

[] EXPEDITE (If filed within 5 court days of hearing)
[] Hearing is set:
Date:
Time: Zoom #: Rm:
Judge/Calendar: Adams/Type: **NOTICE of Withdrawal**

FILED
FEB 12 2024
KITSAP COUNTY CLERK
DAVID T. LEWIS III

Superior Family Court of Washington, County of Kitsap

In Re: PARENTING Plan Petition by

Petitioner:

Heather Wood, mother
&

Respondent:

Lenard Feulner, father

No. **07-3-01713-1**

Continued OBJECTION to Jurisdiction & Venue,

NOTICE of Withdrawal of Petition by

Heather Wood, mother & pro se Petitioner

In Re Denied Motion to Strike/Delete Defective
On Their Face Documents from the Record &
Enter Findings of Fact as to their Pernicious Effect
on the Petitioner's Right to Due Process & a Fair
Trial

[CR 5(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., Bar #26686, PO Box 840, Manchester, WA 98353-0840, (360)871-2794,
nancy@tarbelllaw.com; AND

Kerry Stevens, esq., for Adeline Feulner, Bar #15420, 11074 SE Glendale Ave Unit A, Port
Orchard, WA 98366-9033, (360) 269-2947, slo@wavecable.com; AND

Commissioner Matthew Clucas, esq. #22929, 614 Division St, Port Orchard, WA 98366-4683,
(360) 337-7140, superiorcourt@kitsap.gov; AND

Judge Michelle Adams, esq., Bar #25200, mhauer@kitsap.gov (Marcus Hauer, Adams' law
clerk) & superiorcourt@kitsap.gov, (360)337-7140, fax(360)876-3970;

[Continuing OBJECTION to Jurisdiction & Venue
[& extra-judicial communication]:

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 place 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 **extra-judicial collusion** with two non-participating UNSWORN attorneys (Laura Yellish and Amanda Williamson) who reportedly observed a commotion/altercation **OUTSIDE** the courthouse & in the hallway/lobby where it ensued, created by Adeline Feulner in defiance of her mother's insistence the runaway at risk teenager come home. 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, these proceedings and the unlawful custodial interference in this forum exacting an egregious financial burden and emotional hardship on the mother. 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 valid/proper **testimony** whatsoever 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 despite whatever coerced

statements/signatures the court forced from her (the Parenting Plan Petitioner) under duress while her teenage daughter was ordered by the Kitsap County Court to reside w/her rapist, i.e. the father, and the Court glibly announced it was going to treat/convert the case to a parentage case instead of the Parenting Plan case the Petitioner brought, properly filed, and served as early as the first months in 2008 as the record shows.

The Court has consistently inserted itself as a de facto litigant in these proceedings. Rather than allowing the pro se litigants to try the case, it has virtually served as the father's lawyer.

I Identity

COMES NOW, Heather Wood, Petitioner, by herself, pro se of necessity, to Object to these proceeding for lack of jurisdiction and she SERVES NOTICE of her WITHDRAWAL of her Petition effective immediately as a matter of right and not discretionary or requiring permission from any party or, indeed, THIS COURT--both as a matter of law, of equity, and the fact Commissioner Clucas' impromptu Kangaroo Hearing on 8-15-23 lacked any lawful or procedural or factual basis, voiding it ab initio and all fruits of that poisoned tree for the following reasons (though not required for such NOTICE) and to amplify/clarify the record inasmuch as this Court pretends to be a Court of Record, Law, and a Court of Equity.

II Reasons (not exclusive/required) Contributing to the Petitioner's Decision

1. The Petitioner cannot get a fair hearing/trial, nor the appearance of one in Kitsap County—amply demonstrated by the accumulation of substantive errors on both the Court's Part and its clerk's office.
2. The failure of 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 has bullied/intimidated the mother, despite her written protestations entered in the record, to the irregularities and blatant unlawful nature of said proceedings and their fruit. The Court has repeatedly used the summary stripping, w/o Due Process, of this fit mother's right to parent her own 16yo child to coerce her into signing documents against her will and make utterances in Court contrary to her legal position knowing full well she is unrepresented and inexperienced. These bad faith efforts by the Court

represent further evidence it is not impartial, just, or capable of providing the mother with a fair hearing/trial or the appearance of one.

4. The child (Adeline) is not being parented at all and resides alone in a motorhome outside her grandmother's abode, nor does she reside w/her father who lives and sleeps at another location w/his girlfriend.
5. The Mother has repeatedly objected (to no avail) to the Court placing, even temporarily, the child w/her rapist, i.e. the father stuck his tongue inside the 6yo child's mouth for his own sexual gratification while grooming her. A police report was filed at the time complaining of this incident in June of 2013 w/the Kitsap County Sheriff's office. Neither Nancy Tarbell (GAL) nor the Court have taken any interest in the complaint, failing to check the appropriate box in the form they asked the mother to sign—a mandatory pattern form designed for parentage cases, not parenting cases.
6. Numerous substantive errors by both the court, the court clerk's office, in the record, and by the court's appointees and the Respondent himself along w/his declarants. Because the court does not appear to respect the legal requirements of its own record, there is little point in trying the instant case in this forum as the record itself is defective on its face and the Court refused to strike those defective documents from the record while admitting it had the equitable authority to do so. The court even admonished the inexperienced mother, from the bench, there "was NO CR 5(d)" rule cited as one basis for relief. CR 5(e) could have been cited as well, but was not. The court simply opined it didn't want to grant the relief sought—simply correcting the record by removing substantively facially defective documents from it.
7. The Petitioner is withdrawing her petition immediately and will NOT be appearing in the instant cause in any event. She does, conditionally, maintain her motion for summary judgment in her daughter's separate emancipation petition—conditionally on the basis it be done summarily given neither parent opposes it at this time. If Adeline wishes to withdraw her own petition, she may, just as the mother is withdrawing her petition in this instant case w/Lenard Feulner as the Respondent. The Mother neither recognizes this court as a litigant nor its claimed authority in what it has deemed a "parentage case". It is not. The record shows it is a parenting case brought on by the mother accompanied by proper complete original service on the Respondent. By this notice, the mother exercises her right to withdraw it—a right not subject to the 'discretion' of this court which was never properly established in personam and subject matter jurisdiction to put the mother on trial in all but name only.
8. This Petitioner is appalled by the fact judge Bassett admonished her for changing the caption until she pointed out it was the Respondent who had been tampering w/the record based on an incompetent clerk's legal advice. Yet when given an opportunity to put the record in order and strike the defective documents from the record, judge Adams subsequently made light of them, arguing they had not appeared to interfere

with the Petitioner's own filings—an improper standard for securing the integrity of the record and prohibiting confusion/ambiguity from affecting it.

III Relevant & Material Facts (Declaration)

- 8.1.1 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.**
- 8.1.2 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."**
- 8.1.3 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 had no way to correct these errors over a recalcitrant clerk's office or indifferent collection of judges. The Petitioner is convinced entering of findings of fact the errors exist and Conclusions of Law they were not harmless, but pernicious, would have created an incentive to correct and prevent future errors in the future.

[I declare under penalty of perjury under the laws of the State of Washington & pursuant to General Court Rule 13 & RCW 9A.72.085 the foregoing is true & correct to the best of my belief & knowledge.]

Dated this 3rd day of February, 2024 in the County of Kitsap:

A handwritten signature in black ink that reads "Heather Wood". The signature is written in a cursive, flowing style with a long horizontal line extending from the end of the name.

IV Further Reasons, Points & Authorities

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

4.1.2 CR 5(d), CR 5(e), GR 15, and CR 60 spell out authority for the Court to grant the relief requested and exist despite the court's bench comments to the contrary.

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 have been rewarded for that bad legal advice or acting on it. The Petitioner will no longer entertain/tolerate such substantive errors. She withdraws 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.

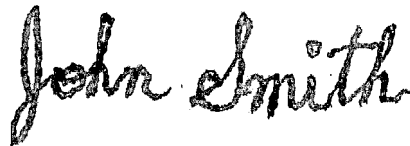
Respectfully submitted by **Heather Wood**, pro se mother and Petitioner.

Dated: 2-3-24



***NOTICE* & Proof of Electronic Service of Secondary Process
(IN PDF FORMAT)**

My name is John Smith, dba: Amicus Curia, paralegal. I am over 18, a citizen of the U.S. and a Resident domiciled in Washington State. I am also a notary public and officer of the State of Washington in that capacity. On this date, I provided NOTICE/electronic service of secondary Process to all the parties, et ux, and the County Clerk of this document at the e-mail addresses/fax numbers designated above on the 1st page of this document.



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.

DATED this 3rd day of February, 2023, in the County of Mason, WA