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Hearing date: 6/16/21
Hearing time: 10 am
Judge/Calendar: Nathan

FILED
SUPERIOR COURT
THURSTON COUNTY, WA
2021 JUN 11 PM 4:16
LINDA MYHRE ENLOW
THURSTON COUNTY CLERK

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

In re: Guardianship of
Hazel Smith et al.

and Hans + Kathryn Stoker Petitioner,

Selena Smith Respondent.

No. 21-4-00443-34

**Motion for Order to Show
Cause Re: Vacation of
Judgment/Order
(No Mandatory Form)**

I. Relief Requested

Selena Smith respectfully moves the Court for an Order requiring
(Your Name)
Hans + Kathryn Stoker to appear and show cause why the Motion to Vacate
(Opposing Party)

Judgment/Order(s) of the Court should not be granted.

II. Statement of the Case and Grounds to Vacate the Order

I am asking the Court to vacate the following Order(s) or parts of Order(s):

Emergency Petition
Ex Parte order, including restraining order
Visitation

The Order(s) to be vacated was/were entered on May 28, 2021 [date(s)].

The Order(s) should be vacated because: There is no open CPS cases in any state. Robert Kurtz has no association with case work or management. He's a security guard. The order is based on misrepresentations. Notable inaccuracies. Robert Kurtz, in particular, appears to be committing fraud, and misrepresenting a great deal. The Brooklawn NJ police log does not reflect his account. Nor does the NJ Family Services inquiries conducted by Marylou White and myself. Also, we have been seeing a certified counselor since December, with my most recent appointment 10:30AM, June 11, 2021 and my next session scheduled June 25th, 10:30AM. Furthermore, I did not run away because of mental illness, but domestic violence, November 18, 2020, with a full protection order granted Dec 17, 2020 to all 3 kids and myself. We have been staying in DV shelters, and have an RV, van and everything needed, including help educating the children. This case is built on false info.

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

Signed at Tumwater, WA (City and State) on 6/11/21 (Date).

Selena Smith
 Signature
Selena Smith
 Print or type name

III. Evidence Relied Upon in Addition to Evidence in Court File

Selena Smith's Motion to Vacate Judgment/Order.
 (Your Name)

Declaration of: Robert Kurtz
 (Writer's Name)

Declaration of: _____
 (Writer's Name)

Other: Letter from Linda Sisson (counselor), homeschool dec of intent, SSA letter, ER visit docs 5/28 and 6/1, and statements by Brooklawn NJ police dept and NJ family services, as also witnessed by Marylou White, and final protection order
 (Other Supporting Documents/Evidence)

IV. Authority

Selena Smith 's (Indicate whether you are the Petitioner or Respondent)

Motion to Vacate Judgment/Order is made pursuant to one or more of the following:

- Civil Rule 60(a): Clerical mistake(s) in the Judgment, Order or other parts of the record;
- Civil Rule 60(b)(1): Mistake, inadvertence, surprise, excusable neglect or irregularity in obtaining the Judgment/Order;
- Civil Rule 60(b)(2): Erroneous proceedings against a minor or person of unsound mind and the condition of the defendant/respondent did not appear in the records nor was the error discovered during proceedings;
- Civil Rule 60(b)(3): Newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under CR 59(b);
- Civil Rule 60(b)(4): Fraud, misrepresentation or other misconduct of an adverse party;
- Civil Rule 60(b)(5): The Judgment/Order is void;
- Civil Rule 60(b)(6): The judgment has been satisfied, released or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment should have prospective application;
- Civil Rule 60(b)(7): If the defendant was served by publication, relief may be granted as prescribed in RCW 4.28.200;
- Civil Rule 60(b)(8): Death of one of the parties before the Judgment in the action;
- Civil Rule 60(b)(9): Unavoidable casualty or misfortune preventing the party from prosecuting or defending;
- Civil Rule 60(b)(10): Error in judgment shown by a minor, within 12 months after arriving at full age;

Civil Rule 60(b)(11): Any other reason justifying relief from the operation of the judgment;

[Any other relevant legal authority: specify] *NJ Family Services*

V. Proposed Order

A proposed order accompanies this motion.

DATED: 6/11/21

Respectfully submitted,

Selena Smith

Your Signature

Selena Smith

Print or Type Name