

03-9-28914-6

JUDGMENT NUMBER

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KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

CERTIFIED
COPY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
COUNTY OF KING

In re the Marriage of:

KIMBRA OWEN (nka KIMBRA MARTIN),
Petitioner,

and

DANIEL D. PHILLIPS,
Respondent

No. 93-3-03315-3 SEA

ORDER ON SHOW CAUSE RE
CONTEMPT/JUDGMENT

(ORCN)

(Clerk's Action Required)

I. JUDGMENT SUMMARY

Judgment summary is as follows:

- A. Judgment Creditor:
- B. Judgment Debtor
- C. Principal judgment amount
(back support from 3-15-94 to 3-15-03)
- D. Interest to 3-15-03
- E. Attorney's fees
- F. Costs
- G. Other recovery amount (unreimbursed medical expenses)
- H. Principal judgment shall bear interest at 12% per annum.
- I. Attorney's fees, costs and other recovery
amounts shall bear interest at 12% per annum.
- J. Attorney for Judgment Creditor:
- K. Attorney for Judgment Debtor:

KIMBRA MARTIN
DANIEL D. PHILLIPS
\$36,096.00
\$17,266.00
~~\$22,419.51~~
\$6,000.00
NA ~~\$1,000.00~~
~~\$1,000.00~~
\$12,338.00

DOUGLAS P. BECKER
GAIL LEVY of SCRAP

ORIGINAL

Handwritten signature and initials on the right margin.

1 II. FINDINGS AND CONCLUSIONS

2 THIS COURT FINDS:

3 2.1 COMPLIANCE WITH COURT ORDER.

4 DANIEL D. PHILLIPS failed to comply with a lawful order of the District Court of
5 Johnson County, Kansas dated December 9, 1993.

6 2.2 NATURE OF ORDER.

7 The order is related to child support.

8 2.3 HOW THE ORDER WAS VIOLATED.

9 The order was violated in the following manner: failure to pay the child support ordered by
10 the District Court of Johnson County, Kansas on December 9, 1993.

11 2.4 PAST ABILITY TO COMPLY WITH ORDER.

12 DANIEL D. PHILLIPS had the ability to comply with the order as follows: Mr. Phillips
13 has presented no evidence or claim that he lacked the means to comply with the order. He
14 was making payments to the Washington State Support Registry and stopped.

15 2.5 PRESENT ABILITY AND WILLINGNESS TO COMPLY WITH THE ORDER.

16 DANIEL D. PHILLIPS has the present ability and willingness to comply with the order as
17 follows: Mr. Phillips has presented no evidence or claim that he lacks the current means to
18 comply with the order.

19 2.6 BACK SUPPORT/MAINTENANCE.

20 DANIEL D. PHILLIPS failed to pay child support payments in the amount of \$36,096.00
21 for the period from March 15, 1994 to August 23, 2001 and failed to pay interest payments
22 in the amount of \$17,266.42 for the period from March 15, 1994 to March 15, 2003.

23 2.7 UNREIMBURSED MEDICAL EXPENSES.

24 DANIEL D. PHILLIPS failed to reimburse medical expenses in the amount of ~~\$12,916.47~~ ^{\$12,338.00}
for the period from December 9, 1993 to December 31, 2000.

1 2.8 COMPLIANCE WITH PARENTING PLAN.

2 Does not apply.

3 2.9 ATTORNEY FEES AND COSTS.

4 The attorney fees and costs awarded in paragraph 3.7 below have been incurred and are
5 reasonable.

6 2.10 JURISDICTION RE ENFORCEMENT OF CHILD SUPPORT ORDER.

7 *The defense raised by Respondent amounts*
8 *The Superior Court of King County found that it had personal and subject matter*
9 *to re-litigating the decision of The Missouri*
10 *Supreme Court*
11 *jurisdiction over Mr. Phillips in the Corrected Findings and Conclusions on Modification*
12 *of Child Support entered on July 27, 1993.*

13 *Enforcement includes obtaining a judgment*
14 *The Missouri Supreme Court in the decision of Phillips v. Egan, 6 S.W.3d 862*
15 *Arrearages shall be and have been*
16 *calculated using Kansas rates for*
17 *jurisdiction and personal jurisdiction over Mr. Phillips for purposes of enforcement (but*
18 *calculating interest. No further*
19 *not modification) of the child support order entered by the District Court of Johnson*
20 *County, Kansas on December 4, 1993. No appeal was taken from the decision.*
21 *Evidence on the merits is granted.*

22 *Mr. Phillips has relied on the Missouri Supreme Court decision in this action to*
23 *defend against the previous order of the Superior Court of King County Washington in a*
24 *Kansas proceeding, which declined jurisdiction in favor of Washington.*

The decision of the Missouri Supreme Court is entitled to full faith and credit.

III. ORDER AND JUDGMENT

IT IS HEREBY ORDERED:

3.1 DANIEL D. PHILLIPS is in contempt of court.

3.2 IMPRISONMENT.

Does not apply.

3.3 ADDITIONAL RESIDENTIAL TIME.

Does not apply.

1 3.4 JUDGMENT FOR PAST CHILD SUPPORT.

2 KIMBRA MARTIN shall have judgment against DANIEL D. PHILLIPS in the amount of
3 \$36,096.00 for unpaid child support arrearages for the period from March 15, 1994 to
4 August 23, 2001 and \$17,266.42 interest thereon for the period from March 15, 1994 to
5 March 15, 2003.

6 3.4 JUDGMENT FOR PAST SPOUSAL MAINTENANCE.

7 Does not apply.

8 3.6 CONDITIONS FOR PURGING CONTEMPT.

9 The contemnor may purge the contempt as follows: complete payment of the amount
10 owed.

11 3.7 ATTORNEYS FEES/COSTS.

12 KIMBRA MARTIN shall have judgment against DANIEL D. PHILLIPS in the amount of
13 \$6,000.00 for attorney's fees ~~and costs~~ *for costs* RM

14 3.8 REVIEW DATE.

15 Does not apply.

16 3.9 OTHER: COLLECTION ON JUDGMENT IS STAYED UNTIL MOTION FOR REVIEW IS DECIDED, PROVIDED A MOTION IS TIMELY FILED
~~Does not apply.~~ JK

17 Dated: 8/14/03

[Signature]
18 Judge/Commissioner

19 Presented by:

20 Copy received:

21 *[Signature]*
22 DOUGLAS F. BECKER, WSBA #14265
23 Attorney for KIMBRA MARTIN

[Signature]
24 GAIL LEVY, WSBA #12057
Attorney for DANIEL D. PHILLIPS