

SUPERIOR COURT OF WASHINGTON COUNTY OF THURSTON

In re the Marriage of:

Petitioner/s (person/s who started this case):
Trisha Diane Trembulak

And Respondent/s (*other party/parties*):
William Roy McMullen Jr.

NO. 22-3-00070-34

Motion for Contempt Hearing
(MTSC)

Motion for Contempt Hearing

To both parties:

Deadline! Your papers must be filed and served by the deadline in your county’s Local Court Rules, or by the State Court Rules if there is no local rule. Court Rules and forms are online at www.courts.wa.gov.

If you want the court to consider your side, you **must**:

- File your original documents with the Superior Court Clerk; AND
- Give the Judge/Commissioner a copy of your papers (if required by your county’s Local Court Rules); AND
- Have a copy of your papers served on all other parties or their lawyers; AND
- Go to the hearing.

The court may not allow you to testify at the motion hearing. Read your county’s Local Court Rules, if any.

Bring proposed orders to the hearing.

To the person filing this motion:

To schedule a hearing on this motion, you must ask the court to sign the Order to Go to Court for Contempt Hearing (Order to Show Cause) (FL All Family 166). This Order may be signed “ex parte” (without the other party there). Contact the Superior Court Clerk’s office for the procedure in your county. You must have this Motion and the Order to Go to Court personally served (by someone else) on the other party.

To the person receiving this motion:

If you do not agree with the requests in this motion, file a statement (using form FL All Family 135, Declaration) explaining why the court should not approve those requests. You may file other written proof supporting your side.

I declare:

- 1. I am a : Petitioner in this case.
- 2. The other party, (name): William Roy McMullen Jr., did **not** obey the orders checked below that were signed by the court on (date): 6/23/2022
in (county and state): Thurston County, Washington State:

The child support order including (check all that apply):

- pay (amount) \$ _____ per month.
- provide health insurance for the children and pay health care costs not covered by insurance.
- pay for the children’s day care, education, long-distance transportation, and other expenses.

Describe how the order was not obeyed, including dates and amounts:

The spousal support (maintenance/alimony) order to pay (amount) \$ _____ per month.

Describe how the order was not obeyed, including dates and amounts:

The parenting plan, residential schedule or custody order.

Describe how the order was not obeyed including dates and times:

The restraining order.

*Describe how the order was **not** obeyed including dates and times:*

Other order (*specify*): Final Divorce Order, entered 6/23/2022.

*Describe how the order was **not** obeyed including dates, times, and amounts, if any:*

William was ordered to refinance the home, the Order states “The Respondent shall refinance the home at the earliest opportunity”. It has been 12 months since said order was entered, and the respondent has not refinanced and has refused to mediate on the issue.

There is a judgment in said Order in the amount of \$11,218. To date, William has only made two \$250 payments, one on 1/3/2023 and 2/13/2023. Additionally, William made payment on an additional judgment for interest, attorney fees for collection of the interest on a Writ of garnishment. However, this second judgment has been satisfied and was only for collecting interest from 6/23/2022 through 10/23/2022. Currently with interest, William owes \$11,587.94, more than the original judgment of \$11,218

3. **Request** – I ask the court to:

- Order the other party to go to court to show why the court should not approve the judgment and orders I’ve requested,
- Find the other party in contempt, and
- Approve the requests checked below.

4. **Money judgment requested**

No request.

I ask the court to approve a judgment ordering the other party to pay (*check all that apply*):

	Amount	Interest	From (date)	To (date)
<input type="checkbox"/> Past due child support	\$	\$		
<input type="checkbox"/> Past due medical support (health insurance & health care costs not covered by insurance)	\$	\$		
<input type="checkbox"/> Past due children’s expenses for: <input type="checkbox"/> day care <input type="checkbox"/> education	\$	\$		

<input type="checkbox"/> long-distance transp. <input type="checkbox"/> other				
<input type="checkbox"/> Past due spousal support	\$	\$		
<input checked="" type="checkbox"/> Other (<i>specify</i>): Judgment with interest on Final Divorce Order	<u>\$11,587.94</u>	\$	6/23/2022	6/23/2023

5. **Fines and penalties (remedial sanctions) requested**

- Does not apply.
- Approve other reasonable orders, including ordering the other party to:
- Pay a fine – civil penalty (required for violations of parenting time orders),
 - Pay a fine for each day the court’s orders are not followed,
 - Meet certain conditions to stop being in contempt (purge the contempt),
 - Pay my lawyer fees and costs, if any,
 - Give me make-up parenting time, if appropriate, and
 - Any other relief allowed by law (Chapter 7.21 RCW, Chapter 26.09 RCW, Chapter 26.10 RCW, Chapter 26.26 RCW, and RCW 26.18.040).
- Send the other party to jail.

6. **Other orders requested (if any):**

In order for William to purge his contempt:

Respondent must make all payments for mortgage, taxes, or other property expenses timely every month.

That Respondent put the home up for sale within the next 20 days with the proceeds from the sale of the home to be paid to the court registry to satisfy the judgment against respondent before he is to obtain any of the remaining proceeds from said sale.

Respondent is ordered to place the home up for sale immediately because he has made no effort in the past 12 months to refinance it.

The word “immediately” (decree) be defined as in equal to the next 20 days after entry of this order.

The judgment shall be a lean that must be satisfied before money from sale of the home or refinancing is dispensed (dispensed to the judgment as priority before other proceeds can be dispersed).

All proceeds from the sale of the home shall be held by the court registry until said judgment is dispersed by the court registry and therefore satisfied.

If the respondent choses refinance the home, he must do it before the 20 days has expired because he is to have the home listed by the 20th day.

Respondent must stay current on all interest.

2 Either party may list the home with realtor, but if either party does not cooperate with that realtor then
4 that realtor will be the one to decide on selling price, what needs to be repaired and other decisions that
need to be made to list and sell that property.

6 I also want the court to order that I receive \$500 per month for every month that the home has not been
refinanced or sold. I would like this provision to purge contempt to be retroactive to 7/1/2022.


8 As a last condition of purging contempt, if the contempt is not purged, I want the respondent to be jailed
10 for 62 days if another contempt action has to be brought.

12 In the event that the home sells for less than what is owed on it, or less minus commissions and other
14 expenses, the respondent is fully responsible for any and all liabilities associated with this property.

16
18
20 **Person making this motion fills out below:**

22 I declare under penalty of perjury under the laws of the state of Washington that the facts I have provided
24 on this form are true.

26 Signed at (*city and state*): Tacoma, Wa Date: 06/27/2023

28  Trisha Diane Trembulak
30 *Person making this motion signs here* *Print name here*

I agree to accept legal papers for this case at (*check one*):

- 32 my lawyer's address, listed below.
34 the following address (*this does not have to be your home address*):

36 7102 East L St.
Tacoma, Wa 98404

38 (*Optional*) email: _____

40 (*If this address changes before the case ends, you must notify all parties and the court clerk in
42 writing. You may use the Notice of Address Change form (FL All Family 120). You must also update
your Confidential Information Form (FL All Family 001) if this case involves parentage or child
support.*)

