was there a nation-wide manhunt for her, only the illegal surveillance conducted by NJ security guard Robert Kurtz and the Stokers, the means by which he chose **not** to reveal in his declaration submitted to this court to avoid incriminating himself.

Robert Kurtz was acting only on his own without authority from his agency or direction to invade Selena's privacy by conspiring with the Stokers who were using software on her I-phone to track, unbeknownst to Selena, her movements, purchases, bills and confidential health/billing records obtained by opening her mail without permission (as well as rifling through her personal papers left where she once resided on the Stoker property). Adding outrage to injury, the Stokers kept the notices intended for Selena of fines received in the mail they opened rather than forwarding it to her new mailing address of which they were aware—putting her Driver's License at risk of suspension for want of notice. They used the unlawfully acquired document to try and prejudice the court against her. They may have succeeded, denying Selena fairness in these proceedings, or even the appearance of fairness.

This rogue action by a Washington Family Court fails what even grade school children would recognize as the **SMELL TEST**. The statutory construction of a normal petition for guardianship of minors in Washington State replete with a full complement of meaningful due process is very different from an ex parte emergency petition for guardianship of minors with effectively **no meaningful due process**. Accordingly, the ex parte judicial excess of Washington's judiciary ought to be a pleasure enjoyed by its own citizens which it is accountable to rather than being visited upon the citizens of foreign states.

In *Troxel vs. Troxel*, the U.S. Supreme Court pronounced Washington's Courts interpretation of the 'best interests' of the child(ren) "breathtaking in scope"! Additionally, it concluded a parent's bond with their minor children was so fundamental a right that a state which substituted its judgment for a parents exceeded its authority no matter how seductive the state's reasoning might be without a genuine true imminent harm that would come to the child(ren). Not only is that not evident in the instant case, but the child(ren) were minus Oregon due process and judicial oversight which would surely have denied the execution of an foreign state's emergency order under the circumstances where Washington had no prior orders establishing

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any rights for the Stokers. Nor were the children evaluated by a qualified expert prior to the court issuing its ex parte emergency seizure order executed out-of-state under cover of darkness.

Kathryn Stoker lied to me when she described the circumstances and genesis of that seizure as well as the date of the court hearing (Nathan Kortokrax presiding who recused himself) as being on the 18th of this month when it, in truth, was the 16th. The Stokers also lied about my mental condition and their egregiously galling false claims there was a "nation-wide manhunt" for Selena Smith.

This court did not provide Selena with 60-days notice to respond to service from out-of-state, nor was a Return of Service filed in either of the 2 case #'s involving the child(ren) within 48 hours to either father or permission for alternative service sought.

In short, this case and all orders pursuant to it are void ab initio for failure to establish proper subject matter and in personam jurisdiction over all the parties. The issuance of the ex parte emergency order to seize the children executed out-of-state was based on fraudulent misrepresentations and deceptions that are a matter of record presented to the court. Nor did the court take any care to insure the child(ren) were genuinely at risk before giving them the impression that their mother was a 'bad' person as they were seized as though she was Dillinger. I have ordered and will be paying for the video, audio, photos, and police reports from the Oakridge PD. They will reveal my grandchildren were not imperiled and their needs were being met; they were not living in squalid conditions. I will present this evidence to this court for its consideration given the chance. Selena has spoken to the Oakridge authorities about this case. Their assessment does not support the tale the Stokers had to tell this court. The midnight raid on Selena and her child(ren) is what one would expect in a totalitarian regime or from Hollywood. She has spent many hours discussing these events with my me. I am part of my daughter and her children's life and have always tried to maintain a relationship with them. I has never interfered with Selena's relationship with her children. I am a necessary and indispensable party to this action as the Stokers have never respected my role in their lives which can be seen in their declarations where Hans and his wife deceived the court into believing he is the grandfather of my daughter's children. Her story is persuasive if the court would but take the time to hear it out rather than 5-minute justice. I, John Smith, have taken the time to do so since I learned of my daughter's predicament despite Kathryn Stoker's lies about it—dozens of hours listening to my daughter, Selena. It is abundantly clear mu daughter is **not** delusional or mentally ill. She cries and gets upset about her babies. I am not an attorney, but I has an important ongoing role in the lives of my daughter and grandchildren that will be ignored by the Stokers if I am not allowed to join this action and represent myself on behalf of my relationship with Selena, my daughter, and her children.

II REBUTTAL DECLARATION

I, John Smith, am the maternal grandfather of the children at issue before the court in this case. I am unrepresented and necessarily come, without counsel, pro se before this court to voluntarily and honestly make the following Rebuttal Declaration to Kathryn Stoker's Reply Declaration filed 6028-21 in this cause:

1. Kathryn Stoker has lied about her knowledge of the location of respondents to law suits she's filed in the past, then sought to hide her perfidy by seeking to have the records sealed to avoid detection. The court refused to do so. See this declarant's exhibit reflecting the record of her having done so in the Thurston County Family and Juvenile Court. That case also involved a 3rd party custody petition filed by her.

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2. There is no need for a UCCJEA conference because the current action is void ab initio and the court without proper jurisdiction for issuing an ex parte emergency order in the absence of clear and cogent evidence existed the children at issue were in danger of immediate/imminent harm even had they been residents of and domiciled in the State of Washington. But, here the order was executed in a foreign state under cover of darkness (midnight) on 5-30-21 within the sovereignty of the State of Oregon without any judicial oversight there, effectively instantly stripping the children and their mother of all meaningful rights to due process. There was no emergency. Selena Smith was and is not not mentally ill—far from it. She is doing remarkably well for a single handicapped mother working in the Portland heat for below minimum wages.

The children had not been residents or domiciled in Washington State for over 6-months. The court has violated the principles laid down in *Troxel vs. Troxel*, the doctrine illustrated in the *Eliam Gonzales* matter (Florida) and contrary to the UC JEA statute itself intended to prevent parents involved in custody battles from forum shopping, not grandparents without standing or their non-biological husbands, as here. Moreover, the UCCJEA demands poverty and inconvenient forums/jurisdictions be weighed as they surely are to the poor such as the mother trying to have her children restored as here. The ADA strongly prohibits discrimination against the handicapped and disabled. The mother has but one good hand and even the mentally ill have the right to parent their children without the kind of discrimination the Stokers are trying to use to cast a wide net to ensnare Selena Smith, the mother. This court should not and may not continue to act as it has in this case for want of proper jurisdiction, rendering its authority to issue the ex parte emergency guardianship order to seize 3 small children out of state under cover of darkness with no real due process void ab initio under the circumstances.

3. Some of Maya Stoker's declaration was redacted due to editorial considerations in publishing what were public records at the time they were obtained, having nothing to do with what was furnished by the Stoker's attorney, Breckan Scott, esq., a considerate attorney practicing in Yelm, WA. It was an abuse of process to violate the 6th Amendment prescription for transparency in every step of courthouse proceedings and lawsuits to falsely label the declarations as 'Health/Medical records' when they were little more than scurrilous attacks and lies on the character of and my daughter's reputation hoping to discredit her in the eyes of this court without being exposed to the public for submitting the deceit to this court. It was an abuse because it was also tantamount to prior restraint.

Moreover, were there genuine medical records rather than wholesale character assassination and a very few medical billing statements procured by the opening of Selena's private mail without her permission and rifling through her private papers without her permission, any HIPPA controlled privacy or more general right to privacy belongs to her, not the Stokers or even this court. She has expressed outrage over the manner the Stokers tried to hide their dirty work from the public and will not allow them to speak for her regarding a right strictly controlled by her. If there is such a right in the instant case. A man may be overheard discussing his personal affairs in a public park, but still has no expectation of privacy for the words overheard in a public space/venue. This court is one of record...PUBLIC record. The declarations were properly placed where the public could, and did, access them and publish them. Gag orders are extremely rare in America and the state must have extremely compelling justifications to issue one—compelling of the order of national security or national secrets. There were no national secrets in the Stokers' declarations. There was only character assassination and lies attacking a single desperately poor mother with 3 young children and one hand trying to make it on her own without the Stokers controlling her life. It

doesn't get much worse than this. The public and that single handicapped mother have an abiding need to know and hold those responsible such as courts that abuse their authority and those who perjure themselves routinely in fraudulent declarations in order to gull the courts, as in the instant case. It's been said, before you kill a dog, first you call it 'mad'! That's exactly what's at work here with the aid and assistance of a court drunk with power and self congratulations unlawfully extending its jurisdiction to seize children in the middle of the night from foreign states.

If ever there were a case that needed the full support of the 6th and 1st Amendments, it is this one. The hubris at work in this case is mind boggling and deeply offensive to the principles this nation was founded on. It is not a crime to be poor and have children without fear of them being snatched at midnight by the Gestapo....a Gestapo 'authorized' by a foreign state, no less.

Some of Maya Stoker's declaration was redacted out of concern for what some might consider prurient rather than tragic, but not all. Editorial policy is tightly controlled and guarded by the corporation that published the community blog Kathryn Stoker mentions, Soul Snatchers Productions, a Washington State licensed company engaged in investigatory street photojournalism whose masthead motto is "adversarial journalism".

The court may or may not decide to seal some portion of the record, but it cannot unring the bell of what has already been lawfully discovered, procured, and published. To do so would reward a woman, Kathryn Stoker, who has repeatedly lied to this court and other Thurston courts before it, then attempted to hide the record from the public and detection. What Kathryn Stoker is urging the court to do is beyond its authority under the circumstances. She has no remedy because she has failed to state a claim. Instead, she sheds crocodile tears for eating her own children and grandchildren. Selena Smith, and I, for one, am not fooled. Neither should the court be in response to concern feigned by Kathryn Stoker. She is concerned because her behavior, her lies and deceptions are bad for her image she present traveling in the circles of the mutually wealthy and elite.

Any attempt to impose a gag order will be vigorously litigated and the material has already been widely disseminated/distributed. At this point, the court's authority over a citizen that has yet to be joined in this action is necessarily extremely limited, despite Kathryn Stoker's self serving angst.

4. Kathryn Stoker's perplexity over my attachment to my daughter and her children stems from her decades of demonizing me in an ongoing and unceasing campaign of parental alienation that has now rerippled to a new generation in which she even devours her own daughter. It must stop—now. Kathryn Stoker has never kept any bargain/agreement with me in her life. She pays lip service to my requests to visit my grandchildren, but always finds an excuse to evade it actually happening. Thus I developed a rapport with and courted my daughter, as Selena states in her affidavit. Kathryn is intolerably ride and dishonest to the point I never try to arrange visits with my grandchildren through her. Her husband, Hans, is equally condescending. I have spent many hundreds of hours in my daughter's and children's company. I made certain to take extra care on special occasions such as the birth of my grandchildren. This past year has been tough because of the covid. My daughter tells me she was trying to protect me due to my age and complex health (e.g. diabetes) profile. Should I seek to slap a "Sealed Health Records" coversheet on this declaration because I mentioned diabetes? That dog won't hunt.

I have many (hundreds) of photos and video clips of my daughter, I, and her children enjoying each other's company on a variety of occasions. How many would you like for me to submit under an exhibits index. They're good looking kids, really. None of the Stokers would have any reason or opportunity to know that. Nor do I feel they need to. It's simply one more instance of Kathryn Stoker's arrogance, believing she is the only 'real' parent and grandparent. It has ever been thus. She is out of touch and cannot stand being thwarted by her daughter who resists the Stokers' intrusiveness and her mother's obsessive possessiveness and control fetish.

Once again, Kathy attempt to lie to this court, claiming she had a protection order against me. There is absolutely NO truth to this claim. It's a moot point whether Kathy is deliberately deceptive or simply getting senile and remembering what she wants to imagine. They are equally pernicious. Kathy should be impeached and all her declarations discounted. If anyone should have gotten a protection order during our marriage, it was me. On one occasion prior to our divorce, we had an argument. I grew tired of arguing with her and started for the door of our farmstead on the Duckabush. "Don't you walk out that door," she hissed "or you'll be sorry!" Nobody was slapping anybody around or getting physical. So I ignored her and let through the door to cool off. The next thing I know, she's pursuing me down the road to our river crossing our property with her father's loaded 16 gauge shot gun. I ran. I never reported it. I wish I had but didn't want to air our dirty laundry in the tiny community of Brinnon, WA. I wish I had because, like she does with my daughter, she portrayed herself as the much more stable and superior parent. I superior parent doesn't threaten the other with a shotgun or use hard drugs. Kathy did both of those things.

I challenge Kathy to GO INTO DETAILS of that non-existent order. It doesn't exist. Check the records of the State courts case index. What does exist (and I have produced it before this court) is a record of Kathy routinely lying to the courts and trying to cover it up. What does exist is Kathy hired a private detective to stalk me long after our divorce and have Mason County court clerks feed her information about me while she was employed as a programmer for the Administrator to the Courts well after she'd remarried to Hans Stoker. It was her luck to run into a NJ security guard that was a retired U.S. Marshal she coaxed into forming common cause with to do her bidding and track Selena across the country for months. The guy even knew where Selena stopped in route and exactly what she spent her money on. AND THIS WOMAN HAS THE GALL TO COMPLAIN ABOUT THE 'PRIVACY' SHE EXPECTED FOR HER DECLARATIONS HIDDEN WHOLESAL BE NEATH FAKE "HEALTH CARE RECORDS" OVERSHEETS? Just WOW! The chutzpah is breathtaking in the wake of her opening Selena's private mail, rifling through her papers for something to present to this court, and spying on Selena through her I-Phone...feeding the information to her partner in crime in New Jersey, Robert Kurtz. As a retired LEO, Kurtz was clever enough not to implicate himself by revealing the illegal methods he used to invade Selena's privacy in his declaration submitted to this court, largely coached by Kathryn Stoker.

5. Mrs. Stoker's suggested interim remedy of appointing a GAL to ramrod my visitation with my grandchildren is classic Kathryn Stoker, no less, and what my daughter bristles at now. An \$11.5 million lawsuit for parental alienation of affections lawsuit has been discussed, a still valid lawsuit in Washington State when the victim of the alienation is a child and the parent affected by it.

I did bring to Kathy's attention during one call the fact she had lied to me, both about the upcoming court date, which was 6-16-21 and not the 18th as she stated. She had also lied about the circumstances of Selena's children being seized and the nature of the 'nationwide manhunt' for my daughter, which proved to be untrue. Nor, as she claimed, did she and Hans receive an unexpected call out of the blue with a voice asking how their night driving skills were. Court records and the time stamps reveal Hans and Kathryn Stoker

Rebuttal-Affidavit to Kathryn Stoker's Reply John Smith, grandfather (971) 803-9898
pinbalwyz@yahoo.com

carefully laid a Trap for Selena, having successfully tracked her by all the method mentioned above, to Oakridge, Oregon. It was no surprise, but planned. As usual, Kathy lied about that too. This case is based on a blizzard and litany of lies promoted by the Stokers at every turn. It has tainted these proceedings from the very beginning to a commissioner recusing himself for involvement with the Stokers AFTER he entered and reentered critical discretionary rulings. Lying to the courts and perjury is actionable for abuse of process, a legitimate collateral action in this case. What Kathy calls berating was nothing more than a frank discussion rremonstrating with her over the deceptions visited upon me and rthe courts. That's not berating. That's asking the liar to confront the truth. It's difficult to find any truths in Kathryn's declarations. There are occasionally some half truths, but never the whole truth. I know this woman, thus I know the truth because I was there. I look forward to impeaching her on the witness stand where a full hearing with sworn testimony and cross examination can be had.

Kathryn Stoker has not been 'abused' by either her daughter or myself during the time this case has been underway. Kathryn Stoker has lied egregiously many times over during these proceedings and can not handle being exposed and the truth about her chicanery coming out. No good or rapprochement can come of it or any accord so long as Kathy refuses to be honest with herself. She can run, but she can't hide. No matter where you go, there you are. Kathy is not only an unreliable witness, but a calculating one.

6. Oh, the 'squalid room' trope again—a room discovered on January 16th, 2020 so dangerous and harmful to the welfare of my children that in the midst of a 'nationwide manhunt' for my daughter, the full investigatory powers of New Jersey waited until March, two months later, to check on Selena's children at the Stoker residence? Where are the pictures of the 'squalid room'? Do the children still have nightmares about it? Where is the patrolman's report, or the NJ CPS? It's all unverified hearsay from Mr. Robert Kurtz, a security guard with the NJ Children's Services... 5 MONTHS earlier! Yeah, my daughter's a loser, so why don't y'all just kill her. I'm sure my grandchildren will be thrilled. Kathryn and Hans Stoker are SOOO concerned about the grandchildren's welfare they want to hook them up right away to an alcoholic drug abuser James Wells) who brought one of his junkie friends suffering severe withdrawals from heroin into the household to share with the children while he puked all over the walls, carpet and bed leaving the putrid mess for my one handed daughter to clean up. The Stokers were so concerned about my grandchildren's safety, they couldn't brar to turn this alcoholic out of the house on their doorstep despite telling me they had to gut it after James left, TWO MONTHS after Selena got a DV restraining order against Jim to protect both her AND the children. Selena couldn't even return to retrieve her things until he left while the Stokers drug their feet in hopes they could control Selena through her abusive boyfriend. Kathryn acts shocked over the 3rd hand hearsay about a NJ Motel 6 room 5 months ago while ignoring the squalor brought about by Selena's alcoholic boyfriend for years. With a grandmother like that, Selena's children hardly need enemies. It's beginning to sound like the Stoker's don't like the competition. They ignored the squalor in their own yard for years—squalor Kathryn admitted to and is reflected in Maya Stoker's declaration. The Stokers, by their own demonstration and management of their own property while a drug enfeebled alcoholic lounged in their house for free for years (Jim) aren't so much interested in the children's safety and wellbeing, but in control. Selena grew exhausted and injured by that control. She left. That enraged the Stokers.

Kathryn's understanding of Selena's living arrangements are distorted by the fact she has never seen them. Kathryn appears to get a lot of mileage in this court from her 'understanding' and bare assertions. My own experience is my own children, as minors, consistently received their greatest

physical injuries on Kathy's watch. Her safety record was abysmal. Even in the face of a DV protection order, Kathy ignores the safety of the children to use Jim to checkmate Selena. Jim is currently living in a tent trailer, he tells me, in a rugged area near Mt. Adams. Jim admits it's no place for small children.

Does Kathy Stoker plan on paying for the psychiatrist she wants this court to force on Selena Smith? There is no indication Selena is mentally ill. I have spent dozens of hours speaking with my daughter this month alone. She is not mentally ill. I would know were it so. It is not. Yet the Stokers bank on that steady drumbeat. Before you kill a dog, first you call it mad.

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 June 28, 2021 [Date]



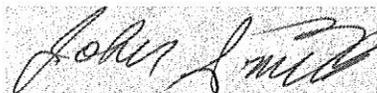
Signature of Petitioner or Lawyer/WSBA No.

Selena Smith (mother), pro se

Print Name

I have e-mailed a copy of this entire document to Breckan Scott, attorney for the Stokers, Selena Smith, and James Wells, on 6-28-21.

Signed at Mason, [County] Washington [State] on June 28, 2021 [Date]



Signature of Petitioner or Lawyer/WSBA No.

Selena Smith (mother), pro se

Print Name

Rebuttal-Affidavit to Kathryn Stoker's Reply John Smith, grandfather (971) 803-9898
pinbalwyz@yahoo.com

10 PO Box 1711, WA 98584

4

Hearing Date: 6/30/21
Hearing Time: 9am
Judge/Clerk: Review Hearing

E-FILED
THURSTON COUNTY, WA
SUPERIOR COURT
06/29/2021 9:12:25 AM
Linda Myhre Enlow
Thurston County Clerk

21-4-00443-34
CP 65
Copy
10572600



IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
COUNTY OF Thurston

21-4-00443-34

The Guardianship of
Hazel Belle Ursa Smith

Case No.: ~~21-3-00443-34~~

Minor/Child.

Cover Sheet:
Colorado Case No. 2015-JV-171

Please find the attached: Order for Permanent Allocation of Parental Responsibility
(Permanent Custody) for Colorado Case No. 2015-JV-171 and Case Management Conference
Court Report for Colorado Case No. 2015-JV-171

Dated this 29th day of June, 2021

BRECKAN LAW PLLC

By: Breckan Scott-Gabriel, WSBA 41585
Attorney for Petitioner

Cover Sheet:
Colorado Case No. 2015-JV-171

BRECKAN LAW PLLC
PO BOX 1123 • YELM, WA • 98597
TEL. (360) 960-8951 • BRECKAN@BRECKANLAW.COM
PHYSICAL: 10501 CREEK ST SE, SUITE 6, YELM, WA 98597

DISTRICT COURT, BOULDER COUNTY, COLORADO 1777 SIXTH STREET, BOULDER, CO 80302	
The People of the State of Colorado, In the Interest of: HAZEL SMITH, Child, And Concerning, SELENA SMITH and ROBERT AYER, Respondents.	<input type="checkbox"/> COURT USE ONLY <input type="checkbox"/> Case No: 2015-JV-171 Division: 13
ORDER FOR PERMANENT ALLOCATION OF PARENTAL RESPONSIBILITY (PERMANENT CUSTODY)	

THIS MATTER having come before the Court on the Petitioner's Motion for Permanent Allocation of Parental Responsibility.

THE COURT having considered said Motions, the file and the entire premises herein, FINDS it is in the best interests of Hazel Smith that Selena Smith be allocated sole parental responsibility and designated as the primary caretaker of Hazel Smith.

IT IS THEREFORE ORDERED, Selena Smith shall be, and hereby is, allocated sole parental responsibility and designated as the primary caretaker of Hazel Smith. Selena Smith shall be deemed to be the residential custodian for any State or Federal purpose requiring such a designation.

Further, it is ordered that Robert Ayer shall be permitted to have supervised visitations with Hazel Smith at a professional agency that provides such services.

Child support and related financial matters are not addressed herein and this Order does not prohibit consideration of retroactive application of child support or related matters at any subsequent hearing. Lastly, pursuant to C.R.S. § 19-1-104, this Order shall be certified and filed in the District Court of Boulder County, Colorado as a permanent order of allocation of parental responsibilities and parenting time. The domestic relations case number is _____-DR-_____, Division ____.

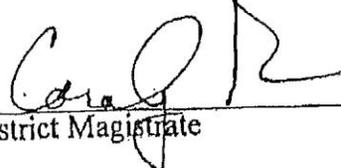
Upon certification of the Order to Domestic Relations Court, the Court's jurisdiction over this matter is terminated.

Respondents have the right to request review of this order by a district court judge. A request for review must be filed within five days after Respondents receive notice of this ruling.

Dated this 4 day of Oct, 2016, effective Oct. 4, 2016.

*The Case Management Conference Court Report is incorporated into this Order and is attached. (dated 10.4.16)
All parties are in agreement.*

BY THE COURT:


District Magistrate



Twentieth Judicial District of Colorado

1776 6th Street
P.O. Box 4249
Boulder, CO 80306-4249
(303) 441-4765

Carolyn S. McLean
Magistrate

CASE MANAGEMENT CONFERENCE COURT REPORT

Case No./ Name: 2015 JV 171-- In the Interest of Hazel Smith

Date CMC Held: October 4, 2016 from 8:30 to 9:25 a.m.

Report Submitted by: Carolyn McLean, Magistrate

Parties Attending: Selena Smith, Respondent Mother
Debra Thomas, Counsel for Ms. Smith
Robert Ayer, Respondent Father (in custody)
Leigh Truhe, Counsel for Mr. Ayer
Danielle Bernard, BCDHHS Caseworker
Katherine MacKenzie, Asst. County Attorney
Rick Slosman, Guardian *ad litem*

Parties Not Attending: None

Non-Parties Attending: None

Next Scheduled Hearing: None set at this time.

Issues and Resolutions:

1. ISSUE: Allocation of parental responsibility

RESOLUTION:

Parties agree primary custody of Hazel will remain with Ms. Smith. Mr. Ayer will have supervised visitation at a facility he will pay for.

Parties agree that Ms. Smith will have sole decision making authority. Mr. Ayer has the right to be consulted about medical decisions. Parties will utilize the Talking Parent website (www.Talkingparents.com), as long as allowed by the criminal court. If Mr. Ayer does not respond to the post on Talking Parent within 48 hours, Ms. Smith can proceed with her decision. If Mr. Ayer disagrees with the decision, he understands the final decision lies with Ms. Smith.

Any relocation of the child out of state must comply with statutory requirements.

2. ISSUE: Supervised parenting facility

RESOLUTION: The contact information for Children First of the Rockies is:

Telephone:

Safe Services 303-776-5348 extension 1

Parent Education 303-776-5348 extension 2

General Information/Executive Director 303-776-5348 extension 3

Fax: 303-485-2055

Mailing Address:

P.O. Box 2174

Longmont, CO 80502-2174

Email: Info@ccfor.org

There are other facilities that parties can utilize. This facility is the only one in Boulder County.



THURSTON COUNTY SUPERIOR COURT

Wednesday, June 30, 2021, 9:00 a.m.
Minor Guardianship/NPC Calendar

Court Commissioner Pro Tem Shelley Brandt
Karen Hartman, Deputy Clerk
Hearing Recorded

Hearing Held via Zoom Due to the COVID-19 Pandemic
Underlined Parties Present at Hearing

3. 21-4-00443-34

Guardianship of HAZEL BELLE URSA SMITH, RAVEN
GAIA SHENANDOAH SMITH-WELLS, ONAWA
KACHINA SMITH-WELLS

PETITIONER: STOKER, HANS ET AL

SCOTT, BRECKAN

Review Hearing

Commissioner Indu Thomas

Also Present: Selena Smith, mother; John Smith, intervenor.

Ms. Smith addressed the Court requesting jurisdiction be in Oregon. Ms. Scott responded.

Mr. John Smith requested recusal of Commissioner Thomas. The Court denied the request.

Mr. John Smith presented argument on his motion to intervene. Mr. Wells responded. Ms. Scott responded.

The Court denied Mr. Smith's motion.

The Court noted that service had not been completed.

The Court stayed the proceeding to allow completion of service.

The Court required a UCCJEA conference to determine jurisdiction.

The Court continued the hearing.

Court Signed: ***Order Setting Hearing.***

2021 JUN 30 PM 12:22

Linda Myhre Enlow
Thurston County Clerk

21-4-00443-34
ORST 67
Order Setting
10583590



SUPERIOR COURT OF WASHINGTON
IN AND FOR THURSTON COUNTY
FAMILY & JUVENILE COURT

Guardianship AS
Petitioner(s),
and
Respondent(s).

NO. 01-4-00443-34
ORDER SETTING HEARING
(ORST)
(Clerk's Action Required)

This matter shall be set for a hearing by agreement after hearing argument as follows:

Date: 7/6/2021 Time: 9:00 am/pm

Judicial Officer and/or Name of Calendar: Thomas / AMC

Type of Hearing: Emergency Guardianship

DATED: 6/30/2021

JUDGE/COMMISSIONER

INDU THOMAS

Approved Telephonically

Approved Telephonically

PETITIONER or
Atty for Petitioner, WSBA# _____

RESPONDENT or
Atty for Respondent, WSBA# _____

21-4-00443-34
NTHG 68
Notice of Hearing
10696963



E-FILED
THURSTON COUNTY, WA
SUPERIOR COURT
07/02/2021 11:51:12 AM
Linda Myhre Enlow
Thurston County Clerk

**Superior Court of Washington, Thurston County
Family and Juvenile Court**

Petitioner: The Guardianship of
Hazel Belle Ursa Smith

Case No. 21-4-00443-34

Respondent: Minor/Children.

**Notice of Hearing for Emergency Motions
and Probate & Guardianship Ex parte
(Covid-19)**

(NTHG)

To the County Clerk and all parties:

1. A court hearing has been scheduled for: 7.2.21 (date) at 4pm (time).
See information below on how to appear for each calendar.

2. The name of the motion or type of hearing is: Motion to Serve by Publication *Ex parte*
The motion was filed on: 7.2.21 (date) by Breckan Scott 41585 (name of party).

3. The hearing should be scheduled on the following court session:
→ Check that the court session is available before you schedule a hearing. You can see whether a session is full on the Clerk's web page: www.co.thurston.wa.us/clerk

**Probate & Guardianship Ex Parte Motions
DECIDED WITHOUT A HEARING
DO NOT GO TO COURT
Monday at 8:00 a.m.**

**Ex parte -- Emergency Motions
Monday through Friday at 4:00 p.m.
MAY APPEAR FOR HEARING IN PERSON OR
BY ZOOM
* See last page for instructions.**

→ A hearing on the above calendar needs to be scheduled by 12:00 p.m. at least 2 business days ahead of time.

→ You need to schedule this hearing by 12:00 p.m. the day of the scheduled hearing.

**Monday/Wednesday:
Courtroom 4: Meeting ID: 242-974-5214#**

**Tuesday/Thursday:
Courtroom 2: Zoom Meeting ID: 429-655-5966#**

**Friday:
Courtroom 3: Meeting ID: 786-408-0165#**

Do not contact court administration to check on the status of documents being filed or signed. You can check Odyssey Portal at <https://odysseyportal.courts.wa.gov/odyportal> to see if your documents have been filed. If you do not have Odyssey Portal you can contact the Clerk's Office by emailing county_clerk@co.thurston.wa.us or by calling 360-709-3260.

4. Declaration of Service

I declare that on _____, 20____,
I deposited in the United States mail, delivered through
a legal messenger service, personally delivered, a copy of
this notice of hearing, the motion, and all paperwork filed
along with the motion, to all people listed below in section 6.

I declare under penalty of perjury under the laws of
Washington State that the foregoing is true and correct.

Signed at _____ (city) _____ (State) on
_____ (date signed).

(signature)

(printed name)

5. Person Scheduling this Hearing:

Petitioner Respondent

Other: Petitioner's Attorney

Sign: *Breckan Scott*

Print Name: Breckan Scott

WSBA # 41585 (if attorney)

Address: PO Box 1123

City/State/Zip: Yelm, WA 98597

Telephone: 360-960-8951

Email (required): breckan@breckanlaw.com

Date: 7.2.21

**6. Names and Contact Information for
Everyone Notified of this Hearing**

Name: Selena Smith

Attorney for: _____

WSBA #: _____

Address: _____

Telephone: 360-455-9717

Email: doublekachina007@gmail.com

Name: _____

Attorney for: _____

WSBA #: _____

Address: _____

Telephone: _____

Email: _____

Name: Hans and Kathryn Stoker

Attorney for: _____

WSBA #: _____

Address: _____

Telephone: _____

Email: Kat-Stoker@comcast.net

Name: _____

Attorney for: _____

WSBA #: _____

Address: _____

Telephone: _____

Email: _____

Attach more pages if needed.

8. Instructions for Appearing to your Zoom Meeting

Joining by Computer or Smartphone

Zoom hearings can be joined from the internet, the Zoom application ("App"), landline or mobile phone (**Instructions below**), and with a H.323 or SIP device.

You will need the Zoom Meeting ID number for the hearing. The Zoom Meeting ID for your calendar can be found in section 3 on the first page of this Notice and on the court's website.

1. Go to <https://zoom.us/>
2. Once on the Zoom site and click the "Join a meeting" option, or use this link:
<https://zoom.us/join>
3. Enter the Meeting ID and click "Join"

You can also download an application ("App") to your smartphone or device. To download the Zoom mobile application, visit the zoom website at <https://zoom.us/download>

4. Once you have joined, you will enter the virtual waiting room. Prior to the start of your hearing, the judicial officer or court employee will admit you into the virtual hearing. You might have to wait past the start of your hearing time. Please be patient.

Join by telephone if:

- You do not have a microphone or speaker on your PC/Mac,
- You do not have a smartphone (iOS or Android), or
- You cannot connect to a network for video and VoIP (computer audio)

DO NOT RECORD ANY COURT HEARINGS

The Court keeps a record of all proceedings. Do not record any court proceedings. You can order transcripts or copies of the hearing from the Court. If you would like to order a copy of the record or a transcript of the proceeding, information can be found on the Court's Website:

<https://www.thurstoncountywa.gov/sc/Pages/transcripts.aspx>

To join by telephone:

If you are joining via telephone, call one of the telephone numbers listed in the box, then enter your calendar Zoom Meeting ID number. The Zoom Meeting ID for your calendar can be found in section 3 on the first page of this Notice and on the court's website.

1. Call one of the telephone numbers provided in the box below.

Dial by your location

+1 253 215 8782 US (Tacoma)
+1 669 900 9128 US (San Jose)
+1 346 248 7799 US (Houston)
+1 646 558 8656 US (New York)
+1 301 715 8592 US (Germantown)
+1 312 626 6799 US (Chicago)

<https://us02web.zoom.us/j/kcK71YNq>

2. Enter the assigned Zoom Meeting ID number found in section 3 followed by # symbol.
 - Phone Controls:
 - *6 - Toggle mute/unmute
 - *9 - Raise hand

Considerations for Virtual Hearings:

Virtual hearings are just like attending court in person.

Required:

- Dress appropriate
- Mute your microphone unless you are asked to speak
- Follow judicial officer's stated rules or risk being removed from the hearing
- You can only attend one virtual hearing at a time, please contact the court if you are scheduled to appear in multiple hearings.

If Possible:

- Avoid moving your video or quick movements
Find a quiet space

15

Hearing Date: 7/2/21
Hearing Time: 4pm
Judge/Clerk: Guardianship
ex parte

E-FILED
THURSTON COUNTY, WA
SUPERIOR COURT
07/02/2021 11:53:09 AM
Linda Myhre Enlow
Thurston County Clerk

21-4-00443-34
MTPUB 69
Motion to Serve by Publication
10595970



Superior Court of Washington, County of Thurston

In re:
Petitioner/s (person/s who started this case):
Kathryn and Hans Stoker
And Respondent/s (other party/parties):
Hazel Smith

No. 21-4-00443-34
Motion to Serve by Publication
(MTPUB)

Motion to Serve by Publication

Important! The person making this motion must ask the court to sign an Order to Allow Service by Publication (form All Family 109) either at a hearing or ex parte. Contact the court for scheduling information.

- 1. I am the (check one): Petitioner Respondent in this case.
- 2. I ask the court to allow me to serve ^(Robert Ayers) the other party the *Summons* for this case by publication because (check all that apply):
 - the other party cannot be found in Washington State because (check all that apply):
 - s/he has left Washington State to avoid being served.
 - s/he is hiding to avoid being served.

Warning! If you serve someone by publication only for the reasons listed below, the court may not have personal jurisdiction over that person. This may limit the court's ability to divide property and debts, award money, set child support or spousal support, or approve a restraining order or protection order.

- the other party does not live in Washington State.
- I cannot find the other party to serve him/her. I have made a reasonable search as described below.
- other (explain): We do not believe that he is in Washington State. His last known location is Colorado.

3. Give facts that support your statements in 2:
Our skip tracer is unable to obtain a locate with the information we have been able to obtain from the parties. We have searched social media with the information provided by Selena Smith to no avail. His last known location is Boulder County, Colorado. See attached correspondence documenting efforts to locate.

4. List what you did to try to find the other party:

<i>What you did</i>	<i>Date you did this</i>	<i>What you learned</i>
Hired skip tracer - provided updates	May 2021	Nothing.
Followed up on leads from Selena	June 2021	Nothing.
Social media and google searches	May/June 2021	Nothing.
See attached correspondence	May - Jun 2021	He used to use fb messenger as Brick187 - believed to be a reference to the amount of drugs one could get from him.

5. List attempts to serve the other party in person:

<i>What was done</i>	<i>Who did it</i>	<i>Date</i>	<i>What happened</i>
None. Can't find him.			

6. Do you know the other party's current home address?

(If you know it, you must mail a copy of the Summons and Petition to the other party's home address before you ask for permission to serve by publication. This mailing, by itself, does not count as service.)

Yes, and I have mailed a copy of the *Summons* and *Petition* to the other party at that address.

No.

*A Minor Guardianship

7. Are you trying to serve a ^{*}*Non-Parent Custody Petition*? Yes No

If Yes, are the children listed in the *Petition* living with you now? Yes No

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.

Signed at (city and state): Olympia, WA Date: 07/02/21

Kat Stoker
Kat Stoker (Jul 2, 2021 08:16 PDT)
 Sign here

Kathryn Stoker
 Print name

Motion to Serve By Publication -

Final Audit Report

2021-07-02

Created:	2021-07-02
By:	Breckan Scott-Gabriel (breckan@breckanlaw.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAoKdWqkRb9hfeJXJx75XMhI-o8E1JKOZw.

"Motion to Serve By Publication -" History

-  Document created by Breckan Scott-Gabriel (breckan@breckanlaw.com)
2021-07-02 - 4:19:16 AM GMT- IP address: 76.121.132.39
-  Document emailed to Kat Stoker (kat-stoker@comcast.net) for signature
2021-07-02 - 4:20:16 AM GMT
-  Email viewed by Kat Stoker (kat-stoker@comcast.net)
2021-07-02 - 3:15:19 PM GMT- IP address: 76.121.132.72
-  Document e-signed by Kat Stoker (kat-stoker@comcast.net)
Signature Date: 2021-07-02 - 3:16:33 PM GMT - Time Source: server- IP address: 76.121.132.72
-  Agreement completed.
2021-07-02 - 3:16:33 PM GMT

Exhibit A

Re: Contact Information for Robert Ayers

Desiree Muller <desiree.breckanlaw@gmail.com>

Wed 6/23/2021 10:43 AM

To: doublekachina007 <doublekachina007@protonmail.com>

Cc: Breckan Scott <breckan@breckanlaw.com>

Good Morning,

Thank you for the information and we'll do what you advised about reaching out to Robert's Mother. Sorry to hear about your phone being broken.

Thank you again and have a wonderful day.

Please be aware that Breckan is scheduled to be unavailable July 1st -July 31st scheduling will be limited during this time and we appreciate your understanding.

Desiree Muller

Legal Assistant

Breckan Law PLLC

Mailing: PO Box 1123 Yelm, WA 98597

Physical: 10501 Creek St SE, Suite 6 Yelm, WA 98597

www.breckanlaw.com

Phone: 360-960-8951

Fax: 360-464-2636

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On Tue, Jun 22, 2021 at 12:43 PM doublekachina007 <doublekachina007@protonmail.com> wrote:

True. I did tell the court that. But my phone, with that information, is broken. However, I am aware that Kathryn Stoker has Robert Ayer's mother's info. perhaps ask her. She keeps track of most people's personal info and whereabouts, and has for years, so if she was willing, I'm sure she could provide it for you quite easily. His mother is the best point of contact, and I'm already aware he's aware of this matter, since he left a fb message fooming contact with Robert Kurtz and the family.

Sent with [ProtonMail](#) Secure Email.

----- Original Message -----

On Tuesday, June 22nd, 2021 at 5:58 PM, Desiree Muller <desiree.breckanlaw@gmail.com> wrote:

Good Morning,

You have not yet provided our office with the information on Robert Ayers. I am following up with you, requesting that you give us that information please. As a reminder you told the court you'd provide us with the information.

Thank you.

Desiree Muller

Legal Assistant

Breckan Law PLLC

Mailing: PO Box 1123 Yelm, WA 98597

Physical: 10501 Creek St SE, Suite 6 Yelm, WA 98597

www.breckanlaw.com

Phone: 360-960-8951

Fax: 360-464-2636

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On Wed, Jun 16, 2021 at 11:14 AM doublekachina007

<doublekachina007@protonmail.com> wrote:

After I get off work later today.

Sent with [ProtonMail](#) Secure Email.

----- Original Message -----

On Wednesday, June 16th, 2021 at 6:12 PM, Desiree Muller
<desiree.breckanlaw@gmail.com> wrote:

Good Morning,

I am reaching out to get the information for Robert Ayers from you as you indicated during the hearing that you would provide our office. Please provide his email, phone number, mailing address, and birthdate if possible.

Thank you.

Please be aware that Breckan is scheduled to be unavailable July 1st -July 31st scheduling will be limited during this time and we appreciate your understanding.

Desiree Muller

Legal Assistant

Breckan Law PLLC

Mailing: PO Box 1123 Yelm, WA 98597

Physical: 10501 Creek St SE, Suite 6 Yelm, WA 98597

www.breckanlaw.com

Phone: 360-960-8951

Fax: 360-464-2636

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Exhibit B

Re: You have a new submission of Get Started - GreyhoundLegal.com (V2)

Alecia Rivas <office@greyhoundlegal.com>

Wed 6/23/2021 4:12 PM

To: Breckan Scott <breckanscott@outlook.com>

Cc: Desiree Muller <desiree.breckanlaw@gmail.com>; Tye Goetz <tyegoetz@gmail.com>; breckan@breckanlaw.com <breckan@breckanlaw.com>

Hello team! Unfortunately, no, we were unable to come up with anything else useful. :(

Thanks!

*Alecia J. Rivas, Office Manager**GreyhoundLegal.com*

PLEASE NOTE: We have moved! As of 6/25/2020 our address is:

Get driving directions!11105 Steele St S #1110Tacoma WA 98444

Tel: 206-347-3522 or 253-230-9675

Fax: 253-999-5396

www.Greyhoundlegal.comDue to Covid-19, email responses may be delayed by a short time. If you are placing an order for service please direct that order to greyhoundlegal@gmail.com. Thank you!

I am typically in the office Monday through Friday from 8 am to 5 pm and do not check my email outside of these hours. Thank you

*This message is for the named person's use only. It may contain confidential, proprietary or legally privileged information. No confidentiality or privilege is waived or lost by any mis-transmission. If you have received this message in error, please immediately delete it and all copies of it from your system, destroy any hard copies of it and notify the sender. You must not, directly or indirectly, use, disclose, distribute, print, or copy any part of this message if you are not the intended recipient.*On Wed, Jun 23, 2021 at 3:02 PM Breckan Scott <breckanscott@outlook.com> wrote:

Status Update?

Thank you!

Breckan Scott-Gabriel

Breckan Law PLLC

Mailing: PO Box 1123 Yelm, WA 98597

Physical: 10501 Creek St SE, Suite 6 Yelm, WA 98597

www.breckanlaw.com

Phone: 360-960-8951

Fax: 360-464-2636

Advancing Justice: Every Step of the Way

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From: Alecia Rivas <office@greyhoundlegal.com>

Sent: Tuesday, June 15, 2021 2:02 PM

To: Desiree Muller <desiree.breckanlaw@gmail.com>

Cc: Breckan Scott <breckanscott@outlook.com>; Tye Goetz <tyegoetz@gmail.com>; breckan@breckanlaw.com
<breckan@breckanlaw.com>

Subject: Re: You have a new submission of Get Started - GreyhoundLegal.com (V2)

Oh that might help! And I apologize for calling your Breckan, I think I am on autopilot today! Eek!

Let me see if that narrows it down.

Alecia J. Rivas, Office Manager

GreyhoundLegal.com

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Tacoma WA 98444

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On Tue, Jun 15, 2021 at 1:51 PM Desiree Muller <desiree.breckanlaw@gmail.com> wrote:

He was in colorado and possibly incarcerated in colorado and the family thinks he spent some time in Oklahoma as well. I'll check with the family and see if they possibly have a birthdate. There is a hearing on the 16th and we might be able to have the judge ask selena for more info then too.

thanks.

Desiree Muller

Legal Assistant

Breckan Law PLLC

Mailing: PO Box 1123 Yelm, WA 98597

Physical: 10501 Creek St SE, Suite 6 Yelm, WA 98597

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On Tue, Jun 15, 2021 at 1:23 PM Alecia Rivas <office@greyhoundlegal.com> wrote:

:(Unfortunately, even adding Seattle to the search brings back more than 150 hits (150 is the max that comes up for us).

Thanks!

Alecia J. Rivas, Office Manager

GreyhoundLegal.com

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Tacoma WA 98444

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On Tue, Jun 15, 2021 at 12:55 PM Desiree Muller <desiree.breckanlaw@gmail.com> wrote:
Looks like he was in Seattle in 2012 that's when and where he and Selena met, and according to story lines from Selena's family he was incarcerated in during 2015.

Does that help any?

Desiree Muller

Legal Assistant

Breckan Law PLLC

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Physical: 10501 Creek St SE, Suite 6 Yelm, WA 98597

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Thank you.

On Tue, Jun 15, 2021 at 12:35 PM Alecia Rivas <office@greyhoundlegal.com> wrote:
Hello Breckan! Unfortunately, just a general search for that name brought back too many hits to be useful. Do we know a city he may have lived in previously, a middle name or initial, and/or a rough estimate of age that we can use to narrow it down?

Thanks!

Alecia J. Rivas, Office Manager

GreyhoundLegal.com

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On Tue, Jun 15, 2021 at 10:01 AM Breckan Scott <breckanscott@outlook.com> wrote:

Robert Ayers

He is the father of Hazel Belle Ursa Smith age 8 whos' mother is Selena Ursa Smith.

We don't have any other information on him than that.

We need an address and phone number and if possible email address to be able to send legal documents to,

Thanks.

Breckan Scott-Gabriel

Breckan Law PLLC

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Physical: 10501 Creek St SE, Suite 6 Yelm, WA 98597

www.breckanlaw.com

Phone: 360-960-8951

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From: Tye Goetz <tyegoetz@gmail.com>
Sent: Monday, June 14, 2021 4:49 PM
To: breckan@breckanlaw.com <breckan@breckanlaw.com>
Subject: Re: You have a new submission of Get Started - GreyhoundLegal.com (V2)

Hello Breckan! Who would you like us to run a skip trace on?

Thanks!

GreyhoundLegal.com

Tye G. Goetz
206 347 3522 (o)
253 230 9675 (c)
11105 Steele St S #110
Tacoma, WA 98444



GREYHOUND
LEGAL

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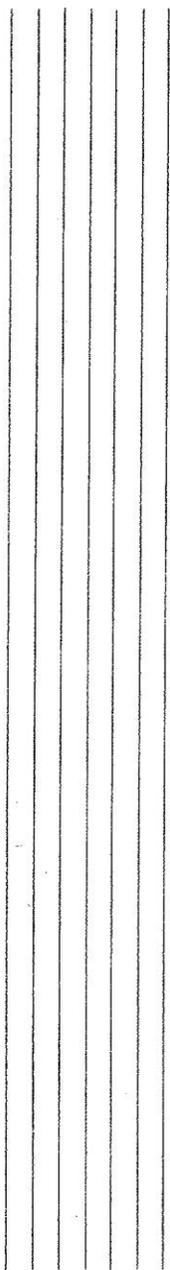
On Mon, Jun 14, 2021 at 4:09 PM Paperform <no-reply@paperform.co> wrote:

Get Started - GreyhoundLegal.com (V2)

Submitted At

2021-06-14 16:09:14

Are you an existing customer or business



Yes

Pick A Service | Business*

Investigations

(p). Add A Pick Up

No

(i). Select | Investigations

Skiptrace | Locate Services

(i). Your Name

Breckan Scott

(i). Your Phone

3609608951

(i). Your Email

breckan@breckanlaw.com

(i). Search Products

Advanced Address Locate (9ffja) x1 @15.00 = 15

Order Number

1623712154000

Date & Time

2021-10-24 00:00:00

Total Amount

15

Submission ID

60c7e19a77b30d45a410a17a

21-4-00443-34
NTHG 70
Notice of Hearing
10595995



E-FILED
THURSTON COUNTY, WA
SUPERIOR COURT
07/02/2021 11:53:12 AM
Linda Myhre Enlow
Thurston County Clerk

**Superior Court of Washington, Thurston County
Family and Juvenile Court**

Petitioner: The Guardianship of
Hazel Belle Ursa Smith

Case No. 21-4-00443-34

Respondent: Minor/Children.

**Notice of Hearing for Emergency Motions
and Probate & Guardianship Ex parte
(Covid-19)**

(NTHG)

To the County Clerk and all parties:

1. A court hearing has been scheduled for: 7.2.21 (date) at 4pm (time).
See information below on how to appear for each calendar.

2. The name of the motion or type of hearing is: Motion to Serve by Publication *Ex parte*
The motion was filed on: 7.2.21 (date) by Breckan Scott 41585 (name of party).

3. The hearing should be scheduled on the following court session:
→ Check that the court session is available before you schedule a hearing. You can see whether a session is full on the Clerk's web page: www.co.thurston.wa.us/clerk

**Probate & Guardianship Ex Parte Motions
DECIDED WITHOUT A HEARING
DO NOT GO TO COURT
Monday at 8:00 a.m.**

**Ex parte -- Emergency Motions
Monday through Friday at 4:00 p.m.
MAY APPEAR FOR HEARING IN PERSON OR
BY ZOOM
* See last page for instructions.**

→ A hearing on the above calendar needs to be scheduled by 12:00 p.m. at least 2 business days ahead of time.

→ You need to schedule this hearing by 12:00 p.m. the day of the scheduled hearing.

**Monday/Wednesday:
Courtroom 4: Meeting ID: 242-974-5214#**

**Tuesday/Thursday:
Courtroom 2: Zoom Meeting ID: 429-655-5966#**

**Friday:
Courtroom 3: Meeting ID: 786-408-0165#**

Do not contact court administration to check on the status of documents being filed or signed. You can check Odyssey Portal at <https://odysseyportal.courts.wa.gov/odyportal> to see if your documents have been filed. If you do not have Odyssey Portal you can contact the Clerk's Office by emailing county_clerk@co.thurston.wa.us or by calling 360-709-3260.

4. Declaration of Service

I declare that on _____, 20____
I deposited in the United States mail, delivered through
a legal messenger service, personally delivered, a copy of
this notice of hearing, the motion, and all paperwork filed
along with the motion, to all people listed below in section 6.

I declare under penalty of perjury under the laws of
Washington State that the foregoing is true and correct.

Signed at _____ (city) _____ (State) on
_____ (date signed).

(signature)

(printed name)

5. Person Scheduling this Hearing:

Petitioner Respondent

Other: Petitioner's Attorney

Sign: *Breckan Scott*

Print Name: Breckan Scott

WSBA # 41585 (if attorney)

Address: PO Box 1123

City/State/Zip: Yelm, WA 98597

Telephone: 360-960-8951

Email (required): breckan@breckanlaw.com

Date: 7.2.21

**6. Names and Contact Information for
Everyone Notified of this Hearing**

Name: Selena Smith

Attorney for: _____

WSBA #: _____

Address: _____

Telephone: 360-455-9717

Email: doublekachina007@gmail.com

Name: Hans and Kathryn Stoker

Attorney for: _____

WSBA #: _____

Address: _____

Telephone: _____

Email: Kat-Stoker@comcast.net

Name: _____

Attorney for: _____

WSBA #: _____

Address: _____

Telephone: _____

Email: _____

Name: _____

Attorney for: _____

WSBA #: _____

Address: _____

Telephone: _____

Email: _____

Attach more pages if needed.

8. Instructions for Appearing to your Zoom Meeting

Joining by Computer or Smartphone

Zoom hearings can be joined from the internet, the Zoom application ("App"), landline or mobile phone (**Instructions below**), and with a H.323 or SIP device.

You will need the Zoom Meeting ID number for the hearing. The Zoom Meeting ID for your calendar can be found in section 3 on the first page of this Notice and on the court's website.

1. Go to <https://zoom.us/>
2. Once on the Zoom site and click the "Join a meeting" option, or use this link:
<https://zoom.us/join>
3. Enter the Meeting ID and click "Join"

You can also download an application ("App") to your smartphone or device. To download the Zoom mobile application, visit the zoom website at <https://zoom.us/download>

4. Once you have joined, you will enter the virtual waiting room. Prior to the start of your hearing, the judicial officer or court employee will admit you into the virtual hearing. You might have to wait past the start of your hearing time. Please be patient.

Join by telephone if:

- You do not have a microphone or speaker on your PC/Mac,
- You do not have a smartphone (iOS or Android), or
- You cannot connect to a network for video and VoIP (computer audio)

DO NOT RECORD ANY COURT HEARINGS

The Court keeps a record of all proceedings. Do not record any court proceedings. You can order transcripts or copies of the hearing from the Court. If you would like to order a copy of the record or a transcript of the proceeding, information can be found on the Court's Website:

<https://www.thurstoncountywa.gov/sc/Pages/transcripts.aspx>

To join by telephone:

If you are joining via telephone, call one of the telephone numbers listed in the box, then enter your calendar Zoom Meeting ID number. The Zoom Meeting ID for your calendar can be found in section 3 on the first page of this Notice and on the court's website.

1. Call one of the telephone numbers provided in the box below.

Dial by your location

+1 253 215 8782 US (Tacoma)
+1 669 900 9128 US (San Jose)
+1 346 248 7799 US (Houston)
+1 646 558 8656 US (New York)
+1 301 715 8592 US (Germantown)
+1 312 626 6799 US (Chicago)

<https://us02web.zoom.us/j/kcK71YNq>

2. Enter the assigned Zoom Meeting ID number found in section 3 followed by # symbol.
 - Phone Controls:
 - *6 - Toggle mute/unmute
 - *9 - Raise hand

Considerations for Virtual Hearings:

Virtual hearings are just like attending court in person.

Required:

- Dress appropriate
- Mute your microphone unless you are asked to speak
- Follow judicial officer's stated rules or risk being removed from the hearing
- You can only attend one virtual hearing at a time, please contact the court if you are scheduled to appear in multiple hearings.

If Possible:

- Avoid moving your video or quick movements
Find a quiet space

15

Hearing Date: 7/2/21
Hearing Time: 4pm
Judge/Calendar: Guardianship
Ex parte

E-FILED
THURSTON COUNTY, WA
SUPERIOR COURT
07/02/2021 11:54:08 AM
Linda Myhre Enlow
Thurston County Clerk

21-4-00443-34
MTPUB 71
Motion to Serve by Publication
10695999



Superior Court of Washington, County of Thurston

In re:

Petitioner/s (person/s who started this case):

Kathryn and Hans Stoker

And Respondent/s (other party/parties):

Hazel Smith

No. 21-4-00443-34

Motion to Serve by Publication
(MTPUB)

Motion to Serve by Publication

Important! The person making this motion must ask the court to sign an Order to Allow Service by Publication (form All Family 109) either at a hearing or ex parte. Contact the court for scheduling information.

1. I am the (check one): Petitioner Respondent in this case.

2. I ask the court to allow me to serve the other party the *Summons* for this case by publication because (check all that apply):

the other party cannot be found in Washington State because (check all that apply):

s/he has left Washington State to avoid being served.

s/he is hiding to avoid being served.

Warning! If you serve someone by publication only for the reasons listed below, the court may not have personal jurisdiction over that person. This may limit the court's ability to divide property and debts, award money, set child support or spousal support, or approve a restraining order or protection order.

the other party does not live in Washington State.

I cannot find the other party to serve him/her. I have made a reasonable search as described below.

other (explain): We do not believe that he is in Washington State. His last known location is Colorado.

3. Give facts that support your statements in 2:

Our skip tracer is unable to obtain a locate with the information we have been able to obtain from the parties. We have searched social media with the information provided by Selena Smith to no avail. His last known location is Boulder County, Colorado. See attached correspondence documenting efforts to locate.

4. List what you did to try to find the other party:

<i>What you did</i>	<i>Date you did this</i>	<i>What you learned</i>
Hired skip tracer - provided updates	May 2021	Nothing.
Followed up on leads from Selena	June 2021	Nothing.
Social media and google searches	May/June 2021	Nothing.
See attached correspondence	May - Jun 2021	He used to use fb messenger as
		Brick187 - believed to be a
		reference to the amount of
		drugs one could get from him.

5. List attempts to serve the other party in person:

<i>What was done</i>	<i>Who did it</i>	<i>Date</i>	<i>What happened</i>
None. Can't find him.			

6. Do you know the other party's current home address?

(If you know it, you must mail a copy of the Summons and Petition to the other party's home address before you ask for permission to serve by publication. This mailing, by itself, does not count as service.)

Yes, and I have mailed a copy of the *Summons* and *Petition* to the other party at that address.

No.

*A Minor Guardianship

7. Are you trying to serve a ^{*}*Non-Parent Custody Petition*? Yes No

If Yes, are the children listed in the *Petition* living with you now? Yes No

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.

Signed at (city and state): Olympia, WA Date: 07/02/21

Kat Stoker
Kat Stoker (Jul 2, 2021 08:16 PDT)

Sign here

Kathryn Stoker

Print name

Motion to Serve By Publication -

Final Audit Report

2021-07-02

Created:	2021-07-02
By:	Breckan Scott-Gabriel (breckan@breckanlaw.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAoKdWqkRb9hfeJXJx75XMhl-o8E1JKOZw

"Motion to Serve By Publication -" History

-  Document created by Breckan Scott-Gabriel (breckan@breckanlaw.com)
2021-07-02 - 4:19:16 AM GMT- IP address: 76.121.132.39
-  Document emailed to Kat Stoker (kat-stoker@comcast.net) for signature
2021-07-02 - 4:20:16 AM GMT
-  Email viewed by Kat Stoker (kat-stoker@comcast.net)
2021-07-02 - 3:15:19 PM GMT- IP address: 76.121.132.72
-  Document e-signed by Kat Stoker (kat-stoker@comcast.net)
Signature Date: 2021-07-02 - 3:16:33 PM GMT - Time Source: server- IP address: 76.121.132.72
-  Agreement completed.
2021-07-02 - 3:16:33 PM GMT

Exhibit A

Re: Contact Information for Robert Ayers

Desiree Muller <desiree.breckanlaw@gmail.com>

Wed 6/23/2021 10:43 AM

To: doublekachina007 <doublekachina007@protonmail.com>

Cc: Breckan Scott <breckan@breckanlaw.com>

Good Morning,

Thank you for the information and we'll do what you advised about reaching out to Robert's Mother. Sorry to hear about your phone being broken.

Thank you again and have a wonderful day.

Please be aware that Breckan is scheduled to be unavailable July 1st -July 31st scheduling will be limited during this time and we appreciate your understanding.

Desiree Muller

Legal Assistant

Breckan Law PLLC

Mailing: PO Box 1123 Yelm, WA 98597

Physical: 10501 Creek St SE, Suite 6 Yelm, WA 98597

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On Tue, Jun 22, 2021 at 12:43 PM doublekachina007 <doublekachina007@protonmail.com> wrote:

True. I did tell the court that. But my phone, with that information, is broken. However, I am aware that Kathryn Stoker has Robert Ayer's mother's info. perhaps ask her. She keeps track of most people's personal info and whereabouts, and has for years, so if she was willing, I'm sure she could provide it for you quite easily. His mother is the best point of contact, and I'm already aware he's aware of this matter, since he left a fb message fowwing contact with Robert Kurtz and the family.

Sent with [ProtonMail](#) Secure Email.

----- Original Message -----

On Tuesday, June 22nd, 2021 at 5:58 PM, Desiree Muller <desiree.breckanlaw@gmail.com> wrote:

Good Morning,

You have not yet provided our office with the information on Robert Ayers. I am following up with you, requesting that you give us that information please. As a reminder you told the court you'd provide us with the information.

Thank you.

Desiree Muller

Legal Assistant

Breckan Law PLLC

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On Wed, Jun 16, 2021 at 11:14 AM doublekachina007

<doublekachina007@protonmail.com> wrote:

After I get off work later today.

Sent with [ProtonMail](#) Secure Email.

----- Original Message -----

On Wednesday, June 16th, 2021 at 6:12 PM, Desiree Muller
<desiree.breckanlaw@gmail.com> wrote:

Good Morning,

I am reaching out to get the information for Robert Ayers from you as you indicated during the hearing that you would provide our office. Please provide his email, phone number, mailing address, and birthdate if possible.

Thank you.

Please be aware that Breckan is scheduled to be unavailable July 1st -July 31st scheduling will be limited during this time and we appreciate your understanding.

Desiree Muller

Legal Assistant

Breckan Law PLLC

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Exhibit B

Re: You have a new submission of Get Started - GreyhoundLegal.com (V2)

Alecia Rivas <office@greyhoundlegal.com>

Wed 6/23/2021 4:12 PM

To: Breckan Scott <breckanscott@outlook.com>

Cc: Desiree Muller <desiree.breckanlaw@gmail.com>; Tye Goetz <tyegoetz@gmail.com>; breckan@breckanlaw.com <breckan@breckanlaw.com>

Hello team! Unfortunately, no, we were unable to come up with anything else useful. :(

Thanks!

*Alecia J. Rivas, Office Manager**GreyhoundLegal.com*

PLEASE NOTE: We have moved! As of 6/25/2020 our address is:

Get driving directions!11105 Steele St S #110Tacoma WA 98444**Tel: 206-347-3522 or 253-230-9675**

Fax: 253-999-5396

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I am typically in the office Monday through Friday from 8 am to 5 pm and do not check my email outside of these hours. Thank you

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Status Update?

Thank you!

Breckan Scott-Gabriel

Breckan Law PLLC

Mailing: PO Box 1123 Yelm, WA 98597

Physical: 10501 Creek St SE, Suite 6 Yelm, WA 98597

www.breckanlaw.com

Phone: 360-960-8951

Fax: 360-464-2636

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From: Alecia Rivas <office@greyhoundlegal.com>
Sent: Tuesday, June 15, 2021 2:02 PM
To: Desiree Muller <desiree.breckanlaw@gmail.com>
Cc: Breckan Scott <breckanscott@outlook.com>; Tye Goetz <tyegoetz@gmail.com>; breckan@breckanlaw.com
<breckan@breckanlaw.com>
Subject: Re: You have a new submission of Get Started - GreyhoundLegal.com (V2)

Oh that might help! And I apologize for calling your Breckan, I think I am on autopilot today! Eek!

Let me see if that narrows it down.

Alecia J. Rivas, Office Manager

GreyhoundLegal.com

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11105 Steele St S #110

Tacoma WA 98444

Tel: 206-347-3522 or 253-230-9675

Fax: 253-999-5396

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On Tue, Jun 15, 2021 at 1:51 PM Desiree Muller <desiree.breckanlaw@gmail.com> wrote:

He was in colorado and possibly incarcerated in colorado and the family thinks he spent some time in Oklahoma as well. I'll check with the family and see if they possibly have a birthdate. There is a hearing on the 16th and we might be able to have the judge ask selena for more info then too.

thanks.

Desiree Muller

Legal Assistant

Breckan Law PLLC

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On Tue, Jun 15, 2021 at 1:23 PM Alecia Rivas <office@greyhoundlegal.com> wrote:

:(Unfortunately, even adding Seattle to the search brings back more than 150 hits (150 is the max that comes up for us).

Thanks!

Alecia J. Rivas, Office Manager

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On Tue, Jun 15, 2021 at 12:55 PM Desiree Muller <desiree.breckanlaw@gmail.com> wrote:

Looks like he was in Seattle in 2012 that's when and where he and Selena met, and according to story lines from Selena's family he was incarcerated in during 2015.

Does that help any?

Desiree Muller

Legal Assistant

Breckan Law PLLC

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Thank you.

On Tue, Jun 15, 2021 at 12:35 PM Alecia Rivas <office@greyhoundlegal.com> wrote:

Hello Breckan! Unfortunately, just a general search for that name brought back too many hits to be useful. Do we know a city he may have lived in previously, a middle name or initial, and/or a rough estimate of age that we can use to narrow it down?

Thanks!

Alecia J. Rivas, Office Manager

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