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Linda Myhre Enlow
Thurston County Clerk

19-3-00739-34
FNFLC 19
Findings of Fact and Conclusions of Law
7743966



Superior Court of Washington, County of Thurston

In re the marriage of:

Petitioner (person who started this case):

Mariah Tuck

And Respondent (other spouse):

James Tuck

No.

19-3-00739-34

Findings and Conclusions about a Marriage
(FNFLC)

Findings and Conclusions about a Marriage

1. **Basis for findings and conclusions** (check all that apply):

- Spouses' agreement.
- Order on Motion for Default (date): _____.
- Court hearing on (date): _____, where the following people were present (check all that apply):
 - Petitioner Petitioner's lawyer
 - Respondent Respondent's lawyer
 - Other (name and relationship to this case): _____
 - Other (name and relationship to this case): _____

➤ **The Court makes the following findings of fact and conclusions of law:**

2. **Notice** (check all that apply):

- The Respondent has appeared in this case, or has responded to or joined the *Petition*.
- The Respondent was served on (date): 6/13/19
(check all that apply):
 - in person.
 - by mail.
 - by publication.
 - waived service by joining the *Petition*.

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3. Jurisdiction over the marriage and the spouses (check all that apply):

At the time the *Petition* was filed,

the Petitioner lived did not live in Washington State.

the Respondent lived did not live in Washington State.

The Petitioner and Respondent lived in this state while they were married, and the Petitioner still lives in this state or is stationed here as a member of the armed forces.

The Petitioner is a member of the armed forces and has been stationed here for at least 90 days.

The Petitioner and Respondent may have conceived a child together in this state.

Other (specify): _____

Conclusion: The court has does not have jurisdiction over the marriage.

The court has does not have jurisdiction over the Respondent.

4. Information about the marriage

The spouses were married on (date): 7/21/15 at (city and state): Washington for Olympia.

Before they married, the spouses were registered domestic partners. Their domestic partnership was registered with the State of _____ on (date): _____ and:

it converted into a marriage by law on June 30, 2014. (RCW 26.60.100.)

they were married on (date): _____ at (city and state): _____

5. Separation Date

The marital community ended on (date): 4/1/18. The parties stopped acquiring community property and incurring community debt on this date.

6. Status of the marriage

Divorce – This marriage is irretrievably broken, and it has been 90 days or longer since the *Petition* was filed and the *Summons* was served or the Respondent joined the *Petition*.

Legal Separation – The (check one or both): Petitioner Respondent want/s to be legally separated.

Invalidity – The (check one or both): Petitioner Respondent want/s to invalidate (annul) this marriage, and the court finds the following facts about the validity of this marriage: _____

Conclusion: The *Petition* for divorce, legal separation or invalidity (annulment) should be:

approved.

denied.

7. Separation Contract

- There is no separation contract.
- The spouses signed a separation contract on (date): _____.

Conclusion: The parties should (check one):

- be ordered to comply with the terms of the contract.
- not** be ordered to comply with the terms of the contract because: _____

- The contract provides that it shall **not** be set forth, filed, or made an exhibit to the order.

8. Real Property (land or home)

- Neither spouse owns any real property.
- The spouses' real property is listed in Exhibit _____. This Exhibit is attached and made part of these Findings.
- The spouses' real property is listed in the separation contract described in **7**.
- The spouses' real property is listed below:

Real Property Address	Tax Parcel Number	Community or Separate Property
		<input type="checkbox"/> community property <input type="checkbox"/> Petitioner's separate property <input type="checkbox"/> Respondent's separate property
		<input type="checkbox"/> community property <input type="checkbox"/> Petitioner's separate property <input type="checkbox"/> Respondent's separate property
		<input type="checkbox"/> community property <input type="checkbox"/> Petitioner's separate property <input type="checkbox"/> Respondent's separate property

- The court does not have jurisdiction to divide real property.
- Other (specify): _____

Conclusion: The division of real property described in the final order is fair (just and equitable).

9. Community Personal Property (possessions, assets or business interests of any kind)

- There is no community personal property.
- The community personal property has already been divided fairly between the spouses. Each spouse should keep any community personal property that s/he now has or controls.

- The spouses' community personal property is listed in Exhibit _____. This Exhibit is attached and made part of these Findings.
- The spouses' community personal property is listed in the separation contract described in **7**.
- The spouses' community personal property is listed below. *(Include vehicles, pensions/retirement, insurance, bank accounts, furniture, businesses, etc. Do not list more than the last four digits of any account number. For vehicles, list year, make, model and VIN or license plate number.)*

1.	5.
2.	6.
3.	7.
4.	8.

- The court does not have jurisdiction to divide property.
- Other *(specify)*: _____

Conclusion: The division of community personal property described in the final order is fair (just and equitable).

10. Separate Personal Property *(possessions, assets or business interests of any kind)*

- Neither spouse has separate personal property.
- The **Petitioner** has no separate personal property.
- The **Respondent** has no separate personal property.
- The separate personal property has already been divided fairly between the spouses. Each spouse should keep any separate property that s/he now has or controls.
- The **Petitioner's** separate personal property is listed in Exhibit _____. This Exhibit is attached and made part of these Findings.
- The **Respondent's** separate personal property is listed in Exhibit _____. This Exhibit is attached and made part of these Findings.
- The spouses' separate personal property is listed in the separation contract described in **7**.
- The **Petitioner's** separate personal property is listed below. *(Include vehicles, pensions/retirement, insurance, bank accounts, furniture, businesses, etc. Do not list more than the last four digits of any account number. For vehicles, list year, make, model and VIN or license plate number.)*

1.	5.
2.	6.
3.	7.
4.	8.

- The **Respondent's** separate personal property is listed below. (Include vehicles, pensions/retirement, insurance, bank accounts, furniture, businesses, etc. Do not list more than the last four digits of any account number. For vehicles, list year, make, model and VIN or license plate number.)

1.	5.
2.	6.
3.	7.
4.	8.

- The court does not have jurisdiction to divide property.
 Other (specify): _____

Conclusion: The division of separate personal property described in the final order is fair (just and equitable).

11. Community Debt

- There is no community debt.
 The community debt has already been divided fairly between the spouses.
 The spouses' community debt is listed in Exhibit _____. This Exhibit is attached and made part of these Findings.
 The spouses' community debt is listed in the separation contract described in **7**.
 The spouses' community debt is listed below:

Debt Amount	Creditor (person or company owed this debt)	Account Number (last 4 digits only)
\$		
\$		
\$		
\$		

- The court does not have jurisdiction to divide debt.
 Other (specify): _____

Conclusion: The division of community debt described in the final order is fair (just and equitable).

12. Separate Debt

- Neither spouse has separate debt.
 The **Petitioner** has no separate debt.
 The **Respondent** has no separate debt.
 The separate debt has already been divided fairly between the spouses.

- The **Petitioner's** separate debt is listed in Exhibit _____. This Exhibit is attached and made part of these Findings.
- The **Respondent's** separate debt is listed in Exhibit _____. This Exhibit is attached and made part of these Findings.
- The spouses' separate debt is listed in the separation contract described in **7**.
- The **Petitioner's** separate debt is listed below:

Debt Amount	Creditor (person or company owed this debt)	Account Number (last 4 digits only)
\$		
\$		
\$		
\$		

- The **Respondent's** separate debt is listed below:

Debt Amount	Creditor (person or company owed this debt)	Account Number (last 4 digits only)
\$		
\$		
\$		
\$		

- The court does not have jurisdiction to divide debt.
- Other (*specify*): _____

Conclusion: The division of separate debt described in the final order is fair (just and equitable).

13. Spousal Support (maintenance/alimony)

- Spousal support was **not** requested.
- Spousal support should be based on the separation contract listed in **7**.
- Spousal support was requested.

Conclusion: Spousal support should (*check one*):

- be ordered because: _____

- not** be ordered because: _____

14. Fees and Costs

- Each party should pay his/her own fees or costs.
- Fees and costs should be paid according to the separation contract listed in **7**.
- The (*check one*): Petitioner Respondent incurred fees and costs, and needs help to pay those fees and costs. The other spouse has the ability to help pay fees and costs and should be ordered to pay the amount as listed in the final order. The court finds that the amount ordered is reasonable.
- Fees for a guardian ad litem (GAL) or other court-appointed professional should be paid as listed in the final order. The court has considered relevant factors including each party's ability to pay, and finds the fees as ordered are reasonable.
- Other findings: _____

15. Protection Order

- No one requested an *Order for Protection* in this case.
- (*Name*) _____ requested an *Order for Protection* in this case.

Conclusion: The court should (*check one*):

not approve an *Order for Protection* because: _____

approve an *Order for Protection* because: _____

16. Restraining Order

- No one requested a *Restraining Order* in this case.
- The (*check one*): Petitioner Respondent requested a *Restraining Order*.

Conclusion: The court should (*check one*):

not approve a *Restraining Order* because: _____

approve a *Restraining Order* because: _____

17. Pregnancy

- Neither spouse is pregnant.
- One of the spouses is pregnant (*check one*): Petitioner Respondent

Conclusion: The pregnancy shall not delay finalization of this case. Finalization of this case shall not affect any future case about the unborn child's parentage that is filed within the time limits allowed by law.

- A case about the parentage of the unborn child has been joined (combined) with this case. The court's *Findings and Conclusions about Parentage* will be filed separately.
- Other (*specify*): _____

Note: The law considers the other spouse to be the parent of any child born during the marriage or within 300 days after it ends. If the other spouse is **not** the parent, either spouse may file a *Petition to Disprove Parentage of Presumed Parent* (FL Parentage 355) in court. In most cases, the deadline to file the *Petition to Disprove* is before the child turns four. (See RCW 26.26.116, 26.26.500 – 26.26.625.)

If everyone agrees, both spouses and the child's biological father can sign an *Acknowledgment (and Denial) of Paternity*. Those forms must be notarized and filed with the Washington State Registrar of Vital Statistics to be valid.

18. Children of the marriage

- The spouses have **no** children together who are still dependent.
- The spouses have the following children together who are still dependent (*only list children the spouses have together, not children from other relationships*):

	Child's name	Age		Child's name	Age
1.	Levi Casano	5	4.		
2.			5.		
3.			6.		

If there are children listed above who do not have both spouses listed on their birth certificates, the State Registrar of Vital Statistics should be ordered to amend the children's birth certificates to list both spouses as parents.

- Other (*specify*): _____

19. Jurisdiction over the children (RCW 26.27.201 – .221, .231, .261, .271)

- Does not apply. The spouses have **no** children together who are still dependent.
- The court can approve a *Parenting Plan* for the children the spouses have together because (*check all that apply; if a box applies to all of the children, you may write "the children" instead of listing names*):
- Exclusive, continuing jurisdiction** – A Washington court has already made a custody order or parenting plan for the children, and the court still has authority to make other orders for (*children's names*):

Home state jurisdiction – Washington is the children's home state because
(check all that apply):

(Children's names): Levi Cagano lived in Washington with a parent or someone acting as a parent for at least the 6 months just before this case was filed, or if the children were less than 6 months old when the case was filed, they had lived in Washington with a parent or someone acting as a parent since birth.

There were times the children were not in Washington in the 6 months just before this case was filed (or since birth if they were less than 6 months old), but those were temporary absences.

(Children's names): _____ do not live in Washington right now, but Washington was the children's home state some time in the 6 months just before this case was filed, and a parent or someone acting as a parent of the children still lives in Washington.

(Children's names): _____ do not have another home state.

No home state or home state declined – No court of any other state (or tribe) has the jurisdiction to make decisions for (children's names): _____

or a court in the children's home state (or tribe) decided it is better to have this case in Washington **and**:

- The children and a parent or someone acting as a parent have ties to Washington beyond just living here; **and**
- There is a lot of information (substantial evidence) about the children's care, protection, education and relationships in this state.

Other state declined – The courts in other states (or tribes) that might be (children's names): _____'s home state have refused to take this case because it is better to have this case in Washington.

Temporary emergency jurisdiction – Washington had temporary emergency jurisdiction over (children's names): _____ when the case was filed, and now has jurisdiction to make a final custody decision because:

- When the case was filed, the children were abandoned in this state, or the children were in this state and the children (or children's parent, brother or sister) was abused or threatened with abuse;
- The court signed a temporary order on (date) _____ saying that Washington's jurisdiction will become final if no case is filed in the children's home state (or tribe) by the time the children have been in Washington for 6 months;
- The children have now lived in Washington for 6 months; **and**
- No case concerning the children has been started in the children's home state (or tribe).

Other reason (specify): _____

The court cannot approve a *Parenting Plan* because the court does not have jurisdiction over the children.

20. Parenting Plan

- The spouses have **no** children together who are still dependent.
- The court signed the final *Parenting Plan* filed separately today or on (date): _____.
- Both parents agreed to and signed the *Parenting Plan*.
- Other (specify): _____

The court cannot approve a *Parenting Plan* because the court does not have jurisdiction over the children.

21. Child Support

- The spouses have **no** children together who are still dependent.
- The dependent children should be supported according to state law.
- The court signed the final *Child Support Order* and *Worksheets* filed separately today or on (date): _____.
- There is no need for the court to make a child support order because the DSHS Division of Child Support (DCS) has already established an administrative child support order for the children of this marriage in DCS case number(s) _____.
- Other (specify): _____

22. Other findings or conclusions (if any)

Both parents agree to change sons name
to Levi James Tuck - Casano

2-21-20 _____ Brian Barnes
Date Judge or Commissioner

Petitioner and Respondent or their lawyers fill out below.

- | | | | |
|--|---|--|---|
| This document (check any that apply): | | This document (check any that apply): | |
| <input checked="" type="checkbox"/> is an agreement of the parties | <input type="checkbox"/> is presented by me | <input type="checkbox"/> is an agreement of the parties | <input type="checkbox"/> is presented by me |
| <input type="checkbox"/> may be signed by the court without notice to me | | <input type="checkbox"/> may be signed by the court without notice to me | |

<u>Melissa</u> Petitioner signs here or lawyer signs here + WSBA #	<u>James Tuck</u> Respondent signs here or lawyer signs here + WSBA #
<u>Melissa</u> Print Name	<u>James Tuck</u> Print Name
<u>2-7-20</u> Date	<u>2-7-20</u> Date