

[] EXPEDITE (If filed within 5 court days of hearing)

[] Hearing is set:

Date:

Time: Zoom #: Rm:

Judge/Calendar: Foobar/foobarType

FILED

JAN 23 2024

**KITSAP COUNTY CLERK
DAVID T. LEWIS III**



Superior Family Court of Washington, County of Kitsap

07-3-01713-1
OB 161
Objection Opposition
15981975



In Re:

Petitioner:

Heather Wood, mother

&

Respondent:

Lenard Feulner, father

No. 07-3-01713-1

OBJECTION to Jurisdiction & Venue,

Motion to Strike/Delete Defective On Their Face Documents from the Record and Enter Findings of Fact as to their Pernicious Effect on the Petitioner's Right to Due Process & a Fair Trial [CR5 (d), CR 60, GR 15, RCW 2.32.050]

(Clerk's Action Required)

**TO: The Kitsap County Superior Court Clerk, 614 Division St #202, Port Orchard, WA, 98366,
(360) 337-716, superiorcourt@kitsap.gov; AND**

**Lenard Feulner, Respondent, 333 Lippert Dr, W, #C129, (360) 228-6079,
Lenardfeulner@gmail.com; AND**

**Adeline Feulner, 4101 Anderson Hill Rd SW, Port Orchard, WA, 98367, (564) 220-8922,
Adelinewolfpaw@gmail.com ; AND**

**Nancy Tarbell, esq., #26686, PO Box 840, Manchester, WA 98353-0840, (360)871-2794; AND
Kerry Stevens, esq., Bar #15420, 11074 SE Glendale Ave Unit A, Port Orchard, WA 98366-9033,
(360) 269-2947; AND**

**Commissioner Matthew Clucas, esq. #22929, 614 Division St, Port Orchard, WA 98366-4683,
(360) 337-7140**

[OBJECTION to Jurisdiction & Venue:

Defective JURISDICTION & VENUE While the instant case would be properly within Kitsap County's Family Court subject matter' and in personam jurisdiction due to the minor child's birth and both litigant's residency in Washington State, the unlawfully held impromptu Kangaroo hearing on 8-15-23 before Commissioner Clucas, without a scintilla of Due Process after the **regularly** scheduled MTSC hearing was disposed of--Lenard Feulner's motion dismissed, it had no In Personam jurisdiction nor Subject matter authority when it subsequently lured the parents back into Commissioner Clucas' courtroom with no notice in collusion with two non-participating attorneys (Laura Yellish and Amanda Williamson) who observed a commotion/altercation created by Adeline

Motion to Strike/Delete. Page 1 of 6 Heather Wood *360)999-8493 hthrwood012@gmail.com

Defective Docs from Record

9129 James Rd, SW, Rochester, WA 98579

Feulner in defiance of her mother's insistence the runaway at risk teenager come home, her child **OUTSIDE** the courthouse & in the hallway/lobby where it ensued. Thus, Heather Wood takes exception to jurisdiction, and reserves the same throughout these fruits of the poisoned tree proceedings in protest despite her appearance or signing of any document while her child is held hostage by proxy under color of State law and the referenced judicial misconduct. This Court is an improper forum for the filed Petition for Emancipation conflated/consolidated w/the instant case for the following reasons:

1. Heather Wood, the child's mother, **was never properly served** Emancipation original process documents, thus this Court lacks in personam jurisdiction over her, a necessary and indispensable party in interest under RULE 19. Nor does Heather Wood consent to jurisdiction, but objects to the lack of it. Heather Wood NEVER received or was properly served a Summons for the Emancipation Petition. Nor was an RTS filed at all. Thus this Court is presently barred from continuing w/that case. The 14h Amendment serves as a basis for the application of **Strict Scrutiny** and Due Process-currently lacking in this forum.

2. Heather Wood's domicile remains in Thurston County where she works and lives as a school bus driver, a vital necessity for her very survival. She is indigent and cannot afford to commute to Port Orchard for litigation. Inasmuch as the child (Adeline) was unlawfully removed from Heather's physical/legal custody, the girl's domicile remains with her lawful guardian/custodian, i.e. the mother, Heather Wood, who resides and is domiciled in Thurston County. Thus the venue in Kitsap County is improper under Washington State law properly interpreted. Ergo, this Court has neither proper Jurisdiction nor proper venue for either cause #. If Strict Scrutiny had been applied ab initio, we would not be HERE today. We are here because when a parent has a child, Kitsap Family Court has a hostage.

Inter Alia: Commissioner Clucas was extrajudicially contacted by these two local attorneys, Amanda Williamson and Laura Yelish, who on 8-15-23 manipulated Commissioner Clucas into unlawfully recalling the case w/o due process, notice, an opportunity to confront the litigants' accusers, and taking statements from these two attorneys on the record w/o **swearing** them in: i.e. with **NO testimony** as a basis, and an illegally held hearing at that. Heather Wood takes exception on the record to this outrage and lawless Kangaroo hearing. Heather Wood, the objecting mother in this instance takes exception on a continuing ongoing basis, reserving her protest/objection to the same to this violation of her civil rights and the kidnapping of her child under the pretext of the Court's authority without even the color of State law, thus lack of proper jurisdiction.

I Identity

COMES NOW, Heather Wood, Petitioner and the moving party by herself, pro se of necessity, to Object to these proceeding for lack of jurisdiction and to seek the

following relief along with the entry of the following findings of fact and Statement of Decision:

II Injunctive Relief Sought, Findings of Fact, and Conclusions of law

1. The Court to enter the basis, both in law and in fact for its decision.
2. The Court to Strike from the record/Destroy any and all Documents submitted that are/were defective on their face including altered captions improperly substituting the Respondent's, Lenard Feulner, name for the Petitioner's, Heather Wood, mischaracterizing the instant case as a "parentage" case instead of a "parenting" case, any documents captioned "In Re the parentage of Heather Wood" (or similarly erroneous), and those that substantively exceed the scope of the Petition, whether by immaterial/irrelevant arguments/submissions or perfidy, properly brought before this Court in early 2008 under this cause number, i.e. a parenting plan proposed by the mother.
3. The Court to enter findings of fact and conclusions of law the introduction of defective on their face documents, intentionally or not, into the record, **particularly** the tampering w/the caption altering the status of the litigants in this cause is not harmless and is tantamount to tampering with the record, deprives the parties of effective right to appeal or the appearance of fairness, inasmuch as it introduces ambiguity and confusion in the bargain.

III Relevant & Material Facts (Declaration)

- 3.1.1 The Petitioner has encountered great difficulty fathoming the rule of law as practiced in the Kitsap County Courthouse given the lack of consistency in decisions and explanations offered there. She believes a Statement of Decision would benefit the parties and the Court as well as the Clerk's office.
- 3.1.2 The Respondent is under the impression submitting defective on their face documents into the record is harmless, has said so in his pleadings, and this misapprehension coincides with what the supervisory judge (Forbes) told the Petitioner during the off record settlement conference, literally saying the filer of a motion is the "Petitioner" and it made no difference. Judge Forbes also was unfamiliar w/the fruit of the poisoned tree legal doctrine. Her reply to the Petitioner's objections to the irregularity/unlawfulness of Kitsap County Courthouse practices was, "That's the way we have always done it, and that's how it's always going to be."

3.1.3 Both the elected Clerk (Mr. Lewis) and his chief Clerk (Rebekah) insisted the mother could not be the Petitioner in the instant case because there was a '3' in the second field of the cause number, despite the actual record and evidence in the matter. The Chief clerk also insisted the clerk's office would continue to prevent any litigant from submitting a "PROPOSED" Court Order (as distinguished from an unsigned ORDER) to accompany a motion being submitted. The Petitioner believes injunctive relief in this regard would similarly benefit the litigants and the court with additional notice along with giving the clerk's office the benefit of rules consistent w/other venues.

3.2.1 The instant case is littered with substantively defective on their face documents that are either ambiguous, fraudulent, confusing, or all of the above.

3.2.2. Said documents have been generating further critical errors as illustrated by the fact a court appointed attorney (Kerry Stevens, esq.) filed a facially defective pleading presumably based on a failure of due diligence and copying the caption from facially defective documents still in the record despite this Court's ruling before judge Adams the errors were to be corrected. They have not. Although the court clerk cleaned up many of their references entered by the clerk into the docket notes, the defective documents and their defective content remain in the record. This has caused the Respondent's declarants to follow suit by submitting deeply flawed on their face declarations such as one named Kevin. Kevin's declaration is filed, in the caption, as "In Re the Parentage of Heather Wood. The identity of the Petitioner's parents has never been in doubt or the subject of litigation.

3.2.3 The Petitioner is convinced she cannot get a fair trial or the appearance of one in a venue that invites and refuses to clean up a defective on its face record. This IS a Court of Record. Appellate Courts review only the record...a Constitutional right that cannot be had where there is no record, or that record is defective, ambiguous, or fraudulent rendering the proceedings not only voidable, but void ab initio.

3.3.1 The Petitioner complained and took exception early on upon discovering the errors cited first introduced into the record on 8-4-23 at the court clerks invitation. The defective documents continued, even now, to be submitted by the respondent over the Petitioner's objections.

3.3.2 The Petitioner has no way to correct these errors over a recalcitrant clerk's office or indifferent collection of judges. The Petitioner is convinced the entry of findings of fact the errors exist and entry of Conclusions of Law

they are not harmless, but pernicious, will create an incentive to correct and prevent future errors, if they are errors, in the future.

[I declare under penalty of perjury under 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 belief and knowledge.]

Dated this 22nd day of January, 2024 in the County of Kitsap:



IV Argument, Points & Authorities

4.1.1 It is inherently within this Court's authority to grant the relief requested.

4.1.2 CR 5(d), GR 15, and CR 60 spell out authority for the Court to grant the relief requested.

4.1.3 Though the Clerk's office is elected separately, the judiciary routinely directs court clerks in the rendering/composition of legal documents and ancillary quasi-judicial duties.

4.2.1 RCW 2.32.050 Describes the authority and duty to protect the integrity of Court records.

4.2.2 All clerks know they are not to give legal advice, yet the Respondent sought out exactly that for his 8-4-23 Emergency Ex Parte Motion to Show Cause in his effort to complete his custodial interference with the mother and her runaway child, Adeline.

4.2.3 In this instance, it was bad legal advice the clerk gave the Respondent when she advised him to substitute his name for the Petitioner's in completing the pattern form he submitted. Neither the clerk nor the Respondent should be rewarded for that bad legal advice or acting on it.

4.3.1 The Petitioner was forthright in seeking legal assistance immediately and advising the court (to no avail) upon discovering the seriousness of the errors objected to in the record.

4.3.2 The bird is in this Court's hands. Only it has the power and authority to grant the requested relief in order to provide a fair trial consistent with the 14th Amendment and fairness to all the parties.

Respectfully submitted by **Heather Wood**, pro se mother and Petitioner. Dated: 1-22-24

Heather Wood

Superior Court of Washington, County of Kitsap

In re: Care of Adeline Feulner

Petitioner/s *(person/s who started this case)*:

Heather Wood (Mother)

And Respondent/s *(other party/parties)*:

Lenard Feulner (Father)

No. 07-3-01713-1

Proof of Mailing or Hand Delivery
(for documents after Summons and Petition)
(AFSR)

I Identity of the Parties & Jurisdiction' COMES now, Heather Wood, pro se of necessity, without counsel, indigent, in Forma Pauperis to make the Objections noted here and seek the following relief: Defective JURISDICTION & VENUE While the instant case would be properly within Kitsap County's Family Court subject matter' and in personam jurisdiction due to the minor child's birth and both litigant's residency in Washington State, the Kangaroo unlawfully held impromptu hearing on 8-15-23 before Commissioner Clucas, without a scintilla of due process after the regularly scheduled MTSC hearing was disposed of and - Lenard Feulner's motion dismissed, it had no jurisdiction nor authority when it subsequently lured the parents back into the courtroom with no notice in collusion with two non-participating attorneys who observed a commotion/altercation between Heather Wood, mother, and Adeline, her child OUTSIDE the courtroom in the hallway/lobby where it ensued. Thus, Heather Wood takes exception to jurisdiction, and reserves the same throughout these fruit of the poisoned tree proceedings in protest despite her appearance. This Court is the improper forum for the filed Petition for Emancipation for the following reasons: 1. Heather Wood, the child's mother, was never properly served, thus this Court lacks in personam jurisdiction over her. Nor does Heather Wood consent to jurisdiction, but objects to the lack of it. Heather Wood NEVER received or was properly served a Summons for this cause. Nor was an RTS filed at all. Thus this Court is presently barred from continuing w/this case. The 14h Amendment serves as a basis for Strict Scrutiny and Due Process-currently lacking in this forum. 2. Heather Wood's domicile remains in Thurston County where she works and lives as a school bus driver, a vital necessity for her very survival. She is indigent and cannot afford to commute to Port Orchard. Inasmuch as the child (Adeline) was unlawfully removed from Heather's physical/legal custody, the girl's domicile remains with her lawful guardians/custodian, i.e. the mother, Heather Wood, who resides and is domiciled n Thurston County. Thus venue in Kitsap County is improper under Washington State law properly interpreted. Ergo, this Court has neither proper Jurisdiction nor proper venue for this cause #. If Strict Scrutiny had been applied ab initio, we would not be HERE today. We are

here because when a parent has a child, Family Court has a hostage. (1) OBJECTION 1: Commissioner Clucas was subsequently privately contracted by these two women, local attorneys, Amanda Williams and Laura Yelish, who manipulated the court into unlawfully recalling the case w/o due process, notice, an opportunity to confront the litigants' accusers, and taking statements from the two attorneys on the record w/o swearing them in: i.e. with NO testimony as a basis, and an illegally held hearing at that. Heather Wood takes exception on the record to this outrage and lawless Kangaroo hearing. Heather Wood, the complaining mother in this instance takes exception on a continuing ongoing basis, reserving her protest/objection to the same to this violation of her civil rights and the kidnapping of her child under the pretext of the Court's authority without even the color of State law, thus lack of proper jurisdiction. II RELIEF SOUGHT (both cause #'s, 23-2-01534-18 & 07-3-01713-1, are linked for purposes of Due Process Violations)

Proof of Mailing or Hand Delivery
(for documents after Summons and Petition)

Warning! Do **not** use this form to prove you mailed or delivered a Summons, Petition, Order to Go to Court, or any kind of Restraining Order. For those documents, use Proof of Personal Service (FL All Family 101), or if you have court permission to serve by mail, use Proof of Service by Mail (FL All Family 107).

I declare:

1. I am (check one): ☒ the Petitioner ☐ the Respondent ☐ (name):

and am competent to be a witness in this case.

2. On (date): 1/21/2024, I served copies of the documents listed in **3** below to
(name of party or lawyer served): Lenard Feulner, Nancy Tarbell, Kerry Stevens by:

☐ mail (check all that apply): ☐ first class ☐ certified ☐ other _____

mailing address	city	state	zip
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☒ email to (address): lenardfeulner@gmail.com, nancy@tarbelllaw.com
SLO@wavecable.com

(only if allowed by agreement, order, or your county's Local Court Rule)

3. List all documents you served (check all that apply):

(The most common documents are listed below. Check only those documents that were served. Use the "Other" boxes to write in the title of each document you served that is not already listed.)

<input type="checkbox"/> Notice of Hearing _____	<input type="checkbox"/> Notice Re Military Dependent
<input type="checkbox"/> Motion for Temporary Family Law Order <input type="checkbox"/> and Restraining Order	<input type="checkbox"/> Sealed Financial Documents
<input type="checkbox"/> Proposed Temporary Family Law Order	<input type="checkbox"/> Financial Declaration
<input type="checkbox"/> Proposed Parenting Plan	<input checked="" type="checkbox"/> Response of: Heather Wood

	to Lenards Decl. Response to motion for Contempt., labeled only "Declaration" in caption.
<input type="checkbox"/> Proposed Child Support Order	X Motion to Strike/Delete Defective-on-their-face Documents from the Record. objection to Jurisdiction & Venue.
<input type="checkbox"/> Proposed Child Support Worksheets	X This Return of Service, <u>1/22/2024</u>
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____

4. Other: _____

I declare under penalty of perjury under the laws of the state of Washington that the statements on this form are true.

Signed at (*city and state*): Thurston County, Washington, Date: 1/22/2024



Signature

of server Heather Wood