

FILED
2022 APR 13 12:12 PM
KING COUNTY
SUPERIOR COURT CLERK
E-FILED
CASE #: 18-3-05993-7 SEA

SUPERIOR COURT OF WASHINGTON COUNTY OF KING

In re the Marriage of:

Petitioner/s (person/s who started this case):
Sonya Delance

And Respondent/s (*other party/parties*):
Michael Angelo Delance

NO. 18-3-05993-7 SEA

Motion for Order to Show Cause and
Order to Vacate Judgment/Order
(MT)

Motion for Order to Show Cause and Order to Vacate Judgment/Order

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:

You must schedule a hearing on this motion. You may use the *Notice of Hearing* (form FL All Family 185) unless your county's Local Court Rules require a different form. Contact the court for scheduling

information.

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. Relief Requested

Michael Angelo Delance respectfully moves the court for the following: (1) an Order to Show cause requiring Sonya Delance to appear and show cause why the court should not grant Respondent's Motion to Vacate Judgment/Order and (2) an Order vacating the Judgment(s)/Order(s). Respondent seeks to vacate the ORDER PARTIALLY MODIFYING AND AMENDING DECREE OF DISSOLUTION/PROPERTY SETTLEMENT AGREEMENT dated 2/15/22 (exhibit 1 in declaration in support of this motion) ORDER APPOINTING SPECIAL MASTER AND OTHER RELIEF dated 3/28/22 (exhibit 5 in declaration in support of this motion). Granting all 100% of the stock in the respondent's company to the respondent for having to bring this action.

II. Statement of Facts/Statement of Grounds

[Clearly and briefly state the facts you base your case on. Print or type.]

I ask the Court to vacate the following Order(s) or parts of Order(s):

The order appointing special master needs to be vacated because it is not necessary since the order partially modifying the and amending the divorce decree will be vacated. The order for special master is only for the purpose of signing over my shares of stock to Sonya. The issue of the stock is the entire premise of vacating the modified and amended divorce decree under CR 60 (b). The petitioner obtained the modified and amended divorce decree by fraud. The petitioner tried to use trickery and deceit to get all of my preferred shares of stock in my company by referring to a document by different names and

2 dates as well as ignoring clear wording in the separation contract dated 4/22/19 that the intent of the
4 percentage of allocation of each class of shares (preferred and common) was to be a even split, even is
6 defined obviously as 50/50 split. Furthermore and in continuation of the trickery and deceit, the
8 petitioner's attorney had led me to believe that we were to take further steps in either mediation or
10 arbitration before any enforcement of the CR2A would be attempted. Last, the petitioner's attorney then
12 did not properly serve me, which caused me to not be able to respond until it was too late.

14 This court entered the Order(s) to be vacated on 2/15/22 and 3/28/22. The
16 Court should vacate the Order(s) because (state facts relevant to your motion):

18 Not in any document, agreement, contract, or order did I at any time agree to give the petitioner 100% of
20 the preferred stock in my company. The petitioner obtained the orders on a motion to enforce a CR2A
22 agreement. I communicated with the petitioner's attorney issues I have with the proposed orders she was
24 seeking to have entered via her motion to enforce and was led to believe via email discussion that we
26 would be either continuing mediation first or as her attorney had suggested arbitration. Arbitration is not
28 an option in this case in my opinion because her attorney was simply trying to add a lot of stuff to the
30 orders that there is no prior agreements or orders that would warrant it. I do not agree to mediation or
32 arbitration on this issue of the stock because this is simply an act by the petitioner's attorney to steal my
34 shares. This is entire issue started with a contempt of the parenting plan on the part of petitioner Sonya.
36 The court should note that the petitioner's attorney did not supply any of the relevant documents as
38 exhibits in any of her documents that she used to obtain these orders. This entire fiasco was contrived by
40 the petitioner's attorney to steal my shares.

42 **III. Statement of Issues**

44 *[Clearly and briefly state the legal issues you want the court to decide. Print or type.]*

2 Should the orders be vacated via CR 60 (a) or should they be vacated via CR 60 (b).

4 Was there an agreement that allocated 100% of the preferred stock to the petitioner Sonya.

6 Did the petitioner's attorney obtain these orders by fraud that can be vacated under CR 60 (b).

8 Did the petitioner's attorney obtain the orders because of clerical mistakes under CR 60 (a).

10 Did petitioner fail to serve me correctly.

12 Should the respondent be granted 100% of the stock from all class of shares in his company for h aving to
bring this action.

14 Should the Court Vacate the Judgment/Order(s) Under Civil Rule 60? *[state specific basis under the
16 rule]. [If you are seeking to vacate on more than one ground under the Civil Rule, state each issue
18 separately]*

20 *It has been less than 12 months and this motion has been brought timely. The petitioner intentionally
22 deceived me and the court to obtain the orders. If the court does not agree that the orders were obtained
24 by fraud under CR 60 (b), then the court should vacate the orders under CR 60 (a). Furthermore, did the
26 petitioner fail to properly served me, and if the court agrees, should the orders be vacated under "CR 60.*

28 **IV. Evidence Relied Upon**

30
32 [Clearly identify the evidence you want the judge to consider with your motion. Print or type.]

- 34 1. Records and Pleadings in the Court file
- 36 2. Declaration by: Michael Angelo Delance and its exhibits in support of this motion.
- 38

40 **V. Legal Authority/Argument**

42 *[Cite the legal authority you rely upon. Print or type.]*

44

I am making this Motion to Vacate Judgment Order(s) pursuant to one or more of the following:

Civil Rule 60(a): Clerical mistake(s) in the Judgment, Order, or other parts of the record;

Civil Rule 60(b)(1): Mistake, inadvertence, surprise, excusable neglect or irregularity in obtaining the Judgment/Order;

Civil Rule 60(b)(2): Erroneous proceedings against a minor or person of unsound mind and the condition of the defendant/respondent did not appear in the record nor was the error discovered during proceedings;

Civil Rule 60(b)(4): Fraud, misrepresentation or other misconduct of an adverse party;

Civil Rule 60(b)(5): The Judgment/Order is void;

Civil Rule 60(b)(9): Unavoidable casualty or misfortune preventing the party from prosecuting or defending;

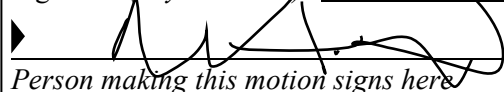
Civil Rule 60(b)(11): Any other reason justifying relief from the operation of the judgment;

A Proposed Order (check one): is is **not** attached to this Motion.

Person making this motion fills out below

I declare under penalty of perjury under the laws of the state of Washington that the facts I have provided on this form are true. I have attached (number of): _____ pages.

Signed at (city and state): Bellevue Wa Date: 4/12/2022

 Michael Angelo DeLance
Person making this motion signs here Print name here

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

my lawyer's address, listed below.


2 the following address (*this does **not** have to be your home address*):

4 2604 171ST AVE SE
BELLEVUE , WA 98008

6 **(Optional)** email: keliase@yahoo.com

8 *(If this address changes before the case ends, you **must** notify all parties and the court clerk in 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.)*

12 **Lawyer (if any) fills out below**

14  _____
16 *Lawyer signs here* *Print name and WSBA No.* *Date*

18 _____
Lawyer's address *city* *state* *zip*

20 Email (if applicable): _____

22 **Warning!** Documents filed with the court are available for anyone to see unless they are sealed.
24 Financial, medical, and confidential reports, as described in General Rule 22, **must** be sealed so they
26 can only be seen by the court, the other party, and the lawyers in your case. Seal those documents by
filing them separately, using a *Sealed* cover sheet (form FL All Family 011, 012, or 013). You may
ask for an order to seal other documents.