



Catherine Patterson, Respondent V. Donald Patterson, Appellant

2023 | Cited 0 times | Court of Appeals of Washington | January 30, 2023

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

In the Matter of the Marriage of

CATHERINE A. PATTERSON,

Respondent,

and

DONALD E. PATTERSON,

Appellant. DIVISION ONE

No. 82925-4-I

UNPUBLISHED OPINION

DWYER, J. In this marital dissolution action, Donald Patterson contends that the trial court erred in concluding that it had personal jurisdiction over him and by entering a dissolution decree. Finding no error, we affirm.

I

Catherine and Donald Patterson married in April 2016 and separated in January 2020. In August 2020, Catherine 1 commenced this action in King County Superior Court and had a sheriff serve Donald with copies of an amended petition for divorce and other items, which did not include a summons. In September 2020, Donald filed a response to the petition and claimed



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that the trial court lacked personal jurisdiction over him. He asked the trial court to enter a dissolution decree, divide the property and debts fairly and equitably,

1 We refer to the parties by their first names to avoid confusion. him. At some point thereafter, the parties agreed to participate in an informal

family law trial proceeding. The case then proceeded to trial in June 2021, where both parties represented themselves. On July 6, 2021, the trial court entered a dissolution decree and findings of fact and conclusions of law. 2

Donald appeals and continues to represent himself.

II

Donald contends that the dissolution decree is void because the trial court lacked personal jurisdiction over him. We disagree.

In re Marriage of Murphy, 90 Wn. App. 488, 493, 952 P.2d 624 (1998). service of the summons and complaint is essential to invoke personal jurisdiction

In re Marriage of Markowski, 50 Wn. App. 633, 635-36, 749 P.2d

754 (1988). However, a party may waive a claim of lack of personal jurisdiction

In

re Marriage of Steele, 90 Wn. App. 992, 997-98, 957 P.2d 247 (1998). Consent

may be established by proceeding and arguing the case on its merits. See

Markowski, 50 Wn. App. at 637; In re Estate of Little, 127 Wn. App. 915, 922,

113 P.3d 505 (2005) (court acquires personal jurisdiction when a party

participates in the proceedings).

The record does not indicate that Catherine served Donald with a



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summons in this matter. Her petition also alleged that the trial court did not have

2 issue in this appeal, except for the personal jurisdiction determination. personal jurisdiction over Donald. Donald filed a response agreeing that the

court lacked jurisdiction over him. Both parties later agreed to resolve their

dispute in an informal trial. During the June 2021 trial, Donald testified and

sought affirmative relief

issue. Thus, by his own actions, Donald waived any challenge to personal

jurisdiction and obtained the benefits of a trial on the merits. entry of the dissolution decree was proper.

Walker v. Orkin, LLC, 10 Wn. App. 2d 565, 448 P.3d

815 (2019), is misplaced. In Walker, after being served with an unsigned

summons in a personal injury action, the respondent filed a CR 12(b) motion to

dismiss the lawsuit for insufficient service of process within the statute of

limitations. The trial court denied . Walker, 10 Wn. App. 2d

at 568. On appeal, we noted that the plaintiff failed to timely correct its defective

service dismiss. Walker, 10 Wn. App. 2d at 572-73.

Unlike in Walker, Donald never moved to dismiss the petition for

dissolution on jurisdictional grounds or for insufficient service of process order to preserve the jurisdictional question the defendant must, however,

Sanders v. Sanders,

63 Wn.2d 709, 714, 388 P.2d 942 (1964). Instead, and also unlike the

respondent in Walker, Donald agreeing to



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proceed to and actively participating at trial. The trial court did not err by exercising its jurisdiction. Affirmed. 3

WE CONCUR:

3 and costs is denied.

