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09/09/2025 09:53 AM Pages: 1 of 6 Fees: \$308.50
Skagit County Auditor

Washington State Recorder's Cover Sheet (RCW 65.04) Please print legibly or type information.

Document Title(s) Judgement
Grantor(s) Bart Xavier Pestarino, ____ Additional Names on Page ____ of Document
Grantee(s) Danielle Tetrault Pestarino ____ Additional Names on Page ____ of Document
Legal Description (Abbreviated: i.e., lot, block & subdivision name or number OR section/township/range and quarter/quarter section) 24/35/01 SE Complete Legal Description on Page ____ of Document
Auditor's Reference Number(s)
Assessor's Property Tax Parcel/Account Number(s) PL60557
Non Standard Fee \$50.00 By signing below, you agree to pay the \$50.00 non standard fee. I am requesting an emergency non standard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document. _____ Signature of Party Requesting Non Standard Recording NOTE: Do not sign above or pay additional \$50.00 fee if document meets margin/formatting requirements. The Auditor/Recorder will rely on the information provided on this cover sheet. Staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

24-3-00057-29
TFO 70
Temporary Family Law Order
16591424



I, MELISSA BEATON, Clerk of the Superior Court of the State of Washington, for Skagit County, do hereby certify that this is a true copy of the original now on file in my office. Dated 9/9/2024



MELISSA BEATON, County Clerk

By: [Signature]
Deputy Clerk

MELISSA M. McLAIN

SKAGIT COUNTY, WASH
FILED

APR 26 2024

MELISSA BEATON, CO. CLERK
Deputy

Superior Court of Washington, County of Skagit

In re the marriage of:

Petitioner:

Bart Xavier Pestarino,

And Respondent:

Danielle Pestarino

No. 24-3-00057-29

Temporary Family Law Order
(TFO)

☒ Clerk's action required: 1, 6, 7

Temporary Family Law Order

Use this form only for cases about changing a parenting/custody order. For other cases, use FL Divorce 224 or FL Parentage 324, depending on the type of case.

1. Money Judgment Summary

Summarize any money judgments in the table below.

Judgment for	Debtor's name (person who must pay money)	Creditor's name (person who must be paid)	Amount	Interest
Lawyer's fees	Bart Xavier Pestarino	Danielle Pestarino	\$7,500	\$
Yearly Interest Rate: 12% (12% unless otherwise listed)				
Lawyer (name): Robert Miller		represents (name): Bart Pestarino		
Lawyer (name): Tracy D. Finnegan		represents (name): Danielle Pestarino		

2. Findings

The Respondent Danielle Pestarino made a *Motion for Temporary Family Law Order* (form FL Modify 623) or a *Motion for Immediate Restraining Order* (form FL Modify 621) and the court finds there is reason to approve this order.

Specific findings:

The parties were married on December 16, 2022.

The parties separated on January 5, 2024.

Petitioner filed a Petition for Legal Separation on February 7, 2024.

1 The parties executed a Prenuptial Agreement on December 10, 2022.

2 The parties have one child, Lilianna, age 5 months.

3 A temporary order of protection was entered under Skagit County Superior Court Cause No: 24-2-20111-29. A final one-year protection order and order to surrender was entered on March 15, 2024.

4 The Court entered a Temporary Order of Child Support on April 23, 2024 following its hearing on March 15, 2024 and April 18, 2024. The Court reserved spousal support pending briefing by the parties on the consequences of the pending immigration applications discussed below.

5 Petitioner earns over \$10,000 gross, \$7,300 net per month. He indicates on his financial declaration filed on February 7, 2024 Respondent earns \$1600 per month in income. He did not disclose available assets on his financial declaration; however, the Preputial Agreement filed on February 8, 2024, indicates he has assets in excess of \$3,000,000. That same agreement indicates Respondent's assets are less than \$100,000.

8 The Petitioner works for the United States Department of Defense. The Respondent is a nurse who is currently on maternity leave and her ability to work in the United States under her current immigration status is unknown pending the outcome of her I-130 application. She is able to work in Canada.

10 The Petitioner has substantially more current income and assets than the Respondent.

11 Upon their marriage, Respondent moved into Petitioner's home that is acknowledged as his separate property.

12 Upon their marriage, Respondent submitted a I-130 immigration application for an Alien Relative Resident status (green card). Petitioner signed at I-864 Affidavit of Support filed with the I-130. He has revoked or withdrawn that affidavit in light of this legal separation filing. The Respondent has not yet received her green card or a determination as to her pending I-130 application. Neither the Court nor the parties are clear as to the effect of this case on the I-130 application or the effect of his withdrawal of the I-864 Affidavit of Support. The parties and Court acknowledge Federal law preempts this Court's findings, if any, as to those pending immigration issues. Case law differentiates between an I-864 revoked/withdrawn before versus after issuance of a Resident Alien Status card under a I-130 application. Given the pending status of the immigration application and uncertainty as to the effectiveness of the revoked/withdrawn I-864 affidavit pre-Resident Alien Status, the Court cannot base a spousal support award to Respondent on the I-864 affidavit signed by Petitioner.

18 The December 10, 2022 Prenuptial Agreement executed by the parties prohibits any award of Spousal Support to either party. Pending a determination on the enforceability of that agreement at the time of trial, the Court is not awarding temporary spousal support and is reserving that issue pending trial.

20 The parties have been married for 13 months (date of marriage to date of separation). The Petitioner earns approximately \$120,000 per year. The Respondent, historically prior to marriage, earned in excess of \$120,000 per year as a nurse. She is currently on maternity leave recovering from a c-section with a 5-month-old infant. Further, her work visa was not renewed and any ability for her to work in the United States is connected to the I-130 immigration application that is pending. Given the short-term nature of the marriage and the earning capabilities of the Respondent given her educational and employment history, the Court is not awarding temporary spousal support and is reserving that issue pending trial.

3. **Active duty military**

None of the parties are covered by the state or federal *Service Members' Civil Relief Act*, OR no party covered by the Acts has asked for a stay.

➤ **The Court Orders**

4. **Care and safety of children**

This order includes these children:

	Child's name	Age
1.	Liliana Tetrault Pestarino	5 mos.

The mother and child are allowed to relocate to Canada on a temporary basis (see Order Allowing Relocation filed contemporaneously herein).

Important! Attach Summary of the Law about Moving with Children (form FL Relocate 736) if residential time is included in this order instead of a temporary Parenting Plan or Residential Schedule.

5. **Provide support**

Child Support: GRANTED. The court signed the temporary *Child Support Order* and *Worksheets* filed separately.

Spousal support: RESERVED. The Respondent's request for spousal support is reserved for trial for evidence and testimony to be presented regarding: (a) the Prenuptial Agreement and whether it is valid and enforceable; (b) the effect of the I-864 Affidavit of Support signed by Petitioner; (c) the status of the Respondent's immigration application and/or work visa.

Moving expenses: RESERVED. Petitioner request for moving expenses is reserved for trial for evidence and testimony to be presented regarding the Prenuptial Agreement and whether it is valid and enforceable.

6. **Family home**

The Petitioner shall have exclusive use of the family home, subject to the provisions of this order allowing Respondent with a walk-thru and for her to obtain her personal property.

7. **Use of property**

Respondent may schedule a time with counsel to retrieve her personal belongings (paperwork, personal hygiene items, clothing, photographs, anything she brought to the home after the marriage) from the home, including items for the child (clothing, blankets, breast pump with accessories, bottles, etc.). The Petitioner shall not be present, although he may have a third-party present on his behalf.

At that time or at a time in the future coordinated with counsel, Respondent shall have a walk-through of the family home as follows: The parties (through counsel) shall work together to schedule a date for a walk-through of the family home. The Petitioner shall not be present for the walkthrough, although he may have a third-party present on his behalf.

The Respondent may inventory and video the interior and contents, closets, cabinets, garage, property, etc., and make a complete list of things that she wants from the home (in addition to those personal items discussed above). The list shall be exchanged between counsel.

The parties shall then schedule a second date for when the Respondent can retrieve the agreed items at/from the home. The husband shall not withhold access to the home and shall not be present during either of these visits to the home. The husband shall not destroy, liquidate or conceal any of the items. Any contested items will be addressed at a future hearing.

8. Protect property

Order both parties not to move, take, hide, damage, borrow against, sell or try to sell, or get rid of any property, unless it is a usual business practice or to pay for basic necessities. (If the court makes this order, both spouses/domestic partners must notify each other about any expenses that are out of the ordinary.

9. Household expenses

Petitioner shall continue to pay the household expenses for the family home.

10. Divide debts

Each party is responsible for their own future debts, including debt from credit cards, loans, security interests, and mortgages, unless ordered differently.

11. Do not change insurance

Neither spouse shall make changes to any medical, health, life, or auto insurance policy that covers either spouse or any child listed in 2. That means they must not transfer, cancel, borrow against, let expire, or change the beneficiary of any policy.

Pay insurance premiums as follows (*list policies and who should pay each one*):

Policy (<i>describe</i>)	Who should pay
1. Auto Insurance	☒ Petitioner ☐ Respondent
2. Health Insurance	☒ Petitioner ☐ Respondent

12. Pay fees and costs

The Court finds the Petitioner has substantially more assets than the Respondent. Under RCW 26.09.140, the Court hereby order Petitioner pay to Respondent's attorneys fees based upon the financial disproportionality of the parties.

Bart Xavier Pestarino must:

Pay the other party's lawyer fees. *Amount: \$7,500.00*

Make payments to Danielle Pestarino within 30 days.

Money Judgment

The amount/s listed above shall be entered as a money judgment. (*Summarize the money judgment in section 1 above*).

Judgment for	Debtor's name (<i>person who must pay money</i>)	Creditor's name (<i>person who must be paid</i>)	Amount	Interest

Lawyer's fees	Bart Xavier Pestarino	Danielle Pestarino	\$7,500	\$
Yearly Interest Rate: 12% (12% unless otherwise listed)				
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Lawyer (name): Tracy D. Finnegan		represents (name): Danielle Pestarino		

The interest rate is 12% unless another amount is listed here.

12. Restraining order

No request made. There is already a Protection Order in place between the parties under Skagit County Superior Court Cause No: 24-2-20111-29.

13. Other temporary orders (if any)

Mother's immediate relocation is approved (see Order Allowing Temporary Relocation).

Ordered.

8/26/24

[Signature]

Date

Judge/Commissioner