CRAWFORD COUNTY

APPEARANCE DOCKET

BOOK 288A
Vol. 3

APRIL 1990

PIRRELLO ENTEPRISES INC.
Scanned June 2017

1990

Daniel J. Kuhn

1051.

JOHN L. GRAFT

vs.

DRUSINA A. GRAFT

Filed Nov. 1, 1990
@ 11:34 a.m.

Tax & entry Paid	$50.50	✓
State paid	5.00	
State paid	10.00	
Pro Co Pd	10/15/91- 9.00	✓

COMPLAINT UNDER SECTION 201(c) OF THE DIVORCE CODE

2 copies (atty)

Apr. 29, 1991 Complaint Reinstated

Oct. 11, 1991, Acceptance of Service filed. I, Drusina A. Graft, dft. hereby certify that I received a true and attested copy of the nOtice to Defendant Claim Rights, complaint Under 201(c) of the Divorce Code, and notice of counseling as filed by the plantiff, John L. Graft, at the above no.
Date: June 10, 1991 Drusina A. Graft.

Oct. 11, 1991 AFfidavit of Consent of plaintiff filed.

Oct. 11, 1991 Affidavit of Consent of defendant filed.

Oct. 11, 1991 Upon praecipe of plaintiff attorney, to Transmit the Record this case moved to court.

Oct. 23, 1991 **D I V O R C E D E C R E E F I L E D .**

And now, October 21, 1991, it is ordered and decreed that JOHN L. GRAFT, plaintiff, and DRUSINA A. GRAFT, defendant, are divorced from the bonds of matirmony.

BY THE COURT,
P. Richard Thomas , SJ

1990

Knox McLaughlin et al

Joanna K. Budde

1052.

PATTERSON-ERIE CORPORATION

vs.

THERESA SMITH

Filed Nov. 1, 1990
@ 11:44 a.m.

Tax & entry Paid	$50.25
State paid	5.00
Pro Co Pd 2/11/91	9.00

APPEAL OF PLAINTIFF FROM JUDGMENT OF DISTRICT JUSTICE WAYNE E. HANSON - DISTRICT 30-3-01

Nov. 7, 1990, Proof of Service filed.

Nov. 14, 1990, Complaint filed.

And Now, Feb. 11, 1991 at 2:39 p.m., upon praecipe of plaintiff attorney with certificate of mailing, copy of default notice, affidavit of military service, attached, Judgment is hereby entered in favor of the pl aintiff and against the defendant, for want of an answer.
Judgment entered - 2/11/91
S - 206

JUDGMENT
James F. Simmons,
Prothonotary

FEb. 11, 1991, notice of entry mailed to defendant.

Mar. 1, 1991 Affidavit of Service filed. On this, the 28th day of February, 1991, Joanna K. Budde, Esq., the undersigned, deposes and says that she is counel for plaintiff in the above-captioned matter, and that she caused a copy of the Complaint to be served upon defendant, Theresa Smith, at Springboro Countryplace, Northcreek Road, Apartment C-5, Springboro, Pennsylvania 16453, by certified mail nomber P276-758-636, the receipt being executed on November 15, 1990, in accordance with PaR.C.P. 405(b). This statement is made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

Joanne K. Budde

EX/1991-24

1990

Withdrawn
Jack H. Kudzma

1053.

VANESSA L. GONZALEZ

vs.

ROBERT E. KNUTH, ADMINISTRATOR OF THE ESTATE OF TONI ANNETTE KNUTH, DECEASED AND RALEIGH JOHN BEUSCH

SUMMONS IN A CIVIL ACTION

Issued (atty)

Dec 5, 1990 Sheriff's Return filed: SERVED Raleigh John Beusch on November 19, 1990 at 4:03 p.m. by handing copy of Summons to Rollyn Beusch, his father, at their residence, 703 Ravine Street, Meadville, Crawford County, Pa 16335.
So answers, Robert M. Stevens, Deputy
Howard N. Stewart, Sheriff

July 10, 1991 Upon praecipe of Plaintiff Attorney his appearance is hereby withdrawn in the above matter.

JUly 18, 1991, Upon praecipe of plaintiff, the above captioned case is hereby marked settled and discotninued with prejudice.

Filed Nov. 1, 1990
@ 1:28 p.m.

Tax & entry Paid	$50.50
State paid	5.00
Sheriff's costs	21.00
Pro Co Pd 7/18/91	5.00

1990

Mason and Mason
Joan D. Mason

1054.

CHERYL L. COREY

vs.

LESLIE G. COREY

Filed Nov. 1, 1990
@ 3:03 p.m.

Tax & entry Paid	$50.50
State paid	10.00
2 count paid	30.00
State paid	15.00
Pro Co Pd 5/15/91	9.00

COMPLAINT IN DIVORCE, CUSTODY, EQUITABLE DISTRIBUTION

1 copy (atty)

Dec 6, 1990 Affidavit of Service filed: I, Joan D. Mason, Esquire, Attorney for the Plaintiff in the above entitled case, and being duly sworn according to law, depose and say that I did on November 10, 1990, mail to the above defednant, Leslie G. Corey, by certified mail #P 425 665 172, return receipt requested, deliver to addressee only, a complaint in the above divorce action. Said notice was received by Leslie G. Corey on November 14, 1990, as indicated by the return receipt card which was returned to the office of the Plaintiff's attorney and is attached hereto.

Joan D. Mason,
Attorney for Plaintiff

May 8, 1991 Affidavit of Consent of Defendant filed.

May 15, 1991, Affidavit of Consent of plaintiff filed.

May 15, 1991, Upon praecipe of plaintiff attonrey, for review under 201(c) of the Divorce Code, this case moved to court.

May 28, 1991 **STIPULATION AND DECREE FILED.**

AND NOW, this 28 day of May, 1991, the court orders and decrees as follows:

1. **DIVORCE** Upon consideration of the pleadings and affidavits filed in the above-captioned case, this court hereby grants an absolute divorce from the bonds of matrimony to the above-named parties, on the grounds that the marriage is irretrievably broken and ninety (90) days have elapsed from the date of the filing of the complaint, an dan affidavit has been filed by each of the parties, evidencing that each of the parties consents to the divorce pursuant to Section 201(c) of the Pennsylvania Divorce Code.

2. **REAL ESTATE:** Defendant, Leslie G. Corey shall transfer to the Plaintiff, Cheryl L. Corey, all his right, title and interest in the jointly owned property located in Conneaut Township, Crawford County, consisting of approximately two to three acres, including a home, small garage, and larger garage now in construction.

Defendant Leslie G. Corey shall assume full responsibilty for the Marine Bank loan, secured by this residential real estate, which loan was incurred to pay various marital debts, and to purchase a 1986 Harley Davidson motorcycle for approximately $8,000.00. Said payments shall continue to be made by the Defendant, in the amount of approximately $283.00 a month, on a timely basis each month, until said debt is paid in full.

Plaintiff shall be responsible for any real estate taxes andh ome owner's insurance in regard to said real estate, including any such taxes or insurance premiums as may now be due, and any that may be due in the future for as long as she shall own the property.

3. **HOUSEHOLD CONTENTS, TANGIBLE PERSONAL PROPERTY:** Plaintiff shall retain and have sole ownership of the contents of the marital residence, including but not limited to applicances, furniture and smaller items of tangible personal property and shall also retain those itmes of personal property utilized in connection with maintenance of the home, except for the following items, which shall belong solely to the defendant:

(a) Hand and power tools;
(b) Guns and gun cabinet;
(c) Any remaining items of his clothing.

4. **VEHICLES:** Defendant shall retain the 1986 Harley Davidson motorcycle, which is currently jointly titled, and Plaintiff shall transfer any of her right, title and interest in the same, to the Defendant.

Defendant shall retain the 1990 Doge 4 wheel drive pickup truck, which is currently jointly title, and Plaintiff shall transfer all of her right, title and interest in the same, to the Defendant. Defendant shall be solely responsible for the debt owed by both parties to Mellon Bank, for the purchase of said 1990 Doge truck, and shall pay the sum of $351.00 a mo;nth as required by the loan agreement entered into between the bank and the parties hereto. Defendant shall hold Plaintiff harmless and indemnify her in regard to said debt.

Plaintiff shall retain the 1981 Dodge Bonneville, upon which no debt is owed, which is currently jointly titled. Defendant shall transfer all of his right, title and interest in the same to the Plaintiff.

Plaintiff shall retain the 1981 Dodge pickup truck, upon which no debt is owed, which is currently jointly titled. Defendant shall transfer all of his right, title and interest in the same to the Defendant.

5. **LIFE INSURANCE, INDIVIDUAL RETIREMENT ACCOUNT:** Defendant shall continue to designate the Plaintiff as sole and irrevocable primary beneficiary in regard to the Loyal Christian Benefit Association individual retirement account, which has a present value of approximately $500.00, and shall retain her as beneficiary in regard to said IRA regardless of increase in value. He agrees not to roll said IRA over, nor to cash it, unless he shall do so with Plaintiff's knowledge. If he rolls said IRA ove,r it shall only be permissable in the event that he continues to name the Plaintiff as the sole primary beneficiary. He shall name the two children of this marriage, Nicole Corey and Justin Corey, as equal alternate beneficiaries, in the event of the death of the Plaintiff.

As long as the Defendha tis provided life insurance through his employer, whether fully paid for by the employer, or paid partially by the employer and partially by the Defendhat, or paid for entirely by the Plainitff. He shall maintain the Plaintiff as his sole primary beneficiary for the entire amount of said coverage, and shall keep said coverage in effect to the maximum limits allowable. He shall name the two children of this marriage as equal alternate beneficiaries of sai dlife insurance (provided and/or made avialbe to him through his employer). This provision shall apply to any life insurance through subsequent employment the Defendhat may take, and is not limited to his current employer, Utility Constructors of Linesville, Pennsylvania.

The defendant likewise shall name the Plaintiff as sole and irrevocable primary beneficiary in regard to any Prudential Life Insurance policy he now has, and shall not reduce the coverage of same. he shall name the children as equal alternate beneficiaries, in the event of Plaintiff's death.

The Defendhat shall provide a copy of said policy or policies, and IRA to the Plaintiff at the present time, together with a copy of beneficiary designation forms carrying out the substance of this consent decree, which shall be provided no later than November 30, 1990 and shall provide her with copies of any future policies that may be issued, in regard to policies through employment.

6. **DEBTS AND OBLIGATIONS:** Defendant shall assume the following debts and obligations (in addition to the Mellon Bank debt securing the 1990 Dodge pickup truck, and the Marine Bank Loan or mortgage, secured by the Conneaut Township real estate):

a. Wickes Lumber, approximate balance $650.00. b. Life insurance premiums as required, to comply with paragraph 5 above. Plaintiff shall assume the following debts: a. Montgomery Ward, appoximate balance $800.00. b. 717 Credit Union Visa card, with an approximate balance of $2,000.00. Plaintiff shall no longer use the Wickes credit account, and Defendant shall no longer utilize the Wards charge nor the Visa account.

7. **CUSTODY:** Plaintiff, Cheryl L. Corey is hereby awarded primary legal custody of the two minor children, Nicole Marie Corey, age sixteen (16), and Justin James Corey, age fourteen and a half (14½).

Defnednat, Leslie G. Corey shall be entitled to have the children with him every other weekend from 7:00 p.m. Friday until 7:00 p.m. Sunday, commencing wit hthe weekend of November 9th through 11, 1990. During the time that he has the children, he willbe responsible for getting them to student activities and school related sports events, and will honor their work schedules, if they have jobs. In the event that the children do have jobs that invovle weekend work, the defendant shall be entitled to an additional evening during the week either before or afte rthe weekend in question.

The parties shall share the following holidays, with father to have the children during the hours of 3:00 p.m. to 9:00 p.m. on said holidays: Thanksgiving Day, Christmas Day, and Easter Sunday. Over the Christmas holidays, if the children are out of school and available to be with him, the father shall be entitled to have an additional forty-eight hour period with them, with ten days advance notice to the Plaintiff.

Deendant shall provide transportation to and from th emother's home, for purposes of temporary visitation, or will pick the children up from the places they may be at the thime he is to have them. (For example, from a sports activity, or from work).

8 **WAIVER OF FILING OF DOCUMENTS:** Neither par ty hereto shall require the other party hereto to file an inventory and appraisement as would otherwise have been required bythe Pennsylvania Rules of Civil Procedure. Each party is aware of the debts and assets acquired during the marriage.

9. **WAIVER OF CLAIMS:** Neither party hereto shall make any claim against the other party hereto, except for enforcement of the rights and responsibilities set forth in this decree.

BY THE COURT,
P. Richard Thomas, S.J.

1990

Shafer, Swick, Bailey,
Irwin & Stack
Jeffrey K. Millin

1055.

NATIONAL INSTITUTE OF
FLEXIBLE MANUFACTURING

vs.

WINDY HILL MACHINE a/k/a
WINDY HILL GROUP

Filed Nov. 1, 1990
@ 3:09 p.m.

Tax & entry Paid	$50.50
State paid	5.00
Pro co pd 11/29/90	5.00
Sheriff's Costs	77.60

COMPLAINT

2 copies (sheriff)

Nov. 27, 1990 Upon praecipe of Plaintiff Attorney this action is marked settled and discontinued of record, as to all defendants.

Dec. 28, 1990 Sheriff's Return filed. Before me, the undersigned authority, personally appeared Terry L. Schultz, Deputy Sheriff who being duly sworn according to law, deposes and says that on the 14th day of November, 1990, at 2:10 PM, he served Notice and Complaint, filed at No. 1055 Term, 1990, Crawford County Pennsylvania, upon defendant, Windy Hill Machine (Fredrick R. Snow, Pres.) at Rt. 8, RD #3, Titusville, PA 16354 By making known the contents thereof to Daniel P. Verno, Agent in Charge (General Manager) and handing to and leaving with him the certified copy of the Complaint received from Sheriff of Crawford County.
So answers, Terry L. Schultz, Deputy Sheriff
Gene Price, Sheriff

Before me, the undersigned authority, personally appeared Terry L. Schultz, Deputy Sheriff who being duly sworn accor ding to law, deposes and says that on the 14th day of November, 1990, at 2:10 p .m., he served Notice and Complaint, filed at No. A.D. 1055 Term, 1990, Crawford County Pennsylvania, upon defendant Windy Hill Group at Rt. 8, Rd #3, Titusville, PA 16354 By making known the contents thereof to Daniel P. Verno, Agent in Charge (General Manager) and handing to and leaving with him the certified copy of the Complaint received from Sheriff of Crawford County.
So answers, Terry L. Schultz, Deputy Sheriff
Gene Price, Sheriff

SERVED Windy Hill Machine (Fredrick R. Snow, Pres.) by deputizing Sheriff of Venango County, PA as per his Affidavit of Service attached. Served: 11-14-90
SERVED Windy Hill Group by deputizing Sheriff of Venango County, PA as per his Affidavit of Service attached. Served: 11-14-90
So answers, Howard N. Stewart, Sheriff

1990

Mary Ann Kirkpatrick

1056.

BARBARA L. ALLEN

vs.

SCOTT ALLEN

Filed Nov. 2, 1990
@ 9:14 a.m.

Tax & entry Paid	$50.50
State paid	5.00
State paid	10.00
Pro Co pd 2/28/91	9.00

COMPLAINT IN DIVORCE

1 copy (atty)

Feb. 4, 1991, Affidavit of Consent of defendant filed.

Feb. 8, 1991, Affidavit of Consent of plaintiff filed.

Feb. 15, 1991, Acceptance of Service filed. I accept service of the Complaint in Divorce. Nov. 10, 1990.
Scott Allen.

Feb. 25, 1991 Upon praecipe of Plaintiff Attorney for Review Under Section 201(c) of the Divorce Code, this case moved to court.

Mar. 4, 1991 **D I V O R C E D E C R E E F I L E D .**

AND NOW, March 1, 1991, it is ordered and decreed that Barbara L. Allen, plaintiff, and Scott Allen, defendant, are divorced from the bonds of matrimony.

BY THE COURT,
Gordon R. Miller, P.J.

1990

Shafer, Swick, Bailey,
Irwin & Stack
James R. Irwin

1057.

DAVID E. HEIM

vs.

KATHLEEN A. HEIM

Filed Nov. 2, 1990
@ 2:16 p.m.

Tax & entry Paid	$50.50
1 count paid	15.00
State paid	10.00
State paid	10.00
Pro pd 10/21/97	9.00

COMPLAINT IN DIVORCE, EQUITABLE PROPERTY
DETERMINATION & DISTRIBUTION

1 copy (atty)

Feb 12, 1991 Affidavit of Service filed: I, James R. Irwin, Esquire, being duly sworn according to law, depose and say that I am the attorney of record, and as such say that I served a true and correct copy of the Complaint in Divorce certified by the Prothonotary of Crawford County, Pennsylvania, on the above named Defendant by certified mail, addressee only, return receipt requested, dated November 5, 1990. The Defendant acknowledged service on November 5, 1990. The Defendant acknowledged service on November 7, 1990 by accepting delivery on that date as evidenced by the attached signed return receipt.

Mar. 8, 1991 Affidavit of Consent of Plaintiff filed.

Sept 30, 1997 Affidavit of Consent of Defendant, filed.

Sept 30, 1997 Affidavit of Consent of Plaintiff, filed.

Sept 30, 1997 Waiver of Notice of Intention to Request Entry of Divorce Decree Under Section 3301(c) of the Divorce Code, filed. (Plaintiff)

Oct. 16, 1997 Upon praecipe of plaintiff attorney, to transmit the record, this case moved to court.

DIVORCE DECREE FILED

Oct. 23, 1997, DECREE: 1. Divorce: Upon consideration of the pleadings and affidavits filed in the above-captioned case, this Court hereby grants an absolute divorce from the bonds of matrimony to the above-named parties on the grounds that the marriage is irretrievably broken and ninety (90) days has elapsed since the date of the filing etc. This order shall be effective as of the 22nd day of October, 1997. (SEE PAPERS FILED)

BY THE COURT
Gordon R. Miller, J.

1990

Theodore H. Watts

1058.

Joseph W. Tinko

MEADVILLE HOUSING AUTHORITY

vs.

FRED MOREHEAD AND SUSAN MOREHEAD

Filed Nov. 2, 1990
@ 3:54 P.M.

Tax & entry Paid	$50.25
State paid	5.00
Pro Co pd 8/13/91	6.00

APPEAL OF DEFENDANTS FROM JUDGMENT OF WILLIAM D. CHISHOLM, MAGISTERIAL DISTRICT 30-2-01

Nov. 2, 1990 Rule entered upon plaintiff to file Complaint issued.

Nov. 7, 1990 Proof of Service filed.

Nov 29, 1990 Complaint filed. 1 copy (atty).

Jan. 23, 1991, Defendants' Motion to Permit Rent Payments To Operate as a Supersedeas and Order filed.
ORDER: 1-23-91 Injunction refused at this time. May be represented on Feb. 4, 1991 if defendant presents evidence of payment of all past due rent and late charges.
P. R. Thomas, J.
Jan. 23 1991, copies to T. Watts and J. Tinko Attys.

Aug. 8, 1991 Upon praecipe of Plaintiff Attorney the above captioned case is marked settled and discontinued of record with prejudice

1990

William J. Gregg 1059.	EARL V. CORP, III vs. MICHELLE S. CORP Filed Nov. 2, 1990 @ 4:13 p.m. Tax & entry paid $50.50 State paid 5.00	PETITION FOR CUSTODY Dec. 31, 1990 Upon praecipe of plaintiff attorney, the above Petition for Custody is hereby withdrawn of record.

1990

Legal Services
Gerald Sullivan

1060.

Brian Lindsay

KAREN WOFFORD

vs.

MERVAN WOFFORD

Filed Nov. 5, 1990
@ 10:48 a.m.

Indigent filing
William Pineo, mediator
182.00

9-10-91 Rec'd from dft Medlle 60.00

COMPLAINT FOR CUSTODY

4 copies (atty)
1 copy (mediator)

ORDER OF COURT: You, Mervan Wofford Defendant have been sued in court to obtain custody partial custody of the minor children Mario Wofford, Maurice Wofford, and Brittany Wofford.

You are ordered to appear in person at the time and place selected by WILLIAM PINEO, CUSTODY MEDIATOR.

If you fail to appear as provided by this order an order for custody, partial custody, or visitation may be entered agianst you or the court may issue a warrant for ;your arrest.

Pending the outcome of the above ordered hearing the custody provisions fo the Protection From Abuse Orders dated Sept. 4, 1990 and Oct., 16, 1990, remian in full force and effect.

The Crawford County Sheriffs Department is directed to serve a copy of this complaint and order upon the defendant. In the alternative, this petition and order may be served by any competent adult or by cert. mail. In the alternative, service may be made by reg.mail upon the defendants attorney fo record.

Plaintiff is allowed to proceed without payment of court costs reserving to the court the right to impose costs.

You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help:

crawford County Bar Assoc. Ser. tothe Publ Committee, c/o Prothonotary, Crawford County Courthouse, Meadville, Pa. 814 724-4636.

BY THE COURT,
Gordon R. Miller, J.

Nov. 5, 1990, Affidavit ot Proceed IN Forma Pauperis, Praecipe to Proceed In Forma Pauperis filed.

Dec. 3, 1990, Affidavit of Servcie filed. I hereby certify that the dft., Mervan Wofford was served by cert. mail on Nov. 13, 1990. Return Receipt is attached.
Date: 11/26/90 Gerald Sullivan, Esq.

Mar 25, 1991 Temporary Order filed: AND NOW, this 22nd day of March, 1991, after Mediation in the above referenced matter and upon the recommendations of the Child Custody Mediator,

IT IS HEREBY ORDERED AND DECREED THAT:

1. Legal custody of the subject minor children is awarded to their mother, Karen M. Wofford.

2. The parties shal share with each other any and all information which each may have regardiang the health, education, and the major events in the life of the subject minor children. Health care, school personnel, and other care providers are hereby authorized to release to either party any and all confidential information which they may have regarding the subject minor children.

3a. The father shall have the right of temporary physical custody and visitation on alternate weekends beginning with the weekend of March 15, from Friday at 6:00 p.m. through Sunday at 7:00 p.m. The times refer to when the children shall be picked up at their mother's home and delivered there. The mediator notes for the court that the father's home is a three hour drive from the mother's and therefore due allowances will have to be made for travel time in leaving the father's house.

b. Father shall also have the right of temporary physical custody and visitation each summer for a period of four weeks. He shall notify the mother by May 15 of each year of the four week period he wishes to select. The summer time visitation period shall include the father's vacation from work and shall take place entirely within the children's summer vacation from school. The mother shall have the right of visitation one weekend during the father's summer visitation period, from Friday at 6:00 p.m. through Sunday at 7:00 p.m., times referring to the pickup and delivery times at the father's residence. Said weekend visitation shall take place only after the children shall have been at their father's place of residence for seven days or more.

c. The subject minor children shall have the right to telephone the parent not having physical custody at reasonable times and for reasonable lengths of time and such conversations will not be unreasonably monitored by the parent having physical custody.

4, Holiday visitation shall be arranged as follows:

a. The holidays to be observed are Easter, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas. Holiday visitation shall be between the hours of 5:00 p.m. of the day preceding the holiday and end at 7:00 p.m. of the holiday. The father shall have temporary physical custody and visitation for Easter, 1991, and the parties shall thereafter alternate the holiday periods.

b. The children shall spend Father's Day with their father from 5:00 p.m. of the Saturday preceding Father's Day to 7:00 p.m. of Father's Day, and Mother's Day with their mother, during the same hours.

c. The provisions of this paragraph shall take precedence over the other provisions of this order relating to the custodial or visitation periods.

5. Should it be necessary for either party to cancel or modify the visitations as set out in this Order or as previously arranged, the party seeking cancellation or modification shall notify the other party as soon as he or she knows of the necessity which impels the cancellation or modification. Said modifications or cancellations shall not be proposed except for good reasons. Should a cancellation or modification be necessary, the parties shall attempt at once to arrange for alternative visits or to make alternative arrangements.

6. The parties shall split responsibility for transportation with the party receiving the children in the exercise of his or her rights picking up the children at the home of the other. The mother has noted for the mediator that she will have difficulty at times in complying with picking up the delivering the children because of her work schedule. She shall notify the father of thework schedule as soon as she receives it and provide him with a photocopy. If the work schedule precludes the mother's picking up the children at the home of the father, then the father shall provide all transportation during the affected visit. The mother shall be aware of the time constraints imposed on the father by this and shall do whatever she can to minimize the necessity.

7. Each party shall teach said children to give to the other party that love and respect which is due a parent from his or her children.

8. Neither party shall use illegal drugs or be under the influence of alcohol at any time when said party has the case and custody of the subject minor chilren. The parties are cautioned that recent medical research has indicated that tobacco smoke is injurious to health of growing children. Therefore, neither party shall smoke tobacco or permit others to do so in a closed automobile in which the children are transported or in the bedroom of the children.

Record Continued on page 510A

Karen Wofford

vs.

Mervan Wofford

Record Continued from Page 510

of

AD 1990-1060

****

9. Any person transporting the children shall make sure that the seat belts or other restraints are used in accordance with the law of Pennsylvania.

10. Neither party shall do or say anything to blacken the character of the other in the children's estimation. Each party shall treat the other in a polite and respectful manner when in the children's presence and each party shall instruct his or her relatives and friends to do likewise and also not to disparage the other party in the children's estimation.

11. Neither party sahll expose the children to the company of person to whom they are not related by blood or marriage between the hours of 8:00 p.m. and 7:00 a.m. nor shall either party expose the children at any time to the display of intimate affections.

12. The mediator notes for the Court that the children are presently in counseling through the Family Builders program at the Meadville Health Center. The mediator also notes that the mother is to move with her children to Erie shortly. Court directs that counseling arrangements be made through Community Mental Services in Erie. Both parties are directed to confer with and cooperate with the counseling as required by the counselors. The counselors are authorized to share with the mediator any information which they think appropriate.

13. The parties are free to make additional or alternative arrangements respecting the custodial and visitation periods and are strongly encouraged to do so if that would be proper and convenient. Said arrangements shall be by mutual consent only, in the absence of which this Order shall govern.

14. Either party may request a review of this Order two years from date hereof to make any adjustments.

15. Costs and fees of this Mediation, which are fixed at $182.00 are divided equally between the parties. The mediator notes for the Court that the mother qualifies for the services of legal aid and her share is therefore assessed to Crawford County. The father's share is assessed to him as costs in this case. Payment shall be made to the Prothonotary of Crawford County.

16. Either party may move the Court for a hearing de novo for thirty (30) days from date hereof. If neither party so moves, this Order shall be considered permanent.

By the Court,
P. Richard Thomas, S.J.

Mar 28, 1991 Copies of order put in Attys. Sullivan, Lindsay and Pineo's boxes and copy mailed to Defendant.

Apr. 22, 1991 Motion For Hearing De Novo and Order filed. AND NOW, this 22 day of April, 1991, upon presentation and consideration of the within Motion, a hearing is scheduled in this matter for the 5 day of June, 1991, at 3:00 p.m. in the Court of Common Pleas of Crawford County, Pennsylvania.

This Motion and Order shall be personally served upon defendant's attorney of record.

BY THE COURT,
P. Richard Thomas, J.

3 copies (atty)

May 1, 1991 Affidavit of Service filed. I hereby certify that a certified copy of the April 191 Order and Petition was placed in Attorney Brian Lindsay's prothonotary box on April 30, 1991

Gerald Sullivan

June 5, 1991 Petition for Contempt and Rule to Show Cause and Order filed: AND NOW THIS ____day of May, 1991, upon presentation and consideration of the foregoing Petition, a Rule is entered upon the Plaintiff/Respondent to show cause, if any she has, why the prayer of the Defendant/Petitioner should not be granted.

THIS RULE RETURNABLE ON THE 3 day of July, 1991, in Courtroom No. 1 of the Crawford County Courthouse, Meadville, Pennsylvania at 9:30 o'clock A.M.

BY THE COURT,
P. R. Thomas, S.J.

June 12, 1991 Copies of order put in Attys. Lindsay, Sullivan and Pineo's boxes.

June 13, 1991 ORDER filed. AND NOW, June 5, 1991 at the time a de novo hearing is set on this custody issue at the request of the mother, the mother fails to appear. Her counsel appears on her behalf and advises the Court that the mother now wishes to withdraw the request for a de novo hearing. Said request is granted.

The Defendant and his counsel appear and advise the Court that they rae considering filing a contempt petition as it relates to the temporary order of March 22, 1991 alleging various infractions o fht order committed by the mother.

Accordingly, the mother's request for de novo hearing is now moot and the temporary order shall remain in full force and effect until modified by further order of Court.

After dictating the above portion of the order, the Court is presented with a petition for contempt and a rule to show cause dated May 31, 1991, presented by counsel for the Defendant/Father. This petition spells out various alleged infractions of the aforesaid custod order.

A hearing is set on the Defendant's contempt citation and rule to show cause for July 3, 1991 at 9:30 a.m.

There is some confusion regarding a proper interpretation of paragraph 3(a) and 6 of the order of March 22, 1991. The parties mutually agree that the intention of these two paragraphs is that the father pick the children up on alternate weekends at the home of the mother in Erie, PA. at 6:00 p.m. and that the mother shall pic up the children at the father's home in Pittsburgh at 7:00 p.m. to return them to Erie. This shall be the normal routine regarding the transportation responsibilities except that if the mother's work schedule on Sunday requires her to be in her employment so that she could not pick the children up at 7:00 p.m. in Pittsburgh, then the fatehr assumes the responsibility of returning the children to the mother's home in Erie on Sunday night. At this time, the mother is not employed but shortly anticipates employment that may preclude her from the trip from Erie to Pittsburgh to pick up the children. Accordingly, as soon as she is employed and a work schedule is established, the mother will furnish periodically a copy of her work schedule to the father so he will be able to establish his schedule as to which weekend he will have the added responsibility of returning the children to the mother's hime in Erie because her work schedule would preclude her from taking a trip to Pittsburgh and back that would occur during her working hours.

By Order Of The Court,
P. Richard Thomas, S. J.

June 13, 1991 Two (2) copies each Order placed in Atty's box.

June 14, 1991 Motion For Continuance and Order filed. AND NOW, this 14 day of June, 1991, upon presentation and consideration of the foregoing, Motion For Continuance, the hearing of July 3, 1991, is continued until July 16, 1991 in Court Room No. 1 or 2 of the Crawford County Courthouse, Meadville, Pennsylvania at 3:00 o'clock M.

BY THE COURT,
P. Richard Thomas, S.J.

June 18, 191 Copies of order put in Brian Lindsay and Gerald Sullivan's box.

July 8, 1991 Motion To Continue and Order filed. AND NOW, this 8 day of July, Refused.
2 copies (atty)

P R Thomas, S.J.

Continued on Page 510 B.....

Karen Wofford

vs.

Mervan Wofford

Record continued from page 510A

of record

A.D. 1990 - 1060

****

Aug. 2, 1991 Petition For Custody Contempt and Order filed. AND NOW, this 2 day of Aug., 1991, upon presentation of the foregoing Petition for Contempt, a Rule is issued upon the Respondent, Mervan Wofford, to show cuase, if any he has, why he should not be held in contempt of the March 22, 1991 Order of the Court of Common Pleas of Crawford County, Pa., and a hearing is thereon set for the 27 day of Aug., 1991, at 10:30 a.m. o'clock in Courtroom #1 or #1 of the Crawford County Courthouse at Meadville, Pennsylvania.

The Respondent shall immediately return the minor children to the Petitioner. The Bridgeville Police Department and/or any police department having jurisdiction in this matter shall enforce this Order.

Pending the hearing scheduled above, custody of the minor children shall be with the Petitioner and the REspondent is prohibited from removing or attempting to remvoe the minor children from the Petitioner pending the hearing scheduled above.

This petition shall be served upon Respondent's attroney of record by regular mail or personal service. Service shall be made upon Respondent by regular mail.

Opposing counsel was notified of presentation of this motion & did not appear at motion court to oppose.

BY THE COURT,
P. Richard Thomas, S.J.

4 COPIES ATTY.

Aug 6,1991 Affidavit of Service of Petition and Order filed.

Aug. 28, 1991 ORDER filed. AND NOW, Aug. 27, 1991, we continue this contempt hearing for a period of sixty (60) days so that the Court can ascertain whether there have been any further violations of the Court Order or not; and if so, there will be a hearing at a time to be set by the Court Administrator approximately sixty (60) days from this date, at which time, the matter can be further reviewed.

By Order Of The Court,
J. Quint Salmon, S.J.
Specially Presiding

Aug. 30, 1991 Copy of Order to Attys. Gerald Sullivan and Brian Lindsay, and William Pineo.

Aug. 28, 1991, Exhibit filed. (with papers)

Sept 10, 1991, Notice of Hearing Date filed. The court Adm. having been directed by Order of Court to set hearing in the matter, hearing is set for Oct. 31, 1991 at 1:30 p.m.
Date Sept. 10, 1991 Imogene Yetman Ct. Adm.

Sept. 13, 1991 copies to Attys. g. Sullivan and B. Lindsay.

Nov. 1, 1991 Order filed. AND NOW, October 31, 1991, this matter is back before the Court on a contempt citation filed August 2, 1991 by the mother. It appears that Judge Salmon partially heard the matter but made no deicsion thereon.

This Court hear the matter informally with input from the parties and their counsel. It is obvious to this Court there is still great animosity between the parents of these three (3) children and that each takes a different view of simple factual situations with the mother contending that the children are in counseling and a counselor is recommending that the father be included in the counseling. The father's position is that the mother is manipulating the children and possibly the counselor and that while he was willing to engage in counseling he received no notice that he was requested to appear before the counselor.

It is obvious to this Court that each parent through their manipulative conduct is trying to take advantage of the situation and accordingly we amend the previous March 22, 1991 Order as follows:

A. Weekend visits as prescribed in Paragraph 3(a) of the March 22, 1991 Order shall recommence as far as visits to the father are concerned with the first visit occurring the weekend of NOvember 1-3.

B. It appears the children are in counseling with a Susan Anderson of FAmily Services in Erie County. The March 22nd Order in Paragraph 12 directed both parents to confer with the counselor in the best interest of the children. The Court this date is unable to get a commitment from the father that he will cooperatively meet with and enter into counseling with Counselor Sue Anderson in Erie but the Court urges him if requeste dby the counselor in writing to keep appointments to receive input from the counselor as to the problems the children are having and attempt to be cooperative with the counselor.

C. The father requests that either the counselor be cahnged to the Pittsburgh area where he resides or that there be cooperative counseling between sue Anderson in Erie and a counselor of his choice in the Pittsburgh area. The Court believes this to be grossly impractical at this time and will not order the same.

D. The parties are in disagreement about the original Order and who is to arrange for transportation of children. The Court DIRECTS that it shall be the obligation of the father if he wishes to have his weekend visits with the children to pick up the children at the mother's home in Erie. It shall be the mother's obligation **to return the children to her home from the father's home in PIttsburgh. If the mother is unable herself to provide the transportation, it will be her obligation to provide a substitute person to transport the children from Pittsburgh to her home.**

BY ORDER OF THE COURT,
P. Richard Thomas, S.J.

Nov. 8, 1991 Copies of order put in box for Atty's. Sullivan and Lindsay

June 11, 1992 Petition for Contempt filed. Notice and Order to Appear filed. Legal proceedings have been brought against you alleging you have willfully disobeyed an order of court for custody/visitation.

If you wish to defend against the claim set forth in the following pages, you may but are not required to file in writing with the court your defenses or objections.

Whether or not you file in writing with the court, your defenses or objections, you must appear in person in court on the 20 day of July, 1992 at 9:00 o'clock A.M. in courtroom No. 1 or 2 of the Crawford County Courthouse, Meadville, Pennsylvania 16335.

IF YOU DO NOT APPEAR IN PERSON, THE COURT MAY ISSUE A WARRANT FOR YOUR ARREST.

If the court finds that you have willfully failed to comply with its order for custody/visitation, you may be found to be in contempt of court and committed to jail, fined or both.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator, Crawford County Courthouse
Meadville, PA 16335 814/336-1151, ext 298
BY THE COURT:
Anthony J. Vardaro, J.

June 11, 1992 Copy of the Order to Gerald Sullivan, Esq. and Brian Lindsay, Esq., William Pineo, Esq.

Continued of Record to Page 510 (C)

1990

Karen Wofford
vs.
Mervan Wofford

Continued of record from Page 510 (B)

AD 1990 - 1060

****

June 11, 1992 Rule kto Show Cause filed. AND NOW, JUne 8, 1992, upon presentation and consideration of the foregoing Petition for Contempt, a Rule is entered upon the Plaintiff/Respondent to show cause, if any she had, why the prayer of the Defendant/Petitioner should not be granted.

THIS RULE IS RETURNABLE On July 20, 1992 in Courtroom No. 1 or 2 of the Crawford County Courthouse, Meadville, Pennsyvlania at 9:00 o'clock A.M.

BY THE COURT:
Anthony J.Vardaro, J.

June 11, 1992 Copy of theRule to Show Cause to: Gerald Sullivan,Esq., Brian Lindsay, ESq. William Pineo, Esq.

July 2, 1992 PRELIMINARY OBJECTION: MOTION TO DISMISS FOR IMPROPER VENUE and ORDER, filed. ORDER: AND NOW, this 1st day of July, 1992, upon presentation and consideration of the within Motion, a hearing is scheduled in this matter for the 20th day of July, 1992, at 9;00 a.m. in Courtroom 2, just prior to the hearing heretofore set in this case. In the event the Preliminary Objections are dismissed, the parties shall be prepared to proceed with the hearing.

This Motion and Order shall be personally serve upon Defendant s attorney of record.

FOR THE COURT.
Imogene Yetman, Crt. Adm.

July 9, 1992 copy in box for G. Sullivan & B. Lindsay

July 22, 1992 ORDER filed. AND NOW, July 20, 1992 this matter is before the Court on a petition for contempt filed by the Defendant and upon preliminary objections moving to dismiss that petition for improper venue filed by the Plaintiff.

The matter proceeds informally and it appears that Erie County is the current residence of the Plaintiff and Allegheny County is the current residence of the Defendant. The children are living with the Plaintiff in Erie County and have been for approximately one year. It further appears that the custody order of March 22, 1991 entered in Crawford County has been transferred to Erie County and a modification heraing with respect to the same is pending for July 23, 1992.

Based on all of that, while the Court believes it may have jurisdiction to hear the contempt matter raised, the Court declines to do so and believes that the appropriate forum for all proceedings with respect to this matter at this time is Erie County.

Therefore, this order is without prejudice to the Defendant to proceed with any petition for contempt he wishes to in Erie County.

The matter is discussed of possible visitation for the Defendant/father with the children in light of the fact that he is in Crawford Co. this day, and by agreement of the parties, the Defendant/father shall have temporary custody of his two sons immediately until 6:00 p.. this evening, at which time he shall deliver custody back to the Plaintiff/mother at her place of residence in Erie County. Additionally, the Plaintiff/mother shall bring the daughter Brittany to the residence of Mrs.Barbara Smith in Kerrtown at 11:30 a.m. this day so that the Defendant/father may also have visitation with her until 6:00 p.m. this day, when he shall deliver Brittany along with his sons to the Erie Co. residence of the Plaintiff/mother.

During such visitation with the children, Mrs. Barbara Smith shall be present including any transportation of the children back to Erie Co.

During the visitation of the Defendant/father with the children, he shall not in any way discuss the upcoming custody matter nor shall he say anything to blacken the character of the mother and likewise, pending the upcoming litigation in Erie Co. on July 23, 1992 the mother shall not say anything to the chidlren with respect to that nor shall she say anything to blacken the character of the father.

BY ORDER OF THE COURT,
Anthony J. Vardaro, J.

July 22, 1992 Copy of Order given to Attys. Gerald Sullivan and Brian Lindsay.

1990

Joel E. Hausman
Apple and Apple

1061.

Ferguson and Spataro
John F. Spataro

CORTLAND SAVINGS AND BANKING CO., ASSIGNEE OF PONDEROSA PARK RESORT

vs,

KEITH E. WORLEY AND BARBARA M. WORLEY, JOINTLY AND SEVERALLY

Filed Nov. 5, 1990
@ 11:20 a.m.

Tax & entry Paid	$50.50
State paid	5.00
Sheriff's costs	35.00

COMPLAINT

2 copies (sheriff)

Nov. 19, 1990 Sheriff's Return filed. SERVED Barbara M. Lilley personally on Nov. 7, 1990 at 4:02 PM at residence, 313 Poplar St., Meadville, PA. 16335.

SERVEd Keith E. Worley on Nov. 7, 1990 at 4:03 pm by handing copy of Complaint to Barbara M. Lilley, adult in charge of residence, 313 Poplar St., Meadville, PA 16335.

So answers,

Robert M. Stevens, Deputy Sheriff
Howard N. Stewart, Sheriff

Dec. 4, 1990, Answer and New Matter of defendants filed.

1990

1062.

IN THE MATTER OF THE APPOINTMENT OF JOHN DAVIS AS A WATCHER FOR THE THIRD WARD, FIRST DISTRICT OF THE CITY OF MEADVILLE

Filed Nov. 5, 1990
@ 2:42 p.m.

PETITION FOR APPOINTMENT OF A WATCHER

1 copy (voter registration)
1 copy (Board of Elections
1 copy (Democratic Chairman)

ORDER:

AND NOW, this 5th day of November 1990, upon consideration of the foregoing Petition and it appearing that the petitioner is a qualified voter in the City of Meadville and is a law abiding citizen and of good repute the Petitioner is appointed to be a watcher in the Third Ward, First District of the City of Meadville, for the General Election for the year 1990 and a copy of this notice certified by the Prothonotary of Crawford Shall serve as notice to the Judge of Elections and other officials at the polling place in the Third Ward, First District in the City of Meadville that the said JOhn Davis sahll be entitled to all privileges and duties of a watcher in the aforesaid District for the aforesaid election.

BY THE COURT,
Gordon R. Miller, J.

Barbara J Walton
~~John B. Brautigam~~
Culbertson, Weiss,
Schetroma and Schug
~~J. David Ungerman~~
(withdrawn)

Peters,
Lindsay, Lewis
& Hatheway
~~Brian J. Lindsay~~
FOR Pltf. Christopher Brode
withdrawn

1063.

Barbara J. Walton

11/31/91 Recd $ 66.30
From Plaintiff
Recd 2-1-90
$66.30
Vivian Stoltz

12-14-92 Letter placed in Safe place of Ord 12-9-92

10-22-96 Recd from Ofc Med Fee 247.27

12-19-96 $ Ofc 247.27 Pd Co

RONALD BALDWIN

vs.

KAREN S. BALDWIN

vs.

Lois Baldwin

Pro Co. 9.00

Filed Nov. 7, 1990
@

Sheriff's Costs	104.00
Tax & entry Paid	$50.50
State paid	5.00
Bruce Smith, Mediator	132.60 pd
	9.00
Pro Co Pd 11/31/91	
Bruce Smith, Mediator	183.20
	9.00
Bruce Smith, Mediator	206.23
Pro Co	9.00

COMPLAINT FOR CUSTODY

1 copy (atty)
1 copy (mediator)

Nov. 7, 1990, ORDER OF COURT filed. You, Karen S. Baldwin, dft., have been sued in court to obtain custody, partial custody, or visitation of the children:

Rececca Baldwin - born Sept. 18, 1986
Jessica Baldwin - Born July 13, 1982
Air Randa Baldwin - born June 24, 1981

You are ordered to appear in person before Bruce Smith, Custody Mediator at a time scheduled by mediator.

If the children are in your possession, you are further ordered to bring with you the children, above set forth.

If you fial to appear asprovided by this order or to bring the children, an order for custody, partial custody or visitation may be entered against you or the court may issue a warrant for your arrest.

You should take this paper to your lawyer at once. If you do not have a lawyer or cannot affore done, go to or telephone the office set forth to find out where you can get legal help.

Crawford County Bar Assoc. ser. to the Public Committee c/o Prothonotary Crawford County courthouse, Meadville, Pa. 16335 1 814 724=4636,

By the corut,
Dated: 11/8/90 Robert L. Walker, Sr. Judge

Dec 12, 1990 Temporary Order filed: AND NOW, this 11 day of December, 1990, after Mediation and upon recommendation of the Child Custody Mediator, it is hereby ordered and decreed that:

1. The natural parents of Air Randa Baldwin, age nine, born June 24, 1981, Jessica Baldwin, age eight, born July 13, 1982, and Rebecca Baldwin, age four, born September 18, 1986, the parties to this action, shall share legal custody of the said minor children. Said joint legal custody being shared shall entitled both of the parents to equal access to any records relating to the children held by third parties, including, but not limited to, school record and medical records, and shall also entitle both parents to equal input with regard to the educational and religious upbringing of the children, as well as elective surgery.

2. Primary physical custody of the children shall remain with the natural father, Ronald Baldwin, and his wife, Amy Baldwin. Regular visitation and temporary custody of the children shall be granted to the defendant mother, Karen S. Baldwin. Physical custody of the children for the defendant mother shall be as follows:

a) The children shall be available to visit in the mother's home on the first and third weekends of each month from Friday, 4:00 p.m., prevailing time, through Saturday, 5:00 p.m., prevailing time. During those visitations, the mother shall spend most, if not all, of her time with the children and shall not leave them in the care and custody of other for any considerable period of time.

b) Beginning with the summer of 1991, the mother shall have the right to take the children into her temporary custody for two uninterrupted weeks during the months of July or August upon a notice of seven days to the father.

c) Holiday visitation shall take priority over other scheduled visitation. The parties are encouraged to agree as to holiday visitation; however, in the event that they cannot, during odd-numbered years, beginning in 1991, the mother shall have the children on Easter and the 4th of July of each year and the father shall have the children on Memorial Day and Labor Day of each year. These days shall begin at 9:00 a.m., prevailing time, and shall end 7:00 p.m. prevailing time. These days shall be reversed in even-numbered years. The children shall spend Thanksgiving Day each year in the father's home and the day following Thanksgiving each year in the mother's home beginning in 1991. With regard to Christmas each year, beginning in 1990, the children shall be available to spend Christmas Day each year in the mother's home from 2:00 p.m., prevailing time, until 7:30 p.m., prevailing time.

d) The father shall drop off and pick up the children at the mother's residence. Anytime the mother is not present at the residence she has indicated to the father for a scheduled transfer of custody, that visitation shall be considered waived and shall not occur unless satisfactory prior arrangements have been made with the father.

4. The parent having custody of the children at anytime shall notify the other parent as soon as possible in the event of injury to or illness of the children requiring medical treatment. Each parent shall keep the other parent advised as to his or her current telephone number and mailing address and location of his or his residence.

5. Neither of the parents shall take the children into any environment which might be commonly thought of as detrimental to their development or to the development of their characters or which would be commonly thought of as dangerous to their physical persons.

6. The parents are encouraged to discuss arrangements for physical custody of the children; and, if the parties mutually agree to alternative arrangments to accommodate themselves and/or the children's schedules, they may adjust the physical custody arrangements accordingly and are encouraged to do so by mutual consent and agreement.

7. Each of the parents and stepparents will teach the children involved in this case to develop and display that natural love and respect due a parent or stepparent from his or her children or stepchildren. Neither of the parents nor any stepparents will do or say anything to blacken the character of the other parent or stepparent in the eyes of the children.

8. This order shall not prejudice the right of either party to request further Mediation if there are changed circumstances in the lives of the parties or the children or in the event that the best interest of the children would be served by further Mediation.

9. The Court of Common Pleas of Crawford County, Pennsylvania, shall retain jurisdiction of this matter so long as either of the parents or any of the children reside in the Court's jurisdiction and for at least six months from the date of this Temporary Order.

10. The fee for Child Custody Mediation shall be paid 50% by the plaintiff father and 50% by the County of Crawford on behalf of defendant mother.

11. This Order shall be a Temporary Order, but shall become a permanent Order unless Exceptions are filed by either party within thirty days from the date of this Temporary Order.

BY THE COURT,
P. Richard Thomas, Senior Judge

Dec 13, 1990 Copies of order mailed to Plaintiff, Defendant, Atty. Ungerman and Atty Smith.

July 10, 1991 Petition For Contempt of Court and ORDER OF COURT filed. TO: KAREN S. BALDWIN, Defendant

A Complaint has been filed in the Court of Common Pleas of Crawford County, PA., alleging that you, KAREN S. BALDWIN, Respondent herein, are in contempt of Court concerning custody of the following children:

AIR RANDA BALDWIN, age 9, born 7/24/1981
JESSICA BALDWIN, age 8, born 7/13/1982
REBECCA BALDWIN, age 4, born 9/18/1986

A Hearing will be held before the Honorable available Judge, of the Court of Common Pleas of Crawford County, PA.,

RECORD CONTINUED ON
PAGE 690.....

514

1990

Mason and Mason Joan D. Mason	LAURIE J. MICZIKUS	CUSTODY COMPLAINT
1064.	vs.	1 copy (atty)
	HERBERT JESSE HAAS	
	Filed Nov. 7, 1990 @ 10:00 a.m.	
	Tax & entry Paid $50.50 STate paid 5.00	

1990

1065.

DEBBIE J. RHOADES

vs.

ALAN L. BENNETT

Filed Nov. 7, 1990
@ 11:40 a.m.

Tax & entry	Pd 12/7/90	$50.50
State	Pd. 12/7/90	5.00
Sheriff's Costs		25.00
Pro Co	Pd 12/7/90	9.00

Rec'd 12/7/90
$25.00 sheriffs costs

#5950
$25.00 check to
Howard Stewart
Sheriff

PETITION FOR EMERGENCY RELIEF UNDER PROTECTION FROM ABUSE ACT
1 copy plaintiff
3 copies sheriff

ORDER:

And now, this 7th day of November, 1990, upon review of the petition of Plaintiff, the Court entered the following Temporary Order.

1. The Defendant shall not assault, abuse, harass or threaten the Plaintiff or any of the minor children named in the Petition.
2. Special Conditions: Defendant shall not go to the residence of the pl aintiff for any purpose and custody of the minor child, Ryan A. Bennett is awarded to the p laintiff awaiting hearing.
3. This Order may be enforced without a warrant of arrest by any law enforcement officer having reasonable ground to believe it has been violated.
4. A copy of this Order shall be delivered to the police departments in the jurisdiction where the Plaintiff resides and to County Control.
5. Service of a copy of the Petition and this Order shall be made upon the defendant by a sheriff, constable, police officer or competent adult.
6. This temporary order shall remain in full force and effect until modified or terminated by further order of this Court. Liability for payment of fees and costs will be determined by final court order.
7. The Defendant is reminded that this is an ORDER OF COURT and violation of this Order may be punishable by a fine up to $1,000.00 and a jail sentence of up to six months.
8. The court reserves ruling on allocations of fees and costs.

Hearing is here by set for November 15, 1990, at 9:00 a. M., in Courtroom 1 or 2 of the Crawford County Courthouse. The defendant is advised he may retain an lawyer to represent him at said hearing if he so desires but he is not required to do so.

BY ORDER OF COURT,
Robert L. Walker, S.J.

Nov. 13, 1990 Sheriff's Return filed. SERVED Alan J. Bennett personally on NOv. 8, 1990, at 1:40 PM at his place of employment, Channellock, 1306 South Main St., Meadville, Crawford County, Pa.
So answers,

Robert M. Stevens, Dep. Sheriff
Howard N. Stewart, Sheriff

********** Nov 20, 1990 Amended Order filed: AND NOW, November 16, 1990, the Court having been advised by Children and Youth Services that they cannot accommodate supervised visits because of the lack of personnel, see attached letter, this Court amends the Order entered November 15, 1990, as follows:

The parties shall mutually select a friend or other agency to accommodate them for supervised visits as prescribed in the November 15, 1990 Court Order.

BY ORDER OF THE COURT,
P. Richard Thomas, S.J.

Nov 27, 1990 Copies of order mailed to Plaintiff and defendant.

Jan. 3, 1991 Agreement filed. Debbie J. Rhoades was in the judge's office this morning advising she and Alan L. Bennett have come to an amciable agreement regarding visitation of the parties minor child, Ryan. Ms. Rhoades was advised Mr. bennett had been given permission to call her regarding the visitation matter only.
Debbie J. Rhoades
Alan L. Bennett

Nov 20, 1990 Order filed: AND NOW, November 15, 1990, the matter is before the Court for informal hearing. It is the posture of the Plaintiff that she is not interested in a reconciliation because of the extreme temper outbursts of the Defendant and she wants no reconciliation. Accordingly, the Defendant is directed not to threaten, assault, annoy or harass the Plaintiff in any fashion nor may he go to her residence for any purpose and may not telephone her except as it may regard an emergency affecting the child.

The parties have a nineteen (19) month old child Ryan and the father is desirous of continuing a relationship with the child. The mother advises that she desires all visits to be in her home at 831 Liberty Street, but in view of the history the Court heard this date of the relationship between the parties, the Court deems that inadvisable. Accordingly, the father may have supervised visits with the child at the Offices of Children & Youth Services on Park Avenue, Meadville, Pennsylvania, every Tuesday and Thursday between the hours of 2:30 p.m. and 4:30 P.M. It shall be the responsibility of the mother to deliver said child for the visits and pick up the child after the visits.

In designating supervised visits, the Court intends that if the weather is suitable, the father may remove the child from the Children & Youth Services Center to take walks or to visit stores, but he may not take the child out of the City of Meadville for any purpose.

The Court views this partially supervised visitation arrangement to be of limited duration as the animosity between the parties is so great at this time that the Court believes they should review the matter regarding visitations within the next month or so to see if a broadening of the father's visits cannot be accomplished by agreement. If such connot be accomplished, the Court advises the parties that either parent may file a custody and visitation action with the Court and ask the matter to be referred to a custody mediator or ultimately a judge of the Court of Common Pleas for a final order.

Defendant is DIRECTED to pay costs within ten (10) days of the receipt of a bill from the Prothonotary's Office for the same at his address at 1171½ South Main Street.

The defendant may by giving twenty-four (24) hour telephone notice to the Plaintiff establish a reasonable date and time when he will appear at the Plaintiff's residence for the purpose of picking up his clothing, his personal belongings and any tools and a bicycle from the premises.

Any police officer having reasonable grounds to believe that the Defendant has violated the abuse provisions of this Order may apprehend the Defendant on probable cause without a warrant and lodge him in the Crawford County Jail and request an immediate contempt hearing of the Court.

This Order shall remain in effect for a period of one (1) year unless sooner terminated by agreement of the parties.

BY ORDER OF THE COURT,
P. Richard Thomas, J.

Nov 27, 1990 Copies of both orders given to Defendant.and mailed to Plaintiff
For Amended Order see*******above

516

1990

Quinn, Gent, Buseck
& Leemhuis Inc.
Lawrence C. Bolla

1066.

SAINT VINCENT HEALTH CENTER

vs.

RUBY JO MONTGOMERY AND
RODGER L. MONTGOMERY

Filed Nov. 7, 1990
@ 12;38 p.m.

Tax & entry Paid	$50.50
State paid	5.00
Sheriff's Costs	44.49
Pro Co pd 1/3/91	9.00

COMPLAINT IN A CIVIL ACTION

2 copies (sheriff)

Nov 27, 1990 Sheriff's Return filed: SERVED Roger L. Montgomery on November 15, 1990 at 7:21 p.m. by handing copy of Complaint to Ruby Jo Montgomery, his wife, at their residence R.D.#5, Box 509, Meadville, Crawford Co., Pa. 16335.

SERVED Ruby Jo Montgomery personally on November 15, 1990 at 7:20 p.m. at her residence, R.D.#5, Box 509, Meadville, Crawford County, Pa 16335.

So answers, Robert M. Stevens, Deputy Sheriff
Howard N. Stewart, Sheriff

And Now, Jan. 3, 1990 at 11:18 a.m. upon praecipe of plaintiff attorney, with Notice Of Intention to File Default Judgment attached, judgment is hereby entered in favor of the plaintiff and against the defendant for failure to file an answer and the damages are assessed at the sum of Two Thousand Five Hundred Forty-four and 50/100 Dollars plus interest and cost of suit.

M-143-143
judgment entered 1/3/90

Debt $2,544.50
Int. from Nov. 2, 1990
Judgment
James F. Simmons
Prothonotary

12-6-94 Revved to AD1994-1233

1990

Phillips and Galanter
Cary W. Valyo

1067.

DUANE K. SAYRE

vs.

RACHELLE L. BANFORD

COMPLAINT

1 copy (sheriff)

Nov 27, 1990 Sheriff's Return filed: SERVED Rachelle L. Banford personally on November 15, 1990 at 2:55 p.m. at Sheriff's Office, Crawford County Courthouse, Meadville, Pa 16335.
So answers, Robert M. Stevens, Deputy Sheriff
Howard N. Stewart, Sheriff
@ 1:42 p.m.

AND NOW, Dec 28, 1990 Upon Praecipe of Plaintiff's Attorney with Notice of Judgment and Plaintiff's Bill of Costs Attached, Judgment is hereby entered in favor of the Plaintiff and against the defendant for failure to file an Answer and the same is liquidated in the amount of Five Thousand Eight Hundred Fifty-seven and 56/100 Dollars plus costs.

B-143

Debt.....$5,857.56 + costs
JUDGMENT
James F. Simmons
Prothonotary

Dec 31, 1990 Judgment entered.

Dec 31, 1990 Notice of Judgment mailed defendant.

Filed Nov. 7, 1990
@ 1:15 p.m.

Tax & entry Paid	$50.50 ✓
State paid	5.00
Sheriff's costs	25.00
Plaintiff's costs	40.00
Pro Co Pd 12-28-90	9.00
Proc Pd 4/17/91	2.00 ✓

AUGUST 10, 2000, THIS JUDGMENT SATISFIED.
SEE PAPER FILED AND COMPUTER FOR ENTRY.

518

1990

Fuller, Kinnunen,
Petruso & Gamble
Gary A. Fabian

1068.

EDNA M. HORODYSKI

vs.

ROBERT P. ZIEGLER

Filed Nov. 7, 1990
@ 1:44 p.m.

Tax & entry Paid	$50.50
State paid	5.00
Sheriff's Costs	37.60
Pro Co Pd 1/10/91	6.00

COMPLAINT.

1 copy (sheriff)

Dec 4, 1990 Sheriff's Return filed: Before me, the undersigned authority, personally appeared Eric A Garrett, Deputy Sheriff, who being duly sworn according to law, deposes and says that on the 19th day of November, 1990, at 2:30 p.m., he served Robert P. Zeigler, filed at AD 1990-1068, Crawford County, Pennsylvania, upon defendant, Robert P. Ziegler at his place of residence, R.D#1, Hadley, Pennsylvania by making known the contents thereof to Robert P. Ziegler personally and handing to and leaving with him the certified copy of the complaint received fro Sheriff of Crawford Co., Pa.

Eric A. Garrett, Deputy Sheriff
William H. Romine, Jr., Sheriff

SERVED Robert P. Ziegler by deputizing the sheriff of MERCER County, Pa. as per his Affidavit of Service attache.
Served: November 19, 1990.
So answers, Howard N. Stewart, Sheriff

Jan. 10, 1991, Upon praecipe of plaintiff attorney, the above captioned matter is hereby marked settled and discontinued of record.

1990

Joseph F. Kulwicki

1069.

DAVID BRIAN RICE, A MINOR, BY ARDEN LYLE RICE, AND VIRGINIA S. RICE, HIS PARENTS AND NATURAL GUARDIANS

vs.

MITCHELL J. MAZIARZ, III AND JUDY A. MAZIARZ

Filed Nov. 7, 1990
@ 1:52 p.m.

Tax & entry	Pd 11/14/90	$50.50
State	Pd 11/14/90	5.00
Pro Co	Pd 11/14/90	9.00

PETITION TO SETTLE A MINOR'S ACTION UNDER SECTION 3323(a) OF P.E.F. AND FOR APPROVAL OF EXPENDITURES OF FUNDS UNDER SECTION 5164 of P.E.F.

ORDER:

AND NOW, this 7th day of Nov. 1990, upon consideration of the within Petition and under the authority conferred by PEF §5103 Sequestered Deposit, PEF %5144 (10) Compromise and Controversies, and PEF 5164 Approval of Expenditure of Funds, and upon motion of Joseph F. Kulwicki, III, attorney for Arden Lyle Rice and Virginia S. rice, parents and natural guardian of David Brian Rice, and with the consent of the minor plaintiff, this court grants the prayer of the Guardian's Petition to Settle this Minor's Action, approves the purchase of a 1991 Chrevolet S-10 pickup truck and Orders distribution of the sum of Fifty Thousand Dollars ($50,000.00) in settlement proceeds as follows:

A. Purchase of one 1991 Chrevolet S-10 pickup truck.....12,000.00

B. Advance payment by Erie Insurance Company for transportation expenses.....6,000.00

C. Net Proceeds to plaintiffs, natural guardian of David Brian Rice:.....32,000.00

1. to be immediately placed in an interest-bearing account at a bank or savings institution chosen by Arden Lyle Rice and Virginia S. Rice, guardians,

2.said account is in the name of the minor, David Brian Rice; and

3. Said account is so established that no funds may be withdrawn from the account without further application to and the entry of an order of court; and

4. suc h future court application for withdrawal of the minor's funds must have a true and correct copy of this order attached to it as an Exhibit, and,

5. it is further ordered that a true and correct copy of this order be dept in the official files of any financial institution having possession or control over any funds distributed to David Brian Rice pursuant to this order.

BY THE COURT,
Robert L. Walker,
S. J.

Nov. 8, 1990, copy of order to Atty. Kulwicki.

Jan 3, 1991 Petition for Distribution of Sequestered Deposit and Order filed: AND NOW, this 3rd day of January, 1991, upon consideration of the within petition and on Motion of Joseph F. Kulwicki, III, attorney for petitioner, it is hereby Ordered and Decreed that Arden L. Rice is hereby authorized to cvlose Petitioner David Brian Rice's account and Pennbank is authorized to distribute to David Brian Rice the sequestered deposit and accrued interest remaining in the aforementioned account.

By the Court,
Gordon R. Miller, Judge

Jan 4, 1991 Copies of order put in Atty. Kulwicki's box.

1990

Emil M. Spadafore, Jr
Thomas, Truax, Spadafore, Vardaro Walker

1070.

SHAFER, SWICK, BAILEY, IRWIN & STACK
Paul D. Shafer, Jr.
Jeffrey K. Millin
for Defts. Delp and Lundstrom

Gorr, Moser, Dell & Loughney
Richard W. Dell
Westfield Insurance Companies
Westfield Insurance Company

Marsh, Spaeder, Baur, Spaeder & Schaaf
Will J. Schaaf
Scott H. Bedwell, M.D.

Quinn, Gent, Buseck and Leemhuis, Inc.
By: John M. Quinn, Jr
for:Meadville Medical Center

MacDonald, Illig, Jones & Britton
Kevin C. Jennings
J. Douglas Murphy
William D. Sullivan, MD

RANDY R. YOUNG

vs.

WESTFIELD INSURANCE COMPANIES, t/a/d/b/a WESTFIELD INSURANCE COMPANY, TITUSVILLE FORD LINCOLN MERCURY, INC., HAROLD W. DELP, ADMINISTRATOR OF THE ESTATE OF ZENOBIA D. DELP, DECEASED HAROLD W. DELP, INDIVIDUALLY AND LAURIE S. LINDSTROM
DR. WILLIAM D. SULLIVAN
DR. SCOTT H. BEDWELL
MEADVILLE MEDICAL CENTER

Filed Nov. 7, 1990
@ 3:25 p.m.

Tax & entry Paid $50.50 ✓
state paid 5.00
Sheriff's Costs 39.00
Pro Appeal Pd 11/20/91-30.00 ✓
State Pd 11/20/91- 5.00
Dr. King Pd 6/15/93-5.00 ✓

COMPLAINT - ACTION FOR DECLARATORY RELIEF

Nov 8, 1990 Appearance of Shafer, Swick, Bailey, Irwin and Stack by Paul D. Shafer, Jr., Esq. and Jeffrey K. Millin, Esq. for Defendants Delp and Linstrom filed.

Nov. 9, 1990 Affidavit of Service filed. Margaret McClusky, being duly sworn according to law, deposes and says that she is the paralegal for Emil M. Spadafore, Jr., Esquire, attorney for the plaintiff in this action, and states that she obtained service on Harold W. Delp, Administrator of the Estate of Zenobia Delp, deceased, Harold W. Delp, individually, and Laurie Lindstrom by personally serving a true and correct copy ofthe Complaint to the secretary for their attorney of record, Paul D. Shafer, esquire, at his office at 360 Chestnut Street, Meadville, Pennsylvania.
Margaret McClusky

Nov 21, 1990 Answer to Complaint for Declaratory Judgment filed.

Dec 4, 1990 Sheriff's Return filed: SERVED Westfield Insurance Co., by certified mail on November 13, 1990 at 7215 North Center Street, Mentor, OH 44060-4980. Signed return receipt attached.
Not served as of Titusville Ford, Hydetown Road, Titusville, Pa. They are out of business. Property vacant.
So answers, Robert M. Stevens, Deputy Sheriff
Howard N. Stewart, Sheriff

Dec 6, 1990 Preliminary Objections filed.

Dec. 17, 1990, Amended Complaint filed.

Jan. 7, 1990, Answer of defendants Harold W. Delp, Adm. of the Est. of Zenobia D. Delp, deceased, and Harold W. Delp, Ind. and Laurie S. Lindstrom, to Amended Complaint for Declaratory Relief, filed.

Jan. 11, 1991 Upon praecipe of appearance of Gorr, Moser, dell & Loughney by Richard W. Del for Westfield INsurance companies t/a/d/b/a Westfield Insurance Company filed.

Jan. 11, 1991 Notice Of Deposition of Randy R. Youngs filed.

Jan. 14, 1991 Answer and New Matter to Amended Complaint filed.

Feb. 4, 1991, Answer of defendants to New MaTTER filed.

Feb. 4, 1991, Affidavit of SErvice filed. Debra Mattocks being duly sworn according to law, deposes and says that she is the sec. to Emil Spadafore, Jr. esq. atty. for petitioner in this ac tion and certified that on 1/21/91 she delivered to the P. O. in Meadville, Pa. for del. to James E. Gray Esq. at 8700 E. Market St. Suite 3, Hunter Sq. warren Oh. 44484 by cert. mail, ret. rec. req. del restricted to addressee only, copies of all pleadings in this matter for which deponent received at the time rec. for cert. art. No. P. 398 121 553 which is attached hereto as ex. "A". Thereafter on 1/23/91 it was returned to Atty. Spadafore ret. rec. card bearing the same no. and signed byLouis Delber said ret. rec. card being attached hereto as ex. "B".
Debra Mattocks.

Mar. 4, 1991 Petition For Leave To Amend The Complaint and Order filed. AND NOW, to-wit, this 4th day of March, 1991, upon consideration of the foregoing petition, dr. William B. Sullivan, Dr. Scott H. Bedwell, and Meadville Medical Center are hereby addes as parties to this litigation, without prejudice for any party to file a response to the amended Complaint, or to object to this joi;nder.
BY THE COURT,:
GordonR. Miller, J

Mar. 5, 1991 Copies of order put in Emil Spadafore and Paul Shafer's box and copy mailed to Richard Dell

Mar. 8, 1991 Appearance of Marsh, Spaeder, Baur, Spaeder & Schaaf by Will J. Schaaf for Scott H. Bedwell, M.D. filed.

Mar. 18, 1991 Amended Complaint filed.

Mar. 19, 1991 Appearance of Quinn, Gent, Buseck and Leemhuis, Inc. by John M. Quinn, Jr. for defendant Meadville Medical Center only filed.

Mar. 22, 1991 Appearance of MacDonald, Illig, Jones & Britton by J. Douglas Murphy and Keven C. Jennings for William D. Sullivan, MD, only filed.

June 5, 1991 Motion For Non-Jury Trial filed.

June 5, 1991 ORDER on Motion for Non-Jury Trial filed. AND NOW, this 5th day of June, 1991, upon consideration of the foregoing Motion, said Motion is granted.
It is further Order, Adjudged and Decreed that this matter shall be scheduled on the 3rd day of July, 1991, at 9:00 a.m. in Court Room # 1 or 2 of the Court of Common Pleas of Crawford County. A copy of this motion and order shall be served on all parties by counsel for Delps forthwith.
By The Court:
Gordon R. Miller, J.

June 5, 1991 Copy of Order to all Counsel.

June 28, 1991 Oral Deposition fo William L. Tenney filed.

June 28, 1991 Reply To New Matter filed.

Aug. 16, 1991 TRANSCRIPT OF PROCEEDINGS TAKEN AT TIME OF NONJURY TRIAL, FILED.

Continued on page 520A

RANDY R. YOUNG and STATE FARM INSURANCE, CO.

vs.

WESTFIELD INSURANCE CO., et al

Record continued from page 520

of record

A.D. 1990 - 1070

****

Sept. 25, 1991 Memorandum and Order filed. AND NOW, September 24, 1991, we make the follwoing Findings of Fact and Conclusions of Law:
(1) The ownership ofthe Ford Ranger super cab pickup involved in the accident still rested with the dealership, Titusville Ford Lincoln Mercury and not with Randy Young; therefore, Westfield Insurance Company is the insurer of the vehicle;
(2) The limits of the policy under the Garage Coverage Form for customers of the insured dealers is limited to $15,000 per person, $30,000 per accident of bodily injury and $5000 per accident for proper ty damage, and is not an illegal escape clause.

BY ORDER OF THE COURT,
P. Richard Thomas, S.J.

Sept. 26, 1991 Copies of order to Atty. Spadafore, Shafer and Loughney

Sept 26, 1991 Exhibits filed (with papers)

Oct. 2, 1991 Motion For Post-Trial Relief filed.

Oct. 3, 1991 Motion For Post-Trial Relief filed.

Oct. 18, 1991, Upon praecipe of defendants attonrey, case placed on next argument list.

ON NOVEMBER 1991 ARGUMENT LIST

Nov. 6, 1991 Memorandum and Order filed. AND NOW, October 31, 1991, the Court dismisses Defendant's post-trial motion and enters judgment concluding that the ownership ofthe vehicle remained withthe Titusville Ford Lincoln Mercury dealership and not with Randy Young at the time of the accident.

BY ORDER OF THE COURT,
P. Richard Thomas, S.J.

Nov. 13, 1991 Copies of order to Atty. Spadafore, Shafer and Loughney

Nov. 20, 1991, Notice of Appeal filed on behalf of Westfield Ins. Companies t/a/d/b/a Westfield Insurance Company, defendants, to the Superior Court of Pennsylvania form order entered in this matter on the 13 day of Nov. 1991, filed. (Proof of Service attached)

Nov 25, 1991 Motion to Reopen the Record or Bar Disposition of the Policy and Amount Issues Not Raised in Pre-Trial Pleadings filed. (seeorder of Dec 6, 1991)

Nov. 25, 1991 Amended notice of Appeal and Proof of service filed.

Dec. 3, 1991, Notice of Appeal Docketing at Superior Court Docket No. Assigned 02015PGH91, filed.

Dec. 6, 1991 ORDER, filed. ORDER: By previous order, this Court decided ownership of the vehicle in question and determined that Westfield Ins. which insured Titusville Ford was the appropriate insurance company responsible for Plaintiff's liability in a companion civil action of Delp and Lindstrom vs. Young at 1990 - 613. The Court is advised that Westfield has appealed this Court decision, and the matter is now pending in the Superior Court.

Remaining for decision is the Plaintiff's motion for a new trial because of the Court's adverse ruling on the issues. Remaining undecided is the Delp and Lindstrom argument that the Court erred in its decision on policy limits of $15,000 and $30,000 coverage and the appropriate amount of excess coverage the Westfield policy accorded Titusville Ford. By agreement of the parties, the excess coverage issue was deferred and has not yet been ruled upon by the Court.

Unknown to Court and counsel at the time of the initial decision in th is case on Sept. 24, 1991, was the case of Lambert vs. McClure and Donegal Insurance filed Aug. 21, 1991, at 595 A 2d. 629 (Pa. Super. 1991). This unusual case has thrown the Court and counsel into confusion regarding its appropriate application to the peculiar facts of the case here at issue.

In an attempt to consolidate all issues and decide the applicability of Lambert vs. McClure to this case, counsel for Westfield at the time of argument this date files a "Motion to Reopen The Record Or Bar Disposition Of The Policy And Amount Issues Not Raised In Pretrial Pleadings."

Since there is an appeal of the Court's final judgment pending in the Superior Court, and counsel are uncertain as to the authority of the Court to proceed to decide the remaining motion for new trial and the impact that Lambert vs.McClure may have on the decision already made in this case and decisions yet to be made; the Court determines that the best way to expedite the ultimate decision in this case is to grant the motion to reopen the record. We direct counsel to explore the possibility of entering into a stipulation regarding ancillary facts which should become part of the record rather than have each party file regular pleadings and appropriate answers thereto. The Court grants counsel 30 days to attempt to file the stipulation, and if such cannot be accomplished, complete discovery must be completed within an additional 30 days.

Pending the outcome of the aforesaid, the Court withholds ruling on the pending motion by Delp and Lindstrom on their motions for new trial. All counsel agree that counsel for Young and State Farm will file an amended complaint raising the issue of the validity of the endorsement limiting the policy limits, and, in addition, the issue regarding the appropriate amount of excess coverage. All counsel agree that no answer to said amended complaint need be filed.

In view of the aforesaid, counsel for Westfield agrees to file a motion with Superior Court requesting deferral of a ruling on their appeal and requesting a stay with the Superior Court awaiting the ultimate outcome of the complex issues in this case to the end that all matters may be heard by the Superior Court at one time. All counsel agree, without filing the necessary stipulations, to the filing of said motion.

BY ORDER OF THE COURT,
P. Richard Thomas, S.J.

Dec. 10, 1991 Copy in box for Attys. E. Spadafore, P. Shafer & J. Millin. Mailed copy to Attys. R. Dell, W. Schaaf, J. Quinn, Jr., K. Jennings & J. D. Murphy Also sent copy to Patrick J. Loughney, Esq. per his request.

Feb. 21, 1992 Amended Complaint, filed. 1 copy (atty)

Mar. 3, 1992, Certificate of Contents of Remanded Record and Notice of Remand filed. (contained original record, 1 envelope of exhibits, 2 transcripts, cert. copy of quash order)
Mar. 3, 1992, copy of cert. mailed to Superior Court.

Mar. 3, 1992 Certified copy of Order from Superior Court of Pa. filed. Dec. 2, 1991, Motion to Stay, filed. ORDER OF COURT: Upon consideration fo the Motion to stay superior Court Appeal, there being outstanding post-trial motions pending below, the appeal is quashed sua sponte as premature. this order is without prejudice to appellant to file an appeal from a final judgment entered in this case. The motion is dismissed as moot.
Date: Jan. 17, 1992 PER CURIAM.

June 15, 1993, UPon praecipe of plaintiff attorneys, the above captioned case is marked settled and discontinued of record.

520
B

1990

1990

Joseph F. Kulwicki

1071.

ELIZABETH J. PRICE

vs.

DONALD A. PRICE

Filed Nov. 7, 1990
@ 3:46 p.m.

Tax & entry Paid	$50.50
State paid	10.00
State paid	5.00
Pro Co pd 2/19/91	9.00

COMPLAINT UNDER SECTION 201(c) OF THE DIVORCE CODE

Nov. 20, 1990, Certificate of Service filed. Irene P. Alexander being duly sworn according to law, deposes and says that she is employed by Jos. F. Kulwicki, Esq. atty. for plaintiff, ans as such on or about Nov. 9, 1990 she pla ced a cert. copy of Divorce Compalint in U.S. mail addressed to dft. mailed cert. mail, restricted delivery, No. P 724 954 514. Signature card for said item was returned to office of Jos. Kulwicki, Esq. bearing the signature of dft. as ahving received same on Nov. 13, 1990. Irene P. Alexander.

Feb. 12, 1991 Affidavit of Consent of Defendant filed

Feb. 12, 1991 Affidavit of Consent of Plaintiff filed.

Feb. 12, 1991 Upon praecipe of Plaintiff Attorney To Transmit Record, this case moved to court.

Feb. 25, 1991 **D I V O R C E D E C R E E F I L E D .**

AND NOW, February 25, 1991, it is ordered and decreed that Elizabeth J. Price, plaintiff, and Donald A. Price, defendant are divorced from the bonds of matrimony.

BY THE COURT,
Gordon R. Miller, J

1990

1072.

BOROUGH OF SPRINGBORO
P.O. Box 33
Springboro, Pa. 16435

vs.

DONALD HEPLER
DOROTHY HEPLER

AGREEMENT TO REVIVE

of

DSB 1985 - 757

The undersigned hereby agrees that the judgment be revived; prothonotary indexed judgment revival in favor of the plaintiff and against the defendants in the amount of Seven Thousand Dollars plus costs.

Debt ----- $7,000.00
Date --- Nov. 7, 1990
H - 41, 41 JUDGMENT
James F. Simmons,
Prothonotary

Filed Nov. 8, 1990
@ 11:26 a.m.

Pro Simmons paid $9.00 ✓
plff on orig 14.50

Nov 17, 1995
Revived to AD 1995-1203

1990

Barrett & Dratler
Bruce A. Barrett

1073.

THE TRAVELERS INSURANCE COMPANY

vs.

WILLEY & SONS TRUCKING

Filed Nov. 8, 1990
@ 12:54 p.m.

Tax & entry Paid	$50.50
State paid	5.00
Sheriff's Costs	23.50

COMPLAINT

1 copy (sheriff)

Dec 4, 1990 Sheriff's Return filed: SERVED Willey & Sons Trucking on November 16, 1990 at 11:30 a.m. by handing copy of Complaint to Karen Willey, person in charge, at residence, R.D.#1, Guys Mills, Crawford County, Pa.
So answers, Robert M. Stevens, Deputy Sheriff
Howard N. Stewart. Sheriff

1074.

VICKY A. ROBERTS

vs.

BRUCE LYNN ROBERTS

1/7/91 Recd $22.00 From Defendant

1/8/91 Paid $17.00 To Howard Stewart, Sheriff Ck # 5988

1/8/91 Paid $5.00 To Bruce L. Roberts Ck # 5989

Filed Nov. 8, 1990
@ 12:58 p.m.

Tax & entry	Pd 11/7/91	$50.50
State	Pd 11/7/91	5.00
Sheriff's Costs		17.00
Pro Co	Pd 11/7/91	9.00

PETITION FOR EMERGENCY RELIEF UNDER PROTECTION FROM ABUSE ACT
1 copy plaintiff
3 copies sheriff

ORDER:

And now, this 8 day of Nov., 1990, upon review of the petition of Plaintiff, the Court entered the following Temporary Order.

1. The Defendant shall not assault, abuse, harass or threaten the Plaintiff or any of the minor children named in the Petition .

2. Special Conditions: If Defendant has closed or withdrawn substantial sums from the parties joint checking account, Defendant shall use $500 of same to pay on article of argeement on their jo;int owned real estate.

3. This Order may be enforced without a warrant of arrest by any law enforcement officer having reasonable ground to believe it has been violated.

4. A copy of this Order shall be delivered to the police departments in the jurisdiction where the Plaintiff resides and to County Control.

5. Service of a copy of the Petition and this Order shall be made upon the defendant by a sheriff, constable, police officer or competent adult.

6. This temporary order shall remain in full force and effect until modified or terminated by further order of this Court. Liability for payment of fees and costs will be determined by final court order.

7. The Defendant is reminded that this is an ORDER OF COURT and violation of this Order may be punishable by a fine up to $1,000.00 and a jail sentence of up to six months.

8. The court reserves ruling on allocations of fees and costs.

Hearing is here by set for November 15, , at 11:00 A.M., in Courtroom 1 or 2 of the Crawford County Courthouse. The defendant is advised he may retain an lawyer to represent him at said hearing if he so desires but he is not required to do so.

BY ORDER OF COURT,
P. Richard Thomas, S.J.

Nov. 16, 1990 Sheriff's Return filed. Before me, the undersigned authority, personally appeared Eric A. garrett, Deputy Sheriff, who being duly sworn according to law, deposes and says that on the 9th day of November, 1990, at 12:30 p.m., he served Petition for Emergency Relief Under Protection From Abuse, filed at No. 1074 AD Term, 1990, Crawford County Pennsylvania, upon defendant Bruce Lynn Roberts at his place of employment, Dart Chevrolet, Greenville, Pennsylvania By making known the contents thereof to bruce Lynn Roberts personally and handing to andleaving with him the certified copy of the petition received from Sheriff of Crawford County,

So answers, Eric A. garrett, Deputy Sheriff
William H. Romine, Jr, Sheriff

SERVED Bruce Lynn Roberts by deputizing Sheriff of Mercer County, PA as per his Affidavit of Service attached. Served: November 9, 1990

So answers, Howard N. sTewart, Sheriff

Nov 19, 1990 Order filed: AND NOW, November 15, 1990, the matter is before the Court for informal hearing on the Abuse Petition. It appears the Defendant/Husband is now in an alcohol rehabilitation program but is still working full time. The parties have mutually agreed that the husband occupy the basement of the house as his dwelling arean and the mother and children occupy the remainder of the house. The parties mutally agree that family economics dictate that this arrangement should continue.

Accordingly, the temporary Order regarding abuse is continued and the Defendant is DIRECTED that he shall not threaten, annoy, assault or harass the wife in any fashion. The parties advise the Court they have reached a mutual satisfactory arrangement regarding visitation with minor child Crystal and the father within the household.

The father now advises he is in an alcohol rehabilitation program.
There is no need at this time for a temporary support Order as the parties have apparently mutually agreed to process their separate incomes to maintain the household and support the minor child.

Any police officer having reasonable grounds to believe that the abuse portion of this Order has been violated may upon reasonable cause apprehend the Defendant and lodge him in the Crawford County Jail and request a contempt hearing.

This Order shall remain in force and effect for a period of one (1) year unless terminated voluntarily by the parties at a sooner time.

The Defendant is DIRECTED to pay the costs in this case within twenty (20) days of the time he receives a bill for the same mailed to his address at R.D.#5, Mount Pleasant Road, Meadville, Pennsylvania.

BY ORDER OF THE COURT,
P. Richard Thomas, S.J.

Nov 21, 1990 Copies of order mailed to Plaintiff and defendant and copy given to Co. Control.

1990

Knox McLaughlin
Gornall & Sennett INc.
Richard A. Levick

1075.

Anthony Vardaro
Thomas, Truax, Spadafore, Vardaro, Walker

IN RE:

TAX ASSESSMENT APPEAL OF SANRAY CORPORATION FROM THE DETERMINATION OF THE CRAWFORD COUNTY BOARD OF ASSESSMENT APPEALS

Filed Nov. 8, 1990
@ 1:17 p.m.

Tax & entry Paid	$50.50
STate paid	5.00
Pro Co Pd 7/25/91	5.00

ASSESSMENT APPEAL PETITION

1 copy (atty)

Nov. 21, 1990, Answer to Assessment Appeal filed.

Feb. 5, 1991, Certificate of Readiness filed.

ON APRIL 1991 TRIAL LIST

Apr. 1, 1991, ORDER SETTING NONJURY TRIAL filed. AND NOW, Mar. 28, 1991 nonjury trial in this matter is hereby set for May 31, 1991 at 1:30 p.m. in C. R. No. 1 or 2.
FOR THE COURT, Imogene Yetman Ct. Adm
Apr. 4, 1991 copies to Attys. Levick and Vardaro.

May 28, 1991 Order Setting Nonjury Trial filed: AND NOW, May 28, 1991, nonjury trial in the above matter heretofore set for May 311, 1991, is hereby reset for July 12, 1991, at 1:30 p.m. in Courtroom No. 1 or 2.

July 25, 1991, upon praecipe of plaintiff attorney, all claims and causes of action which were, or could have been, asserted in this action having been settled, adjusted and compromised, this action is hereby discontinued of record.

1990

Daniel L. R. Miller
McClure and Miller

1076.

Anthony vardaro
Thomas, Truax, spada-
fore, vardaro, Walker
John F. Spataro

MARINE BANK, TRUSTEE UNDER WILL OF RONALD L. WOLFF

vs.

DAVID M. GLENN, KERRY D. CORBETT AND IVAN G. ROSE, CRAWFORD COUNTY COMMISSIONERS AND BOARD OF ASSESSMENT APPEALS

Filed Nov. 8, 1990
@ 1:44 p.m.

Tax & entry Paid	$50.50
State paid	5.00

APPEAL FROM DECISION OF CRAWFORD COUNTY BOARD OF ASSESSMENT APPEALS

Nov. 21, 1990, Answer to Assessment Appeal filed.

Jan. 31, 1992 CONSENT ORDER filed. AND NOW, this 31st day of January, 1992, upon agreement and consent of the parties as signified by the signature of their counsel below, it is hereby ordered that the fair market value of the subject property for the instant tax appeal is $175,000 and the applicable common level ratio is 61.9%. Furthermore, the fair market value and common level ratio, and resulting revised assessment shall be reflected in the tax assessment records effective Jan. 1, 1991 and the property owner shall receive a refund of property taxes based upon the above changes, if 1991 local, county or school taxes have been paid by the property owner. Consented to : Jon F. Spataro, Solicitor for Crawford County; Daniel L. R. Miller, Attorney for Property Owner.

BY THE COURT:
Anthony J. Vardaro, J.

Feb. 6, 1992 copy in box for J. Spataro, mailed copy to D. Miller

1990

Daniel L. R. Miller
McClure & Miller

1077.

Anthony Vardaro
Thomas, Truax, Spada-
fore, vardaro, walker

John F.Spataro

MARINE BANK, TRUSTEE UNDER WILL OF RONALD L. WOLFF

vs.

DAVID M. GLENN, KERRY D. CORBETT, AND IVAN G. ROSE, CRAWFORD COUNTY COMMISSIONERS AND BOARD OF ASSESSMENT APPEALS

Filed Nov. 8, 1990
@ 1:44 p.m.

Tax & entry paid	$50.50
state paid	5.00

APPEAL FROM DECISION OF CRAWFORD COUNTY BOARD OF ASSESSMENT APPEALS

Nov. 21, 1990, Answer to assessment appeal filed.

Jan. 31, 1992 CONSENT ORDER filed. AND NOW, this 31st day of January, 1992, upon agreement and consent of the parties as signified of their counsel below, it is hereby ordered that the fair market value of the subject property for the instant tax appeal is $142,690 and the applicable common level ratio, and resulting revised assessment shall be reflected int he tax assessment records effective Jan. 1, 1991 and the property owner shall receive a refund of property taxes based upon the above changes, if 1991 local, county or school taxes have been paid by the property owner. Consentedto: John F. Spataro, Solicitor for Crawford County; Daniel L. R. Miller, Attorney for Property Owner

BY THE COURT,
Anthony J. Vardaro, J.

Feb. 6, 1992 copy in box for J. Spartaro, mailed copy to D. Miller

1990

Daniel L. R. Miller
McClure & Miller

1078.

Thomas, Truax, Spadafore, Vardaro, Walker
Anthony Vardaro

John F. Spataro

MARINE BANK, TRUSTEE UNDER WILL OF RONALD L. WOLFF

vs.

DAVID M. GLENN, KERRY D. CORBETT, AND IVAN G. ROSE, CRAWFORD COUNTY COMMISSIONERS, AND BOARD OF ASSESSMENT APPEALS

APPEAL FROM DECISION OF CRAWFORD COUNTY BOARD OF ASSESSMENT APPEALS

Nov. 21, 1990, Answer to Assessment Appeal filed.

Aug. 8, 1991 Certificate of Readiness filed.

ON TRIAL LIST FOR OCTOBER 1991

Oct. 15, 1991, ORDER SETTING NONJURY TRIAL filed.
AND NOW, Oc.t 15, 1991 nonjury trial in this matter is hereby set for Dec. 5, 1991 at 9:00 a.m. in C. R. No. 1 or 2.
FOR THE COURT, Imogene Yetman Ct. Adm.
Oct. 18, 1991 copies to D. Miller and A. Vardaro Esqs

Filed Nov. 8, 1990
@ 1:44 p.m.

Tax & entry Paid $50.50
State paid 5.00

Jan. 31, 1992 CONSENT ORDER filed, AND NOW, this 31st day of January, 1992, upon agreement and consent of the parties as signified by the signature of their counsel below, it is hereby ordered that the fair market value of the subject property for the instant tax appeal is $100,000 and the applicable common level ratio is 61.9%. Furthermore, the fair market value and common level ration, and resulting revised assessment shall be refvlected in the tax assessment records effective Jan. 1, 1991 and the property owner shall receive a refund of property taxes based upon the above changes, if 1991 local, county or school taxes have been paid by the property owner. Consented to: John F. Spataro, Solicitor for Carawford County; Daniel L. R. Miller, Attorney for Property Owner

BY THE COURT,
Anthony J. Vardaro, J.

Feb. 6, 1992 copy in box for J. Spataro, mailed copy to D. Miller

Sept. 29, 1992 Order Filed. AND NOW, September 28, 1992, these cases are stricken from the trial list as they were settled and Consent Orders entered on a prior occasion.

BY ORDER OF THE COURT,
Gordon R. Miller, P.J.

Oct. 5, 1992 Copyof the order to: Attys. Lindsay, Spataro, Miller, Gregg & Prather.

1990

William J. Gregg

1079.

MICHAEL A. HARNETT

vs.

DEBORAH M. HARNETT

Filed Nov. 8, 1990
@ 2:57 p.m.

Tax & entry Paid	$50.50
State paid	5.00
State paid	10.00

COMPLAINT UNDER SECTION 201(c) OF THE DIVORCE CODE

1 copy (atty)

Nov. 27, 1990 Affidavit of Service filed. WILLIAM J. GREGG, ESQUIRE, being duly sworn according to law, deposes and says that the following facts in support of his Affidavit of Service are true and correct to the best of his knowledge, information and belief:

1. That the Affiant is the Attorney for the Plaintiff in the above-captioned action.
2. That a true and correct copy of the Complaint in Divorce and NOtice were sent by registered mail to the Defendant, DEBORAH M. HARNETT, on November 9, 1990.
3. The registered mail was sent to DEBORAH M. HARNETT, in care of Ray Humphreys at P.O. Box 146, Springboro, PA 16435. The sender's receipt is attached hereto.
4. That the Defendant received said registered mail on November 14, 1990. Said Return Receipt card P 269 402 120 is attached hereto, signed by Deborah M. Harnett and made a part hereof.

William J. Gregg

Feb. 17, 1998 Important Notice and Court Order filed. Our court records show that you are a party in the case listed above, but that nothing has been filed with the court in this case since 11/27/90 . We are required by the Pennsylvania Supreme Court to dismiss cases in which there has been "unreasonably delay". Your case appears to be inactive. Therefore, unless we hear form you in writing on or before April 24, 1998, we will automatically terminate and dismiss your case without further notice to you or your attorney.

If you do not object this this case being dismissed, you do not have to do anything. The case will be marked "dismissed with prejudice" in our records, and will be over forever.

If you object to the case being dismissed, you must put your object in writing and follow Crawford County Civil Local Rule L206, LJA 1901E and LJA 1901F, explaining why there has been a delay in your case and why it is not unreasonable. These written objections must be filed in the Prothonotary's Office on or before April 24, 1998. You must also give or sent a copy of any objections you file to the other party or his or her attorney, and certify that you have done so when you file your objections with the Prothonotary.

YOU MAY LOSE IMPORTANT RIGHTS IF YOUR CASE IS TERMINATED. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

Court Administrator
Second Floor-Crawford County Courthouse
Meadville, PA 16335
(814) 333-7498

By the Court,
Date: February 13, 1998 Anthony J. Vardaro, J

Feb. 17, 1998 copies mailed by Court Administrator's Office

May 6, 1998 Order filed. AND NOW, this fourth day of May, 1998, written notice of the Court's intent to terminate the cases listed below having been given to the parties or their counsel of record, and further notice having been given to counsel and parties by publication of a "Notice of Intent to Terminate Cases" printed in the Crawford County Legal Journal on April 15, 1998, and no objection thereto haing been received by the Court from either party in the cases listed below, **all and each of the 245 cases listed below are hereby terminated and dismissed with prejudice.** A copy of this order shall be filed at each of the docket numbers listed below, but copies need not be given to or served upon the parties or their attorneys. Cases may be reinstated only in accordance with Crawford County Rule LJA 1901.

By the Court:
Gordon R. Miller, P.J.

(See original filed at A.D. 1997 - 702)

1990

1080.

NORMA JEAN DEBENKO

vs.

ALBERT DUBENKO

PETITION FOR EMERGENCY RELIEF UNDER PROTECTION FROM ABUSE ACT

1 copy plaintiff
3 copies sheriff

ORDER:

And now, this 9th day of November, 19 90, upon review of the petition of Plaintiff, the Court entered the following Temporary Order.

1. The Defendant shall not assault, abuse, harass or threaten the Plaintiff or any of the minor children named in the Petition.

2. Special Conditions: Defendant shall not go to the Greenhouse nor any other place where the plaintiff may be residing.

3. This Order may be enforced without a warrant of arrest by any law enforcement officer having reasonable ground to believe it has been violated.

4. A copy of this Order shall be delivered to the police departments in the jurisdiction where the Plaintiff resides and to County Control.

5. Service of a copy of the Petition and this Order shall be made upon the defendant by a sheriff, constable, police officer or competent adult.

6. This temporary order shall remain in full force and effect until modified or terminated by further order of this Court. Liability for payment of fees and costs will be determined by final court order.

7. The Defendant is reminded that this is an ORDER OF COURT and violation of this Order may be punishable by a fine up to $1,000.00 and a jail sentence of up to six months.

8. The court reserves ruling on allocations of fees and costs.

Hearing is here by set for November 19, 1990, at 1:30 P.M., in Courtroom 1 or 2 of the Crawford County Courthouse. The defendant is advised he may retain an lawyer to represent him at said hearing if he so desires but he is not required to do so.

BY ORDER OF COURT,
Robert L. Walker, J

Filed Nov. 9, 1990
@ 10:18 a.m.

Tax & entry pd 11/19/90 $50.50
State pd 11/19/90 5.00
Sheriff's costs 21.00
Rec'd pd 11/19/90 9.00

11/19/90 Rec'd $21.00 From DEFENDANT

11/19/90 Paid $21.00 to Howard Stewart, Sheriff Ck # 5927

Nov. 13, 1990 Sheriff's Return filed. SERVED Albert Dubenko personally on NOvember 9, 1990 at 9:15PM at Crawford County Jail, Meadville, Crawford Co. Pa.
So answers.
Art Pringle, Correctional Officer
Howard N. Stewart, Sheriff

Nov. 21, 1990, ORDER filed. AND NOW, Nov. 19, 1990 at the time s cheduled for hearing in this matter, the defendant appeared with counsel and even though he does not admit tothe allegations contained in the plaintiffs petition, he is willing to have the court enter an order restraining him from any future abuse under the Act. the plaintiff, who was not represented by counsel, agreed that she did not waNT TO RETURN TOTHE MARITAL RESIDENCE AND is not now seeking an order granting exclusive possession of that residence to her.

Accordingly, it is ordered as follows:

1. The defendant shall not assault, abuse, harass, or threatenthe plaintff in any manner.

2. This order may be enforced without a warrant of arrest by any law enforcement officer having reasonable grounds to believe it has been violated.

3. A copy of this order shall be delivered to the police department in the jurisdiction where the plaintiff resides (Meadville, Pa.) and to county control.

4. This order shall remain in full force and effect for one (1) year, to wit: Nov. 18, 1991 unless prior thereto it is modified or terminated by further order of this court.

The defendant shall pay the record court costs of $85.50 no later than Dec. 19, 1990.

The defendant is reminded that this is an order of court and violation of this order may be punishable by a fine of up to $1,000.00 and a jail sentence of up to six (6) months.

BY ORDER OF THE COURT,
Gordon R. Miller, P.J.

Nov. 21, 1990, copies to Greenhouse, plaintiff, Atty. Kuhn and county control.

Dec. 21, 1990 Order filed. ORDER: AND NOW, December 20, 1990, it appearing that the defendant has been incarcerated for several days for having, allegedly, violated the protection from abuse order of November 19, 1990 and it further appearing that the plaintiff is an inpatient at the Meadville Medical Center and will remain there for the next several days, it is ordered and directed that the defendant shall be released from imprisonment this date under the conditions hereinafter set forth.

1. A hearing will be held before the Court at 3:30 o'clock p.m. on January 9, 1991 in Courtroom No. 2 of the Crawford County Courthouse to determine whether or not the defendant did in fact violate the order of November 19,1990 and should, as a consequence thereof, be held in contempt of Court.

2. The defendant is reminded that the order of November 19, 1990 remains in full force and effect. In addition thereto the defendant shall have absolutely no contact with the plaintiff in any manner whatsoever, either directly or indirectly, personally or through others, by phone, mail or any other means.

3. A copy of this order shall be delivered to the police department in the jurisdic tion where the plaintiff resides (Meadville, Pa.) and to County Control.

BY THE COURT
Gordon R. Miller, P.J.

Dec. 21, 1990 copies of order to Atty. Lewis, County Control and to City Police

Jan. 11, 1991 Order Setting Hearing filed. AND NOW, January 11, 1991, hearing in the above matter is set for January 17, 1991, at 4:00 p.m., in Courtroom 1. Both parties are required to appear at the hearing.
FOR THE COURT,
Imogene Yetman, C.A.

Jan. 11, 1991 Copies mailed plaintiff and defendant and copy given to County Control

continued on page 530a

NORMA JEAN DUBENKO

VS.

ALBERT DUBENKO

RECORD CONTINUED FROM PAGE 530

OF

AD 1990-1080

Jan 22, 1991 Order filed: AND NOW, January 17, 1991, at the time set for hearing, scheduled at the request of the plaintiff, to determine whether the defendant violated the December 20, 1990 Abuse Order, the plaintiff fails to appear.

The Court has been made aware that the Court Administrator received a call on January 16, 1991 allegedly from the plaintiff, requesting that the hearing this date be continued for reasons unknown. The Court Administrator advised the Court that she strongly recommended that the Plaintiff appear at the hearing.

The plaintiff fails to appear at this hearing and accordingly, the Court declines to find the defendant in contempt of any of the provisions of the Order originally entered November 19, entered November 19, 1990. The aforesaid Order is continued generally and will be in full force and effect.

Any further allegations of violation of the November 19, 1990 Order must be presented to the Court in writing and verified before the Court will set a further hearing.

BY ORDER OF THE COURT,
P. Richard Thomas, S.J.

Jan 22, 1991 Copies of order mailed to Plaintiff and Defendant.and given to Co. Control.

Jan 22, 1991 Continuance Order filed: AND NOW, January 9, 1991, at the time this continued hearing was set by Order of Judge Miller, dated December 20, 1990, neither plaintiff nor defendant or their counsel appear.

The Court, therefore, has no knowledge of whether the plaintiff wishes to proceed with this contempt proceeding or not.

ACCORDINGLY, the matter is continued generally and either party may request a hearing by written motion.

BY ORDER OF THE COURT,
P. Richard Thomas, S.J.

Feb. 5, 1993 Appearance of Kathleen R. Nelson for Defendant filed.

530
-b-

1990

1990

Ruthanne Beighley

1081.

Ferguson & Spataro
Douglas W. Ferguson

Kathleen R.Nelson

DEBRA PFAFF

vs.

WILLIAM G. PFAFF, JR.

Filed Nov. 9, 1990
@ 11:27 a.m.

Tax & entry Paid	$50.50
3 counts paid	45.00
State paid	10.00
State paid	20.00
Pro Pd 5/2/96	9.00

COMPLAINT IN DIVORCE, EQUITABLE DISTRIBUTION, CUSTODY, PARTIAL CUSTODY, AND/OR VISITATION

1 copy (atty)

Jan. 15, 1991 Complaint Reinstated.

Feb. 1, 1991, Appearance of Ferguson and Spataro, by Douglas W. Ferguson, attonreys for William G. Pfaff, Jr. Dft., filed.

Feb. 6, 1991 General Appearance filed. I hereby accept service of an acknowledge receipt of a copy of the original Complaint in Divorce filed in the above action.
William G. Pfaff, Jr.

April 2, 1996 Waiver of Notice of Intention to Request Entry of a Divorce Decree, filed.

April 2, 1996 Affidavit of Consent of plaintiff filed.

Apr.16, 1996 Waiver of Notice of Intention to Request Entry of a Divorce Decree Under Section 3301(c) of the Divorce Code by William G.Pfaff, Jr., Defendant, filed.

Apr. 16, 1996 Affidavit of Consent by William G.Pfaff,Jr., Defendant, filed.

April 29, 1996, STIPULATION filed.

April 29, 1966, Upon praecipe of defendant attorney, to transmit the record, this case moved to court.

DIVORCE DECREE FILED

May 7, 1996 AND NOW, this 2nd day of May, 1996, the Court orders and decrees as follows:

I. DIVORCE:

Upon consideration of the pleadings and Affidavits filed in the above captioned case, this Court hereby grants an absolute divorce from the bonds of matrimony to the above named parties upon the groudns that the marriage is irretrievably broken. (SEE PAPERS FILED).

BY THE COURT:
Gordon R. Miller, J.

Anthony J. Vardaro
Thomas, Truax, Spadafore, Vardaro & Walker

1082.

LYNETTE A. SHELATZ

vs.

RICHARD S. SHELATZ

Filed Nov. 9, 1990
@ 4:14 p.m.

Ta x & entry Paid $50.50
State paid 5.00
John Fuller, mediator

COMPLAINT FOR CUSTODY

1 copy (atty)
1 copy (mediator)

ORDER OE COURT:

You, Richard S. Shelatz, dft., have been sued in court to obtain partial custody ofthe children: Tiffany M. Shelatz and Richard Justin Shelatz.

You are ordered to appear in person at such time and such place as JOHN FULLER, CHILD CUSTODY MEDIATOR, shall designate for a mediation conference.

You are ordered to bring with you the children, if they are in your custody at the time of the hearing.

If you fail to appear as provided by this order or to bring the child, an order for custody, partial custody, or visitation may be netered against you or the court may issue a warrant for your arrest.

You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legalhelp.

Crawford County bar Assoc. Ser. tothe Public Comm. c/o Prothonotary, Courthouse, Meadville, pa. 16335 724 4636.

Date: Nov. 13, 1990 BY THE COURT,
Gordon R. Miller, J.

Dec 19, 1990 Consent Custody Order filed: AND NOW, December 19, 1990, upon agreement and with the consent of the parties, it is ordered and Decreed as follows:

1. Legal custody of Tiffany M. Shelatz and Richard Justin Shelatz shall be shared between their mother, Lynette A. Shelatz and their father, Richard S. Shelatz, that is, each parent shall be entitled to full access to school records, medical records and other important records and each parent shall be entitled to take part fully in important records and each parent shall be entitled to take part fully in important decisions affecting the children, such as the children's education, religious instruction and medical treatment.

2. Physical custody of Tiffany M. Shelatz and Richard Justin Shelatz shall be with their mother, Lynette A. Shelatz, subject to the following conditions:

a. The father, Richard S. Shelatz, shall be allowed reasonable visitation with both children as agreed upon from time to time between the parties with father giving mother reasonable notice of when he wishes to have such visitation and mother shall not unreasonably withhold the children from having reasonable visitations with the father.

b. For Christmas vacation 1990, father shall have the children so that he may take them to visit in Florida with the days of such visitations to be arranged between the parties and with father to pay all costs of transportation.

3. Neither mother nor father shall say of do anything in an attempt to turn the children against the other parent, but on the other hand shall do everything in the power of each to foster a favorable and loving attitude on the part of the children toward both parents.

4. Neither mother nor father shall expose the children to any person or situation which may be harmful to the children's health or wellbeing.

5. Both parents agree to inform the other immediately of any illness or injury regarding one or both of the children and both parents agree to furnish the other with a current telephone number.

6. Costs of the entry of this order shall be born by the mother. BY THE COURT,
Gordon R. Miller, J.

Dec 20, 1990 Copy of order put in Atty. Vardaro's box.

Apr. 2, 1991, Affidavit of Servcie filed. Vicki Bradshaw, beng duly sworn according to law, deposes and says that she is the sec. to Atyt. vardaro atty. for plff in this action cnd certifies that on Nov. 15, 1990, she sent a true and correct copy of complaint in custody in this matter to Richard S. Shelatz at Box 65, Harmonsburg, Pa. 16422 by cert. mail, postage prepaid ret. rec. req. del. restricted to addressee only, by cert. mail No.,P. 398 121 355 which is attached hereto as ex. "A" Thereafter on Nov. 1990 it was returned to Atty. ret.,rec. card bearing the same no. and singed by dft. said ret. rec. card being attached hereto as Ex. "B" Vicki Bradshaw

1990

FERGUSON & Spataro
Douglas W. Ferguson

1083.

JAMES L. BARR

vs.

CHERYL E. BARR

Filed Nov. 13, 1990
@ 8:42 a.m.

Tax & entry Paid	$50.50
State paid	10.00
State paid	5.00
Pro Co pd 2/22/91	9.00

COMPLAINT IN DIVORCE

1 copy (atty)

Nov. 21, 1990 Affidavit of Service filed. I, the undersigned, being duly sworn according to law, depose and say that I served a true and correct copy of the Complaint in Divorce certified by the Prothonotary of Crawford County, Pennsylvania on the above named Defendant by certified mail, addressee only return receipt requested, dated November 13, 1990. The Defendant acknowledged service on NOvember 16, 1990, by accepting delivery on that date as eviden ced by the attached signed return receipt.

FERGUSON & SPATARO
By: Douglas W. Ferguson, Esq.atty. for plaintiff

Feb. 22, 1991 Affidavit of Consent of Plaintiff filed.

Feb. 22, 1991 Affidavit Of Consent of Defendant filed.

Feb. 22, 1991 Upon praecipe of Plaintiff Attorney To Transmit Record - Section 201(c) ofthe Divorce Code, this case moved to court.

Feb. 26, 1991 **D I V O R C E D E C R E E F I L E D .**

AND NOW, February 26, 1991, it is ordered and decreed that James L. Barr, plaintiff, and Cheryl E. Barr, defendant, are divorced from the bonds of matrimony.

BY THE COURT,
Gordon R. Miller, J

Mary Ann Kirkpatrick

1084.

CAROLYN L. HARRISON

vs.

ROBERT L. HARRISON

Filed Nov. 13, 1990
@ 9:14 a.m.

Tax & entry Paid	$50.50
2 counts paid	30.00
State paid	10.00
State paid	15.00
Pro Co Pd 5/15/91	9.00

COMPLAINT IN DIVORCE, EQUITABLE DISTRIBUTION, AND CUSTODY

1 copy (atty)

Nov. 30, 1990 Affidavit of Service filed. And Now, Nov. 26, 1990, comes Lisa M. Sherretts being duly sworn according to law, deposes and sets forth as follows:

1. That she is the legal secretary of Attorney for Carolyn L. Harrison, Plaintiff in the above-captioned matter.

2. That on information furnished her by the Plaintiff, she caused a certified copy of the Complaint in Divorce to be forwarded by Certified Mail, P 320 785 126; postmarked Nov. 14, 1990, to the last known address of the Defendant, Robert L. Harrison, 5215 Catalpha Rd., Baltimore MD 21214.

3. That the Defendant, Robert L. Harrison, on Nov. 19, 1990, personally signed the return receipt card which was affixed to the Complaint in the above-matter and which is attached hereto.

4. Service of the Complaint against Defendant is therefore effected in accordance with PA. Rules of Civil Procedure.

Lisa M. Sherretts

Apr. 12, 1991 Affidavit of Consent of Plaintiff filed.

May 13, 1991 Affidavit of Consent of defendant filed.

May 15, 1991, Upon praecipe for Review Under Section 201(c) of the Divorce Code, this case moved to court.

May 17, 1991 **STIPULATION AND FINAL DECREE OF DIVORCE FILED.**

And Now, May 17, 1991, pursuant to the Pennsylvania Rules of Civil Procedure and the Divorce Code, 23 P.S. 1 et seq., the Court enters the following Order, Adjudicication and Decree:

1. Carolyn Harrison and Robert L. Harrison are hereby divorced from the bonds of matrimony pursuant to §201(c) of the Divorce Code.

2. Child Custody:

a.) Plaintiff and Defendant shall share legal and physical custody of their minor children, Kenneth Harrison and Scott Harrison.

b.) The children shall reside at the home of their Mother during the school year and shall reside at the home of ther FAther each summer beginning one week after school ends until two weeks before school begins. The parent receiving the children shall provide the transportation.

c.) The Children shallhave the following holiday visits with the Father:

(1.) Father will be entitled to have the children in his custody for a Christmas visit lasting one week. The Christmas visit will include Christmas day in 1991 and all odd years thereafter. And will begin after Christmas day in 1992 and all even years thereafter. Father will provide transportation to begin his Christmas visit and Mother will provide transportation to end the Christmas visit.

(2.) Father will be entitled to have the children his custody each year for an Easter visit beginning on Good Friday and ending on the Monday following Easter. The parents will share the driving so that they meet at a mid-way point between Mother's home in Cambridge Springs, Pennsylvania and Father's home in Baltimore, Maryland.

(3.) The Father will have a Thanksgiving visit withthe children in 1992 and all even years thereafter. The visit will begin on Wednesday, the day before Thanksgiving and end on Monday following Thanksgiving. The parent will share the driving for this visit so that they meet at a point mid-way between Cambridge Springs, Pennsyvlania and Baltimore, Maryland.

(4) Father will be entitled to hav ethe children in his custody for a four day weekend visit to include President's Day in February each year. Father shall provide all transportation for the President's day visit.

(5) Father will entitle to have the children in his custody for a trhee (3) day weekend visit to include Columbus Day in October each year. The children shall not be required to miss any schools days for this visit. Father shall provide all transportation for the Columbus Day visit.

(6) Father will entitle to have the children in his custody for two additional weekend visits each year on weekends of his choice close to the date of the birthday of each child. Father shall provide all transportation for the birthday weekend visit.

d) The parties will use their best efforts to comply with the schedules agreed to herein; however, the parties recognize that the weather conditions and employment may require modification of schedules form time to time.

3. Child Support:

a.) Father shall provide the children with medical/hospitalization insurance. Mother will be solely liable to pay the first $200.00 per year of the childme's uninsured medical care expenses. After Mother has paid $200.00, Father will pay 2/3 of all uninsured medical expenses and mother will pay 1/3. Medical expenses will include physicians care, prescriptions, optometric care, hospital bills, dental care, orthodontia, and any realted care. Mother will provide Father will original or duplicate copies of all invoices/bills for medical expenses whethere such invoices/bills are paid by mother, by father or by insurance.

b) Unless and until the parties' circumstances change, Father will pay Mother the sum of $125.00 per week as child support for the two minor children; neither parent shall pay support to the other during the summer weeks when children are residing with fAther.

c) Father shall pay 2/3 and Mother shall pay 1/3 of the tuition, fees, registration and book charges for the childme's provate school education. Father will be entitled to claim the children as de pendency exemptions for Federal Income Tax purposes so long as he is current on all child support obligations. Mother will execute all necessary INternal REvenue Service forms to effectuate the purpose of this paragraph.

4. Monetary settlement:

a) Husband shall pay to wife the sum of $7,500.00 to be paid on or before August 3, 1992, without interest. The parties recognize that a portion of the $7,500.00 has already been paid by husband and received by Wife.

b.) Husband shall pay all balances due on any and all joint credit accounts. Husband shall fully cooperate with Wife in removing Wife's name and obligations form all joint accounts.

5. All provisions of a certain unrecorded, written separation agreement entered in to by the parties on September 3, 1988, which are not inconsistent with the provisions of this decree are incorporated herein by reference.

By the Court,
Gordon R. Miller, J

1990

1085.

DOREEN K. HOGUE

vs.

DAVID J. HOGUE, SR.

Filed Nov. 13, 1990
@ 10:11 a.m.

Tax & entry	$50.50
STate pd 3/12/91	5.00
Sheriff's Costs	21.00
Pro Co pd 3/12/91	37.75

PETITION FOR EMERGENCY RELIEF UNDER PROTECTION FROM ABUSE ACT

1 copy plaintiff
3 copies sheriff

ORDER:

And now, this 13th day of November, 19 90, upon review of the petition of Plaintiff, the Court entered the following Temporary Order.

1. The Defendant shall not assault, abuse, harass or threaten the Plaintiff or any of the minor children named in the Petition.
2. Special Conditions: Defendant is not to go to the Greenhouse or to the plaintiff's place of employment for any reason.
3. This Order may be enforced without a warrant of arrest by any law enforcement officer having reasonable ground to believe it has been violated.
4. A copy of this Order shall be delivered to the police departments in the jurisdiction where the Plaintiff resides and to County Control.
5. Service of a copy of the Petition and this Order shall be made upon the defendant by a sheriff, constable, police officer or competent adult.
6. This temporary order shall remain in full force and effect until modified or terminated by further order of this Court. Liability for payment of fees and costs will be determined by final court order.
7. The Defendant is reminded that this is an ORDER OF COURT and violation of this Order may be punishable by a fine up to $1,000.00 and a jail sentence of up to six months.
8. The court reserves ruling on allocations of fees and costs.

Hearing is here by set for November 19, 1990, at 2:00 P. M., in Courtroom 1 or 2 of the Crawford County Courthouse. The defendant is advised he may retain an lawyer to represent him at said hearing if he so desires but he is not required to do so.

BY ORDER OF COURT,
Robert L. Walker, J

Nov. 13, 1990, AMENDED ORDER filed. And Now, Nov. 13, 1990, the temporarty order entered this date is amended by adding thereto the following "custody of the parties' minor children is awarded to the plaintiff pending hearing and defendant shall not take custody of the children until further order of court.:

3 copies (sheriff)
1 copy (plff)

BY THE COURT,
Robert L. Walker, S.J

Nov. 13, 1990 Sheriff's Return filed. SERVED David J. Hogue, Sr. personally on Nov. 13, 1990 at 12:30 PM at his place of employment, Meadville Forging, Baldwin St., Meadville, C rawford County, Pa.

So answers,

Robert M. Stevens, Dep. Sheriff
Howard N. Stewart, Sheriff

Nov 21, 1990 Order filed: AND NOW, November 19, 1990 after hearing where both parties appeared in Court and were represented by counsel, the Court is not convinced that the Plaintiff has proven the allegations of abuse as that term is defined by the Act. The Court has already granted a demurrer as to the claims of abuse against the Plaintiff and now concludes that the Plaintiff has not proven by the fair weight and preponderance of the evidence that there has been any abuse committed on her children as the term "abuse is defined by the Act.

Accordingly, this matter is dismissed, with costs to be split by the parties. The temporary abuse order entered and amended November 13, 1990 is hereby discharged and terminated.

A copy of this order shall be delivered to the police department in the jurisdiction where the Plaintiff resides and to County Control.

BY ORDER OF THE COURT,
Gordon R. Miller, P.J.

Nov 27, 1990 Copies of order put in Attys. Millin and Walker's boxes and copy given to Co. Control.

536

1990

Jack, Kookogey &
Felton
John S. Kookogey

1086.

PAUL N. SNYDER, JR.

vs.

SUSAN A. SNYDER

Filed Nov. 13, 1990
@ 10:47 a.m.

Tax & entry paid	$50.50
State paid	10.00
State paid	5.00
Pro Co Pd 3/27/91	#9.00

COMPLAINT IN DIVORCE UNDER SECTION 201(c)

1 copy (atty)

Mar. 22, 1991 Affidavit of Service filed. Personally appeared before me, a Notary Public, in and for said State and County, at Titusville, Pennsylvania, Richard E. Lydick, a duly qualified Constable in and for the State of Pennsylvania, who, being duly sworn according to law, deposes and says that he served a true and attested copy of the Complaint in Divorce (the same having been certified by James F. Simmons, Prothonotary, as such) on Susan A. Snyder, the defendant, personally at 2:33 PM on November 15, 1990, at her place of residence, c/o Darrell Sellen, Main Street, Hydetown, Pennsylvania, 16328 by reading the same to her and making known the contents of same and leaving a true and attested copy with her. Richard E. Lydick

Mar. 22, 1991 Affidavit of Consent of Defendant filed.

Mar. 22, 1991 Affidavit of Consent of Plaintiff filed.

Mar. 22, 1991 Upon praecipe of Plaintiff attorney, To Transmit REcord, this case moved to court

Apr. 2, 1991 **D I V O R C E D E C R E E F I L E D .**

AND NOW, March 28, 1991, it is ordered and decreed that Paul N. Snyder, Jr., plaintiff, and Susan A. Snyder, defendant, are divorced from the bonds of matrimony.

BY THE COURT,
James B. Dwyer, S.J.

1990

James R. Irwin
Shafer, Swick, Bailey,
Irwin & Stack

1087.

WILLIAM MALADY

vs.

CHERYL MALADY

Filed Nov. 13, 1990
@ 11:02 a.m.

Tax & entry Paid	$50.50
State paid	10.00
State paid	5.00
Pro Co Pd 1/21/ 91	9.00
Pro Co. pd 9-17-92	5.00

COMPLAINT IN DIVORCE

1 copy (atty)

Feb. 11, 1991 Affidavit of Service filed. I, James R. Irwin, Esq. being duly sworn according to law, depose and say that I am the atty. fo record, and as such say that I served a true and correct copy fo the c;omplaint in Divorce cert. by the Prothonotary of Crawford County, Pa. on the above dft. by cert. mail addressee only ret. rec. req. dated Nov. 13, 1990. The dft. acknowledged service on Nov. 15, 1990 by accepting del on that date as evidenced by the attached signed ret. rec/
James R. Irwin Esq.

Feb. 19, 1991, Affidavit of Consent of plaintiff filed.

Feb. 19, 1991 Affidavit of Consent of defendant filed.

Feb. 19, 1991, Upon praecipe of plaintiff attorney, to Transmit Record, this case moved to court.

Feb. 25, 1991 **DIVORCE DECREE FILED.**

And Now, February 25, 1991, it is ordered and decreed that William Malady, plaintiff, and Cheryl Malady, defendant are divorced from the bonds of matrimony.

BY THE COURT,
Gordon R. Miller, J

Sept. 17, 1992 Notice of Election to Retake Maiden Name filed, to be known as Cheryl Lynn Roth.

Shafer, Swick, Bailey
Irwin & Stack
Robert S. Bailey

1088.

Rothman, Gordon, Foreman and Groudine, PC
James R. Farley for
Jeffrey Byham & Byham INs.Ser.
& PSC-Planning Service
Christopher C. Rulis

LEE & ASSOCIATES, P.C.

vs.

JEFFREY M. BYHAM, INDIVIDUALLY, AND DOING BUSINESS AS BYHAM INSURANCE, AND PSC-PLANNING SERVICES CORPORATION

Filed Nov. 13, 1990
@ 2:40 p.m.

Tax & entry Paid	$50.50
State paid	5.00
Sheriff's costs	27.00
arb pd. 2/19/91	15.00

COMPLAINT

3 copies (sheriff)

Nov. 27, 1990 Sheriff's Return filed. SERVED Jeffrey M. Byham personally on Nov. 14, 1990 at 4:00 PM by handing copy of Complaint to him at Sheriff's Office, Crawford County Courthouse, Meadville, PA 16335.

SERVED PSC-Planning Services Corporation on Nov. 14, 1990 at 4:01 PM by handing copy of Complaint to Jeffrey M. Byham, Agent, at Sheriff's Office, Crawford County Courthouse, Meadville, PA. 16335.

So answers,

Carole Stefanucci, Deputy Sheriff
Howard N. Stewart, Sheriff

Dec. 3, 1990, Appearance of Rothman, Gordon, Foreman, and Groudine, P.C., by James R. Farley, attorneys for Jeffrey M. Byham, ind. and d/b/a Byham Ins. Servcies, filed.

Dec. 13, 1990 Appearance of Rothman, Gordon, Foreman & Groudine, PC by James R. Farley for PSC - Planning Services Corp. filed.

Dec. 27, 1990, Answer and New MaTTER FILED.

Feb. 13, 1991, Plaintiff's Reply to Defendant's New Matter filed.

Feb. 14, 1991, Upon praecipe of plaintiff attorney, for reference to the arbitrators, the following arbitrators are appointed: Alan R. Shaddinger, Ch.
Lisa Pepicelli Youngs
~~Anthony J. Vardaro~~ Terry Toomey

Mar 13, 1991 Arbitrators take Qualifying Oaths.

Apr. 2, 1991 Notice of Hearing Before Board of ARbitrators, filed.

May 9, 1991, Decision of the ARbitrators filed in which they find Judgment in favor of defendants and against the plaintiff

DECISION OF THE ARBITRATORS

May 9, 1991 copy put in box for Atty. Bailey; copy mailt to Attsy. farley and Rulis.

1990

1089.

ESTHER M. LUZIER

vs.

TIMOTHY ALAN PUSBACH

Filed Nov. 14, 1990
@ 1:49 p.m.

Tax & entry	$50.50
State	5.00

PETITION FOR EMERGENCY RELIEF UNDER PROTECTION FROM ABUSE ACT
1 copy plaintiff
3 copies sheriff

ORDER:

And now, this 14th day of November, 1990, upon review of the petition of Plaintiff, the Court entered the following Temporary Order.

1. The Defendant shall not assault, abuse, harass or threaten the Plaintiff or any of the minor children named in the Petition.
2. Special Conditions: The Defendant shall not out of the Plaintiffs house & should not return without further court order.
3. This Order may be enforced without a warrant of arrest by any law enforcement officer having reasonable ground to believe it has been violated.
4. A copy of this Order shall be delivered to the police departments in the jurisdiction where the Plaintiff resides and to County Control.
5. Service of a copy of the Petition and this Order shall be made upon the defendant by a sheriff, constable, police officer or competent adult.
6. This temporary order shall remain in full force and effect until modified or terminated by further order of this Court. Liability for payment of fees and costs will be determined by final court order.
7. The Defendant is reminded that this is an ORDER OF COURT and violation of this Order may be punishable by a fine up to $1,000.00 and a jail sentence of up to six months.
8. The court reserves ruling on allocations of fees and costs.

Hearing is here by set for November 20, 1990, at 2:30 P. M., in Courtroom 1 or 2 of the Crawford County Courthouse. The defendant is advised he may retain an lawyer to represent him at said hearing if he so desires but he is not required to do so.

BY ORDER OF COURT,
Gordon R. Miller, J

Nov 21, 1990 Sheriff's Return filed: NOT FOUND as to Timothy Alan Pusbach. Attempted to serve on November 11, 1990. Plaintiff reported defendant left home after she obtained Protection from Abuse Order, and had not returned.
So answers, Howard N. Stewart, Sheriff

Nov 21, 1990 Order filed: AND NOW, Nov. 20, 1990 after an informal hearing at which time neither party had counsel but waived their right to counsel, after understanding they had a right to counsel. The court finds that the Defendant has never caused bodily injury or serious bodily injury to the Plaintiff, but that on one or more occasion has, by physical menace, placed his mother in fear, and accordingly it is ordered as follows:

1. The Defendant shall not assault, abuse, harass, or threaten the Plaintiff in any manner.
2. This order may be enforced without a warrant of arrest by any law enforcement officer having reasonable grounds to believe it has been violated.
3. A copy of this Order shall be delivered to the police department in the jurisdiction where the Plaintiff resides and to County Control.
4. This order shall remain in full force and effect until November 19, 1991 unless modified or terminated by order of this Court.
5. Neither party shall pay costs.
6. The Defendant is reminded that this is an order of Court and violation of this order may be punishable by a fine up to $1,000.00 and a jail sentence up to 6 months.

BY ORDER OF THE COURT,
Gordon R. Miller, P.J.

Nov 27, 1990 Copies mailed to Plaintiff, Defendant and given to Co. Control.

1990

Thomas, Truax, Spadafore, Vardaro, walker
Emil M. Spadafore, Jr.

1090.

DARRYL E. BRADEN

vs.

SANDRA A. BRADEN

Filed Nov. 14, 1990
@ 2:01 p.m.

Tax & entry Paid	$50.50
State paid	10.00
State paid	5.00
Pro Co Pd 4/15/91	9.00

COMPLAINT UNDER SECTION 201(c) OF THE DIVORCE CODE

Nov. 14, 1990 Affidavit of Service filed. Debra Mattocks, being duly sworn according to law, deposes and says that she is the secretary to Emil M. Spadafore, Jr., Esquire, Attorney for Plaintiff inthis action, and certifies that on November 5, 1990 she delivered to the POst Office in Meadville, PA for delivery to Sandra A. braden at R.D. #2, Springboro, Crawford County, Pennsylvania, by certified mail, return receipt requested, delivery restricted to addressee only, a true and correct copy of the Complaint in this matter for which deponent received at the time receipt for certified article no. P 276 618 744 which is attached hereto as Exhibit "A". Thereafter on November 8, 1990 it was returned to Emil M. Spadafore, Jr., Esquire return receipt card bearing the same number and signed by Sandra A. braden said return receipt card being attached hereto as Exhibit "B".

Debra Mattocks

Feb. 27, 1991 Affidavit Of Consent of Plaintiff filed.

Mar. 22, 1991 Affidavit of Consent of Defendant filed.

Apr. 9, 1991, UPon praecipe of plaintiff attorney to Transmit the Record, this case moved to court.

Apr. 18, 1991 **D I V O R C E D E C R E E F I L E D .**

And now, April 18, 1991, it is ordered and decreed that Darryl E. Braden, plaintiff, and Sandra A. Braden, defendant, are divorced from the bonds of matrimony.

BY THE COURT,
P. Richard Thomas, S.J.

FOR FUTURE ENTRIES AS OF JULY 23, 2001 - SEE COMPUTER.

1990

David W. Pickens

1091.

Culbertson, Weiss, Schetroma and Schug
John B. Brautigam

WILLIAM E. AND STELLA M. STARN

vs.

FAME MANUFACTURING, INC.

APPEAL OF PLAINTIFFS FROM JUDGMENT OF ROBERT J. LEONHART, MAGISTERIAL DISTRICT 30 - 3- 03

Nov. 16, 1990 Proof of Service filed.

Dec. 3, 1990, Complaint filed 1 copy (atty)

Dec. 5, 1990 Certificate Of Service filed. I, David W. Pickens, Esquire, of 1044 Liberty Street, Meadville, Pennsylvania, 16335, certified that on the 4th day of December, 1990, I served a copy of the NOtice to Defend and a certified copy of the Complaint on the following: Fame Manufacturing, Inc., 329 Mill Street, Saegertown, PA 16433; by First Class United States Mail. I certify under penalty of perjury that the foregoing is true and correct.
12/4/90 David W. Pickens

Filed Nov. 14, 1990
@ 4:16 p.m.

Tax & entry Paid	$50.25
State paid	5.00
Pro Co pd. 4/30/91	15.00
Pro Co pd 9/12/91	6.00

Dec. 12, 1990 Appearance of Culbertson, Weiss, Schetroma and Schug By John B. Brautigam, Attorneys for Defendant filed.

Dec. 21, 1990 Amended Complaint filed.

Dec 24, 1990 Certificate of Service filed: I, David W. Pickens, Esquire, of 1044 Liberty Street, Meadville, Pennsylvani 16335, ceritfy that on the 21st day of December, 1990, I served a copy of the Notice to Defend and certified copy of the Amended Complaint on the following:

John B. Brautigam, Esquire
Culbertson, Weiss, Schetroma and Schug
911 Diamond Park
Meadville, Pa 16335

by First Class United States Mail. I certify under penalty of perjury that the foregoing is true and correct.
Date: 12/21/90
David W. Pickens, Esquire
Attorney for Plaintiffs

Jan. 11, 1991 Anwer Of Fame Manufacturing, Inc. filed.

Mar. 8, 1991 Reply To Defendant's Answer and New Matter filed.

Apr. 12, 1991, Notice of Service of Plaintiff's Interrogatories Directed to Defendant filed.

Apr 24, 1991 Certificate of Service of Answers to Plaintiff's Interrogatories filed.

Apr. 30, 1991 Upon praecipe of plaintiff attorney, for reference to the arbitrators, the following arbitrators are appointed: ~~Paul D. Shafer, Jr.~~ Ch. William B. Moore
Ann Hansen Gamble
William Walker

May 15, 1991 Arbitrators take the Qualifying Oath.

June 5, 1991, Upon praecipe of chairman Paul D. Shafer, because of conflict of interest, and therefore disqualified, William B. Moore is appointed chairman of board of Arbitrators.

Juy 26, 1991 Decision of Arbitrators filed in which they find in favor of the Plaintiff and against the Defendant in the count of $441.93, plus costs of suit.
F-182 DECISION OF ARBITRATORS
July 26, 1991 Coies to Attys. D. Pickens and John Brautigam

Sept. 10, 1991 Upon praecipe cf Plaintiff Attorney the above captioned case is marked settled and discontinued of record.

William J. Gregg

1092.

Peters, Lindsay,Lewis & Hatheway
Edward J. Hatheway

Received 12-9-91 from Wift $63.50

Dec. 31, 1991 Paid Co. Comm. $63.50

6-8-95 Rec from deft - med dep 150=

CHRISTINE LOGSDON

vs.

CHARLES D. LOGSDON

Filed Nov. 15, 1990
@ 10:30 a.m.

Tax & entry Paid	$50.50
State paid	5.00
William Pineo, Mediator	
Mediation Costs	127.00
John Fuller, Mediator	

PETITION FOR CUSTODY.

1 copy (atty)

Dec. 31, 1990 Complaint Reinstated.

Jan 11, 1991 Motion for Appointment of Child Custody Mediator and order filed: AND NOW, this 11 day of January, 1991 upon presentation of the herein Motion, the parties and their counsel are ordered to appear before William Pineo, Child Custody Mediator, at such time and place as the Child Custody Mediator shall determine.

BY THE COURT,
Gordon R. Miller, J
Jan 11, 1991 Copies of order put in Atty. Gregg's Box.

Jan. 14, 1991 Affidavit of Service filed. William J. Gregg, Esq., being duly sworn according to law, deposes and says that the following facts in support of his Affidavit of Service are true and correct to the best of his knowledge, information and belief:

1. That the Affiant is the Attorney for the Plaintiff in the above captioned action.

2. That a true and correct copy of the Complaint in Custody and Notice were sent by registered mail to the Defendant, Charles E. Logsdon, on Jan. 3, 1991.

3. The registered mail was sent to Charles D. Logsdon, at RD # 2, Springboro, PA 16435. The sender's receipt is attached hereto.

That the Defendant received said registered mail on Jan. 9, 1991. Said Return Receipt card P 269 402 151 is attached hereto signed by Charles D. Logsdon and made a part hereof.

William J. Gregg, Esq.

Oct. 4, 1991 Temporary Order filed. AND NOW, this 2nd day of October, 1991, after Mediation in the above referenced matter and upon the recommendations of the child Custody Mediator, IT IS HEREBY ORDERED AND DECREED THAT:

1. The parties shall share legal and physical custody of the subject minor children.

2. The parties shall share with each other any and all information which each may have regarding the health, education, and the major events in the life of the subject minor children. Health care, school personnel, adn other care providers are hereby authorized to release to either party any and all confidential information which they may have regarding the subject minor children.

3a. The mother shallhav ephysical custody of subject minor children each week from Sunday at 6:00 p.m. through Thursday after school or to Thursday at 4:00 p.m., if school is not in session, and the father shall hav ephysical custody from the close of school on Thursday or form 4:00 p.m. if school is not in session, to Sunday at 6:00 p.m.

Each party shall have the right to have the children for a total of 14 days if said party is going on a vacation trip with the children. The days may be taken continuously or not but each party shall notify the other one month in advance of the day or days he or she wishes to have the children for such a trip. The Court suggests that th eparties meet some time during the months of May to plan out their summers so that conflicts can be avoided.

b. The subject minor children shall have the right to telephone the parent not having physical custody at reasonable tiems and for reasonable lengths of time an dsuch conversations will not be unreasonably monitored by the parent having physical custody.

4. Holiday visitation shall be arranged as follows:

a. Christmas holiday visitation shall be arranged as follows:

There shall be two Christmas holiday visitation periods, the first beginning on Christmas Eve at noon and ending Christmas Day at 1:00 p.m. and the second beginning Christmas Day at 1:00 p.m. and ending December 26 at noon. For Christmas 1991, the mother shallhave the first period, and the father, the second, and the parties shall tehreafter alternate.

b. Thanksgiving holiday visitation shall be arranged as follows:

There shall be two Thanksgiving ho liday visitation periods, the first beginning with the close of school on the Wednesday preceding Thanksgiving and ending Thanksgiving Day at 1:00 p.m., and the second beginning on Thanksgiving Day at 1:00 p.m. and ending at noon on the Friday following Thanksgiving. For Thanksgiving 1991, the father shallhave the first period and the mother, the second, and the parties shall thereafter alternate.

c. The Easter vacation visitation shall be arranged as follows:

There shall be two Easter vistiation periods, the first beginning on Holy Saturday at 6:00 p.m.a nd ending Easter Sunday at 1:00 p.m. and the second beginning Easter Sunday at 1:00 p.m. and ending easter Sunday at 6:00 p.m. The children shall spend the first period each year with their mother.

d. The other holidays to be observed are Memorial Day, Independence Day, July 30 (one of the children's birthdays), Labor Day, and October 12 (the other child's birthday). Holiday visitation shall be between thehours of 9:00 a.m. and 8:00 p.m., except for Independence Day, when the holiday vistiation shall be extended to 11:00 p.m. so that the children may watch the fireworks and October, if the children are still in school, from the close of school until 8:00 p.m., or if not, from 9:00 a.m. to 8:00 p.m. The father shall have visitation on October 12, 1991, and the parties shall thereafter alternate the holiday periods.

e. The children shall spend Father's Day with their father from 9:00 a.m. to 7:00 p.m., and Mother's Day with their mother, during the same hours.

f. The provisions of this paragraph shall take precedence over th eother provisions of this order relating to the custodial or visitaiton periods.

5. Should it be necessary for either party to cancel or modify the visitations as set out in this Order or as previously arranged, the party seeking cancellation or modification shall notify th eother party as soon as he or she knows of the necessity which impels the cancellation or modification. Said modifications or cancellations shall not be proposed except for good reasons. Should a cancellation or modification be necessary, the parties shall attempt at once to arrange for alternative visits or to make alternative arrangements

6. The parties shall split responsibility for transprotation with the party receiving the chidlren in the exervise of his or her rights picking up the children at th ehome of the other. When shcool is in session, the parties shall cooperate in arranging as much of the the transportation as possible throughthe public school bus system.

7. Each party shall teach said children to give to the other pa rty that love and respect which is due a parent from his or her children.

8. The mediator notes for the Court that the children are presently attending the Baptist Church in Conneautville and are enrolled in the Sunday School there. The parents shall therefore cooperate in seeing that the children continue to attend the church and Sunday School so that their rel igious education will not be disrupted in any way.

9. Neither pa rty shall use illegal drugs or be under the influence of alcohol at any time when said party has the care and custody of the subject minor children. The parties are cautioned that recent medical research has indicated that tobacco smoke is injurious to the health of growing children. Therefore, neither party shall smoke tobacco or permit others to do so in a closed automobile in which the children are being transported or in the bedroom of the children.

10. Any person transporting the children shall make sure that the seat belts or other restraints are used in accordance with the law of Pennsylvania.

11. Neither party shall do or say anything to blacken the character of the other in the children's estimation. Each party shall treat the other in a polite and respectful manner when in the childme's presence and each pa rty shall instruct his or her relatives and friends to do likewise and also not to disparage the other party in the childme's estimation.

12. The parties are free to make additional or alternative arrangements respecting the custodial and visitation periods and are strongly encouraged to do so if that would be proper and convenient. Said arrangements shall be by mutual consent only, in the absence of which this Order shall govern.

13. Either party may request a review of this Order two years from date hereof to make any adjustments.

14. Costs and fees of this Mediation, which are fixed at $127.00 are divided equally between the parties w ith a share of each being assessed to him or her as costs int his case. Payment shall be made to the Prothonotary of Crawford County.

15. Either party may move the Court for a hearing de novo for thirty (30) days form date hereof. If neither party so

15. Either party may move the Court for a hearing do novo for thirty (30) days from date hereof. If neither pa rty so moves, this Order shall be considered permanent.
By the Court,
Robert L. Walker, S.J.
Oct. 9, 1991 Copies of order to atty's Pineo and Gregg and copies mailed to plaintiff and defendant.

Continued to Page 542 A

William J.Gregg

Edward J. Hatheway

Christine Logsdon
vs.
Charles D.Logsdon

Continued from Page 542
of record
A. D. 1990 - 1092

****

Jun. 11, 1993 Stipulation and Consent Custody Order filed. AND NOW, this 11 day of June, 1993, upon Stipulation of the parties to this action,the following Order is hereby entered:

1. Legal and physical custody of the subject minor children, Amanda Marie Logsdon and Charles David Logsdon, Jr., shall be with t heir mother, Plaintiff herein.

2. The father shall have temporary physical and Legal custody of the children during the period the period June 5, 1993, through August 14, 1993, during which time he shall be entitled to take the children into his physical custody at his home in Kilgore, Texas, subject to the following conditions:

(A) Father shall be responsible for transporting the children to Texas for the beginning of the visitationperiod.

(B) Either the Plaintiff/Mother or her parents, Harry Blood and Janet M.Blood, shall be responsible for transporting the children from Texas to Pennsylvania on August 14, 1993, or August 15, 1993.

(C) Plaintiff/Mother shall have the right to telephone the children anythime while they are in the Father's custody, with telephone calls to be made by Mother anytime Saturday at 12:00 noon to the home of Charles and Janet Logsdon,the paternal grandparents, who reside next door to the Defendant/Father in Texas. The children may call mother anytime they wish.

(D) Father shall take all steps necessary to insure that while the children are in his physical custody for the summer visitastion period, tht clean,habitable and sanitary living conditions are provided for them.

3. Each party shall teach the minor children to give to the other party that love and respect which is due a parent from his or her children. Furthermore, neither party shall say or do anything to blacken the character of the other parent in the estimation of the children.

4. Neither parent shall use illegal drugs or be under the influence of alcohol at any time when said parent has the care and custody of the subject minor children.only to the upcoming summer custodial period, i.e. June 5, 1993, through August 14, 1993. Subsequent to the expiration of this Order, either party may request additional mediation in order to address future summer visitation periods, and the parties are also encouraged to enter into additional Consent Orders in the future.

BY THE COURT,
Anthony J. Vardaro, J.

June 21, 1993 Copy of Order to Atty. Gregg & Deft. & Atty. Pineo.

Jun. 8, 1995 Petition to Modify Consent Custody Order and Request for Mediation Hearing and NOTICE AND ORDER TO APPEAR filed. You, Christine Logsdon, Defendant, have been sued in court to modify the June 11,1993 Consent Custody Order.

You are ordered to appear in person for a child mediation conference at the Crawford County Court House in Meadville, Pennsylvania 16335 at 1:30 P.M. o'clock on June 12, 1995 before,John Fuller, Esq., Child Custody Mediator.

If you fail to appear as provided by this Order, an Order for custody may be entered against you or the court may issue a warrant for your arrest.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator, Crawford County Courthouse
Meadville, PA 16335 (814)336-1151,ext. 298

BY THE COURT:
Anthony J. Vardaro, J.

6-8-95 Faxed Gregg & Fuller, given Hatheway

June 23, 1995 ORDER filed. AND NOW, June 23, 1995 after mediation conference before John Fuller, Esquire, IT IS ORDERED AND DECREED AS FOLLOWS, TO-WIT:

I. Legal custody of Amanda Marie Logsdon and Charles David Logsdon shall be with their mother.

A. The father shall be entitled to visit and take the children into his custody for a period not to exceed seven (7) days at any time the father is in Crawford Co., provided the father gives the mother at least thirty-six (36) hours notice of any intended visit and provided further that the father shall not remove the children from Crawford County without either a court order or the mother's consent.

B. Neither mother nor father shall say or do anything in an attempt to turn the children against the other parent, but on the other hand shall do everything in the power of each to foster a favorable and loving attitude on the part of the children towards both parents.

C. Neither mother nor father shall expose the children to any person or situation which may be harmful to the children's health or well being.

D. Both parents agree to inform the other immediately of any illness or injury regarding the children and both parents agree to furnish the other with a current telephone number.

E. Father shall be entitled to have phone contact with the children once a week which phone call, unless otherwise agreed by the parents, shall be at 7:00 o'clock p.m. (prevailing local time in Pa.) and at father's expense.

II. This order is a temporary order but shall become a permanent order unless exceptions thereto are filed by either party within thirty (30) days of the date hereof. This order is entered without prejudice to the right of father to request a further mediation conference at any time after April 1, 1996.

III. Cost of the mediation conference shall be paid by Crawford County.

Anthony J. Vardaro, Judge

1990

Mahany, Roeder &
Rothschild
Tamera Rothschild

1093.

NEIL J.KLINGLER

vs.

SANDRA J. KLINGLER

Filed Nov. 15, 1990
@ 11:01 a.m.

Tax & entry Paid	$50.50
State paid	5.00
State paid	10.00
Pro Co Pd 4/12/91--	9.00

DIVORCE COMPLAINT

2 copies (atty)

Nov. 20, 1990 Certificate Of Service filed. On November 19, 1990, I mailed a certified copy of a Divorce Complaint in the above c aptioned matter by Certified Mail No. P 899 145 484 Return Receipt Requested, Restricted Delivery, postage prepaid, to the Defendant, sandra J. Klingler, addressed as follows:
Mr. Sandra J. Klingler, R.D. #1, Box 148A, Centerville, PA 16404.
The Receipt for certified Mail is attached hereto and marked "Exhibit A"/
I make this statement pursuant to 18 Pa. C.S. Section 4904 relating to unsworn f alsification to authorities and understand that false statements may subject me to criminal penalties under that statute. Tamera Ochs Rothschild

Nov. 28, 1990 Affidavit of REturn Of Service By Mail filed. On November 19, 1990, I mailed a true copy of the Divorce Complaint in the above captioned matter by Certified Mail No. P 899 145 484 Restricted Delivery to the defendant, Sandra J. Klingler. Defendant signed a return receipt upon delivery November 23, 1990. The receipt is attached hereto and marked "Exhibit A".
I make these statements pursuant to 18 Pa.C.S. Sec. 4904 relating to unsworn falsificiation to authorities and understand that false statements may subject me to criminal penalties under that statute. Tamera Ochs Rothschild

Mar. 26, 1991 Affidavit of consent of Defendant filed.

Apr. 5, 1991 Affidavit of Consent of plaintiff filed.

Apr. 5, 1991 Upon praecipe of plaintiff attorney to transmit the record, this case moved to court.

Apr. 18, 1991 **O R D E R A N D D E C R E E F I L E D .**

AND NOW, this 18th day of April, 1991, after review of the above-captioned case, and upon consideration of the pleadings and other documents filed therein, it is ORDERED, ADJUDGED AND DECREED that:
1. The Plaintiff, Neil J. Klingler, and Defendant, Sandra J. Klingler, are hereby divorced from the bonds of matrimony on the grounds of irretrievably breakdown of their marriage.
2.The parties have submitted herewith their settlement agreement voluntarily entered March 20, 1991, a copy of which is attached hereto, and said settlement agreement is hereby approved, adopted, cinfirmed and made a part of this Decree with the same force and effect as though fully set forth herein.
3. The effect of said agreement between the aprties shall not be modified or amended except as provided there in and in accordance with 23 P.S. §401.1.
4. This Decree constitutes a final Order as to all matters and claims pending in this action, and the Court retains jurisdiction of the parties and the subject matter for purposes of enforcement.
5. Each party shall pay his or her own costs.

P. richard Thomas, S.J.

544

1990

Phillips and Galanter
Cary W. Valyo

1094.

JOHN PARKIN

vs.

MICHAEL BACON

Filed Nov. 15, 1990
@ 11:30 a.m.

Tax & entry Paid	$50.50
State paid	5.00
Sheriff's Costs	17.00
Pro Co pd. 7/16/93	5.00

COMPLAINT IN CIVIL ACTION

1 copy (sheriff)

Dec 4, 1990 Sheriff's Return filed: Before me, the undersigned authority, personally appeared Eric A. Garrett, Deputy Sheriff, who being duly sworn according to law, deposes and says that on the 19th day of November, 1990, at 1:15 p.m. he served Complaint filed at AD 1990-1094, Crawford County, Pennsylvania, upon defendant Michael Bacon at his place of residence, 7 Columbia Pard, Greenville, Pennsylvania by making known the contents thereof to Alisa Bacon, adult family member with whom Michael resides and handing to and leaving with here the certified copy of the Complaint for Defendant received from Sheriff of Crawford County. Eric A. Garrett, Deputy Sheriff
William H. Romine, Jr., Sheriff

Served Michael Bacon by deputizing Sheriff of Mercer County, Pa as per his Affidavit of Service attached. Served: Nov. 19, 1990.
So answers, Howard N. Stewart, Sheriff

July 16, 1993 upon praecipe of palintiff attorney, the above captioned action is hereby settled and discontinued of record.

1990

Joseph W. Tinko

1095.

Harry Faber White II
Jorden and White

MARCEL J. AMRHEIN AND ALLIE MAE AMRHEIN, HIS WIFE

vs.

PAUL A. ARNOLD AND JEAN B. ARNOLD, HIS WIFE

Filed Nov. 15, 1990
@ 2:14 p.m.

Tax & entry Paid	$50.50
state paid	5.00
Pro Co pd 12/9/91	5.00

COMPLAINT

1 copy (atty)

Nov. 15, 1990, Acceptance of Service filed. I accept service of process of the Complaint for Fraud, Deceit and Intentional misrepresentation, breach of Contract, Breach of covenants of Gen. Warranty and Quiet Enjoyment, Mistake, and Unfair Tra de Practices actions on behalf of the named defendants, Paul A. Arnold and Jean B. Arnold, his wife, and certify that I am authorized to do so.
Date: Nov. 15, 1990 Harry Faber White II, Esq.

Jan. 9, 1991, Preliminary Objections of The Defendants, Paul A. Arnold and Jean B. Arnold, filed.

Feb. 15, 1991 Plaintiffs' Answer to Defendants' Preliminary Objections filed.

Feb. 22, 1991, Upon praecipe of plaintiff, preliminary objections placed on next argument list.

ON ARGUMENT LIST FOR MARCH 1991 - (Apr. 24, 1991 @ 9:00 a.m. C.R.#1)

May 15, 1991, RE: DEFENDANTS' PRELIMINARY OBJECTIONS - MEMEMORANDUM AND ORDER filed. ORDER: AND NOW, this 10 day of May 1991 the court:

1. Denies the preliminary objections by way of a general demurrer as to whether deed acceptance supersedes any representations or promises prior thereto; and
2. Sustains the preliminary objections as to court 1 of the plaintiffs complaint and orders the defendants to file their New Matter in accordance with the terms set forth previously herein within thirty (30) days of the date of this order.

BY ORDER OF THE COURT,
P. Richard Thomas, S. J.

May 15, 1991 copies put in boxes of Attys. Tinko and White.

June 25, 1991 Answer and New Matter of the Defendants, Paul A. Arnold and Jean B. ARnold, filed.

July 10, 1991 Upon praecipe of Defendant Attorney the enclosed verification is hereby attached to Answer and New Matter filed.

July 17, 1991 Plaintiff's Reply to New Matter in Defendants' Answer filed.

Dec. 5, 1991 Upon praecipe of Plaintiff Attorney the above-captioned case is marked settled and discontinued of record.

543

1990

1096. Culbertson, Weiss, Schetroma and Schug John R. Brautigam	DEBRA THOMPSON vs. HANS TORBJORNSEN Filed Nov. 15, 1990 @ 3:03 p.m. Tax & entry Paid $50.25 state paid 5.00	APPEAL OF DEFENDANT FROM JUDGMENT OF ROBERT J. LEONHART, MAGISTERIAL DISTRICT 30-3-03 Nov. 15, 1990, Rule entered upon plaintiff to file complaint issued. Dec. 14, 1990, Proof of Service filed.

1990

Stephen E. Hall
Allen and Hall

1097.

JODY A. SPENCER

vs.

MICHAEL R. SPENCER

Filed Nov. 15, 1990
@ 3:33 p.m.

Tax & entry Paid	$50.50
State paid	10.00
State paid	5.00

COMPLAINT UNDER SECTION 201(c) OF DIVORCE CODE

1 copy (atty)

Feb. 17, 1998 Important Notice and Court Order filed. Our court records show that you are a party in the case listed above, but that nothing has been filed with the court in this case since 11/15/90 . We are required by the Pennsylvania Supreme Court to dismiss cases in which there has been "unreasonably delay". Your case appears to be inactive. Therefore, unless we hear form you in writing on or before April 24, 1998, we will automatically terminate and dismiss your case without further notice to you or your attorney.

If you do not object this this case being dismissed, you do not have to do anything. The case will be marked "dismissed with prejudice" in our records, and will be over forever.

If you object to the case being dismissed, you must put your object in writing and follow Crawford County Civil Local Rule L206, LJA 1901E and LJA 1901F, explaining why there has been a delay in your case and why it is not unreasonable. These written objections must be filed in the Prothonotary's Office on or before April 24, 1998. You must also give or sent a copy of any objections you file to the other party or his or her attorney, and certify that you have done so when you file your objections with the Prothonotary.

YOU MAY LOSE IMPORTANT RIGHTS IF YOUR CASE IS TERMINATED. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

Court Administrator
Second Floor-Crawford County Courthouse
Meadville, PA 16335
(814) 333-7498

By the Court,
Date: February 13, 1998 Anthony J. Vardaro, J
Feb. 17, 1998 copies mailed by Court Administrator's Office

May 6, 1998 Order filed. AND NOW, this fourth day of May, 1998, written notice of the Court's intent to terminate the cases listed below having been given to the parties or their counsel of record, and further notice having been given to counsel and parties by publication of a "Notice of Intent to Terminate Cases" printed in the Crawford County Legal Journal on April 15, 1998, and no objection thereto haing been received by the Court from either party in the cases listed below, **all and each of the 245 cases listed below are hereby terminated and dismissed with prejudice.** A copy of this order shall be filed at each of the docket numbers listed below, but copies need not be given to or served upon the parties or their attorneys. Cases may be reinstated only in accordance with Crawford County Rule LJA 1901.

By the Court:
Gordon R. Miller, P.J.

(See original filed at A.D. 1997 - 702)

548

1990

Devine & Kuftic
David R. Devine

1098.

Shafer, Swick, Bailey
Irwin & Stack
Robert S. Bailey

J. H. WILLOW, INC.

vs.

SOCKET SYSTEMS, INC.

COMPLAINT

5 copies (atty)

Dec. 3, 1990, Notice of Service of Interrogatories and Request for Production of Documents Addressed to Defendant filed.

Dec 5, 1990 Sheriff's Return filed: SERVED Socket Systems, Inc. on November 19, 1990 at 2:33 p.m. by handing a copy of Complaint and Interrogatories to Roger J. Parry, President, at place of business, 550 North Street, Meadville, Crawford Co., Pa.
So answers, Robert M. Stevens, Deputy Sheriff
Howard N. Stewart, Sheriff

Dec. 13, 1990 Default Notice filed.

Dec. 19, 1990, Motion for Extension of Time to File Answer and Respond to Interrogatories and Order filed. ORDER GRANTING EXTENSION OF TIME: AND NOW, this 1990, after consideration of the foregoing Motion of Time to answer the Complaint and Interrogatories propounded upon defendant in the above captioned matter, Defendant Socket Systems, Inc. is hereby granted an extension of time to answer the Complaint and answer the Interrogatories until the 11 day of Jan. 1991.
P. Richard Thomas, S. J.
Dec. 19, 1990, copies to Attys. D. Devine and Robert Bailey.

Filed Nov. 15, 1990
@ 4:26 p.m.

Tax & entry paid	$50.50
State paid	5.00
Sheriff's Costs	21.00
Pro Co pd 1/15/91	9.00

And Now, Jan. 15, 1991 at 10:47 a.m. upon praecipe of plaintiff's attorney, judgment is hereby entered in favor of the plaintiff and against the defendant for failure to file an answer and the damages are assessed at the sum of Thirty Thousand Seven Hundred Seventy and 57/100 plus interest and cost of suit.

S-185
judgment entered 1/15/91
notice mailed to defendant 1/15/91

Debt $30,770.57
Judgment [illegible]
James F. Simmons,
Prothonotary

May 1, 1992 This Judgment Satisfied
(see papers filed)

1990

Jeffrey K. Millin
Shafer, swick, Bailey
Irwin & Stack

1099.

Fuller, Kinnunen,
Petruso, & Gamble
John D. Petruso
for dft. J. Slater Crawford

Alan L. Pepicelli
for dft. Comm. Design Inc.

ANNE E. TURK

vs.

COMMUNICATION DESIGN, INC. A CORPORATION, J. SLATER CRAWFORD, t/d/b/a COMMUNICATION DESIGN, INC. AND J. SLATER CRAWFORD, AN INDIVIDUAL

Filed Nov. 16, 1990
@ 10:17 a.m.

Tax & entry Paid	$ 50.50
State paid	5.00
Sheriff's costs	31.00
Pro Co pd 8/28/91	9.00
Pro Co pd 8/28/91	5.00

COMPLAINT

2 copies (sheriff)

December 6, 1990 Sheriff's Return filed. SERVED Communication Design, Inc. a corporation, on November 20, 1990 at 9:42 AM by handing copy of Complaint to J. Slater Crawford, Agent, at Sheriff's Office, Crawford County Courthouse, Meadville, PA 16335.
SERVED J. Slater Crawford personally on Nov. 20, 1990 at 9:40 AM at Sheriff's Office, Crawford County Courthouse, Meadville PA. 16335.
So answers,

Catherine I. Allen, Deputy Sheriff
Howard N. Stewart, Sheriff

Dec. 10, 1990, Preliminary Objections filed.
(of defendant J. slater Crawford)

Dec. 10, 1990, Preliminary Objections of defendant Communication Design, Inc., a corporation, filed.

Dec. 21, 1990, Upon praecipe of plaintiff attorney, preliminary objections placed on next argument list.

ON ARGUMENT LIST FOR JANUARY 1991

(argument set for 2/5/91 at 10:00 a.m. by Ct. Adm.)

Feb. 28, 1991, RE: PRELIMINARY OBJECTIONS - MEMORANDUM AND ORDER filed. ORDER: AND NOW, this 27 dayof Feb. 1991, we grant defendants' demurrers as to Count I in the actions against both defendants (CDI and J. Slater Crawford) based upon the Wage Payment and Collection Act. The case will proceedon Counts II against both defendants in which the plaintiff alleges breach of contract as an independent contractor.

BY ORDER OF THE COURT,
P. Richard Thomas, S.J.

Feb. 28, 1991, copies put in boxes of attorneys.

And Now, Aug. 28, 1991 at 4:01 p.m. upon praecipe of plaintiff's attorney , judgment is hereby entered in favor ofthe plaintiff and against the defendant pursuant to the Settlement Agreement and the damages are assessed at the sum of Eleven Thousand Four Hundred Four and 12/100 plus interest and cost of suit.

C-182
judgemnt entered Aug. 28, 1991

Debt $11,404.12
Int. from July 30, 1991
Judgment
James F. Simmons
Prothonotary

Aug. 28, 1991 UPon praecipe of Plaintiff Attorney the abaove case is marked settled and discontinued against J. Slater Crawford, Individually.

550

1990

1100.

BEVERLY A. NEFF

vs.

DAVID W. NEFF

Filed Nov. 16, 1990
@ 1:07 p.m.

Tax & entry	$50.50
state	5.00
Sheriff's costs	25.00

PETITION FOR EMERGENCY RELIEF UNDER PROTECTION FROM ABUSE ACT

1 copy (plaintiff)
3 copies (sheriff)

ORDER:

And now, this 16 day of November, 1990, upon review of the petition of Plaintiff, the Court entered the following Temporary Order.

1. The Defendant shall not assault, abuse, harass or threaten the Plaintiff or any of the minor children named in the Petition.
2. Special Conditions: Possession of 984So. Main St. Meadville,is awarded to plaintiff. Defendant shall not live at that address. The defendant shall not contact the plaintiff. He shall not go to her residence.
3. This Order may be enforced without a warrant of arrest by any law enforcement officer having reasonable ground to believe it has been violated.
4. A copy of this Order shall be delivered to the police departments in the jurisdiction where the Plaintiff resides and to County Control.
5. Service of a copy of the Petition and this Order shall be made upon the defendant by a sheriff, constable, police officer or competent adult.
6. This temporary order shall remain in full force and effect until modified or terminated by further order of this Court. Liability for payment of fees and costs will be determined by final court order.
7. The Defendant is reminded that this is an ORDER OF COURT and violation of this Order may be punishable by a fine up to $1,000.00 and a jail sentence of up to six months.
8. The court reserves ruling on allocations of fees and costs.
9. Defendant shall give plaintiff her glasses lens.

Hearing is here by set for November 28, 1990 at 3:30 P.M., in Courtroom 1 or 2 of the Crawford County Courthouse. The defendant is advised he may retain an lawyer to represent him at said hearing if he so desires but he is not required to do so.

BY ORDER OF COURT,

Nov. 19, 1990 Sheriff's Return filed. SERVED David W. Neff personally on Nov. 17, 1990 at 8:20 PM at Meadville City Police Dept., Water St., Meadville, Crawford Co., Pa.
So answers,

Rod Wise, Patrolman City P.D.
Howard N. Stewart, Sheriff

Dec. 6, 1990 Order filed. AND NOW, November 28, 1990, the matter is before the Court on an abuse petition. After informal hearing, the Court is satisfied the Defendant has abused his wife and it is impossible for these people to live together in the same household. The Defendant has an admitted drinking problem, went through the HELP UNIT in August and shortly thereafter commenced drinking again. Apparently disorderly conduct and harassment charges are pending with District Justice Chisholm and the Defendant has been unable to make bond on any of the cases. Hearing is set for December 3, 1990. Accordingly, the Court DIRECTS the Defendant not to contact his wife, threaten, abuse, harass, or annoy her in any fashion. He may not go to the residence of the wife at 984 South Main Street or any future residence for any purpose except he may go thereon on one occasion in a sober condition and accompanied by another adult person for the purpose of picking up his clothing and his bowling ball which he admits are the only possessions in the apartment that belong to him. Before going he must call his wife and advise her at least two (2) hours ahead of time when he will come to pick up his personal possessions.

In the event the Defendant is released on bail or released on probation or parole and if the wife is not then occupying the apartment, the defendant may contact the wife whether at the Greenhouse or elsewhere and notify her of the time he will arrive at the apartment with another adult person to pick up his belongings. It shall be the obligation of the wife to use a member of the Greenhouse staff or other frien to be at the apartment at the time the husband designates to make certain he removes nothing but his clothes.

This Order shall remain in force and effect for a period of one (1) year.

In the event the parties reconcile, it shall be the obligation of the wife to notify the Police Department and County Control that the parties have reconciled and where they are living. This Order shall remain in force and effect regardless of whether there is a reconciliation.

Any police officer having reasonable grounds to believe that the Defendant has violated the abuse protions of this Order may apprehend the Defendant on reasonable cuase without warrant and lodge him in the County Jail and notify the Court to schedule a prompt contempt hearing.

County is DIRECTED to pay costs in th is case.

BY ORDE ROF THE COURT,
P. Richard Thomas, S.J.

Dec. 6, 1990 Copies mailed to Dist. Just. Chisholm & dft., to County Control & G. Sullivan (box)

1990

The McDonald Group
David L. Hancock

1101.

Swensen, Perer & McCandless
David A. Schroeder for
Raymond Reynolds

Dennis G. Kuftic
for David D. St. John

COAXIAL CABLE TELEVISION CORPORATION

vs.

RAYMOND REYNOLDS AND DAVID D. ST. JOHN

Filed Nov. 16, 1990
@ 1:14 p.m.

Tax & entry paid	$50.50
state paid	5.00
Sheriff's costs	30.80
Arb pd. 4/26/91	15.00
Pro Co Pd 2/21/92	6.00

COMPLAINT

1 copy (sheriff)

December 6, 1990 Sheriff's Return filed. SERVED Raymond Reynolds on Nov. 19, 1990 at 3:25 PM by handing copy of Complaint to Clifford Patterson, adult in charge of residence, RD # 1, Rt. 19, Cambridge Springs, PA 16403.
SERVED David D. St. John on Nov. 19, 1990 at 3:30 PM by handing copy of Complaint ot Charlotte Finchio, adult in charge of residence, RD # 1, Thomas Rd., Cambridge Springs, Crawford Co., PA 16403.
So answers, Robert M. Stevens, Deputy Sheriff
Howard N. Stewart, Sheriff

Dec. 14, 1990 Appearance of Swensen, Perer and McCandless By David A. Schroeder, Attorney for Defendnat Raymond Reynolds filed.

Dec. 21, 1990, Answer of defendant David D. St. John, to the Complaint of Plaintiff and New Matter, filed.
3 copies (atty)

Jan 11, 1991 Answer and New Matter of Raymond Reynolds filed.

Feb. 1, 1991 Plaintiff's Reply to New Matter of Defendant Reynolds filed.

Feb. 1, 1991 Plaintiff's Reply to New Matter of Defendant St. John filed.

Apr 22, 1991 Notice of Service of Interrogatories and Request for Production of Documents directed to Plaintiff filed.

Apr. 26, 1991, Upon praeceip of plaintiff, for reference to the arbitrators, the following arbitrators are appointed: ~~Joseph F. Kulwicki, III Ch.~~ Curtis E. Blystone, CH.
William F. Gorman
JOhn B. Brautigam

May 29, 1991 Arbitrators Take the Qualifying Oath.

June 19, 1991, Certificate of Service of Plaintiff's Answers to Interrogatories of Raymond Reynolds served upon all counsel filed.

Aug. 15, 1991 **NOTICE OF CONTINUATION OF HEARING**, filed.

Sept. 6, 1991, Motion to Appoint Substitute Arbitrator and Order filed. ORDER: AND NOW, this 6 day of Sept. 1991 upon consideration of petitioners Motion to Appoint an Alternate Chairman of the Board of Arbitrators, it is hereby ordered, adjudged and decreed that the petitioner Jos. F. Kulwicki, is excused from serving as Ch. of the Bd. of ARbitrators. The prothonotary shall appoint a successor. Gordon R. MIller, J.
Sept. 12, 1991, copies to Attys. D. Hancock, Schroeder and Kuftic, Gorman, Brautigam, Blystone, Kulwicki
(CURTIS E. BLYSTONE IS HEREBY APPOINTED BY PROTHONOTARY)

Dec. 5, 1991 Decision of Arbitrators filed in which they find judgment in favor of the Plaintiff, Coaxial Cable Television Corporation, and against defendant, David D. St.John, in the amount of $620.92 on plaintiff's complaint. Judgment in favor of defendant Paymond Reynolds and against plaintiff Coaxial Cable Television Corporation on plaintiff's Complaint.
S-45 DECISION OF ARBITRATORS
Dec. 5, 1991 Decision of arbitrators mailed to Atty's Hancock, Schroeder & Kuftic

Feb. 21, 1992, at 2:03 a.m., upon praecipe of plaintiff attorney, the above captioned case is marked settled and discontinued of record.

552

1990

Brian J. Lindsay

1102.

WANDA LEE WILLIAMS

vs.

RICHARD THEODORE WILLIAMS

COMPLAINT IN DIVORCE, CUSTODY

1 copy (mediator)
2 copies (atty)

ORDER OF CUSTODY: AND NOW, this 16 day of Nov., 1990, JOHN FULLER is hereby appointed as custody mediator in this matter.

BY THE COURT,
Gordon R. Miller, J.

Dec 5, 1990 Verification of Service filed: I, Brian J. Lindsay, Esquire, do hereby verify that I am the attorney of record for the above named Plaintiff, and that as such I am authorized to make this verification; that I did on the 20th day of November, 1990, send to the above named Defendant, by Certified Mail, Addressee Only, Return Receipt Requested, a true and correct copy of the divorce complaint filed at the above term and number; and that I did on the 30th day of November, 1990, receive a duly executed return receipt dated November 28, 1990.

Brian J. Lindsay,
Attorney for Plaintiff

Dated: December 3, 1990

Filed Nov. 16, 1990
@

Tax & entry Paid	$50.50
1 count paid	15.00
state paid	10.00
state paid	10.00
John Fuller, mediator	135.00
Pro Co Pd. 2/19/91	9.00

Dec 24, 1990 Order filed: AND NOW, Dec 21, 1990, after mediation conference before John Fuller, Esquire, IT IS ORDERED AND DECREED AS FOLLOWS:

I. Legal custody of Tamara Sue Williams and Tyson Lee Williams shall be shared between their mother, Wanda Lee Williams, and their father Richard Theodore Williams, that is, each parent shall be entitled full access to school records, medical records and other important records and that each parent shll be entitled to take part fully in important decisions affecting the children such as the children's education, medical treatment and religious instructions.

II. Physical custody of Tamara Sue Williams and Tyson Lee Williams shall be with their mother, Wanda Lee Williams, subject to the following conditions :

A. The father shall be entitled to visit and take the children into his custody every Sunday, beginning December 23, 1990 from 2:00 p.m. until 9:00 p.m. The father shall provide transportation on these visits, both on picking the children up and returning them to the home of the mother.

B. Holidays shall be defined as Christmas, Easter and Thanksgiving. The parents shall share custody of the children on the holidays and if the parents are unable to agree otherwise, the children shall be in the custody of the mother on each of the aforesaid holidays until 2:00 p.m. and in the home of the father from 2:00 p.m. until 9:00 p.m.

C. Beginning with the Summer of 1991, the father shall be entitled to have the children in his custody for a continuous period of one (1) week and shall notify the mother at least thirty (30) days in advance of the one (1) week period in which he intends to have the children in his custody.

D. During visits between the children and the father, the father shall not consume alcohol nor take the children to inappropriate place.

E. Neither mother nor father shall say or do anything in an attempt to turn the children against the other parent, but on the other hand shall do everything in the power of each to foster a favorable and loving attitude on the part of the children towards both parents.

F. Neither mother nor father shall expose the children to any person or situation which may be harmful to the children's health or well being.

G. Both parents agree to inform the other immediately of any illness or injury regarding one or both of the children and both parents agree to furnish the other with a current telephone number.

III. This order is a temporary order but shall become a permanent order unless exceptions thereto are filed by either party within thirty (30) days of the date hereof.

IV. Cost of the mediation conference shall be paid by Crawford County.

P. Richard Thomas, S. Judge

Dec 27, 1990 Copies of order put in Attys. Fuller and Lindsay's boxes and copy mailed to Defendant

Jan. 9, 1991 Plaintiff's Affidavit Under Section 201(d) of The Divorce Code filed.

Jan. 29, 1991 Verification of Service filed. I, LEROY CHANEY, do hereby verify that I did on the 29th day of January, 1991, serve upon the Defendant the following documents: (1) Notice of Intention to Request Entry of Divorce Decree, (2) Plaintiff's Affidavit under Section 201(d) of the Divorce C ode, (3) Defendant's Counter-Affidavit under Section 201(d) of the Divorce Code. Service was obtained upon the Defendant at the Office of District Justice Vogan, Math Avenue, MeaDVILLE, Pa. at 8:30 AM by personally handing him a copy of saME

Dated: Jan. 29, 1991

Leroy Chaney

Feb. 19, 1991, Defendant's Counter-Affidavit Under Section 201(d) of the Divorce Code filed.

Feb. 19, 1991, Upon praecipe of plaintiff attorney to Transmit the REcord, this case moved to court.

Feb. 26, 1991 **D I V O R C E D E C R E E F I L E D .**

AND NOW, February 25, 1991, it is ordered and decreed that Wanda Lee Williams, plaintiff, and richard Theodore Williams, defendant, are divorced from the bonds of matrimony

BY THE COURT,
Gordon R. Miller, P.J.

1990

1103.

Thomas, Truax, Spadafore, Vardaro, Walker
R. Charles Thomas

COMMONWEALTH OF PENNSYLVANIA

vs.

LOU ANN WATT

Filed Nov. 16, 1990
@ 2:10 p.m.

Tax & entry	$50.50
State	5.00

APPEAL FROM SUSPENSION OF OPERATING PRIVILEGES

1 copy (atty)

ORDER:
AND NOW, this 16th day of Nov. 1990, upon presentation and consideration of the within petition , it is adjudged and decreed that a hearing on this appeal shall be held on the 24th day of Jan. 1990 at 9:30 a.m. at the crawford County court House, Meadville, P.a or as soon thereafter as the attention of the court may be had and that sixty (60) days written notice shall be given by the petitioner to theSec. of Trans.. of the Commonwealth of Pennsylvania by cert. Mail Ret. rec. REq. and to the attorney General of the Com. of Pa.

By the court,
Gordon R. Miller, Judge.

Jan. 25, 1991 Order filed. AND NOW, January 24, 1991, after hearing, the Court is satisfied the facts in this case indicate a knowing and intelligent refusal to take the blood test offered by the police and the hospital attendant. Accordingly, the appeal is DISMISSED and the action of the Commonwealth is SUSTAINED.

BY ORDER OF THE COURT,
P. richard Thomas, S.J.

Jan. 29, 1991 Copy of order amiled to William Kuhar and copy put in r. charles Thomas' box.

554

1990

Alan L. Pepicelli

1104.

Shafer, Swick, Beily
Irwin & Stack
Paul D. Shafer

Zimmer, Kunz, Loughren,
Hart, Lazaroff, Trenor,
Banyas & Conaway,PC
P. Brennan Hart

MARLEN C. BRUMAGIN AND LINDA K. BRUMAGIN, HIS WIFE

vs.

CAROL M. CALL, Executrix of the Estate of EUGENE H. CALL, Deceased

Filed Nov. 16, 1990
@ 2:33 p.m.

Tax & entry paid $50.50
state paid 5.00
Pro Co pd 6-29-94 6.00

SUMMONS IN A CIVIL ACTION

Issued (atty)

Nov. 28, 1990 Acceptance Of Service In Accordance With Pa. R.C.P. Rule 402(b) filed. I, Paul D. Shafer, Jr., Esquire, hereby accept service of the Writ of Summons on behalf of Eugene H. Call, the above-captioned Defendant, and I certify that I am authorized to do so.
Paul D. Shafer

Dec. 14, 1990, Appearance of Zimmer, Kunz, Loughren, Hart, Lazaroff, Trenor, Banyas & Conaway, P.C., by P. Brennan Hart, Esq. attorneys for defendant, filed.

Jan 10, 1991 Suggestion of Death of Eugene H. Call filed.

Jan. 24, 1991, Suggestion of Death of Eugene H. Call filed. (service corrected)

Apr 23, 1991 Upon Praecipe of Plaintiff's attorney Carol M. Call, Executrix of the Estate of Eugene H. Call, Deceased is substitued as party defendant in the above captioned case.

Apr 23, 1991 Appearance of Zimmer, Kunz, Loughren, Hart, Lazaroff, Trenor, Banyas & Conaway, P.C. by P. Brennan Hart, Esq. and Rosemary M. Petrantoni, Esq. for defendant filed.

July 5, 1991 Rule Upon Plaintiff to file Complaint issued.

July 8, 1991 Copies of rule mailed to Atty. Rosemary M. Petrantoni.

Sept. 19, 1991 Service of the foregoing RUles is hereby accepted on Sept. 5, 1991 by Alan L. Pepicelli.

Oct. 1, 1991, Complaint in Civil Action filed. 1 copy (atty) (JURY TRIAL DEMANDED)

Oct. 22, 1991, Notice of Service of Interrogatories and Requests for production of Documents filed.

Jan. 15, 1992 Answer and New Matter filed.

Mar. 9, 1992 Plaintiffs' Reply To New Matter filed.

Oct 30, 1992 NOTICE OF INTENT TO COMPLETE DISCOVERY, field.

Dec. 18, 1992 Notice of Depositions of David Call will be taken on Monday, December 28, 1992 filed.

May 20, 1993 Upon praecipe of P. Brennan Hart,Esquire, the above captioned matter is placed on the next available argument list.

ON JUNE, 1993, ARGUMENT LIST

May 20, 1993 Motion for Summary Judgment filed.

June 15, 1993 Motion For Continuance and ORDER filed. AND NOW, this 15th day of June, 1993, upon consideration of the within Motion, Argument in the above-captioned case is continued until the 9th day of July, 1993,a t 4:00 p.m. in Courtroom No. 2.

FOR THE COURT,
Ann A. Walker, Court Administrator

June 22, 1993 Copy of Order to Attys. A. Pepicelli, Paul Shafer, P. Brennan Hart.

July 12, 1993 Motion to Continue Argument Date and ORDER filed. AND NOW, this 12th day of July, 1993, upon consideration of the within Motion, the Argument on Defendant's Motion for Summary Judgment presently set for July 9,1993, at 4:00 o'clock P.M.is hereby rescheduled for July 21, 1993, at 3:45 P.M.

FOR THE COURT,
Ann A.Walker, Court Administrator

July 14, 1993 Copy of Order to Attys. Pepicelli, Shafer & Hart

July 22, 1993 Joint MOtion to Continue Argument and ORDER filed. AND NOW, this 22nd day of July, 1993, upon considerationof the within Motion,the Argument on Defendnt's Motion for Summary Judgment presently set for July 21, 1993, at 3:45 o'clock P.M. is hereby rescheduled for August 11, 1993, at 2:30 o'clock P.M.

FOR THE COURT,
Ann A. Walker, Court Administrator

7-26-93 Copy of Order toAttys. A.Pepicelli, Shafer & Hart.

Aug. 10, 1993 Plaintiffs' Response to Defendnt's Motion for Summary Judgment filed.

Aug. 11, 1993 Plaintiffs' Affidavit in Opposition to Defendant's Motion for Summary Judgment filed.

Aug. 23, 1993, Response to Plaintiffs Brief in Opposition to Defendants Motion for Summary Judgment filed.

Sept. 8, 1993, Plaintiffs AFfidavit in Opposition to Defendants Motion for Summary Judgment filed.

Sept. 8, 1993, ORDER filed. AND NOW, Sept. 8, 1993, upon consideration of the defendants Motion for Summary Judgment and after oral argument with respect to the same said motion is denied.

BY THE COURT,
Anthony J. Vardaro, J.

Sept. 8, 1993, copies dist to. Pepicelli and Hart, attys.

Record Continued on Page 554(a)

1990 CIVIL TERM

MARLEN C. BRUMAGIN AND LINDA K. BRUMAGIN

VS.

CAROL M. CALL

RECORD CONTINUED FROM PAGE 554

OF

AD 1990 - 1104

****

April 19, 1994 Notice of Intent to Complete Discovery on behalf of plaintiffs filed.

June 24, 1994 Upon praecipe of Plaintiff's attorney the above-captioned case is settled and discontinued of record with prejudice.

554 (b)

_____TERM

1990

Mary Ann Kirkpatrick

1105.

DENISE B. CALVIN

vs.

THOMAS E. CALVIN

12/14/90 Rec'd $23.00
From Defendant

12/14/90 Paid $23.00
To Howard Stewart
Sheriff Ck #5957

Filed Nov. 19, 1990
@ 10:44 a.m.

Tax & entry	Pd 12/14/90	$50.50
State	Pd 12/14/90	5.00
Sheriff's Costs		23.00
Rec'd Pd 12/14/90		9.00

PETITION FOR EMERGENCY RELIEF UNDER PROTECTION FROM ABUSE ACT

1 copy plaintiff
3 copies sheriff

ORDER:

And now, this 19th day of November, 1990, upon review of the petition of Plaintiff, the Court entered the following Temporary Order.

1. The Defendant shall not assault, abuse, harass or threaten the Plaintiff or any of the minor children named in the Petition.
2. Special Conditions: Possession of the parties home is awarded to Plaintiff, until further order of court.

3. This Order may be enforced without a warrant of arrest by any law enforcement officer having reasonable ground to believe it has been violated.
4. A copy of this Order shall be delivered to the police departments in the jurisdiction where the Plaintiff resides and to County Control.
5. Service of a copy of the Petition and this Order shall be made upon the defendant by a sheriff, constable, police officer or competent adult.
6. This temporary order shall remain in full force and effect until modified or terminated by further order of this Court. Liability for payment of fees and costs will be determined by final court order.
7. The Defendant is reminded that this is an ORDER OF COURT and violation of this Order may be punishable by a fine up to $1,000.00 and a jail sentence of up to six months.
8. The court reserves ruling on allocations of fees and costs.

Hearing is here by set for November 29, 1990, at 3:30 P. M., in Courtroom 1 or 2 of the Crawford County Courthouse. The defendant is advised he may retain an lawyer to represent him at said hearing if he so desires but he is not required to do so.

BY ORDER OF COURT,
Gordon R. Miller, J

Nov 21, 1990 Sheriff's Return filed: Served Thomas E. Calvin personally on November 20, 1990 at 3:55 p.m. at Sheriff's Office, Crawford County Courthouse, Meadville, Pa 16335.
So answers, Howard N. Stewart, Sheriff

Dec. 5, 1990 Order filed. AND NOW, November 29, 1990, the matter is before the Court on an abuse Petition. With the parties' permission, the Court sees no advantage to either party to take sworn testimony on the abuse and the husband consents to the entry of an Abuse Order. ACCORDINGLY, the defendant/husband shall not threaten, assault, harass, or annoy the plaintiff in any fashion or procure others to do so on his behalf. Except for picking up and returning the children to the residence, the defendant may not go to the residence of the plaintiff for any purpose without her express writeen consent.

The defendant/husband advises he has already removed his personal belongings fromthe premises, but in the event there are other clothing or personal possessions he overlooked, he may call his wife and made arrangements at a time set convenient for the parties to pick up the remainder of his personal effects. The Court makes no attempt at this time to divide up the marital property in the household.

The Wife consents that since her employer furnishes her with transportation, the defendant may have possession of the family care now registered in joint name and the husband is accorded exclusive possession of the family car.

The husband agrees that he will continue medical coverage under his employer's plan, but the parties mutually advise the Court that after January 1, 1991, the plan may be changed for the mutual benefit of the parties and their children to coverage through the wife's employer. Until the wife's medical coverage is in effect, the husband shall not cancel the medical benefits program affecting the wife and children.

Regarding visitation with the children, the parties mutually agree that on the first and third weekends of every month, the father may be entitled to have the children in his custody and possession from Firdya at 4:00 p.m. until Saturday at 7:00 p.m. He may pick the children up at the residence of the motehr or such other place as the children are at the time for visits. Initially, on Tuesdays and Thursdays of each week the father shallh ave the right to have the children in his possession after work and after the children's school for a reasonable period of time so long as he returns them to the custody of the mother by 7:00 p.m.

The Court urges the parties to make mutually satisfactory arrangements to share the children for Christmas and other major holidays and also to arrange for the children to be in the custody of each parent during a normal summer vacation period where the parents are granted vacation through their employment.

The parties are advised by the Court that if this agreement and any modifications thereof by the parties is not working satisfactorily, that eithe rparty may file a custody and visitation action asking for the appointment of a Custody Mediator to resolve the visitation and custody problems.

Apparently the parties, in anticipation of separation, mutually agreed without toomuch thought or consideration, on a temporary Supportt Order which the father would pay to the mother the amount of $45.00 per week. ACCORDINGLY, the Court directs the father to contribute support for the minor children commencing with the week of November 25, 1990 inthe amount of $45.00 per week. In the event either of the parties wish to cahnge in said arrangement and cannot amicably aree onthe same, they are advised they may file a support action in the Domestics Relations Section.

This Order regarding abuse shall remain in force and effect for a period of one (1) year.

Any Police Officer having resonable grounds to believe that the defendant has violated the abuse portions of this Order may apprehend the defendant without warrant bu ton probable cause and lodge himin the County Jail and request a contempt hearing.

The defendant is directed to pay costs inthis case within ten (10) days of being billed for the same by the Prothonotary at his address in care of Virgil P. Calvin, R.D. #1, Hartstown, Pennsylvania, 16131.

BY ORDER OF THE COURT,
P. Richard Thomas, S.J.

Dec. 6, 1990 Copies of order mailed to plaintiff and defendant and copy given to County Control

Record Continued on Page 682.....

Oct. 28, 1991, Petition for Extension of Protection From Abuse Order filed.

Oct. 28, 1991, Motion to Set Hearing and Order filed. ORDER: AND NOW, Oct. 28, 1991 hearing on plaintiff's request for Petition for Extension of Protection From Abuse shall be heard on Nov. 22, 1991 at 11:00 a.m. in C. R. No. 1 or 2 of the Crawford County courthouse in Meadville, Pa.

By the Court,
P. R. Thomas, J.

Oct. 31, 1991 copy of order to M. Kirkpatrick Esq.

Barbara J. Walton

Mason and Mason
Joan D. Mason

1106.

~~Mary Ann Kirkpatrick~~ withdrawn

Akman & Associates,
Lloyd E. Wilson, II

1/7/91 Rec'd $90.00 From Plaintiff
Rec'd 12-31-90
$90.00
Vivian Stoltz
1/4/91 Rec'd $90.00 From Defendant
Rec'd 2-1-91
$90.00
Vivian Stoltz
10/3/91 Rec'd $75.00 From Plaintiff
10/11/91 Rec'd $75.00 From Defendant
Nov. 7, 1991 paid Co. Comm. $75.00
Nov. 7, 1991 paid Co. Comm. $75.00
11-[illegible]-93 Received from deft Masters fees $350.00
[illegible]-95 Rec'd from deft mediation $150.00

ROBERT L. KELLY, JR.

vs.

KIMBERLY R. KELLY

Filed Nov. 19, 1990
@ 10:47 a.m.

Tax & entry paid	$50.50
2 counts paid	30.00
state paid	10.00
state paid	15.00
John Fuller, mediator	180.00
	9.00

Pro Co Rd 11/27/90
Pro Co Rd 10/3/91 9.00

VACATED
~~Bettie Peterson Muth, Master~~

Christopher Ferry, Master
Pro Co pd 5-8-96 9.00

COMPLAINT IN DIVORCE, CUSTODY, EQUITABLE DISTRIBUTION

1 copies (mediator)
2 copies (atty)

ORDER:

AND NOW, this 19 day of Nov. 1990, you Kimberly R. Kelly, dft., have been sued in court to obtain custody, partial custody, and visitation fo the children: Robert L. Kelly III and Dustin Allen Kelly.

JOHN FULLER has been appointed custody mediator in the matter.

You are ordered to appear in person at such times and places as shall be set for hearing in this matter, whether by a mediator or a judge.

You are further ordered to bring with you, if in yuor physical possession the two (2) children.

Neither party shall remove either child from the home to any other residential location. The children are to remain in their present family home and in Neason Hill School until this matter is heard.

You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Crawford County Bar Assoc. Ser. tothe Publ Comm. c/o Prothonotary Crawford County courthouse, Meadville, Pa. 16335.

By the Court,
Gordon R. Miller, J.

Dec 5, 1990 Petition for Special Relief and Exclusive Possession and Order filed: AND NOW, December 5, 1990 hearing on Defendant's Petition for Special Relief and Exclusive Possession is scheduled for Dec. 21, 1990 at 3:00 p.m. o'clock in Court Room 1 or 2 of the Crawford County Courthouse in Meadville, Pa.

By the Court,
P. Richard Thomas, S.J.

Dec 6, 1990 Copies of order put in Attys. Mason and Kirkpatrick's boxes and John Fuller's box.

Dec 18, 1990 Order filed: AND NOW, December 18, 1990, after mediation conference before John Fuller, Esquire, IT IS ORDERED AND DECREED AS FOLLOWS:

I. Legal custody of Robert L. Kelly, III and Dustin Allen Kelly shall be shared between the father, Robert L. Kelly, Jr. and the mother, Kimberly R. Kelly, that is, each parent shall be entitled to full access to school records, medical records and other important records and each parent shall be entitled to take part fully in important decisions affecting the children, such as the children's education, medical treatment and religious instruction.

II. The parties shall cooperate in securing a psychological evaluation of the family from Psychologist Glenn Thompson. The cost of the psychological evaluation shall be equally divided between the mother and the father. When completed, a copy of the evaluation shall be furnished to counsel for the mother and counsel for the father and in the event that the parties are unable to arrive at an agreement and consent order, then a further mediation conference shall be held at the request of either party.

III. Pending the receipt of the psychological evaluation referred to above, physical custody of Robert L. Kelly, III and Dustin Allen Kelly, shall be shared as follows:

A. The children shall be in the custody of their father from 8:00 a.m. Wednesday morning, each week, until 9:30 Saturday evening, each week.

B. The children shall be in the custody of their mother from 9:30 p.m. Saturday evening, each week, beginning December 14, 1990 until 8:00 a.m. Wednesday moring, each week.

C. When physical custody of the chidlren is transferred from mother to father or from father to mother, there shall be no angry exchanges between the parties.

D. Transportation of the children shall be equally divided so that the parent receiving custody shall provide transportation when picking up the children.

E. Neither mother nor father shall say or do anything in an attempt to turn the children against the other parent, but on the other hand shall do everything in the power of each to foster a favorable and loving attitude on the part of the children towards both parents.

F. Neither mother nor father shall expose the chidlren to any person or situation which may be harmful to the children's health or well being.

G. Bother parents agree to inform the other immediately of any illness or injury regarding one or both of the children and both parents agree to furnish the other with a current telephone number.

IV. This order is a temporary order but shall become a permanent order unless exceptions thereto are filed by either party within thirty (30) days of the date hereof.

V. Cost of the mediation conference shall be equally divided between the parties.

P. Richard Thomas. S. Judge

Dec 18, 1990 Copies of order mailed to Plaintiff and Defendant and put in Attys. Kirkpatrick, Mason and Fuller's boxes.

Jan. 3, 1990, MEMORANDUM AND ORDER FILED. ORDER: AND NOW, Dec. 31, 1990 the defendant's petition for special relief and exclusive possession of the marital residence is denied.

BY THE COURT,
Gordon R. Miller, P.J.

Jan. 3, 1990, copies is atty's boxes.

Jan. 28, 1991 Affidavit of Service filed. I, Joan D. Mason, Esq., attorney for the Plaintiff in the above entitled case, and being duly sworn according to law, despose and say that I did on Nov. 27, 1990 mail to the above Defendant, Kimberly R. Kelly, by certified mail return receipt requested, deliver to addressee only, a complaint in the above divorce action. Said notice was received onNov. 28, 1990, as indicated by the return receipt card which was returned to the office of the Plaintiff's attorney and is attached hereto.

Joan D. Mason Atty. for plaintiff

Mar. 8, 1991 Affidavit of Consent of Defendant filed.

August 5, 1991 AFFIDAVIT OF CONSENT filed.

Continued on page 556a

Robert L. Kelly, Jr.

vs.

Kimberly R. Kelly

Record Continued from Page 556

of

AD 1990-1106

****

Sept 24, 1991 Order filed: AND NOW, September 24, 1991, after mediation conference before John Fuller, Esquire, IT IS HEREBY ORDERED AND DECREED AS FOLLOWS, TO-WIT:

I. Legal custody of Robert L. Kelly, III and Dustin Alley Kelly shall be shared between the father, Robert L. Kelly, Jr. and the mother, Kimberly R. Kelly, that is each parent shall be entitled to full access to school records, medical records and other important records and that each parent shall be entitled to take part fully in important decisions affecting the children such as the children's education, medical treatment and religious instruction.

II. Physical custody of Robert L. Kelly, III and Dustin Allen Kelly shall be shared between the parents as follows:

A. The children shall be in the custody of their father from 8:00 a.m. Wednesday morning, each week, until 9:30 p.m. Saturday evening, each week.

B. The children shall be in the custody of their mother from 9:30 p.m. Saturday evening, each week, until 8;00 a.m. Wednesday morning, each week.

III. Holidays shall be defined as Christmas, Easter and Thanksgiving. The parties shall share custody of the children on the three aforementioned holidays and in the absence of an agreement to the contrary the children shall be in the custody of their father on the three aforementioned holidays and in the absence of an agreement to the contrary, the children shall be in the custody of their father on the three holidays in the morning and until 1:00 p.m. in the afternoon and in the custody of the mother on the three holidays from 1:00 until 7:00 p.m. and longer, if they are otherwise in the custody of the mother.

IV. Transportation of the children shall be divided so that the parent receiving custody of the children shall provide transportation when picking up the children.

V. Beginning with the Summer of 1992, each parent shall be entitled to have the children in their custody for an exclusive period of two (2) weeks. The parent requesting custody of the children for the two (2) week period shall give the other parent at least thirty(30) days notice of the two (2) weeks period.

VI. Neither mother nor father shall expose the children to any person or situation which may be harmful to the children's health or well being and each parent shall see that the children wear seatbelts when they are being transported in a motor vehicle.

VIII. The mother shall make an appointment with the Center for Families in Change and accept such counseling and advice as they have to offer.

VIII. Neither mother nor father shall say or do anything to an attempt to turn the children against the other parent, but on the other hand shall do everything in the power of each to foster a favorable and loving attitude on the part of the children towards both parents.

IX. Both parents agree to inform the other immediately of any illness or injury regarding the children and both parents agree to furnish the other with a current telephone number.

X. This order is a temporary order but shall become a permanent order unless exceptions thereto are filed by either party within thirty (30) days of the date hereof.

XI. Cost of the mediation conference shall be equally divided between the parties.

Gordon R. Miller, Judge

Sept 26, 1991 Copies of order put in Attys. Kirkpatrick, Mason and Fuller's boxes and copies mailed to Plaintiff and defendant.

Apr. 12, 1993 Appearance of Akman & Associates, P.C. by Lloyd E. Wilson, II for Defendant filed.

Apr. 28,1993 Complaint and Counterclaim, Answer to Complaint in Divorce and Order filed. AND NOW, this 27 day of April, 1993, upon consideration of the foregoing petition to bifurcate, a rule is entered on the defendant to show cause why the requested relief should not be granted, returnable on June 1, 1993, at 10:30 A.M. in Courtroom No.2 of the Crawford County Courthouse.

BY THE COURT:
Anthony J.Vardaro,J.

May 3, 1993 Copy of Order to Attys. Mason, Kirkpatrick, & Wilson

May 7, 1993 Withdrawal of Appearance of Mary Ann Kirkpatrick filed.

June 2, 1993, Upon praecipe of plaintiff attorney Motion for Bifurcation is hereby withdrawn.

Aug. 6, 1993 Inventory of Defendant filed.

Aug.6, 1993 ORDER filed. AND NOW, August 4, 1993 this matter is before the Court on a motion for appointment of master in divorce filed by the Defendant.
This is a 1990 divorce and the Plaintiff has not yet filed his inventory and appraisement.
Accordingly, Plaintiff is ordered to do so within 30 days of the date of this Order.

BY THE COURT:
Anthony J. Vardaro, J.

Aug. 11, 1993 Copy of Order to Attys. Mason, Wilson,II, & Bettie Muth.

Aug.6, 1993 Motion for Appointment of Master In Divorce and ORDER APPOINTING MASTER filed. AND NOW,August 3, 1993, Bettie Muth, Esquire is appointed Master in respect to the following claims:
Divorce, equitable Distribution
Deposit required: By Plaintiff $350 By Defendant $350
If not filed already the parties are ordered to file their pretrial statements within thirty (30) days from this date.

Per Curiam,
Anthony J.Vardaro, J.

Aug. 11, 1993 Copy of Order to Attys. Mason, Wilson, II & Bettie Muth.

Aug. 20, 1993 Motion to Vacate Appointment and Order, filed. ORDER: AND NOW, August 20, 1993, 1993, the appointment of Bettie Muth as Master is hereby vacated and Christopher Ferry, Esq. is hereby appointed master.

BY THE COURT,
Anthony J. Vardaro, J.

Aug. 26, 1993 copy to C. Ferry, B. Muth, J. Mason, L. Wilson

Sep. 20, 1993 Inventory of Plaintiff filed.

Jan. 12, 1995 Pre-Hearing Conference filed.

Feb. 10, 1995 Motion to Withdraw as Counsel and Order filed. AND NOW, February 10, 1995 motion granted.

Anthony J. Vardaro, J

Feb. 10, 1995 Faxed J. Mason, mailed Wilson

Continued to Page 556 B

Kelly, Jr. vs. Kelly AD 1990 - 1106 Continued from Page 556 A

Jun. 7, 1995 Request for the Appointment of Child Custody Mediator and ORDER filed. ORDER. AND NOW,this 5 day of June, 1995, it is ordered tht all parties in the above captioned case and their counsel shall appear for a mediation conference before the Mediator, John Fuller, at a time to be set by the Mediator in the Crawford County Courthouse, with the child Custody Mediator as Required by Rule L1915.26A et seq. of the Court of Common Pleas of Crawford County, Pennsylvania.

It is further ordered and decreed that pending final determination by the Court, the children shall not be removed from the jurisdiction of the Court by either party hereunder, under possible punishment for Contempt of Court.

BY THE COURT:
Anthony J. Vardaro,J.

6-8-95 Copies dist. to Hook, Faxed Fuller & Walton

Apr 22, 1996 Marriage Settlement Agreement, filed.

Apr 29, 1996 Upon praecipe of plaintiff attorney to transmit record, case moved to Court.

May 13, 1996 ORDER filed. This divorce matter has been referred to the Court for review and decree. The Court has reviewed the record and is returning the record to the Prothonotary. A final decree will not be entered at this time because:

X As to a 3301 (c) divorce: There is no showing that the prober notice required by 1920.42(d) (1) in the form required by 1920.73 was mailed or delivered to a party who is unrepresented or to counsel of a represented party; and/or no copy of said notice is attached to the praecipe to refer or submit; and the parties have not executed and filed with the Prothonotary a waiver of notice substantially in the form set forth in Rule 1920.72(c).

Either party may file a praecipe to refer the matter back to the Court when the record is in such a state that the parties are entitled to a final decree.

BY ORDER OF COURT
Gordon R. Miller, J.

FAXED 5-13-96 Walton & Wilson

May 16, 1996 Affidavit of Consent filed.

May 16, 1996 Waiver of Notice of Intention to Request Entry of A Divorce Decree Under 3301(c) of the Divorce Code filed.

June 12, 1996 Praecipe to Transmit the Record filed.

DIVORCE DECREE FILED

July 25, 1996 AND NOW, July 24, 1996, it is ordered and decreed that ROBERT KELLY, plaintiff, and KIMBERLY KELLY, defendant, are divorced from the bonds of matrimony.

AND IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the terms, provisions and conditions of a certain Marital Agreement dated April 18, 1996 are hereby incorporated in this decree and order by reference as fully as though the same were set forth herein at length. Said agreement shall not merge with, but shall survive this decree and order.

BY THE COURT
Gordon R. Miller, P.J.

May 27, 1998 PETITION FOR CONTEMPT AND RULE TO SHOW CAUSE FILED. AND NOW, this 25th day of May, 1998, a Rule to Show Cause is issued and directed to the Defendant to show cause, if any, why the Petition of the Plaintiff to hold her in contempt of a court order should not be granted. Said Rule is returnable for hearing and argument on Thursday, June 11, 1998 in Courtroom #1 of the Crawford CountyCourthouse, at 10:15 AM before Senior Judge P. Richard Thomas

Gordon R. Miller, J.

5/27/98 FAXED J. Haah - Copy Dist to Walton

June 8, 1998 MOTION FOR CONTINUANCE AND ORDER FILED. AND NOW, this 4th day of June 1998 the above matter is continued until June 12, 1998 at 1:30 PM CR #1 Senior Judge P. Richard THomas.

BY THE COURT
ANTHONY J. VARDARO, J.

6/9/98 DIST. WALTON

June 12, 1998 MOTION FOR CONTINUANCE and ORDER OF COURT filed. AND NOW, this 12 day of June, 1998, the above matter is continued generally.

By The Court
Anthony J. Vardaro, J.

June 12, 1998 Distributed to Atty. Walton.

1990

Egli, Reilly, Wolfson,
Sheffey & Schrum
Timothy D. Sheffey

1107.

TELMARK, INC.

vs.

TIMOTHY L. CAMPBELL AND
PATRICIA L. CAMPBELL HIS WIFE

Filed Nov. 19, 1990
@ 11:46 a.m.

Tax & entry Paid	$50.50
State paid	5.00
Sheriff's Cost	57.30
Pro Co Pd 2/21/91-	10.00

COMPLAINT IN REPLEVIN

2 copies (sheriff)

Jan. 15, 1991 Sheriff's REturn filed. Before me, the undersigned authority, personally appeared Harry Holmwood, Deputy who being duly sworn according to law, deposes and says that on the 6th day of December, 1990, at 1:30 P.M., he served a Complaint, filed at No. AD 1107 Term, 1990, Crawford County, Pennsylvania, upon defendant Patricia L. Campbell at Edinboro Dinor, Meadville Road, Erie County, Edinboro, Pennsylvania
By making known the contents thereof to Patricia L. Campbell and handing to and leaving with her the certified copy of the Complaint received from Crawford County
So answers, Harry Holmwood, Deputy sheriff
Robert N. Michel, Sheriff

SERVED Timothy L. Campbell personally on NOvember 29, 1990 at 3:59 PM at his place of employment, Lords Corporation, Cambridge Springs, Crawford County, PA.
served Patricia L. Campbell by deputizing Sheriff of Erie County, PA as per his affidavit of Service attached. Served: dec. 6, 1991.
So answers, Robert M. Stevens, Deputy Sheriff
Howard N. Stewart, Sheriff

And Now Feb. 21, 1991, at 2:32 p.m., upon praecipe of plaintiff attorney, with certificate of residence, and default notices attached, Judgment is hereby entered in favor ofthe plaintiff and against the defendant whereby Plaintiff has the right to recomer possession of one (1) Belarus 525, 70 h.p. four wheel drive tractor with loader, the money value of said property being SevenThousand Dollars, which shall be assessed by trial special damages limited to the amount of damages.
Judgment entered 2/21/91
C - 162, 132

Debt --- $7,000.00
JUDGMENT
James F. Simmons,
Prothonotary

Feb. 21, 1991 copies with notice of entry of Judgment mailed to defendants.

558

1990

J. Wesley Rowden
Ass't. Dist. Atty.

1108.

Bruce A. Barrett

COMMONWEALTH OF PENNSYLVANIA

vs.

$1,130.00

PETITION FOR FORFEITURE AND CONDEMNATION DECREE
AND NOTICE TO PROPERTY OWNERS

Dec. 20, 1990, Defendant's Answer to Commonwealth's Petition filed.

Dec. 28, 1990 Affidavit Of Service filed. Diane C. Bishoff, being duly sworn according to law, deposes and says that the following facts in support of her Affidavit of Service are true and correct to the best of her knowledge, information and belief.
1. That the affiant hand delivered a true and correct copy of Defendant's Answer to Commonwealth's Peittion to the Office of District Attorney of Crawford County, Pennsylvania on December 20, 1990 at 3:45 p.m. at the Crawford County Courthouse, Meadville, Pennsylvania. Diane C. Bishoff

Filed Nov. 19, 1990
@ 1:31 p.m.

ENTRY PAID 11/26/90 50.00
STATE PAID 11/26/90 5.50

Jan 11, 1991 Motion to Set Hearing and Order filed:
AND NOW, this 11th day of January, 1991, upon consideration of the within Motion, Hearing/Argument thereon is hereby scheduled for Feb 20, 1991 at 9:30 o'clock a.m. in Court Room No. 1 or 2.

BY ORDER OF THE COURT,
Gordon R. Miller, J

Jan 11, 1991 Copies of order given to Atty. Rowden and put in Atty Barrett's box.

Feb. 28, 1991 Memorandum and Order filed. AND NOW, February 25, 1991, the Court directs the sum of $1,130 found in possession of Robbie Gordon Payne to be forfeited to the Commonwealth.
BY ORDER OF THE COURT,
P. Richard Thomas, S.J.

Feb. 28, 1991 Copy put in box for Atty's.

Mar. 7, 1991 Notice of Appeal of Defendant To Superior Court of Pennsylvania from the Order entered in this matter on February 25, 1991.

Mar. 7, 1991 Application To Lower Court For Leave To Appeal In Forma Paupris and Order filed AND NOW, March 11, 1991, upon consideration of the foregoing application and pursuant to Pennsylvania Rule of Appellate Procedure, Rule 552(d) (Application to Lower court for Leave to Appeal in Forma Pauperis), the foregoing application is hereby granted and approved.
BY ORDER OF THE COURT,
P. Richard Thomas, S.J.

Mar. 13, 1991 Copies of order put in Atty's Rowden and Barrett's box.

Mar. 26, 1991, Motion To Disqualify Public Defender's Office and Order filed.
ORDER: AND NOW, this 25 day of March 1991, upon consideration of the within Motion, Hearing/Argument thereon is hereby scheduled for Apr. 8, 1991 at 4:00 p.m. in C. R. No. 1, 2 or 3 before P.R.T. BY ORDER OF THE COURT,
P. Richard Thomas, S.J.
Mar. 28, 1991 copies to J. W. Rowden and Bruce Barrett.

Mar. 27, 1991, Notice of Appeal Docketing - Superior Court of Pennsylvania - Docket No. 00503PGH91, filed.

April 5, 1991 Transcript of Proceedings At Time of Hearing on Forfeiture of Property filed.

May 1, 1991, MEMORANDUM OPINION filed.

May 2, 1991, RE: PETITION TO DISQUALIFY PUBLIC DEFENDER FROM REPRESENTING DEFENDANT ON APPEAL - ORDER filed. AND NOW, April 17, 1991, after argument, the District Attorney's Petition to Disqualify is denied. BY ORDER OF THE COURT,
P. Richard Thomas, S.J.
May 3, 1991, copies to Attys. Rowden and B. Barrett.

Oct. 31, 1991 Certificate of Contens of Remanded Record and notice of Remand under Pa. Rules of Appellate Procedure 2571 and 2572 filed.
Nov. 7, 1991 copy of Cert. mailed to Superior Court.

Oct. 31, 1991, MEMORANDUM AND ORDER from Superior Court of Pennsylvania filed.
ORDER: AND NOW, this 16 dayof Sept. 1991 it is ordered as follows: Order affirmed.
BY THE COURT
Before: McEwen, Ford Elliott and Hester, JJ

1990

1109.	DAVID CONSIDER vs. KEN GILLINGHAM Filed Nov. 20, 1990 @ 11:26 a.m. Tax & entry Paid $50.25 State paid 5.00	APPEAL OF DEFENDANT FROM JUDGMENT OF WILLIAM D. CHISHOLM, DISTRICT JUSTICE Nov. 20, 1990, Rule entered upon plaintiff to file complaint issued.

560

1990

William J. Gregg

1110.

ROSE MARIE HOFFMAN

vs.

DAVID ST. JOHN

Filed Nov. 20, 1990
@ 12:19 p.m.

Tax & entry paid	$50.25
state paid	5.00
Pro Co pd 12/20/91	9.00 ✓
Pro co Pd 2/28/92	5.00 ✓

APPEAL OF PLAINTIFF FROM JUDGMENT OF ROBERT J. LEONHART, MAGISTERIAL DISTRICT 30-3-03

Nov. 21, 1990, Proof of Service filed.

Dec. 7, 1990 Complaint filed.

Jan. 7, 1991, Complaint Reinstated.

Feb. 21, 1991, Affidavit of Service filed. William J. Gregg, Esq. being duly sworn according to law, deposes and says that the following facts in support of Affidavit of Service are true and correct to best of knowledge, inform. and belief.

1. That the affiant is the atty. for the plaintiff inthe above action.

2. That a true and correct copy of complaint and notice in above matter were sent by reg. mail to the dft. pursuant to Pa. R.C.P. No. 1004 pertaining to ser. of a complaint following appeal from a judgment by a Dist. Justice.

William Gregg, Esq.

And now, Feb. 26, 1991 at 3:48 p.m. upon praecipe of plaintiff's attorney, with Notice of Intention to File Default Judgment attached, judgment is her eby entered in favor of the plaintiff and against the defendant for failure to file an answer and the damages are assessed at the sum of Five Hundred Eighteen and 05/100 plus interest and cost of suit.

S-45
judgment entered 2/26/91

Debt $518.05
Judgment
James F.Simmons
Prothonotary

Ex. 1991-53

Feb. 28, 1992, Upon praecipe of plaintiff attorney, the above captioend case is hereby marked settled and discontinued of record.

1990

Joseph F. Kulwicki

1111.

ELIJAH LAMB

vs.

Betty Jo
~~DEPTYJO~~ LAMB

Filed Nov. 20, 1990
@ 1:25 p.m.

Tax & entry Paid	$50.50
State paid	10.00
state paid	5.00

COMPLAINT UNDER SECTION 201(c) OF THE DIVORCE CODE

1 copy (atty)

Nov. 30, 1990 Petition To Amend Complaint In Divorce and Order filed. AND NOW, this 30 day of Nov., 1990, upon review of the within Petition and on Motion of Joseph F. Kulwicki, III, Attorney for petitioner, Elijah Lamb, the plaintiff's complaint is here by amended and corrected to reflect the true spelling of the defendant's name as Betty Jo Lamb.

P. Richard Thomas, S.J.

Nov. 30, 1990 Copy of order put in Joseph Kulwicki's box.

Jan. 17, 1991 Certificate of Service filed. Irene P. Alexander, being duly sworn according to law, deposes and says that she is employed by Joseph F. Kulwicki, esq., attorney for the plaintiff, and as such on or about November 20, 1990, she placed a certified copy of the above Divorce Complaint in the U.S. mail, addressed to the defnedant, as follows:

Mrs. Betty Jo Lamb (incorrectly referred to as Mrs. Deptyjo Lamb on envelope)
1145 West Sixth street
Lakeland, FL. 33892

Said Divorce Complaint was mailed certified mail, restricted delivery, being certified mail item number P 262 246 349. The signature card for siad certified mail item was returned to the office of Joseph F. Kulwicki, Esq., bearing the signature of the defendnat as having received same on NOvember 24, 1990. Said signature card is attached hereto and made a part hereof.

FURTHER DEPONENT SAITH NOT. Irene P. Alexander

Feb. 22, 1991, AFfidavit of Consent of plaintiff filed.

Feb. 17, 1998 Important Notice and Court Order filed. Out court records show that you are a party in the case listed above, but that nothing has been filed with the court in this case since 2/22/91 . We are required by the Pennsylvania Supreme Court to dismiss cases in which there has been "unreasonable delay". Your case appears to be inactive. Therefore, unless we hear form you in writing on or before April 24, 1998, we will automatically terminate and dismiss your case without further notice to you or your attorney.

If you do not object to this case being dismissed, you do not have to do anything. The case will be marked "dismissed with prejudice" in our records, and will be over forever.

I If you object to the case being dismissed, you must put your objections in writing and follow Crawford County Civil Local Rule L206, LJA 1901E and LJA1901F, explaining why there has been a delay in your case and why it is not unreasonable. These written objections must be filed in the Prothonotary's Office on or before April 24, 1998. You must also give or send a copy of any objections you file to the other party or his or her attorney, and certify that you have done so when you file your objections with the Prothonotary.

YOU MAY LOSE IMPORTANT RIGHTS IF YOUR CASE IS TERMINATED. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHER EYOU CAN GET LEGAL HELP.

Court Administrator
Second Floor-Crawford County Courthouse
Meadville, PA 16335
(814) 333-7498

By the Court,
Anthony J. Vardaro, J

Date: February 13, 1998

Feb. 13, 1998 Copies mailed by Court Administrator's Office

May 6, 1998 Order filed. AND NOW, this fourth day of May, 1998, written notice of the Court's intent to terminate the cases listed below having been given to the parties or their counsel of record, and further notice having been given to counsel and parties by publication of a "Notice of Intent to Terminate Cases" printed in the Crawford County Legal Journal on April 15, 1998, and no objection thereto haing been received by the Court from either party in the cases listed below, **all and each of the 245 cases listed below are hereby terminated and dismissed with prejudice.** A copy of this order shall be filed at each of the docket numbers listed below, but copies need not be given to or served upon the parties or their attorneys. Cases may be reinstated only in accordance with Crawford County Rule LJA 1901.

By the Court:
Gordon R. Miller, P.J.

(See original filed at A.D. 1997 - 702)

562

1990

Prather, Prather
& Pineo
Mark D. Prather

1112.

Mason and Mason
M. Dan Mason

MARION S. PRATT

vs.

ROBERT WALKER AND ALICE
F. WALKER, HIS WIFE

COMPLAINT IN ASSUMPSIT

1 copy

(acceptance of service of M. Dan Mason, attorney for defendant, on complaint)

Dec. 28, 1990 Answer To Complaint filed.

Jan. 21, 1991 Upon praecipe of Plaintiff Attorney the above captioned matter is marked settled and discontinued of record.

Filed Nov. 20, 1990
@ 3:35 p.m.

Tax & entry Paid	$50.50
state paid	5.00
Pro Co pd 1/21/91	5.00

1990

Mary ann Kirkpatrick

1113.

EVELYN F. MORRISON

vs.

ROBERT J. MORRISON

Filed Nov. 20, 1990
@ 4:09 p.m.

Tax & entry Paid	$50.50
2 counts paid	30.00
state paid	10.00
state paid	15.00
Pro. Co.Pd.7/20/92	9.00

COMPLAINT IN DIVORCE, ALIMONY, ALIMONY PENDENTE LITE, COUNSEL FEES, COSTS, EXPENSES, EQUITABLE DISTRIBUTION

1 copy (atty)

Dec. 19, 1990, Affidavit of Servcie filed. And Now, Dec. 11, 1990, comes lisa M. Sherretts being duly sworn according to law, deposes and setsforth as follows:

1. That she is the legal secretary of Atty. for plaintiff in above matter.

2. That on information furnished her by plaintiff, she caused a cert. copy of Complaint in Divorce to be forwarded by Cert. Mail P 320 785 131; postmarked Nov. 29, 1990, to the defendant, who currently receives his mail at PO Box 406, Cochranton, Pa. 16314.

3. That the defendatn Robert J. MOrrison, on Dec. 7, 1990 personally signed the ret. rec. card which was affixed to the Complaint in above matter; attached hereto.

4. Service of the complaint against defendant is therefore effected in accordance of Pa. Rules of Civil Procedure.

Lisa M. Sherretts.

Apr. 3, 1991 Affidavit of Consent of plaintiff filed.

July 10, 1992 Affidavit of Consent of Robert J. Morrison, Defendant, filed.

July 16, 1992 Upon Praecipe of Mary Ann Kirkpatrick, Esquire, for Review under Section 3301 (c) of the Divorce Code, this case moved to Court.

July 20, 1992 Memorandum of Agreement as to Divorce, Alimony Pendente Lite, Counsel Fees, Court Costs and Equitable Distribution filed.

DIVORCE DECREE FILED

July 24, 1992 AND NOW, July 22, 1992, it is ordered and decreed that Evelyn F. Morrison, plaintiff, and Robert J. Morrison, defendant, are divorced from the bonds of matrimony.

The Memorandum of Agreement entered into between the parties and filed July 20, 1992 is incorporated into this decree by reference thereto with the same force and effect as those said memorandum, and the terms and provisions contained therein, were spelled out verbatim in this Order.

BY ORDER OF COURT
Gordon R. Miller, P.J.

564

1990

Brennan, Robins
& Daley
Harvey E. Robins

1114.

Thomas, Truax , Spadafore, Vardaro, walker
Anthony J. Vardaro

IN RE:
MARK REALTY COMPANY,
OWNER OF PROPERTY

vs.

THE BOARD OF ASSESSMENT AND APPEALS OF CRAWFORD COUNTY; CRAWFORD COUNTY, PENNSYLVANIA; THE CITY OF MEADVILLE, AND; CRAWFORD CENTRAL SCHOOL DISTRICT

Filed Nov. 21, 1990
@ 9:52 a.m.

Tax & entry paid $50.50 ✓
state paid 5.00

REAL ESTATE TAX APPEAL

2 copies (atty)

Dec. 10, 1990, Answer to Tax Appeal filed.

Jan. 22, 1993 Consent Order Filed. AND NOW, this 22nd day of January, 1993, upon agreement and consent of parties as signified by the signature of their counsel below, it is hereby ordered that the fair marked value of the subject property for the instant appeal is $350,000.00 and the applicable common level ratio is 61.9%. Furthermore, the fair market value and common level ratio in resulting revised assessment shall be reflected in the tax assessment records effective January 1, 1991 and the property owner shall receive a refund of property taxes within thirty days of the date of filing of this Consent Order based upon the above changes, if 1991 local, county or school taxes have been paid by the property owner.

CONSENT TO:
John F. Spataro, Esquire
Crawford County Solicitor

Harvey E. Robins,Esquire
Attorney for Property Owner

Emil M. Spadafore, Jr., Esquire
Solicitor for Crawford Central School District

Russell L. Schetroma, Esquire
Solicitor for the City of Meadville

BY THE COURT:
Gordon R. Miller, J.

Jan. 22, 1993 Copy of Order to Attys. Spataro, Robins, Spadafore, Jr., and Schetroma.

1990

Shafer, swick, Bailey
Irwin & Stack
Paul D. shafer, Jr.

1115.

Richard A. Hernan, Jr.

WILLIAM MITCHELL

vs.

MARK S. HARVEY, JR. AND
VIRGINIA HARVEY

Filed Nov. 21, 1990
@ 2:24 p.m.

Tax & entry Paid	$50.50
State paid	5.00
Sheriff's Costs	39.64
Pro.Co. pd. 3/2/93	6.00

COMPLAINT

2 copies (sheriff)

Dec. 7, 1990 Sheriff's Return filed. SERVED Virginia Harvey personally on NOvember 27, 1990 at 3:40 PM at her residence, R.D. #2, Key Rd., Titusville, Crawford County, PA 16335
SERVED Mark S. Harvey, Jr on November 27, 1990 at 3:41 PM by handing copy of Complaint to Virginia Harvey, his wife, at residence, R.D.#2, Key road, Titusville, Crawford County, PA.
So answers, Robert M. Stevens, Deputy Sheriff
Howard N. Stewart, Sheriff

Dec. 10, 1990, Preliminary Objections filed.

Dec. 11, 1990, Upon praecipe of plaintiff attorney, this above preliminary objections placed on next argument list.

ON JANUARY 1991 ARGUMENT LIST

Dec. 21, 1990, Preliminary Objections to Request for Admission filed.

Jan 7, 1991 Motion to Strike Preliminary Objections to Request for Admissions filed.

Jan 24, 1991 Petition for a Change of Venue Pursuant to Rule 1006 (d)(1) filed.

Feb.20, 1991, Re: Petition for Change of Venue and Defendants' Preliminary objections to Discovery Request - ORDER filed. AND NOW, Feb. 20, 1991, the court denies defendants' petition for change of venue and their preliminary objections.
BY ORDER OF THE COURT,
P. Richard Thomas, S. J.

Feb. 22, 1991 copy to Paul Shafer (box)and R. Hernan, Esq. mailed.

Apr. 15, 1991 Answer filed.

Apr. 15, 1991 Answers to Request for Admissions filed.

May 6, 1991 Plaintiff's Answer to Defendants' New Matter, and Counterclaim filed.

May 15 1991, Affidavit to be attached to foregoing Answer, New Matter and Counterclaim filed.

Dec. 16, 1991 Notice of Scheduled Deposition Upon Oral Examination of Sandra Mitchell filed.

Dec. 16, 1991 Notice of Scheduled Deposition Upon Pral Examination of William Mitchell filed.

Dec. 16, 1991 Certificate of Service of above notices filed.

Jan. 29, 1992 Notice of Scheduled Deposition Upon Oral Examination of William Mitchell filed.

Jan. 29, 1992 Notice of Scheduled Deposition Upon Oral Examination of Sandra Mitchell filed.

Jan. 29, 1992 CERTIFICATE OF SERVICE filed. I certify that I served a true and correct copy of the Notices of Scheduled Depositions for William Mitchell and Sandra Mitchell in the captioned matter upon the following counsel of record by mailing the same via first class mail, postage prepaid, on Jan. 28, 1992:
Jeffrey K. Millin, Esq.
SHAFER, SWICK, BAILEY, IRWIN & STACK
360 Chestnut St., P.O. Box 594
Meadville, Pa. 16335
and to the Court Reporter:
Hoffman & Schreiber
P.O. Box 373
Ridgway, Pa. 15853
Richard A. Hernan, Jr. Esq.

Mar 10, 1992 Certificate of Readiness for Placement on Civil Trial List, filed.

ON TRIAL LIST FOR APRIL 1992

Mar. 16, 1992, Objection to Certificate of Readiness filed.

Mar. 27, 1992, Motion for Judgment on the Pleadings filed.

Mar. 27, 1992, Motion for Sumamry Judgment filed.

Mar. 27, 1992, Certificate of Service of Motions above filed.

April 1, 1992 ORDER filed. AND NOW, March 30, 1992, at the call of the Trial List, counsel for the defendants presented an oral motion to continue this case because he initially filed a timely objection to the certification of readienss, that he intends to take one more deposition and that motions for summary judgment and judgment on the pleadings recently filed are now outstanding.
ACCORDINGLY, this case is CONTINUED to the June Term of jury trials, with a jury to be selected at that time and the case to be either tried at that time or shortly thereafter if the June Term turns out to be devoted solely to criminal cases.
The defendants' motion for summary judgment and judgement on the pleadings shall be argued at the April or May, 1992 Argument List, to be selected by the Court Administrator and notice given to counsel within the next five (5) days.
By Order Of The Court,
Gordon R. Miller, P.J.
April 3, 1992 Copy of Order to Attys. Paul Shafer, Jr. and Richard Hernan, Jr., copy to Court Administrator.

Record continued on page 697

566

1990

Blystone & Blystone
Curtis E. Blystone

1116.

ELAINE MARIE REESE

vs.

THOMAS GLENN REESE

Filed Nov. 21, 1990
@ 2:59 p.m.

Tax & entry Paid	$50.50
state paid	10.00
state paid	5.00
Pro Co pd 5/6/91	9.00

COMPLAINT IN DIVORCE

1 copy (atty)

Nov 26, 1990 Affidavit of Service filed: 1. The undersigned, Curtis E. Blystone, is attorney for the plaintiff, Elaine Marie Reese, in the above action in divorce.

2. On November 21, 1990, affiant mailed a true and attested copy of the Complaint in teh above captioned action and with Notice to Defend and Claim Rights to the defendant Thomas Glenn Reese addressed to his mailing address of PO Box 115, Cambridge Springs, Pennsylvania, 16403, by certified mail item No P 063 586 867 as indicated by the "Receipt for Certified Mail" attached hereto. Said items of certified mail was restricted for delivery to the addressee only.

3. The aforesaid item of certified mail was delivered to the defendant, Thomas Glenn Reese, personally on November 23, 1990 as indicated by the return receipt attached hereto and signed by the defendant personally.

I hereby verify that the statements made in this affidavit are true and correct to the best of my knowledge, information and belief. I understand that false statements made herein are subject to the penalties of 18 Pa.C.S. No. 4904 relating to unsworn falsification to authorities.
Dated: November 26, 1990 Curtis E. Blystone

May 1, 1991 Affidavit of Consent of plaintiff filed.

May 1, 1991, Affidavit of Consent of defendant filed.

May 1, 1991 upon praecipe of plaintiff attonrey, to transmit the record, this case moved to court.

May 8, 1991 **D I V O R C E D E C R E E F I L E D .**

And now, May 8, 1991, it is ordered and decreed that ELAINE MARIE REESE, plaintiff, and THOMAS GLEEN REESE, defendant, are divorced from the bonds of matrimony.

BY THE COURT,
P. Richard Thomas, S.J.

1990

John Gagliotti

Barrett & Dratler withdrawn
Bruce A. Barrett

1117.

Shafer, Swick, Bailey
Irwin & Stack
James R. Irwin

CHARLES WATTERS, II

vs.

PAMELA R. WATTERS

Filed Nov. 21, 1990
@ 2:59 p.m..

Tax & entry Paid	$50.50
state paid	10.00
state paid	5.00
3 counts paid 3/4/91	$45.00
state paid 3/4/91	15.00
Pro Co. pd 6-27-97	9.00

COMPLAINT UNDER SECTION 201(c) OF DIVORCE CODE

1 copy (atty)

Nov. 29, 1990 Acceptance of Service filed. AND NOW, this 21st day of November, 1990, I hereby accept service of the Complaint in Divorce on behalf of the defendant, Pamela R. Watters, by receipt of a certified copy thereof, being duly authorized to accept service on behalf of said defendant.
James R. Irwin

Feb. 15, 1991 Motion for an Order preventing the wife from selling, giving or disposing of any marital property and Order filed. And now, 2/15 1991 Pamela Watters to not sell, transfer give or dispose of any items of jointly owned marital property and any items that belonged to the husband prior to the date of the parties marriage, pending further order of court.
Gordon R. Miller, J

Feb. 20, 1991 Copies of order put in bruce Barrett and James Irwin's box.

Mar. 4, 1991 Answer and Counterclaim filed. (adding Equitable Property Determination and Distribution, Counsel Fees, Expert Fees, Alimony, Alimony Pendente Lite)
(1 copy (atty)

May 10, 1991 Motion to Withdraw Appearance and Order filed. And now, May 10, 1991 The above motion allowed.
P. Richard Thomas, S.J.

May 13, 1991 Copies of order to Bruce Barrett and James Irwin

June 4, 1997 Waiver of Notice of Intention to Request Entry of Divorce Decree Under Section 3301(c) of the Divorce Code, filed. (Defendant)

June 4, 1997 Affidavit of Consent of Defendant, filed.

June 4, 1997 Affidavit of Consent of Plaintiff, filed.

June 9, 1997 Mction for refund of deposit for appointment of custody mediator and ORDER filed. AND NOW, this 6 day of June, 1997, upon the Plaintiff's motion for refund of mediator's deposit, the Prothonotary is directed to refund to the Plaintiff the deposit for custody mediator minus any fees or costs that may be owed to the Mediator assigned in this case and all court costs. (SEE PAPERS FILED)

BY THE COURT,
Anthony J. Vardaro, J.

June 12, 1997 Order FAXED Atty. Gagliotti.

June 16, 1997 Upon Praecipe of plaintiff attorney for review under Section 3301(c) and/or 3301(d) of divorce code, this case moved to Court.

July 3, 1997 ORDER filed. This divorce matter has been referred to the Court for review and decree. The Court has reviewed the record and is returning the record to the Prothonotary. A final decree will not be entered at this time because:
Costs have not been paid on a Protection From Abuse Action at D 1990-229.
Economic and other issues or counts have been raised in the pleadings or by petition which are not being disposed of by stipulation, withdrawal or hearing. To grant a divorce decree without a resolution of those other issues would be tantamount to an improper bifurcation.
Properly completed 3301(c) consents have not been filed of record. Pa. R.C.P. 1920.42. The plaintiff's Affidavit of Consent was not filed within thirty days from the date it was signed.
Either party may file a praecipe to refer the matter back to the Court when the record is in such a state that the parties are entitled to a final decree.

BY THE COURT,
Anthony J. Vardaro, J.

July 3, 1997 Order Distributed to Attys. Gagliotti and Irwin.

July 14, 1997 Affidavit of Consent of Plaintiff filed.

July 28, 1997 Motion To Withdraw Appearance and ORDER filed. AND NOW, this 28th day of July, 1997, upon presentation and consideration of the within Motion, foregoing motion, James R. Irwin, Esquire, is hereby authorized to withdraw his appearance on behalf of the Defendant in the abovecaptioned case.

Gordon R. Miller, J.

July 28, 1997 ORDER FAXED Attys. Gagliotti and Irwin.

Sept 12, 1997 Motion For Entry of Divorce Decree and Dismissal of Economic Counts and Order: AND NOW, this 4 day of September, 1997, upon the Plaintiff's motion for Dismissal of Economic Claims and Entry of Divorce Decree, the court enters a Rule to show cause on the Defendant why relief requested should not be granted. Said rule is returnable to this court for hearing set for Fri., Sept. 26, 1997 at 3:45 P.M. in Courtroom No. 2. FAilure to appear at said hearing may result in granting the relief requested without your input. The Plaintiff shall serve this Rule and the original Motion on the Defendant by certified mail return receipt requested or personal service and shall fiel a proof of service.

Anthony J. Vardaro, J.

Sept 12, 1997 Faxed Gagliotti & Irwin

Sept. 22, 1997 MOTION TO CONTINUE AND ORDER filed. AND NOW, this 22nd day of Sept., 1997 upon Plaintiff's Motion to Continue; said matter is continued to the 29th day of Sept., 1997 at 2:00 p.m. in Courtroom No. 2 at the Crawford Co. Court House.

For the Court:
Ann A. Walker, Court Administrator

Sept. 22, 1997 Order FAXED Attys. Irwin and Gagliotti.

RECORD CONTINUED ON PAGE 702B.....

1990

1118.

GENEVIEVE J. LOVELL

vs.

DWAYNE R. CRAFT

Filed Nov. 21, 1990
@ 3:07 p.m.

Tax & entry	Pd 11/28/90	$50.50
state	Pd 11/28/90	5.00
Sheriff costs		21.00
Pro Co Pd 11/28/90 - $5.00		

11/28/90
Pd. 21 co Sheriffs
Costs (by pltf)

11/5 File Plaintiff's Tc
Howard Stewart, Sheriff
Cl # 1938

PETITION FOR EMERGENCY RELIEF UNDER PROTECTION FROM ABUSE ACT

1 copy plaintiff
3 copies sheriff

ORDER:

And now, this 21st day of November, 1990, upon review of the petition of Plaintiff, the Court entered the following Temporary Order.

1. The Defendant shall not assault, abuse, harass or threaten the Plaintiff or any of the minor children named in the Petition.
2. Special Conditions: Defendant shall not contact Plaintiff or her children. defendant shall not go to Plaintiff's residence.
3. This Order may be enforced without a warrant of arrest by any law enforcement officer having reasonable ground to believe it has been violated.
4. A copy of this Order shall be delivered to the police departments in the jurisdiction where the Plaintiff resides and to County Control.
5. Service of a copy of the Petition and this Order shall be made upon the defendant by a sheriff, constable, police officer or competent adult.
6. This temporary order shall remain in full force and effect until modified or terminated by further order of this Court. Liability for payment of fees and costs will be determined by final court order.
7. The Defendant is reminded that this is an ORDER OF COURT and violation of this Order may be punishable by a fine up to $1,000.00 and a jail sentence of up to six months.
8. The court reserves ruling on allocations of fees and costs. Hearing is here by set for November 30, 1990, at 3:30 P.M., in Courtroom 1 or 2 of the Crawford County Courthouse. The defendant is advised he may retain an lawyer to represent him at said hearing if he so desires but he is not required to do so.

BY ORDER OF COURT,
Gordon R. Miller, J

Nov. 27, 1990, Sheriffs Return filed. SERVED Dwayne R. Craft personally on Nov. 21, 1990 at 3:40 p.m. at his place of employment Toolex 626 Arch St. Meadville, Crawford County, Pa. 16335.
So answers,

Robert M. Stevens, dep. sheriff
Edgar D. Householder, Ch. dep.
Howard N. Stewart, sheriff

Nov. 28, 1990, Upon praecipe of plaintiff, the above captioned action is discontinued as the undersigned does not wish to proceed with the action.

1990

1119.

Theodore H. Watts

DALE L. BEACH, JR.

vs.

GLENN M. HEBETS

Filed Nov. 21, 1990
@ 3:35 p.m.

Tax & entry Paid $50.25
State paid 5.00

APPEAL OF DEFENDANT FROM JUDGMENT OF RONALD A. COLE, MAGISTERIAL DISTRICT 30- 3- 06

Nov. 21, 1990, Rule entered upon plaintiff to file Complaint issued.

Nov. 26, 1990, Proof of Service filed.

Jan. 16, 1991 Petition To Transfer Appeal and Order filed. AND NOW, this 16th day of January, 1991, after consideration of the within Petition, it is hereby ordered that the appeal filed inappropriately by the defendant at A.D. 1990-149 be transferred to the Clerk of Courts office and further, that the Defendant be directed to file an appropriate appeal form with the Clerk of Courts and the aforesaid appeal be docketed and assigned a number and term with that office. BY THE COURT,
Gordon R. Miller, J

Jan. 16, 1991 Copy of order put in Theodore Watts box.

570

1990

Blackman & Blackman
James C. Blackman
~~Burgett & Robbins~~
~~Mary Speedy Hajdu~~
(withdrawn)
1120.

TAMI A. GARDINER

vs.

DANIEL H. ROSEN, M.D., D.D.S.
DANIEL H. ROSEN, M.D., P.C.,
D.H.R. DIAGNOSTICS, INC. AND
TITUSVILLE HOSPITAL

JURY TRIAL DEMANDED

COMPLAINT IN CIVIL ACTION

4 copies (sheriff)

Dec 10, 1990 Sheriff's Return filed: SERVED Daniel H. Rosen, M.D. DD.D.S. personally on November 27, 1990 at 2:51 p.m. at his office, 128 West Central Ave., Titusville, Crawford Co., Pa.

SERVED Daniel H. Rosen, M.D. P.C. personally on November 27, 1990 at 2:50 p.m. at his office, 128 West Central Ave., Titusville, Crawford Co., Pa.

SERVED D.H.R. Diagnostics, Inc. on November 27, 1990 byyserving owner, Daniel H. Rosen, at place of business, 128 W. Central Ave., Titusville, Crawford Co., Pa.

SERVED Titusville Hospital on November 27, 1990 at 3:11 p.m. by handing copy of Complaint to Anthony J. Nasralla, Chief Executive Officer and President at 406 West Oak St., Titusville, Crawford Co., Pa.

So answers, Robert M. Stevens, Deputy Sheriff
Howard N. Stewart, Sheriff

Filed Nov. 26, 1990
@ 11:39 a.m.

Tax & Entry paid	$50.50
State paid	5.00
Sheriff's Costs	50.00
Pro.Co. pd 11/16/92	5.00

Burns, White & Hickton
David B. White
for dft. Titusville Hosp.

Dec. 11, 1990, Appearance of Burns, White and Hickton, by David B. White, attorneys for defendatn Titusville Hospital filed.

Knox, McLaughlin,
Gornall & Sennett, PC
John M. McLaughlin
Daniel H. Rosen, MD, DDS;
Daniel H. Rosen, MD, PC
& D.H.R. Diagnostics

Dec. 13, 1990 Appearance of Knox, McLaughlin, Gornall & Sennett, P.C. by John M. McLaughlin for Daniel H. Rosen, M.D., D.D.S. and Daniel H. Rosen, M.D., P.C., filed.

Dec. 19, 1990, Appearance of John M. McLaughlin, of Knox, McLaughlin, Gornall & Sennett, P.C. attorneys for defendants D.H.R. Diagnostics, Inc. filed.

(JURY OF TWELVE DEMANDED)

Dec. 24, 1990 Preliminary Objections filed.

Dec. 24, 1990 Upon praecipe of David B. White The Above Preliminary Objections On The Next Available Argument List.

On January 1991 Argument List

Jan. 23, 1991, Motion to Continue Argument and Order filed. ORDER OF COURT: AND NOW, this 23rd day of Jan. 1991, upon consideration of the Motion for Continuance of Titusville Hospital, it is hereby ORDERED, ADJUDGED AND DECREED that such Motion is granted and that the Argument on the Preliminary Objections of Titusville, hsop. will be placed on the next available argument list.

BY THE COURT,
Gordon R. Miller J'.

Jan. 24, 1991, copies to Mary Speedy Hajdu, David B. White, and John M. McLaughlin. attys.

Jan 24, 1991 Notice of Service of Interrogatories filed.

On February 1991 Argument List

Feb. 15, 1991 Preliminary Objections to Plaintiff's Complaint filed.

Feb. 20, 1991, UPon praecipe of defendant attorney, dft's preliminary objections placed on next argument list.

ON MARCH 1991 ARGUMENT LIST - (Apr. 15, 1991 @ 9:00 a.m. C.R. #2)

Feb. 26, 1991, Motion to Continue and Order filed. ORDER OF COURT: AND NOW, this 26 day of Feb. 1991 upon consideration of the Motion for Continuance of palintiff it is hereby Ordered, Adjudged and Decreed that such motion is granted and that the argument of the Preliminary Objections of all defendants will be placed on the next available argument list.

BY THE COURT,
P. Richard Thomas, S.J.

Mar. 1, 1991, copies to D. White, J. McLaughlin and M. S. Hajdu attys.

May 6, 1991 Appearance of Blackman and Blackman, by James C. Blackman, attorneys for plaintiff, filed.

May 8, 1991, Upon praecipe of dft. atty, this Motion placed on next argument list.

May 8, 1991 Motion to Enforce Stipulation of Discontinuance filed.

May 10, 1991 Order filed: AND NOW, May 10, 1991, upon review and consideration of the foregoing motion a rule to show cause is hereby granted and directed to the plaintiff to show cause, if any she has, why the motion should not be granted.

Said rule is returnable for hearing and/or argument at 11:00 o'clock a.m. Tuesday, May 28, 1991 in Courtroom No. 2 of the Crawford County Courthouse.

BY THE COURT,
Gordon R. Miller, P.J.

May 10, 1991 Copies of order mailed to Attys. Blackman, Hajdu, White, McLaughlin and Altomare.

May 13, 1991, Motion to Enforce Stipulation of Discontinuance filed.

May 13, 1991 Upon praecipe of dft. Titusville Hosp., above motion placed on next argument list.

ON ARGUMENT LIST FOR JUNE 1991

May 24, 1991 Motion For Continuance and Order filed. AND NOW, this 24 day of May, 1991, upon consideration of the foregoing Motion, it is hereby Ordered and decreed tha tthe argument scheduled in the above captioned matter for May 28, 1991 at 11:00 a.m. shall be continued until the 1st day of July, 1991 at 1:30 o'clock p.m., in Courtroom No. 2 of the Crawford County Courthouse.

FOR THE COURT,
Imogene Yetman, C.A.

May 24, 1991 copies maile dto attys of record.

Continued on page 570A

570
A

Tami A. Gardiner

vs.

Daniel H. Rosen, M.D., D.D.S.
and Daniel H. Rosen, M.D.,P.C.
and Titusville Hospital

Record continued from page 570

of record

A.D. 1990 - 1120

****

Oct. 2, 1991 Memorandum and Order filed. AND NOW, September 30, 1991, the Court denies the Defendants' motion to enforce the stipulation and the case will remain open.

BY THE COURT,
Gordon R. Miller, P.J.

Oct. 3, 1991 Copies mailed to Atty's Blackman, McLaughlin and Smetanka

Oct. 2, 1991, Exhibits filed. (with papers)

Oct. 23, 1991, Upon praecipe of defendant Titusville Hospital, preliminary Objections placed on next argument list.

ON ARGUMENT LIST FOR NOVEMBER 1991

Dec. 4, 1991 ORDER, filed. ORDER: AND NOW, Dec. 3, 1991, the preliminary objections filed byi all of the defendants are granted as follows:

1. The ad damnum clause of the complaint is stricken as is the reference to two million five hundred thousand ($2,500,000.00) in paragraph 23 of the complaint as violating Pa.R.C.P. 1021(b).

2. The introductory paragraph, the first paragraph of paragraph 22 of the plaintiff's complaint is stricken as not being specific enough under Pa. R.C. P. 1010(a).

3. Paragraph 22(r) of the plaintiff's complaint is stricken as not being specific enough under Pa. R.C.P. 1019(a).

4. The plaintiff shall file a m ore specific pleading in which she shall set forth separate allegations of fault or wrong doing for each defendant as h er original complaint is not specific enough as to put each defendant on notice of what it will be called upon to meet at trial and to prepare a defense.

5. The plaintiff is given th irty (30) days from this date to file an amended complaint that contains the proper ad damnum clause and more specific allegations as to each defendant.

BY THE COURT
Gordon R. Miller, P.J.

Dec. 5, 1991 mailed copies to Attys. J. Blackman, J. McLaughlin & S. Smetanka.

Dec. 2, 1991, UPon praecipe of Mary Speedy Hajdu, Esq., appearance for plaintiff, withdrawn.

Jan. 17, 1992 ORDER filed. AND NOW, Jan. 2, 1992, upon written request of counsel for the plaintiff for an extension of time in the amount of sixty (60) days to file an amended complaint, said request is denied. However, the plaintiff is granted an extension of thirty (30) days from this date, that is until Feb. 3, 1992 in which to file an amended complaint. No further extensions shall be granted.

We note that the defendants have opposed this motion. We further note that counsel for the plaintiff has been involved in this case for a signifcant period of time, knew about the preliminary objections, is assumed to of known some or all of the theories upon which the plaintiff should recover, and has now been given ample time to prepare an amended complaint. No further extensions shall be granted.

The parties are advised that there are new Crawford County Civil Rules which will be in effect within the next thirty to forty-five days. They shall make an effort to become familiar with the rules, especially motion's practice.

BY THE COURT,
Gordon R. Miller, P.J.

Jan. 20, 1992 copy mailed to J. Blackman, J. McLaughlin & S. Smetanka

Feb. 5, 1992, Amended Complaint filed.

Feb. 5, 1992 Certificate Of service filed. I hereby certify that I am this day serving a copy of the amended Complaint upon the person and in the manner indicated below, which service satisfies the requirements of the Pennsylvania rules of Civil Procedure, by depositing in the United States Mail, warren, Pennsyvlania, with first class postage, prepaid, as follows: John M. McLaughlin, esquire, KNox, McLaughlin, Gornall & Sennett, P.C., 120 West Tenth St. Erie, PA 16501

James C. Blackman

Apr. 7, 1992 Stipulation For Discontinuance filed.

Apr. 7, 1992 Order filed. AND NOW,April 6, 1992, the plaintiff and one of the defendant's Titusville Hospital, have entered into a stipulation for discontinuance an dhave asked the Court to enter a discontinuance, the Court refuses to do so since the other defnedrat, daniel H. rosen, M.D., D.D.S, ha snot consented nor has the Court held a hearing to consider whether the plaintiff and the Titusville Hospital should be granted leave of Court to disocntinue the action as to one but not all parties. (See Pa. R.C.P. 229)

the stipulation for disoncitnuance shall be filed of record but is not approved by the Court. The Court will entertain this matter, once again, if (a) all remaining parties ocnsent in writing to the discontinuance; or (b) one of the stipulating parties files a mtoion requesting leave of court to grant the disocnitnuance after which the Court shall set a hearing and/or argument on said motion.

BY THE COURT,
Gorodn R. Miller,J

April 10, 1992 Copies of order mailed to Atty.s Blackman, McLaughlin, and Smetanka

Apr. 13, 1992 Preliminary Objections filed.

Apr. 13, 1992 Upon praecipe of Atty.John M. McLaughlin the above matter is placed on the next available argument list.

1992 MAY ARGUMENT LIST

Apr. 13, 1992 MOTION FOR LEAVE OF COURT TO GRANT DISCONTINUANCE, filed.

Apr. 13, 1992 PRAECIPE TO PLACE MOTION FOR LEAVE OF COURT TO GRANT DISCONTINUANCE ON THE NEXT ARGUMENT LIST, filed.

May 5, 1992 ORDER filed. AND NOW, May 4, 1992, argument on the motion of the Titusville Hospital for leave of court to obtain a discontinuance, which said motion was filed on April 13, 1992, shall be held on May 26, 1992 at 11:00 a.m. in Courtroom No. 1, the same time that the preliminary objections filed by the other defendants will be heard and considered.

BY THE COURT
Gordon R. Miller, P.J.

May 12, 1992 mailed copy to Blackman, McClaughlin & Smetanka

Continued on Pg. 570B

570
B

1990

Tami A. Gardiner
vs.
Daniel H. Rosen, M. D., et al

CONTINUED FROM PAGE 570A
of Record
A.D. 1990 - 1120

****

May 29, 1992 MEMORANDUM AND ORDER, filed. ORDER: AND NOW, May 28, 1992, it is ordered as follows:
1. The motion of the Titusville Hospital for a discontinuance is preliminarily denied and the prelininary objection of Rosen alleging a violation of Pa.R.C.P. 229 is preliminary granted subject to the remaining portion of this order.
2. Daniel h. Rosen, M.D., D.D.S.; Daniel H. Roslen, M.D., P.C. and D.H.R. Diagnostics, Inc. are hereby granted leave of court to file an Answer containing New Matter, under Pa.R.C.P. 2252(d), if they so desire, in order to make claims against the Titusville Hospital, which said Answer and joinder shall be filed no later than sixty (60) days from the date of this order. Failing that this action shall be discontinued as to the Titusville Hospital.
3. Paragraph 18(k) of the plaintiff's amended complaint is hereby stricken and the plaintiff is given twenty (20) days from the date of this order to amend paragraph 18(k) if she so desires. BY ORDER OF COURT
Gordon R. Miller, P.J.

May 29, 1992 copies mailed to Attorney of record

June 11, 1992 Amended Complaint filed.

June 19, 1992 Acceptance of Service Filed. AND NOW, to-wit, this 11 day of June, 1992, I hereby accept service of a certified copy of Amended Complaint filed inthe above captioned matter, on behalf of the Defendants.
John M.McLaughlin, Atty. for Defendants

June 30, 1992 Notice of Service of Interrogatories to Plaintiff filed.

June 30, 1992 Defendants' Answer to Plaintiff's Second Amended Complaint.

Sept. 8, 1992 MOTION TO COMPEL DISCOVERY, filed.

Sept. 8, 1992 PRAECIPE FOR ARGUMENT LIST, filed.

ON ARGUMENT LIST OFR OCTOBER 1992

Oct. 26, 1992 ORDER filed, AND NOW, Oct. 26, 1992, at the time fixed for argument on the Defendant's motion to compel discovery, the Court is satisfied that responses to the interrogatories have not been filed and the deadline has long since passed. Accordingly, it is ORDERED as follows:
The Plaintiff is granted 30 days from this date or until the close of business in the Courthouse on Wednesday, Nov. 25, 1992. At the time those answers are filed the Plaintiff or her counsel shall file a certificate with the Prothonotary indicating the date and time of the filing of those answers if the answers are not filed with the Prothonotary, but rather are served on counsel for the Defendant.
In the event that the interrogatories are not answered in the manner aforesaid by Nov. 25, 1992, judgment of non pros shall be automatically entered in favor of the Defendant and against the Plaintiff. Judgment of non pros may b eentered simply by the Defendant filing a praecipe for judgment of non pros for failure of the Plaintiff to respond to the interrogatories as ordered herein. BY ORDER OF THE COURT,
Gordon R. Miller, P.J.

Oct 26, 1992 copies mailed to Attys. of record

Nov. 16, 1992 Upon Praecipe of Plaintiff Attorney Motion for Discontinuance of the within action filed.

1990

Richard W. Kooman, II

1121.

SORCE, INCORPORATED

vs.

ADVANCED WAVE FORM SCIENCE INCORPORATED, TRADING AND DOING BUSINESS AS PRO SYSTEMS

Filed Nov. 26, 1990
@ 1:10 p.m.

Tax & entry Paid	$50.50
State paid	5.00
Sheriff's Costs	21.00
Pro Simmons pd 1/2/91	9.00

CIVIL COMPLAINT

1 copy (sheriff)

Dec. 7, 1990 Sheriff's Return filed. SERVED Pro Systems on November 27, 1990 at 11:20 AM by handing copy of Complaint to Ann Blattner, employee in charge, at place of business, 632 Arch Street, Meadville, Crawford County,, PA 16335
So answers, Robert M. STevens, Deputy Sheriff
Howard N. Stewart, Sheriff

Jan. 2, 1990 Certificate Of Residence filed.

Jan. 2, 1991 Notice by Prothonotary of the Entry of Judgment filed.

And Now, Jan. 2, 1991 at 11:26 a.m. upon praecipe of plaintiff's attorney, with Notice Of Intention to File Default Judgment attached, judgment is hereby entered in favor of the plaintiff and against the defnedant for failure to file an answer and the damages are assessed at the sum of One Thousand Forty and 17/100 Dollars plus interest and cost of suit.
A-183; P-184
judgment entered 1/2/91

Debt $1040.17
Int. from October 1, 1990
Judgment
James F. Simmons
Prothonotary

Jan. 9, 1991, Notice of Service of Interrogatories filed.

Mar. 25, 1991 Motion for Sanctions Order Pursuant Rule No. 4019(a)(1) of the pa. R. Civ. P. filed.

Mar. 25, 1991 Upon praecipe of Plaintiff attorney the above matter is placed on the next available argument list

1991 APRIL ARGUMENT LIST

Apr. 29, 1991 ORDER filed. AND NOW, this 29th dayof April 1991, upon presentation and consideration of the foregoing motion for sanctions, it is hereby ordered and decreed that the defendant, Advanced Wave Form Sciences, Inc., trading and doing business as Pro Systems, shall provide the plaintiff, sorce, INc., with complete and full answers to the interrogatories to discover assets within 20 days from the date of this order. In the event that the defendant, does not comply with the terms of this order, the court upon petition of the plaintiff, sorce, Inc., shall consider imposing the affitional sanc tions requested in the foregoing motion, for sanctions on the defendant Advanced Wave Form Sc ienses, Inc. t/a/d/b/a Pro Systems. The plaintiff shall serve a copy of this order upon the defendant forthwith.
BY THE COURT,
Gordon R. Miller, J.
Apr. 29, 1991 copy of order to R. Kooman Esq.

May 1, 1991 Affidavit of Service by Regular Mail filed. I. Terry R. Heeter, Esquire, who, being duly sworn according to law, depose and says that I served a true and correct copy of the order of court dated April 29, 1991 and filed in the above matter, on the defendant, Advanced Wave Form Sciences, Incorporated, t/d/b/a Pro Systems, at its last known address, 623 Arch Street, Meadville, Pennsylvania 16335, Crawford County, Pennsylvania on April 30, 1991, by regular mail, postage prepaid. Terry R. Heeter

EX 1991-39

May 23, 1991 Motion For Sanction Order Pursuant to Rule No. 4019)a)(1) Of the PA. Rules of Civil Procedure filed.

May 28, 1991 ORDER filed. AND NOW, this 23 day of May, 1991, upon presentation and consideration of the foregoing motion for sanctions, it is hereby ordered that a Rule be ussued upon the defendant, Advanced WAve Form Sciences, Incorporated, trading anddoing business as Pro Systems, to show cause, if any it has, why the prayer of the motion should not be granted.
Argument shall be held on the motion on the 24 day of June, 1991 at 10:00 AM. in Courtroom 1 or 2 of the Crawford County Courthouse, Meadville, PA.
By The Court,
Gordon R. Miller, J.
May 30, 1991 Copy of Order to Atty. Richard W. Kooman, II.

June 20, 1991 Affidavit of Service of Court Order filed.

July 11, 1991 Order filed. We are presented with Motion for Sanctions by Plaintiff requesting an order of contempt be issued agains t the Defendant corporation and its President, Adolph Santorine, Jr., for failure to coply wit this Court's Orde rof April 29, 1991. Said Order required the defendant ti file full and complete answers to interrogatories served upon the Defendant by the Plaintiff seeking to discover assets subject to levy to satisfy a default judgment.
The Defendant, acting through its President Adolph Santorine, Jr., shall have twenty (20) days from the date of this Order to purge himself of contempt by filing the appropriate answers to the interrogatories.
If the Defendant and Adolph Santorine, Jr., shall fail to comply, this Court, upon motion of the Plaintiff's counsel, shall consider as a possible sanction the confinement of President, Adolph Santorine, Jr., from one (1) to three (3) months for the willful and deliberate contempt of this Court's Orders.
Dated: July 10, 1991
BY ORDER OF THE COURT,
P. Richard Thomas, S.J.

July 11, 1991 copies maile dot atty. T. Heeter and dft. @ 632 Arch St. Meadville

July 17, 1991, Affidavit of Service by Mail of Court Order dated July 10, 1991, filed.

Aug. 29, 1991 Motion Requesting Court to Enforce Order of Court dated July 10, 1991, filed.

Aug. 29, 1991, Affidavit of Service of above motion filed.

Record Continued on Page 693.....

572

1990

Mary Ann Kirkpatrick

1122.

ROBERT McCORMACK

vs.

PHEBE SHARON McCORMACK

Filed Nov. 26, 1990
@ 1:30 p.m.

Tax & entry Paid	$50.50
1 count paid	15.00
State paid	10.00
State paid	10.00
Pro Co pd 3/25/91	9.00

COMPLAINT IN DIVORCE, EQUITABLE DISTRIBUTION

1 copy (atty)

Dec 5, 1990 Affidavit of Service filed: AND NOW, December 4, 1990 comes Lisa M. Sherretts being duly sworn according to law, deposes and sets forth as follows:

1. That she is the legal secretary of Attorney for Robert McCormack, Plaintiff in the above-captioned matter.

2. That on information furnished her by the Plaintiff she cause a certified copy of the Complaint in Divorce to be forwarded by Certified Mail, P 320 785 130; postmarked November 28, 1990 to the last known address of the Defendant, Phebe Sharon McCormack, 615 Jackson Rd., Ligionier, Pa 15658.

3. Tht the Defendant, Phebe Sharon McCormack, on November 29, 1990, personally signed the return receipt card which was affixed to the Complaint in the above-matter and which is attached hereto.

4. Service of the Complaint against Defendant is therefore effected in accordance with Pennsylvania Rules of Civil Procedure.

Lisa Sherretts.

Feb. 11, 1991 Memorandum of Agreement as to Divorce and Equitable Distribution filed.

Mar 13, 1991 Affidavit of Consent of Defendant filed.

Mar. 19, 1991 Affidavit of Consent of Plaintiff filed.

Mar. 22, 1991 Upon praecipe of Plaintiff Attorney Under Section 201(c) of the Divorce Code, this case moved to court.

Apr. 2, 1991 **FINAL DECREE OF DIVORCE FILED.**

And Now, March 28, 1991, pursuant to the Pennsylvania Rules of Civil Procedure and the Divorce Code, 23P.S. 1 et seq., the Court enters the following Order Adjudicaton and Decree:

1. Robert McCormack and Phebe McCormack are hereby divorced from the bonds of matrimony pursuant to §201(c) of the Divorce Code.

2. The provisions ofthe parties' Settlement Agreement filed on February 11, 1991 are incorporated into this Decree and shall be fully enforceable as though set forth in separate Orders of Court.

By the Court:
James B. Dwyer, S.J.

1990

July 1, 1991, Motion to Continue and Order filed. ORDER OF COURT: AND NOW, this 1st day of July 1991, upon consideration of the Motion for Continuance of Mary Speedy Hajdu, it is hereby

ORDERED, ADJUDGED AND DECREED that such Motion is granted and that the Argument of the Preliminary Objections of all defendant shall be held on July 29, 1991 during the July 1991 Argument Court with a time to be determined by the Court Administrator.

BY THE COURT,
Gordon R. Miller, J.

July 2, 1991 copies to James C. Blackman, Mary S. Hajdu, David B. White and JOhn McLaughlin.

ON JULY 1991 ARGUMENT LIST

July 29, 1991 ORDER filed. AND NOW, July 29, 1991 on motion of James C. BlaCKMAN, Esq. one of the attorneys for the plaintiff, the argument scheduled this date is continued until the August argument list. The argument shall be held on the 26th day of August, 1991 at 9:00 a.m. in C. R. NO. 2 of the Crawford County Courthouse.

This matter has been delayed too long. There shall be no further continuances of the argument except on the written consent of allcounsel filed with the court no later than the close of court business on August 21, 1991.

BY THE COURT,
Gordon R. Miller, P.J.

July 30, 1991 copies to all counsel of record.

ON AUGUST 1991 ARGUMENT LIST

July 31, 1991 Motion for Continuance filed.

570$_{\beta}$

1990

1990

Knox, McLaughlin
Gornall & Sennett PC
Richard A. Levick

1123.

Anthony J. Vardaro
Thomas, Truax, Spada-
fore, Walker, Vardaro

IN RE:

TAX ASSESSMENT APPEAL OF CHANNELLOCK FROM THE DETERMINATION OF THE CRAWFORD COUNTY BOARD OF ASSESSMENT APPEALS

Filed Nov. 26, 1990
@ 2:01 p.m.

Tax & entry Paid	$50.50
state paid	5.00
Pro Co Pd 8/12/91	5.00

ASSESSMENT APPEAL PETITION

1 copy (atty)

Dec. 10, 1990, Answer to Assessment Appeal filed.

Feb. 5, 1991 Certificate of Readiness filed.

ON APRIL 1991 CIVIL TRIAL LIST

Aprl 1, 1991, ORDER SETTING NONJURY TRIAL filed. AND NOW, Mar. 28, 1991 nonjury trial in this matter is hereby set for Juen 5, 1991 at 9:30 a.m. in C. R. No. 1.
FOR THE COURT, Imogene Yetman Ct. Adm.
Apr. 4, 1991 copies to Attys. Levick and Vardaro.

May 28, 1991 ORDER SETTING NONJURY TRIALfiled. AND NOW, May 28, 1991, nonjury trial in the above matter heretofore set for June 5, 1991, is hereby reset for August 7, 1991, at 9:30 A.M., in Courtroom No. 1.

For The Court,
Imogene Yetman
Court Administrator

May 30, 1991 Copy of Order to Attys. Richard A. Levick and Anthony J. Vardaro.

July 22, 1991 Order Resetting Nonjury Trial filed. AND NOW, July 22, 1991, nonjury trial in the above matter heretofore set for August 7, 1991, is her eby rescheduled by the court for August 26, 1991, at 1:30 p.m., in Courtroom 1 or 2.

FOR THE COURT,
Imogene Yetman, CA.

July 23, 1991 Copies of order to both atty's.

Aug. 8, 1991 UPon praecipe of plaintiff attonrey, all claims and causes of action which were, or could have been, asserted in this action having been settled, adjusted and compromised, this action is hereby discontinued of record.

574

1990

Knox, McLaughlin
Gornall & Sennett PC
Richard A. Levick

1124.

Thomas, Truax , Spadafore, vardaro, Walker
Anthony J. Vardaro

IN RE:

TAX ASSESSMENT APPEAL OF CRAWFORD COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY AND CHANNELLOCK, INC. FROM THE DETERMINATION OF THE CRAWFORD COUNTY BOARD OF ASSESSMENT APPEALS

Filed Nov. 26, 1990
@ 2:01 p.m.

Tax & entry Paid	$50.50
State paid	5.00
Pro Co Pd 8/12/91	5.00

ASSESSMENT APPEAL PETITION

1 copy (atty)

Dec. 10, 1990, Answer to Assessment appeal filed.

Feb. 5, 1991 Certific ate of Readiness filed.

ON APRIL CIVIL TRIAL LIST - 1991

Apr. 1, 1991, ORDER SETTING NONJURY TRIAL filed. And now, Mar. 28, 1991 nonjury trial in this matter is hereby set for June 5, 1991 at 9:30 a.m. in C. R. No. 1.

FOR THE COURT, Imogene Yetman, Ct. ADm.

Apr. 4, 1991 copies to Attys. Levick and Vardaro.

May 28, 1991 ORDER SETTING NONJURY TRIAL filed. AND NOW, May 28, 1991, nonjury trial in the above matter heretofore set for June 5, 1991, is hereby reset for Aug. 7, 1991, at 9:30 a.m., in Courtroom No. 1.

For The Court,
Imogene Yetman
Court Administrator

May 30, 1991 Copy of Order to Attys. Richard A. Levick and Anthony J. Vardaro.

July 22, 1991 Order Resetting Nonjury Trial filed. AND NOW, July 22, 1991, nonjury trial in the above matter heretofore set for august 7,. 1991, is hereby rescheduled by the court for August 26, 1991, at 1:30 p.m., in Courtroom 1 or 2..

FOR THE COURT,
Imogene Yetman, ca

July 23, 1991 Copies of order to both atty's.

Aug. 8, 1991 Upon praecipe of plaintiff attorney, all claims and causes of action which were, or could have been asserted in this action having been settled, adjusted and compromised, this action is hereby discontinued of record.

1990

Knox McLaughlin
Gornall & Sennett PC
Richard A. Levick

1125.

Thomas, Truax, Spada-
fore, vardaro, walker
Anthony J. Vardaro

IN RE:

TAX ASSESSMENT APPEAL OF PAUL V. KEBERT AND PAULINE E. KEBERT FROM THE DETERMINATION OF THE CRAWFORD COUNTY BOARD OF ASSESSMENT APPEALS

Filed Nov. 26, 1990
@ 2:01 p.m.

Tax & entry Paid	$50.50
state paid	5.00
Pro Co Pd 8/12/91	5.00

ASSESSMENT APPEAL PETITION

1 copy (atty)

Dec. 10, 1990, Answer to Assessment Appeal filed.

Feb. 5, 1991 Certificate of Readiness filed.

ON APRIL 1991 CIVIL TRIAL LIST

Apr. 1, 1991, ORDER SETTING NONJURY TRIAL filed. AND NOW, Mar. 28, 1991 nonjury trial in this matter is hereby set for June 5, 1991 at 1:30 p.m. in C. R. No. 1.
FOR THE COURT, Imogene Yetman Ct. Adm.
Apr. 4, 1991 copies to R. Levick and A. Vardaro attys.

May 28, 1991 ORDER SETTING NONJURY TRIAL filed. AND NOW, May 28, 1991, nonjury trial in the above matter heretofore set for June 5, 1991, is hereby reset for August 5, 1991, at 1:30 P.M., in Courtroom No. 1.
For The Court,
Imogene Yetman
Court Administrator
May 30, 1991 Copy of Order to Attys. Richard Levick and Anthony J. Vardaro.

Aug. 8, 1991 Upon praecipe of plaintiff attorney, all claims and causes of action which were, or could have been asserted in this action having been settled, adjusted and compromised, this action is hereby discontinued of record.

1990

Knox McLaughlin
Gornall & Sennett PC
Richard A. Levick

1126.

Thomas, Truax, Spadafore, Vardaro, Walker
Anthony J. Vardaro

IN RE:

TAX ASSESSMENT APPEAL OF KESSON, INC. FROM THE DETERMINATION OF THE CRAWFORD COUNTY BOARD OF ASSESSMENT APPEALS

Filed Nov. 26, 1990
@ 2:01 p.m.

Tax & entry paid $50.50
state paid 5.00

Pro Co Pd 8/26/91 5.00

ASSESSMENT APPEAL PETITION

1 copy (atty)

Dec. 10, 1990, Answer to Assessment Appeal filed.

Feb. 5, 1991 Certificate of Readiness filed.

ON APRIL 1991 CIVIL TRIAL LIST

Apr. 1, 1991, ORDER SETTING NONJURY TRIAL filed. AND NOW, Mar. 28, 1991, a nunjury trial in this matter is hereby set for June 7, 1991 at 9:30 a.m. in C. R. No. 1.

FOR THE COURT,
Imogene Yetman, Ct. Adm.
April 1, 1991, copies to R. Levick and A. Vardaro attys.

May 28, 1991 ORDER SETTING NONJURY TRIAL filed. AND NOW, May 28, 1991, nonjury trial in the above matter heretofore set for June 7, 1991, is hereby reset for August 19, 1991, at 9:00 A.M., in Courtroom No. 1.

For The Court,
Imogene Yetman
Court Administrator

May 30, 1991 Copy of Order to Attys. Richard Levick and Anthony J. Vardaro.

Aug. 26, 1991 Upon praecipe of plaintiff attorney, all claims and causes of action which were, or could have been asserted inthis action having been settled, adjusted and compromised, this action is hereby discontinued of record.

1990

Knox McLaughlin
Gornall & Sennett PC
Richard A. Levick

1127.

Thomas, Truax, Spadafore, Vardaro, walker
Anthony J. Vardaro

IN RE:

TAX ASSESSMENT APPEAL OF PENNBANK FROM THE DETERMINATION OF THE BOARD OF ASSESSMENT APPEALS OF CRAWFORD COUNTY

Filed Nov. 26, 1990
@ 2:01 p.m.

Tax & entry Paid $50.50
state paid 5.00

Pro Co Pd 8/12/91 5.00

ASSESSMENT APPEAL PETITION

1 copy (atty)

Dec. 10, 1990, Answer to Assessment Appeal filed.

Feb. 5, 1991 Certificate of Readiness filed.

ON APRIL 1991 CIVIL TRIAL LIST

April 1, 1991 Order Setting Nonjury Trial filed. AND NOW, March 28, 1991, nonjury trial in this matter is hereby set for June 7, 1991, at 1:30 P.M., Courtroom No. 1.

For The Court,
Imogene Yetman
Court Administrator

April 4, 1991 Copy of Order to Attys. Richard Levick, Anthony J. Vardaro.

May 28, 1991 ORDER SETTING NONJURY TRIAL filed. AND NOW, May 28, 1991, nonjury trial in the above matter heretofore set for June 7, 1991, is hereby reset for August 22, 1991, at 9:00 A.M., in Courtroom No. 1.

For The Court,
Imogene Yetman
Court Administrator

May 30, 1991 Copy of Order to Attys. Richard A. Levick and Anthony Vardaro.

Aug. 8, 1991 Upon praecipe of plaintiff attonrey, all claimss and causes of action which were, or could have been asserted in this action having been settled, adjusted and compromised, this action is hereby discontinued of record.

578

1990

Knox McLaughlin
Gornall & Sennett PC
Richard A. Levick

1128.

Thomas, Truax, Spada-
fore, Vardaro, Walker
Anthony J. Vardaro

IN RE:

TAX ASSESSMENT APPEAL OF TITUSVILLE TRUST CO. (PENNBANK) FROM THE DETERMINATION OF THE CRAWFORD COUNTY BOARD OF ASSESSMENT APPEALS

Filed Nov. 26, 1990
@ 2:01 p.m.

Tax & entry Paid	$50.50
State paid	5.00
Pro Co pd 9/12/91	5.00

ASSESSMENT APPEAL PETITION

1 copy (atty)

Dec. 10, 1990, Answer to Assessment Appeal filed.

Feb. 5, 1991, Certificate of REadiness filed.

ON APRIL 1991 CIVIL TRIAL LIST

April 1, 1991 Order Setting Nonjury Trial filed. AND NOW, March 28, 1991, nonjury trial in this matter is hereby set for June 7, 1991, at 1:30 P.M., Courtroom No. 1.

For The Court,
Imogene Yetman
Court Administrator

April 4, 1991 Copy of Order to Attys. Richard Levick and Anthony J. Vardaro.

May 28, 1991 ORDER SETTING NONJURY TRIAL filed. AND NOW, May 28, 1991, nonjury trial in the above matter heretofore set for June 7, 1991, is hereby reset for Aug. 22, 1991, at 9:00A.M., in Courtroom No. 1.

FOR THE COURT,
Imogene Yetman
Court Administrator

May 30, 1991 Copy of Order to Attys. Richard A. Levick, Anthony J. Vardaro.

Sept. 10, 1991 Upon praecipe of Plaintiff Attorney this action is hereby marked settled and discontnued of record.

1990

Barbara J. Walton
Bukac and Toomey
Terry Toomey

1129.

William T. Jorden

JEFFREY J. LYONS

vs.

KIMBERLY HAYES

Filed Nov. 26, 1990
@ 4:06 p.m.

Tax & entry Paid $50.50
state paid 5.00
John Fuller, mediator

Rec'd Pd 12-19-96

COMPLAINT FOR CUSTODY

1 copy (atty)
1 copy (mediator)

NOTICE AND ORDER OF COURT:

You, Kimberly Hayes, dft. have been sued in court to obtain custody fothe children: Jonathan Alex Lyons

You are ordered to appear in person for a conference at such time and place as may be set byJOHN FULLER, CHILD CUSTODY MEDIATOR.

If you fail to appear as provided by this order, an order for custody may be entered against you orthe court may issue a warrant for your arrest.

You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

crawford County bar assoc. Ser. tothe Public Committee c/o Prothonotary, Court house, Meadville, Pa. 16335. Telephone 724-4636.

Date: Nov. 26, 1990

BY THE COURT,
Gordon R. Miller, J.

10-10-95 Rec'd from Plf med dep. 150.00

12-7-95 pd Plf Refund #9615 36.00

10-21-96 Rec'd from dft 105.00

Pd 12-19-96 #10433 210.00 tjc

Oct. 16, 1995
Oct. 10, 1995 Motion for Appointment of Mediator filed. Order filed. AND NOW, in consideration of the foregoing Motion, John Fuller is appointed as the child custody mediator. The Plaintiff is directed to serve by regular mail the Notice and Order of Court attached hereto.
Anthony J. Vardaro, J.
10-23-95 Copy to Attys. Toomey & Fuller & Deft.

Oct. 10, 1995 NOTICE AND ORDER OF COURT filed. You, Kimberly Hayes, Defendant, have been sued in Court to obtain custody of the children: Jonathan Alex Lyons.

You are ordered to appear in person for a conference at such time and place as may be set by John Fuller, Child Custody Mediator.

If you fail to appear as provided by this Order, an Order for custody may be entered against you or the Court may issue a warrant for your arrest.

BY THE COURT:
Anthony J. Vardaro, J.
10-23-95 Copy to Attys.Toomey & Fuller & Deft.

Dec. 6, 1995 ORDER filed. AND NOW, November 5, 1995 after mediation conference before John Fuller, Esquire, IT IS ORDERED AND DECREED AS FOLLOWS, TO-WIT:

i. Legal custody of Jonathan Alex Lyons shall be shared between the father and the mother, the plaintiff and defendant herein, that is, each parent shall be entitled to full access to school records, medical records and other important records and that each parent shall be entitled to take part fully in important decisions affecting the child such as the education, medical treatment and religious instruction of the subject child.

II. Physical custody of Jonathan Alex Lyons shall be with his father, beginning December 3, 1995, subject to the following conditions:

A. The mother shall be entitled to visit and take the child into her custody every other weekend from 6:00 o'clock p.m. on Friday to 6:00 o'clock p.m. on Sunday, beginning December 15, 1995.

B. Holidays shall be defined as Christmas, Easter and Thanksgiving. Custody of the child shall be shared on the aforesaid holidays and in the absence of an agreement to the contrary, the child shall be in the custody of the father on the aforesaid holidays until 1:00 o'clock p.m. and in the custody of the mother on the aforesaid holidays from 1:00 o'clock p.m. until 8:00 o'clock p.m.

C. Beginning with the Summer of 1996, the child shall be in the custody of the mother for a period of two (2) months from June 15 to August 15, each year. During this period of time father shall be entitled to custody every other weekend from 6:00 o'clock p.m. on Friday to 6:00 o'clock p.m. on Sunday.

D. Transportation of the child on weekends, holidays and Summer visits shall be provided as follows: The parent receiving custody shall provide transportation.

E. Neither mother nor father shall say or do anything in an attempt to turn the child against the other parent, but on the other hand shall do everything in the power of each to foster a favorable and loving attitude on the part of the child towards both parents.

F. Neither mother nor father shall expose the child to any person or situation which may be harmful to the child's health or well being.

G. Both parents agree to inform the other immediately of any illness or injury regarding the child and both parents agree to furnish the other with a current telephone number.

H. The parents shall both see that the child continues counseling with Betty Smith at Meadville Medical Center.

I. Father shall undergo counseling on parenting with Kathy Berkey or another professional of his choosing.

III. This order is a temorary order but shall become a permanent order unless exceptions thereto are filed by either party within twenty (20) days of the date hereof.

IV. Cost of the mediation conference will be divided as follows: One-half (1/2)-Father; One-half (1/2)-Mother. The Prothonotary of Crawford County is hereby directed to refund a portion of the deposit paid in advance by the Plaintiff, less the cost of the custody order.
Anthony J. Vardaro, Judge
12-7-95 FAXED Jorden, Walton & Fuller & Toomey.
Dec. 13, 1995 sent to Plf. & Dft.

580

1990

1130.

NORMA PORT

vs.

DONALD FRANCIS

Filed Nov. 27, 1990
@ 11:39 a.m.

Tax & entry	$50.50
State Pd 3/14/91	5.00
Sheriff's Costs	35.20
Pro & Pd 3/14/91	45.50

PETITION FOR EMERGENCY RELIEF UNDER PROTECTION FROM ABUSE ACT

3 copies sheriff
1 copy plaintiff

ORDER:

And now, this 27th day of November, 1990, upon review of the petition of Plaintiff, the Court entered the following Temporary Order.

1. The Defendant shall not assault, abuse, harass or threaten the Plaintiff or any of the minor children named in the Petition.
2. Special Conditions: Temporary custody of the parties child is awarded to plaintiff.
3. This Order may be enforced without a warrant of arrest by any law enforcement officer having reasonable ground to believe it has been violated.
4. A copy of this Order shall be delivered to the police departments in the jurisdiction where the Plaintiff resides and to County Control.
5. Service of a copy of the Petition and this Order shall be made upon the defendant by a sheriff, constable, police officer or competent adult.
6. This temporary order shall remain in full force and effect until modified or terminated by further order of this Court. Liability for payment of fees and costs will be determined by final court order.
7. The Defendant is reminded that this is an ORDER OF COURT and violation of this Order may be punishable by a fine up to $1,000.00 and a jail sentence of up to six months.
8. The court reserves ruling on allocations of fees and costs.

Hearing is here by set for December 6, 1990, at 3:30 P. M., in Courtroom 1 or 2 of the Crawford County Courthouse. The defendant is advised he may retain an lawyer to represent him at said hearing if he so desires but he is not required to do so.

BY ORDER OF COURT,
Gordon R. Miller, J

Nov. 28, 1990 Sheriff's Return filed. SERVED Donald Francis personally on November 27, 1990 at 4:05 PM at his place of employment, University of Pittsburg Cafeteria, Murdoch Street, Titusville, Crawford County, PA.
So answers,

Robert M. STevens, Deputy Sheriff
Howard N. Stewart, Sheriff

Dec 7, 1990 Order filed: AND NOW, December 6, 1990 after an informal hearing, the Court is satisfied that the Plaintiff has proven abuse as defined by the statute by the fair weight of the evidence, and accordingly enters the following order:

1. The Defendant shall not assault, abuse, harass, or threaten the Plaintiff or any of her minor children.
2. Temporary custody of the parties' minor child is awarded to the Plaintiff.
3. The parties shall endeavor to resolve visitation matters and if they are unable to do so, one or both should file an appropriate petition for custody or visitation under the law and rules.
4. This Order may be enforced without a warrant of arrest by any law enforcement officer having reasonable ground to believe it has been violated.
5. A copy of this Order shall be delivered to the police department of the jurisdiction where the Plaintiff resides and to County Control.
6. This Order shall remain in full force and effect until December 5, 1991.
7. The Defendant is reminded that this is an Order of Court and violation of this Order may be punishable by a fine up to $1,000.00 and a jail sentence up to 6 months.
8. The Defendant shall pay the costs of $99.70 in weekly installments of $20.00 each If he is unable to pay that amount each week, he shall at least have all Court costs paid by February 6, 1991.

BY ORDER OF THE COURT,
Gordon R. Miller, P.J.

Dec 10, 1990 Copies of order mailed to Plaintiff and Deft and given to Co. Control.

1990

Kenneth D. Perkins

1131.

Anthony J. Vardaro
Solicitor

IN RE:
APPEAL OF
CLYDE CRESSLER, VERNON R. MOORE, ALAN B. HAYS AND SUSAN BARBER

FROM DECISION OF BOARD OF ASSESSMENT APPEALS

Filed Nov. 27, 1990
@ 1:25 p.m.

Tax & entry Paid $50.50
state paid 5.00
appeal pd. 1/21/92 --$30.00
state paid 1/21/92 5.00

ASSESSMENT APPEAL

1 copy (atty)

Jan. 16, 1991 Answer To Assessment Appeal filed.

Feb. 6, 1991, Acceptance of Service filed. I, Anthony J. Vardaro, Solicitor for the Crawford County Board of Assessment Appeals, do hereby accept service on its behalf of the assessment appeal filed in this case. Anthony J. Vardaro Esq

Apr. 2, 1991, Certificate of Readiness filed.

April 25, 1991 ORDER SETTING NONJURY TRIAL filed. AND NOW, April 22, 1991, nonjury trial in this matter is hereby set for July 18, 1991, at 9:00 A.M., in Courtroom No. 1 or 2.

FOR THE COURT,
Imogene Yetman, Court Administrator

April 30, 1991 Copy of Order to Attys. Kenneth Perkins, Anthony Vardaro.

On October 1991 Trial List

Dec. 20, 1991 Assessment Appeal MEMORANDUM, FINDINGS AND DECISION filed. DECISION: AND NOW, dec. 19, 1991 we find the 1990 and current valuation ofthe premises designated as 270 Chestnut Street, owned by the plaintiffs in this appeal has a market value or base valuation of $200,000. $40,000 of said market value will be allocated to land and $160,000 to building. Applying the undisputed pre-determined ratio of 75% results in an assessed value ofthe real estate of $30,000 and an assessed value ofthe building of $120,000.

BY ORDER OF THE COURT,
P. Richard Thomas, S. J.

Dec. 30, 1991, copies to K. perkins and A. vardaro attys.

Dec. 20, 1991 Exhibits filed. (in folder)

Jan. 20, 1992, Notice of Appeal of appellants to the Commonwealth Court of Pennsylvania from order entered in above case on Dec. 19, 1991.

Jan. 20, 1992, Order for Transcript filed.

Jan. 31, 1992, Notice of Appeal docketing in Commonwealth court of Pa. at No C. D. 1992 - 0188 filed.

April 6, 1992 Transcript of Proceedings Taken at time of Nonjury Trial filed.

Dec 21, 1992 Memorandum Opinion by Judge Palladino of The Commonwealth Court of Pennsylvania and Order filed. ORDER: AND NOW, Dec. 17, 1992, the order of the Court of Common Pleas of Crawford County in the above-captioned matter is affirmed. Madaline Palladino, J.

Feb. 26, 1997 Certificate of Contents of Remanded Record and Notice of Remand Under Pennsylvania Rules of Appellate Procedure 2571 and 2572(e), filed.

Feb. 26, 1997 Memorandum Opinion by Judge Palladino of Commonwealth Court of PA.,filed.

382

1990

Kenneth D. Perkins

1132.

Anthony J. Vardaro
Solicitor

IN RE:

APPEAL OF
MELINDA BARON

FROM DECISION OF BOARD OF
ASSESSMENT APPEALS

Filed Nov. 27, 1990
@ 1:25 p.m.

Tax & entry PaID	$50.50
State paid	5.00
Appeal pd. 2/13/92	30.00
state pd. 2/13/92	5.00

✓ ASSESSMENT APPEAL

1 copy (atty)

✓ Jan. 16, 1991 Answer To Assessment Appeal filed.

✓Feb. 6, 1991, Acceptance of Service filed. I, Anthony J. Vardaro, Solicitor the the County of Crawford Board of ASSESSment Appeals, do hereby accept service on its behalf of the assessment appeal filed in this case. Anthony J. Vardaro Solicitor

✓ Apr. 2, 1991 Certificate of Readiness filed.

✓ April 25, 1991 ORDER SETTING NONJURY TRIAL filed. AND NOW, April 22, 1991, nonjury trial in this matter is hereby set for July 18, 1991, at 1:30 P.M., in Courtroom No. 1 or 2.

FOR THE COURT,
Imogene Yetman, Court Administrator

April 30, 1991 Copy of Order to Attys. Kenneth Perkins, Anthony Vardaro.

On October 1991 Trial List

✓ Oct. 11, 1991 Memorandum, Findings, Conclusions and Order filed. AND NOW, this 11th day of October, 1991, the Court makes the following determination:

1. The market value of the property of Melinda Baron at the north-east corner of Chestnut Street and Park Avenue of the City of Meadville, Crawford County, Pennsylvania as of the date she file her appeal before the Board of Assessment Appeals is $285.000.
2. The assessed value of said property as of the same time using the predermined ratio of 75% is $213,750.

BY THE COURT,
Gordon R. Miller, J

Oct. 11, 1991 Copies to Atty's Perkins and Vardaro

✓ Oct. 21, 1991 Exhibits filed. (in folder, with papers)

✓ Oct. 21, 1991 Motion for Post Trial Relief filed by plaintiff filed.

On November 1991 Argument List

✓ Oct. 25, 1991, ORDER filed. AND NOW, Oct. 24, 1991, upon receipt fnd review of the appellant's motion for post trial relief argument thereon is hereby scheduled for the Nov. 1991 Argt. list at a time to be determined by the court administrator when the list is prepared. The court does not require transcripts. If either party believes the transcript is appropriate that party may order a transcript in the manner set forth in the rules of judicial administration.

BY THE COURT,
Gordon R. Miller, p.J.

Nov. 1, 1991 copies to Attys. K. Perkins and A. Vardaro.

✓ Nov. 20, 1991 Motion For Continuance and Order filed. AND NOW, this 18 day of November, 1991, upon motion of counsel, the argument scheduled in the above case for November 25, 1991 at 2:30 o'clock p.m. is her eby rescheduled to december 13, 1991, at 9:30 a.m., Courtroom 2.

For the Court,
Imogene Yetman, C.A.

Nov. 26, 1991 Copies of order to Atty.s Perkins and vardaro

✓ Jan. 17, 1992 Memorandum and Order filed. AND NOW, January 16, 1992, the appellant's motion for post trial reliefe is granted in part and denied in part.

The Court amends its determination of the method by which the assessed valuation of the property should be calculated. The common level ratio of 61.9% should be applied to the market value as found by the Court, to-wit: $285,000.00 resulting in an assessed value at th etime the appeal was taken in the amount of $176,415.00.

In all other respects the appellant's motion for post trial relief is denied.

BY THE COURT,
Gordon R. Miller, P.J.

Jan. 17, 1992 Copy mailed to Atty. Perkins and copy given to atty. Spataro

✓ Feb. 13, 1992, NOTICE OF APPEAL of appellant Melinda Baron to the Commonwealth Court of Pennsylvania, form order entered in this ca se on Jan. 16, 1992, filed.

✓ Feb. 21, 1992, Notice of Docketing Appeal at Commonwealth Court No. 0365 C.D. 1992 filed.

Dec. 14, 1992 Commonwealth Court of Pennsylvania Decision of Board of Assessment Appeals and ORDER filed. AND NOW, December 11, 1992, the order of the Court of Common Pleas of Crawford Co. in the above-captioned matter is affirmed.

Madaline Palladino, Judge

June 7, 1993 Certificate of Contents of Remanded Record and Notice of Remand Under PA. Rules of Appellate Procedure 2571 and 2572 (e) filed.

June 7, 1993 Commonwealth Court of PA. Decision of Board Of Assessment Appeals and ORDER filed. AND NOW, December 11, 1992, the order of the Court of Common Pleas of Crawford Co. in the above-captioned matter is affirmed.

Madaline Palladino, Judge

June 16, 1993 Copy of Order to Attys. Kenneth Perkins

1990

Kenneth D. Perkins

1133.

Anthony J. Vardaro
Solicitor

IN RE:
APPEAL OF
RONALD G. DAY

FROM DECISION OF BOARD OF
ASSESSMENT APPEALS

Filed Nov. 27, 1990
@ 1:25 p.m.

Tax & entry Paid $50.50
state paid 5.00

ASSESSMENT APPEAL

1 copy (atty)

Jan. 16, 1991 Answer To Assessment Appeal filed.

Feb. 6, 1991 Acceptance of Service filed. I, Anthony J. Vardaro, solicitor for the county of Crawford Board of Assessment Appeals, do hereby accept service on its behalf of the assessment appeal filed in this case. Anthony J. Vardaro, Solicitor

Apr. 2, 1991, Certificate of Readiness filed.

April 25, 1991 ORDER SETTING NONJURY TRIAL filed. AND NOW, April 22, 1991, nonjury trial in this matter is hereby set for August 8, 1991, at 1:30 PM, in Courtroom No. 1 or 2.

For The Court,
Imogene Yetman
Court Administrator

April 30, 1991 Copy of Order to Attys. Kenneth Perkins, Anthony Vardaro.

Aug. 30, 1991 Consent Order filed. AND NOW, this 28 day of August, 1991, upon agreement and consent of the parties as signified by the signature of their counsel below, it is hereby ORDERED that the fair market value of the subject property for the instant tax appeal is $70,000.00, and the applicable common level ratio is 61.9% Furthermore, the fair market value and common level ratio, and resulting revised assessment shall be reflected in the tax assessment records effective January 1, 1991, and the property owner shall receive a refund of property taxes based upon the above cahgnes, if 1991 local, countyor school taxes have been paid bythe property owner.
Consented to:
Anthony J. Vardaro, Socicitor for Crawford County
Kenneth D. Perkins, Attorney for Prperty Owner

BY THE COURT,
Gordon R. Miller, J

sept. 4, 1991 Copies of order to Kenneth Perkins and Anthony Vardaro

584

1990

Kenneth d. Perkins

1134.

Anthony J. vardaro
Solicitor

IN RE: APPEAL OF
DR. ARTHUR G. DEININGER

FROM DECISION OF BOARD OF
ASSESSMENT APPEALS

Filed Nov. 27, 1990
@ 1:25 p.m.

Tax & entry Paid $50.50
state paid 5.00

ASSESSMENT APPEAL

1 copy (atty)

Jan. 16, 1991 Answer To Assessment Appeal filed.

Feb. 6, 1991, Accepta nce of Service filed. I, Anthony J. Vardaro, Solicitor for the county of Crawford Board of Assessment Appeals, do hereby accept service on its behalf of the assessment appeal filed in this case. Anthony J. Vardaro, Solicitor.
Anthony J. Vardaro, Solicitor

Apr. 2, 1991 Certific ate of readiness filed.

April 25, 1991 ORDER SETTING NONJURY TRIAL filed. AND NOW, April 22, 1991, nonjury trail in this matter is hereby set for August 15, 1991, at 9:30 AM, in Courtroom No. 1 or 2.

FOR THE COURT,
Imogene Yetman

April 30, 1991 Copy of Order to Attys. Kenneth Perkins and Anthony Vardaro.

Aug. 30, 1991 Consent ORder filed. AND NOW, this 28 day of August, 1991, upon agreement and consent of the parties as signified by the signature of their counsel below, it is hereby ORDERED that the fair market value ofthe subject property for the instant tax appeal is $100,000.00, and the applicable common level ratio is 61.9%. Furthermore, the failr market value and common level ration, andresulting revised assessment shall be reflected in the tax assessment records effective January 1, 1991, and the property owner shall receive a refund of property taxes based upon the above changes, if 1991 local, county or school taxes have been paid by the property owner.
Consent to:
Anthony J. Vardaro, Solicitor for Crawford County
Kenneth D. Perkins, attorney for Property owner

BY THE COURT:
Gorodn R. MIller,

Sept. 3, 1991 Copies to Atty's Perkins and Vardaro

1990

Kenneth D. Perkins

1135.

Anthony J. Vardaro
Solicitor

IN RE:

APPEAL OF SHADRALL ASSOCIATES

FROM DECISION OF BOARD OF ASSESSMENT APPEALS

Filed Nov. 27, 1990
@ 1:25 p.m.

Tax & entry Paid $50.50
state paid 5.00

ASSESSMENT APPEAL

1 copy (atty)

Jan. 16, 1991 Answer To Assessment Appeal filed.

Feb. 6, 1991, Acceptance of Service filed. I, Anthony J. Vardaro, solicitor for the county of Crawford Board of Assessment Appeals, do hereby accept service on its behalf of the assessment appeal filed in this case. Anthony J. vardaro, Esq.

Apr. 2, 1991 Certificate of Readiness filed.

April 25, 1991 Order Setting Nonjury Trial filed. AND NOW, April 22, 1991, nonjury trial in this matter is hereby set for August 8, 1991, at 9:30 AM, in Courtroom No. 1 or 2.

For The Court,
Imogene Yetman, Court Administrator

April 30, 1991 Copy of Order to Attys. Kenneth Perkins and Anthony Vardaro.

Aug. 30, 1991 Consent Order filed. AND NOW, this 28 day of August, 1991, upon agreement and consent ofthe parties as signified by the signature of their counsel below, it is hereby ORDERED that the fair market value ofthe subject property for the instant tax appeal is $325,000.00, and the applicable common level ratio is 61/9%. Further more, the failr market value and common level ratio, and resulting revised assessment shall be reflected inthe tax assessment records effective January 1, 1991, and the property owner shall receive a refund of property taxes bases upon the bove changes, if 1991 local, county or school taxe have been paid by the property owner.

Consented to:
Anthony J. Vardaro, Solicitor for Crawford County
Kenneth D. Perkins, Attorney for Porperty Owner

BY THE COURT:
Gordon R. Miller, J

Sept. 4, 1991 Copies of order to Atty's Perkins and Vardaro

1990

Kenneth d. Perkins

1136.

IN RE:

APPEAL OF
JOSEPH L. HASSINGER

FROM DECISION OF BOARD OF
ASSESSMENT APPEALS

Filed Nov. 27, 1990
@ 1:25 p.m.

Tax & entry Paid	$50.50
state paid	5.00

ASSESSMENT APPEAL

1 copy (atty)

Jan. 29, 1991 Answer to Assessment Appeal filed.

Feb. 6, 1991, Acceptance of Service filed. I, Anthony J. Vardaro, Solicitor for the county of Crawford Board of Assessment Appeals do hereby accept service on its behalf of the assessment appeal filed in this case. Anthony j. Vardaro, Solicitor

Apr. 2, 1991 Certificate of Readiness filed.

April 25, 1991 ORDER SETTING NONJURY TRIAL filed. AND NOW, April 22, 1991, nonjury trial in this matter is hereby set for August 2, 1991, at 9:00 A.M., in Courtroom No. 1 or 2.

For The Court,
Imogene Yetman, Ct. Adm.

April 30, 1991 Copy of Order to Attys. Kenneth Perkins and Anthony Vardaro.

July 22, 1991, ORDER RESETTING NONJURY TRIAL filed. AND NOW, July 22, 1991 nonjury trial in this matter is hereby reset for August 19, 1991 at 1:30 p.m. in C. R. No. 1 or 2 ofthe Crawford county Courthouse. FOR THE COURT,
Imogene Yetman, Ct. Adm.

July 23, 1991 copies to K. Perkins, (mailed by Ct. Adm.) and copy in box of Atty vardaro.

Aug. 30, 1991 Consent Order filed. ·AND NOW, this 28 day of August, 1991, upon agreement and consent of the parties as signified by the signature oftheir counsel below, it is hereby ORDERED that the fair market calue ofthe subject property for theinstant tax appeal is $110,000.00 and the applicable common level ratio is 61.9%. Furthermore, the fair market value and common level ratio, and resulting revised assessment shall be reflected inthe tax assessment records effective January 1, 1991, andthe proper ty owner shall receive a refund of proeprty taxes based upon the above changes,if 1991 local, county or school taxes have been paid by the property owner.
Consented to:
Anthony J. Vardaro, Solicitor for Crawford County
Kenneth D. Perkins, Attorney for Property Owner

BY THE COURT:
Gorodn R. Miller, J

Sept.4, 1991 Copies of order to Atty's Perkins and Vardaro

1990

Kenneth D. Perkins

1137.

Anthony J. Vardaro
Solicitor

IN RE:

APPEAL OF

EDWARD L. HENDRICKSON, ET UX

FROM DECISION OF BOARD OF ASSESSMENT APPEALS

Tax & entry Paid $50.50
state paid 5.00

Filed Nov. 27, 1990
@ 1:25 p.m.

ASSESSMENT APPEAL

1 copy (atty)

Jan.16, 1991 Answer To assessment Appeal filed.

Feb. 6, 1991, Acceptance of Service filed. I, Anthony J. Vardaro, Solicitor for the County of Crawford Board of Assessment Appeals, do hereby accept servcie on its behalf of the assessment appeal filed in this case. Anthony J. Vardaro solicitor

Apr. 2, 1991 Certificate of Readiness filed.

April 25, 1991 Order Setting Nonjury Trial filed. AND NOW, April 22, 1991, nonjury trial in this matter is hereby set for August 15, 1991, at 1:30 PM, in Courtroom No. 1 or 2.

For The Court,
Imogene Yetman,
Court Administrator

April 30, 1991 Copy of Order to Attys. Kenneth Perkins, Anthony J. Vardaro.

Aug. 30, 1991 Consent Order filed. AND NOW, this 28 day of August, 1991, upon agreement and consent of the parties as signified by the signature of thier counsel below, it is hereby ORDERED that the fair market calue ofthe subject property for the instant tax appeal is $77,500.00, andthe applicable common level ratio is 61.9%. Furthermore, the fair market value and common level ratio, and resulting revised assessment shall be reflected in the tax assessmen records effective January 1, 1991, andthe property owner shall receive a refund of proper ty taxes based upon the above changes, if 1991, local, county or school taxes have been paid by the property owner.
Consented to:
Anthony J. Vardaro, Solicitor for Crawford County
KennethD. Perkins, Attorney for Property Owner

BY THE COURT
Gorodn R. Miller, J

Sept. 4, 1991 Copies of order toAtty's Perkins and Vardaro

1990

Shafer, Swick, Bailey Irwin & Stack (withdrawn)
~~William J. Gregg~~
James R. Irwin
1138.

Thomas, Truax, Spadafore, Vardaro, Walker
R. Charles Thomas

SANDRA J. McARDLE

vs.

JOHN J. McARDLE

Filed Nov. 27, 1990
@ 2:00 p.m.

Tax & entry Paid	$50.50
1 count paid	15.00
state paid	10.00
state paid	10.00
John D. Petruso, master	
Pro Co Pd. 1-29-82	9.00

Received from Defendant 7-15-92 masters fees
Paid Johnetta Thomas masters fees 7-15-92 Ck#6939 154.00

COMPLAINT UNDER SECTION 201(c) OF DIVORCE CODE
EQUITABLE DISTRIBUTION

1 copy (atty)

Dec 5, 1990 Affidavit of Service filed: WILLIAM J. GREGG, ESQUIRE, being duly sworn according to law, deposes and says that the following facts in support of his Affidavit of Service are true and correct to the best of his knowledge, information and belief.

1. That the Affiant is the Attorney for the Plaintiff in the above-captioned action.

2. That a true and correct copy of the Complaint in Divorce and Notice were sent by registered mail to the Defendant, JOHN J. MCARDLE, on November 27, 1990.

3. The registered mail was sent to JOHN J. MCARDLE, at R.D.#1, Box 487, Conneaut Lake, Pa 16316. The sender's receipt is attached hereto.

4. That the Defendant received said registered mail on November 30, 1990. Said Return Receipt card P 076 254 192 is attached hereto, signed by John J. McArdle and made a part hereof.

William J. Gregg, Attorney for Plaintiff

Apr. 26, 1991 Affidavit of Consent of plaintiff filed.

May 2, 1991 Amended Complaint Under Section 201(c) or 201(a) of the Divorce Code, filed.

May 14, 1991 Acceptance of Service filed. AND NOW, this 7th day of May, 1991, comes John J. McArdle, Defendant in the above captioned matter and acknowledges that he received the Amended Complaint in Divorce and Notice to Defend in the above captioned matter by personally picking up same at the office of Attorney William J. Gregg, East Side Knolls, Rt. 18, Conneaut Lake, pennsylvania, at 4:30 PM on May 7, 1991. John J. McArdle

May 17, 1991, Petition for Possession of the Marital Residence Pursuant to Section 401(h) of the Divorce Code and Order filed. AND NOW, this 17 day of May 1991 upon consideration ofthe within Petition, a Rule is hereby issued upon the Respondent John J. McArdle, to show cause, if any he has, why exclusive possession of the marital residence should not be awarded to the petitioner, Sandra J. McArdle. returnable for hearing on the 23 day of May 1991, at 9:30 a.m. in C. R. No. 1 or 2.

A copy of this petition and order shall be served upon the respondent, John J. McArdle.

BY the court,
P. Richard Thomas, S. J.

May 21, 1991 copy of order to Atty. Gregg.

May 23, 1991 Motion For Continuance and Order filed. AND NOW, this 22 day of May, 1991, the hearing scheduled for May 23, 1991, in the above-referenced action is hereby continued. Plaintiff's counsel shall request a new hearing date in the event a future hearing is necessary.

P. Richar dThomas, S.J.

May 28, 1991 Copy of orde rto William Gregg

May 28, 1991 Affidavit Of Service filed. HENRY S. MILLER, being duly sworn according to law, deposes and says that the following facts in suport of his Affidavit of Service are true and correct to the best of his knowledge, information and belief:

1. That the Affiant is an adult individual, over the age of eighteen (18) years, and a citizen of the United State of America.

2. That he served a copy of the Petition for Possession of the Marital Residence along with a copy of the Order by hand delivering same to John J. McArdle at his residence of R.D. #1, box 487, Conneaut Lake, PA, on May 17, 1991, at approximately 3:55 p.m.

FURTHER AFFIANT SAITH NOT. Henry S. Miller

~~June 12, 1991 List of Marital Property of Defendant filed.~~ (in error)

June 12, 1991 Income and Expense Statement of Sandra J. McArdle filed.

June 12, 1991 Income and Expense Statement of Sandra J. McArdle filed.

June 12, 1991 Inventory and Appraisement of Sandra J. McArdle filed.

June 12, 1991 Motion for Appointment of Master in Divorce and Order Appointing Master filed. ORDER APPOINTING MASTER: AND NOW, June 13 1991 William T. Jordan Esq. is appointed Master in Divorce in respect to the following claims:

Divorce
EQuitable Distribution

Deposit required: By Plaintiff $500. By Defendant $500.

PER CURIAM,
P. Richard Thomas, Judge

June 17, 1991 copies toW. Jorden, Wm. Gregg and dft.

July 15, 1991 Motion To Withdraw As Master and ORDER filed. AND NOW this 12 day of July, 1991, upon consideration of the foregoing Motion, it is hereby ordered that the appointment of William T. Jorden as a Master with respect to the above captioned matter is rescinded. John D. Petruso, Esq. is appointed master in this case.

Gordon R. Miller, J.

July 17, 1991 Copy of Order to Atty. William Gregg, William Jorden and John D. Petruso.

July 19, 1991, Motion to Withdraw Appearance, Consent, and Order filed. ORDER: AND NOW, this 19 day of july 1991 upon presentation of the herein Motion, Plaintiff's counsel, William J. Gregg, is hereby authorized to withdraw his appearance on behalf of the plaintiff in the above captioned matter. Gordon R. Miller, J.

July 19, 1991, copies to J. Petruso, and W. Gregg.

July 26, 1991 Appearance of Shafer, Swick, Bailey, Irwin & Stack by James R. Irwin for Plaintiff filed.

CONTINUED ON PAGE 588A

Sept. 6, 1991 Notice Of Pre-Hearing Conference filed.

Oct. 2, 1991 Notes Of Pre=Hearing Conference filed.

Oct. 15, 1991 Appearance of Thomas, Truax, Spadafore, vardaro and Walker, by R. Charles Thomas, attorneys for defendant filed.

Oct. 23, 1991 Notice of Master's Hearing filed.

Jan. 29, 1992, Affidavit of Consent of defendant filed.

Jan. 29, 1992, Affidavit of Consent of Plaintiff filed.
of Plaintiff attorney

Jan. 29, 1992 Upon praecipe to transmit record, case moved to Court.

Feb. 6, 1992 D I V O R C E D E C R E E F I L E D.

AND NOW, this 5th day of February, 1992, it is ordered and decreed that SANDRA J. McARDLE and JOHN J. McARDLE are fivorced form the bonds of matrimony.

IT IS FURTHER ORDERED AND DECREED AS FOLLOWS:

1. The Plaintiff is awarded all that certain piece or parcel of land located in Sadsbury Twp., Crawford Co., Pa. as more specifically described in a certain Deed from John P. Duffy and Joyce E. Duffy, husband and wife, to John T. McArdle and Sandra J. McArdle, husband and wife, said Deed being dated May 12, 1986 and recorded in Crawford County Deed Book 568, Page 167. The precise address for said real estate is R.D. 1, Box 487, Conneaut Lake, Pa. 16316.

2. The Plaintiff is awarded all tangible personal property presently located in the former marital residence of the Plaintiff and Defendant at R.D. 1, Box 487, Conneaut Lake, Pa., and in which the Plaintiff presently resides.

3. The Plaintiff is awarded the following tangible personal property to -wit: Oak antique wall phone; Waterford crystal bowl; photo album; miscellaneous evening bags; two hooked throw rugs; antique coffee grinder; an oil painting of the Plaintiff as a baby; antique basket collection; miscellaneous books - shakes; brass planter; a black safe bank; cross stitch; a silver set formerly the property of the Plaintiff's Aunt Pauline; a straight chair formerly the property of the Plaintiff's grandmother; a needlepoint footstool; a needlepoint burgandy pillow; a rolling pin; a Cuisineart food processor; a wicker porch set; the Plaintiff's 45 record; a typewriter; and a piggy dish.

4. The Plaintiff is awarded all retirement benefits and life insurance benefits to which she may be entitled as a participant in the Commonwealth of Pennsylvania Public School Employees Retirement System.

5. The Defendant is awarded all that certain piece or parcel of land located in Greenwood Twp., Crawford Co., Pennsylvania and described as Parcel No. 1 in a certain Deed from Mary M. McArdle, Widow, to John J. McArdle and Sandra J. McArdle, his wife, said Deed being dated April 10, 1975 and recorded in Crawford County Deed Book 491, Page 767. Said parcel of land contains 4 acres, more or less, and has a frame building erected thereon presently used in connection with the operation of a restaurant liquor business known as the Highlander Tavern.

6. The Defendant is awarded all that certain piece or parcel of land situate in Greenwood Twp., Crawford Co., Pennsylvania as more specifically described as Parcel No. 2 in a certain Deed from Mary M. McArdle, Widow, to John J. McArdle and Sandra J. McArdle, his wife, dated April 10, 1975 and recorded in Crawford County Deed Book 491, Page 767. Said parcel of land contains 48.183 acres and has erected thereon a dwelling house. The precise mailing address of the aforesaid dwelling house is R.D. 1, Atlantic, Pennsylvania 16111.

7. The Defendant is awarded all of the tangible personal property presently located in the dwelling in which he resides known as R.D. 1, Atlantic, Pennsylvania, except those items of tangible personal property that have been awarded to the Plaintiff pursuant to the provisions of Paragraph 3. of this Decree.

8. The Defendant is awarded a 1985 Oldsmobile Toronado motor vehicle.

9. The Defendant is awarded a 1985 Chevrolet Truck.

10. The Defendant is awarded a 1980 International Tractor and Mower.

12. The Defendant is awarded the restaurant liquor license issued by the Pa. Liquor Control Board in connection with the operation of a restaurant li uor business known as the Highlander Tavern.

13. The Defendant is awarded the restaurant liquor business operated under the name of the Highlander Tavern together with all fixtures and equipment and other tangible personal property located int he building and presently utilized in connection with the operation fo the business known as the Highlander Tavern.

MARITAL DEBTS

14. The Plaintiff shall assume and shall be responsible for payment of fifty percent (50%) of the unpaid principal balance plus fifty percent (50%) of the accrued interest due on a certain Mortgage and accompanying Note in favor of the Marquette Savings Association, which Mortgage is dated May 23, 1986 and recorded in the Office of the Recorder of Deeds of Crawford County, Pennsylvania in Mortgage Book 445, Page 448.

15. The Defendant shall assume and be responsible for payment of fifty percent (50%) of the unpaid principal balance and fifty percent (50%) of the accrued interest due on a certain Mortgage and accompanying Note in favor of the Marquette Savings Association, which Mortgage is dated May 23, 1986 and recorded in the Office of the Recorded of Deeds of Crawford Co., Pa. in Mortgage Book 445, Page 448. The Defendant shall make a diligent effort to refinance the unpaid principal balance together with all accrued interest due on the aforesaid Mortgage in favor of Marquette Savings Association so as to relieve the Plaintiff from any further obligation on said Mortgage and accompanying Note.

16. The Plaintiff shall assume the responsibility for Payment of fifty percent (50%) of all other marital debts.

17. The Defendant shall assume responsibility for payment of all other martial debts.

18. The Plaintiff shall sign, execute and acknowledge any and all documents necessary to effectuate the transfer of the real estate awarded to the Defendant purusant to this Divorce Decree. In addition the Plaintiff shall sign, execute and acknowledge any and all documents necessary to effectuate the transfer of the business known as the Highlander Tavern together with the restaurant liquor license associated with said business to the Defendant.

19. The Defendant shall sign, execute and acknowledge any and all documents necessary to effectuate the transfer of the real estate awarded to the Plaintiff in this Divorce Decree. The Defendant shall also sign, execute and acknowledge any and all documents to divest his interest in the retirement benefits awarded to the Plaintiff pursuant to the provisions of Paragraph 4. of this Divorce Decree.

20. That neither the Plaintiff nor the Defendant shall make any further claims against the other party hereto except for the enforcement of the rights and responsibilities set forth in this Divorce Decree.

BY THE COURT,
Gordon R. Miller, P.J.

Feb. 6, 1992 MOTION OF MASTER TO SET HIS FEES AND TO VACATE HIS APPOINTMENT and ORDER filed. ORDER: AND NOW, this 5th day of February, 1992, upon motion of the Master, his fee is set at $318.00 and the Prothonotary is directed to pay the Master as follows:

$159.00 to be paid from funds deposited by the plaintiff.

$159.00 to be paid from funds deposited by the defendant.

And it is further ORDERED, that the appintment of the Master is hereby vacated by virtue of this case having been reported settled.

BY THE COURT,
Gordon R. Miller, P. J.

Feb. 11, 1992 sent copies to R.C. Thomas, J. Irwin & J. Petruso

588 B

1990

1990

Culbertson, Weiss, Schetroma and Schug
John B. Brautigam

1139.

Burns, White & Hickton
John G. Wall

EDWIN M. YUCHA, JR. AND BEVERLY M. YUCHA, HUSBAND AND WIFE

vs.

DONALD GOSS, INDIVIDUALLY AND t/d/b/a GOSS BROTHERS CHIMNEY SWEEPS AND t/a/d/b/a GOSS BROTHERS CHIMNEY SERVICE

Filed Nov. 27, 1990
@ 3:09 p.m.

Tax & entry Paid	$50.50
state paid	5.00
Sheriff's Costs	64.50
Pro Co pd 2-12-93	15.00
Pro Co pd 9-28-93	5.00

COMPLAINT

3 copies (sheriff)

Jan. 7, 1991 Sheriff's Return filed. Before me, the undersigned authority, personally appeared Harry D. Holmwood, Deputy Sheriff who being duly sworn according to law, deposes and days that on the 6th day of December, 1990, at 6:00 p.m., he served Complaint, filed at No. AD 1990-1139 Term, 19, Crawford County Pennsylvania, upon defendant Donald Goss, Individually and d/b/a Goss Brothers Chimney Sweeps at 4932 East Avenue, Erie County, Edinboro, Pennsylvania By making known the contents thereof to Donald Goss, Personally and handing to and leaving with him the certified copy of the Complaint received from Crawford County.
So answers, Harry D. Holmwood, Deputy Sheriff
Robert N. Michel, Sheriff

Before me, the undersigned authority, personally appeared Harry D. Holmwood, Deputy Sheriff who being duly sworn according to law, deposes and says that on the 6th day of December, 1990, at 6:00 p.m. he served Complaint, filed at No. AD 1990-1139 Term, 19, Crawford County Pennsylvania, upon defendant Goss Brothers Chimney Sweeps at 4932 East Avenue, Erie County, Edinboro, Pennsylvania By making known the contents thereof to Donald Goss, person in Charge and handing to and leaving with him the certified copy of the Complaint received from crawford County.
So answers, Harry D. Holmwood, deputy sheriff
Robert N. Michel, Sheriff

Before me,the undersigned authority, personally appeared Harry D. Holmwood, Deputy Sheriff who being duly sworn according to law, deposes and says that on the 6th day of December, 1990, at 6:00 p.m., he served Complaint, filed at No. AD 1990-1139 Term, 19, Crawford County, Pennsylvania, upon defendant Goss Brothers Chimney Service at 4932 East Avenue, Erie County, Edinboro, Pennsylvania By making known the contents thereof to Donald Goss, person in charge and handing to and leaving with him the certified copy of the Complaint received from Crawford County.
So answers, Harry D. Holmwood, deputy Sheriff
Robert N. Michel, Sheriff

SERVED Donald Goss individually, Goss Brothers Chimney Sweeps, and goss Brothers Chimney Service by deputizing the Sheriff of Erie County, as per his Affidavits of Service attached. All served on December 6, 1990.
So answers, Howard N. Stewart, Sheriff

Jan. 9, 1991, Appearance of Burns, White and Hickton, by JOhn G. Wall, Esq. attorneys for defendants filed . (JURY TRIAL DEMANDED)

Feb. 27, 1991, Answer and New Matter Pursuant to Rule 1030 of the Pa. Rules of Civil Procedure, filed.

Feb. 27, 1991, Notice of Service of Interrogatories and REquest for Production of documents filed.

Mar. 4, 1991 Reply of Plaintiffs to Defendant's New Matter pursuant to Rule 1030 filed.

Mar. 28, 1991 Certificate Of Service of Plaintiffs' Answers to Defendant's First Set of Interogatories and Request for Production of Documents directed to Plaintiffs filed.

Apr. 11, 1991, Notice of Service of Interrogatories and Request for Production of Documents filed.

Apr 22, 1991 Notice of Deposition of Gale Wolfe filed.

Apr 22, 1991 Notice of Deposition of Edwin M. Yucha filed.

Apr. 25, 1991 Notice of Taking Depositions on Oral Examination Under Pa. R.C.P. 4007.1 filed.

May 8, 1991 Amended Notice Of Taking Depositions on ORal Examination Under Pa. R.C.P. No. 4007.1 of Donald Goss filed.

May 31, 1991 Notice of Serving Supplemental Answers To Interrogatories and Supplemental Response To Request For Production of Documents filed.

June 12, 1991, Supplemental REsponsė to REquest for Production of Documents filed.

Feb. 12, 1993 Upon praecipe of plaintiffs attorney to appoint Arbitrators the following Arbitrators are appointed. David Pickens, Chr.
~~Joseph Kulwicki~~ Gregory Keenan
~~R. Charles Thomas~~ **Joan D. Mason**

April 16, 1993, ARbitrators take the qualifying oath.

Sept. 28, 1993 Upon praecipe of plaintiff attorney the above entitled action is discontinued of record.

590

1990

1140.

JENNIFER HANCUFF

vs.

STEVEN EDWARD BUTCHECK

Filed Nov. 28, 1990
@ 9:11 a.m.

Tax & entry	$50.50
state	5.00
Sheriff's Costs	21.00

PETITION FOR EMERGENCY RELIEF UNDER PROTECTION FROM ABUSE ACT

3 copies (sheriff)
1 copy (plff)

ORDER:

And now, this 27th day of Nov., 19 90, upon review of the petition of Plaintiff, the Court entered the following Temporary Order.

1. The Defendant shall not assault, abuse, harass or threaten the Plaintiff or any of the minor children named in the Petition.
2. Special Conditions: Defendant shall not contact the plaintiff in any way by phone or otherwise. defendant shall not go to plaintiff's residence or to her school or place of work.
3. This Order may be enforced without a warrant of arrest by any law enforcement officer having reasonable ground to believe it has been violated.
4. A copy of this Order shall be delivered to the police departments in the jurisdiction where the Plaintiff resides and to County Control.
5. Service of a copy of the Petition and this Order shall be made upon the defendant by a sheriff, constable, police officer or competent adult.
6. This temporary order shall remain in full force and effect until modified or terminated by further order of this Court. Liability for payment of fees and costs will be determined by final court order.
7. The Defendant is reminded that this is an ORDER OF COURT and violation of this Order may be punishable by a fine up to $1,000.00 and a jail sentence of up to six months.
8. The court reserves ruling on allocations of fees and costs. Hearing is here by set for Dec. 7, 1990, at 3:30 A.M., in Courtroom 1 or 2 of the Crawford County Courthouse. The defendant is advised he may retain an lawyer to represent him at said hearing if he so desires but he is not required to do so.

BY ORDER OF COURT,
Gordon R. Miller, Judge

Nov. 28, 1990 Sheriff's Return filed. SERVED Steven Edward Butcheck personally on November 28, 1990 at 9:54 AM at Mental Health Ward, Meadville Medical Center, Grove Street, Meadville, Crawford County, PA 16335
So answers, Howard N. STewart, Sheriff

Dec. 10, 1990 Order filed. AND NOW, December 7, 1990 at the time of the hearing set in this matter, the Plaitiff was represented by counsel; the Defendant was not represented by counsel, and after he was advised of his right to counsel, he agreed to proceed without counsel.

The Defendant, without admitting he engaged in any improper conduct, is willing to have an abuse order entered against him, and therefore it is ordered as follows:

1. The Defendant shall not assault, abuse, harass, or threaten the Plaintiff in any manner whatsoever, nor will he procure or encourage others to do so.
2. The Defendant will not go to the Plaintiff's residence nor to her school or place of work, and he will refrain from any contact with her unless she specifically tells him that he may contact her.
3. This order may be enforced without a warrant of arrest by any law enforcement officer having resonable grounds to believe that it has been violated.
4. A copy of this Order shall be delivered to the Police Department in the jurisdiction where the Plaintiff resides, and to County Control.
5. This Order shall remain in full force and effect for one year from this date or until December 6, 1991.
6. The defendant is reminded that this is an Order of Court and violation of this order may be punishable by a fine up to $1,000.00 and a jail sentence of up to 6 months.
7. It appears that neither pa rty has sufficient income to pay the costs of this proceedings, and accordingly, costs are waived and should be paid by the county.

BY ORDER OF THE COURT,
Gordon R. Miller, J.

Dec. 12, 1990 Copies of order put in Gerlad Sullivan and County Control's box and copy mailed to defendant.

1990

Kenneth D. Perkins

1141.

Anthony J. Vardaro
Solicitor

IN RE:

APPEAL OF MASONIC BUILDING

FROM DECISION OF BOARD OF ASSESSMENT APPEALS

Filed Nov. 28, 1990
@ 11:24 a.m.

Tax & entry Paid	$50.50
state paid	5.00

ASSESSMENT APPEAL

1 copy (atty)

Jan. 16, 1991 Answer To Assessment Appeal filed.

Feb. 6, 1991, Acceptance of Service filed. I, Anthony J. Vardaro, solicitor for the county of Crawford Board of Assessment Appeals, do hereby accept service on its behalf of the assessment appeal filed inthis case. Anthony J. Vardaro, Solicitor.

Apr. 2, 1991, Certificate of Readiness filed.

April 25, 1991 ORDER SETTING NONJURY TRIAL filed. AND NOW, April 22, 1991, nonjury trial in this matter is hereby set for August 2, 1991, at 1:30 p.m., in Courtroom No. 1 or 2.

For The Court,
Imogene Yetman, Court Administrator

April 30, 1991 Copy of Order to Attys. Kenneth Perkins, Anthony Vardaro.

July 22, 1991 Order Resetting Nonjury Trial filed. AND NOW, July 22, 1991 nonjury trial in this matter is hereby reset for August 12, 1991, at 1:30 p.m., in Courtroom 1 or 2 of the Crawford County Courthouse.

For the court,
Imogene Yetman, C.A.

July 23, 1991 Copies to both attys.

Aug. 30, 1991 Consent order filed. AND NOW, this 28 day of August, 1991, upon agreement and consent of the parties as signified by the signature of thier counsel below, it is hereby ORDERED that the fair market value ofthe subject property for the instant tax appeal is $300,000.00, and the applicable commonlevel ratio is 61.9%. Furthermore, the fair market value and common level ratio, and resulting revised assessment shall be refelcted in the tax assessmen records effective January 1, 1991, andthe proper ty owner shall receive a refund of property taxes based upon the above changes, if 1991 local, county or school taxes have been paid by the property owner.

Consented to:
Anthony J. Vardaro, Solicitor for Crawford County
Kenneth D. Perkins, Attorney for Property Owner

BY THE COURT,
Gordon R. Miller, J

Sept. 4, 1991 Copies of order to Atty's Perkins and Vardaro

592

1990

Legal Services
R. Christopher Brode

1142.

Jack E. Grayer

THOMAS J. L'HUILLIER

vs.

KELLY R. L'HUILLIER

Filed Nov. 28, 1990
@ 11:53 a.m,

Indigent filing
William Pineo, mediator

COMPLAINT FOR CUSTODY

4 copies (atty)

ORDER OF COURT:
You, Kelly R. L'Huillier, dft. have been sued in court to obtain custody partial custody of the minor children, Tyler Joseph L'Huillier, Ashley Renee L'Huillier and Loren Jenelle L'Huillier.
You are ordered to appear in person at the time and place selected by WILLIAM PINEO, CUSTODY MEDIATOR.
If you fail to appear as provided by this order, an order for custody, partial custody, or visitation may be entered against you or the court may issue a warrant for your arrest.
The Crawford County sheriffs' Department is directed to serve a cert. copy of this complaint and order upon the defendant. IN the alternative, this petition and order may be served by any competent adult or by certified mail.
Plaintiff is allowed to proceed without payment of court costs reserving to the court the right to impose costs.
Unless venue is retained by Erie county under the law and rules in which case this proceeding shall be discontinued.
You should take this paper to your lawyer at once. If you do not have a lawyer or cannot affore done, go to or telephone the office set forth below to find out where you can get legal help.
Crawford county Bar. Assoc. ser. tothe public committee. c/o Prothonotary, Crawford County Courthouse, Meadville, Pa. 16335.
BY THE COURT,
Gordon R. Miller J.

Nov. 28, 1990, Praecipe to Proceed in Forma Pauperis, Affidavit to Proceed In Forma Pauperis, filed.

Dec. 17, 1990, Appearance of Jack E. Grayer, Esq. attorney for defendant, filed.

Dec. 21, 1990, Amended Complaint for Custody and Order filed. ORDER: Granted.
2 copies (atty)
P. R. Thomas, S. J.

Jan 4, 1991 Affidavit of Service filed: I hereby certify that the defendant, Kelly R. L'Huillier, was served the Amended Complaint by certified mail on December 31, 1990. Return receipt is attached.

R. Christopher Brode, Esq
Attorney for Plaintiff

1990

McClure & Miller
Eugene J. Brew Jr.

1143.

Paul E. Allen

WILLIAM A. MIESZCZAK

vs.

THE POLISH NATIONAL ALLIANCE SCHOOL CORPORATION a/k/ academically/a ALLIANCE COLLEGE

Filed Nov. 29, 1990
@ 11:06 a.m.

Tax & entry Paid	$50.50
state paid	5.00
Pro Co pd 2/28/92	5.00

COMPLAINT - CIVIL ACTION

Nov. 29, 1990 Appearance of Paul E. Allen, attorney for defendants filed.

Nov. 29, 1990, Acceptance of Service filed. I accept service of the Compalint on behalf of the Polish National Alliance School Corporation, a/k/a academically/a Alliance College and certify that I am authorized to do so.
Dated: 11/29/90 Paul E. Allen, Esq.

Dec. 17, 1990 Preliminary Objections filed.

Dec. 24, 1990 First Amended Complaint - civil action filed.

Jan. 17, 1991 Preliminary Objections To First Amended Complaint filed.

May 16, 1991, Upon praecipe of plaintiff attorney, defendants Preliminary Objections to first Amended Complaint, placed on next argument list.

ON ARGUMENT LIST FOR JUNE 1991

July 1, 1991, MEMORANDUM AND ORDER filed. AND NOW, June 27, 1991, defendants preliminary objections are affirmed in part and denied in part.

The plaintiff is given twenty (20) days to file a second amended complaint which shall set forth, inter alia, an averment or representation that the person or persons with whom the plaintiff dealt, ont he subject matter contained in his complaint, were duly authorized officers and agents of the defendant, acting within the scope of their authority, and having the power and ability to bind the defendant; and to plead sufficient facts that entitle the plaintiff to a return of this money or the right to designate the use thereof. Said second amended complaint shall be filed within twenty (20) days from the date of this order.

The defendant is not required to respond toexhibit A, that is attached to the first amended Complaint if that exhibit ultimately becomes a part of the second amended complaint that the defendant files.

BY THE COURT,
Gordon R.Miller, P.J.

July 2, 1991, copy put in box for Atty. Allen, copy mailed to Atty. brew.

July 11, 1991 Second Amended Complaint - Civil Action filed.

July 16, 1991 Preliminary Objections to Second Amended Complaint filed.

Aug. 9, 1991 Upon praecipe of plaintiff attonrey, Dfts. Preliminary Objections to Second Amended Complaint placed on next argument list.

ON ARGUMENT LIST FOR SEPTEMBER 1991

Aug 16. 1991 DEFENDANT'S BRIEF ON PRELIMINARY OBJECTIONS TO PLAINTIFF'S SECOND AMENDED COMPLAINT, filed.

Sept. 30, 1991 Motion and ORDER filed. AND NOW, this 30th day of September, 1991, upon joint motion of the parties, it is ORDERED:

1. Defendant's Preliminary Objections to the Second Amended Complaint are sustained, and Plaintiff is directed to file a third amended complaint omitting paragraphs 4 and 5 in the Second Amended Complaint within twenty (20) days from the date of this Order.

2. Defendant will file an answer to the third amended complaint in the time allowed by Rules of Court.

Gordon R. Miller, J.
Oct. 1, 1991 Copy of Order to Attys. Eugene J. Brew, Jr. and Paul Allen.

Oct. 22, 1991 Third Amended Complaint in Civil Action filed.

Nov. 4, 1991 Notice Prior To Entry Of Default Judgment filed.

Nov. 8, 1991 Defendant's Answer To The Third Amended Complaint filed.

Nov. 15, 1991 Reply to New Matter filed.

Nov. 20, 1991, Notice of Taking Oral Depositions filed.

Dec. 10, 1991, Notice of Taking Oral Depositins filed.

Feb. 25, 1992, Upon praecipe of plaintiff attorney, singed by dft. attorney, the above captioned case is hereby marked settled, discontinued and endedi, including the plaintiffs claim against the dft. and the dft's counterclaim against the plaintiff.

1990

Barrett & Dratler
Sylvia L. Dratler

1144.

Kathleen R. Nelson

JEAN A. CONAWAY

vs.

JOSEPH R. CONAWAY

Filed Nov. 29, 1990
@

Tax & entry Paid	$50.50
1 count paid	15.00
state paid	10.00
state paid	10.00
Pro Co Pd 6/4/91	9.00

COMPLAINT UNDER 201(c) OF THE DIVORCE CODE
CUSTODY

ORDER OF COURT: You, Joseph R. Conaway, Defendant, have been sued in Court to obtain custody of the following child: Kimberly Rea Conaway.

YOu are ordered to appear in person for a conference at such time and place as may be set by William Pineo, Child Custody Mediator.

If you fail to appear as provided by this Order, an Order for Custody may be entered against you or the Court may issue a warrent for your arrest.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. If you DO NOT HAVE A LAWYER OR CANNOT ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.
Crawford County Bar Association Service to the Public Committee
c/o Prothonotary , Crawford County Courthouse Meadville, Pa. 16335
Phone: (814) 724-4636

1 copy (atty) 1 copy (Mediator)

BY THE COURT:
P. Richard Thomas, S.J.

Jan 7, 1990 Appearance of Kathleen R. Nelson, Esq. for defendant filed.

Feb. 20, 1991 Affidavit of Service filed. Sylvia L. Dratler, Esq., being duly sworn to law, deposes and says that the following facts in support of her Affidavit of Service are true and correct to the best of her knowledge, information and belief.

1. That the affiant is the Attorney for the Plaintiff in the above captioned action.
2. That a true and correct copy of a Complaint in Divorce under Section 201(c) was sent by registered mail to the Defendant.
3. The registered mail was sent to Joseph R. Conaway at Star Route, Box 91, Franklin, PA 16323 on Dec. 13, 1990. The sender's receipt is attached hereto.
4. The Defendant, Joseph R. Conaway, received said registered mail on Dec. 31, 1990. Said receipt card number 320 791 283 is attached hereto and signed by Joseph R. Conaway.

Sylvia L. Dratler, Atty.

May 16, 1991 Agreement and Consent Custody Court Order filed.

June 4, 1991 Affidavit of Consent of plaintiff filed.

June 4, 1991 Affidavit of Consent of defendant filed.

June 4, 1991, Upon praecipe of plaintiff attorney, for review Under 201(c) of the Divorce Code, this case moved to court.

June 17, 1991 **D I V O R C E D E C R E E F I L E D .**

And now, June 17, 1991, it is ordered and decreed that JEAN A. CONAWAY, plaintiff, and JOSEPH R. CONAWAY, defendant, are divorced fromthe bonds of matrimony.

BY THE COURT,
P. Richard Thomas, S.J.

1990

Harry Faber White,II

R. Charles Thomas
Thomas, Truax, Spadafore, Vardaro, Walker

1145.

LESLIE MARIE SIMMONS

vs.

SHANE MICHAUD

Filed Nov. 30, 1990
@ 9:45 a.m.

Tax & entry Paid $50.50
State paid 5.00

John Fuller, Mediator
Mediation Costs 150.00

COMPLAINT FOR CUSTODY

1 copy (atty)
1 copy (mediator)

ORDER OF COURT:
You, Shane Michaud, dft. have been sued in court to obtain custody of the following child: Joseph Michaud.
You are hereby ordered to appear in person at such time and place as is herebydesignated by the Custody Mediator hereinafter appointed for a conference.
JOHN FULLER, ESQUIRE, is hereby appointed as Custody Mediator in this case.
If you fail to appear at the time specified by the Custody mediator hereby appointed by this order, an order for custody may be entered against you or the court may issue a warrant for your arrest.
You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.
Crawford County Bar Assoc. Ser. tot he Pub. Committee, c/o Prothonotary, Crawford County Court House Meadville, Pa. 16335 814 724-4636.

Oct 2, 1991 Appearance of Harry Faber White, II, Esq. for Plaintiff filed.

Oct 2, 1991 Complaint reinstated.

Oct. 24, 1991, Acceptance of Service filed. And now, this 2 day of Oct. 1991 comes the defendant Shane Michaud and swears that he accpeted service of a complaint for custody and notice to defend and claim rights on the 2 dayof Oct. 1991 in the above captioned matter. Shane Michaud.

Dec. 11, 1991 Order filed. AND NOW, Dec. 6th, 1991, after mediation conference before JOhn Fuller, Esquire, IT IS ORDERED AND DECREED AS FOLLOWS, TO-WIT:

I. Legal custody of Joseph Jacob Daniel Michaud shall be shared between the mother and the father, the plaintiff and defendant herien, that is, each parent shall be entitled to full access to school records, medical records and other important records and that each parent shall be entitled to take part fully in important decisions affecting child such as the education, medical treatment and religious instruction of the subject child.
II. Physical custody of Joseph Jacob Daniel Michaud shall be with his mother, subject to the following conditions:
A. The father shall be entitled to visit and take the child into his custody the first and third Saturdays of each month, from 11:00 a.m. on Saturday morning until 5:00 p.m. on saturday afternoon, beginning December 7, 1991.
B. Beginning in March of 1992, the father shall be entitled to visit and take the child into his custody the first and third weekends of each month from 11:00 a.m. Saturday morning until 5:00 p.m. Sunday afternoon, beginning March 7, 1992. The first and third weekends shall be those weekends which the first and third Saturdays fall.
C. Transportation of the child on weekends, holidays and Summer visits shall be provided as follows: The mother shall deliver the child to the father's home on Saturday and the father shall return the child to the maternal grandmother, Sherry Nichols, at R.D. #10, Meadville, Crawford County, Pennsylvania, 16335.
D. Neither mother nor father shall say or do anything in an attempt to turn the child against the other parent, but on the other hand shall do everything in the power of each to foster a favorable and loving attitude on the part of the child towards both parents.
E. Neither mother nor father shall expose the child to any person or situation which may be harmful to the child's health or well being.
F. Both parents agree to inform th eother immediately of any illness or injury regarding the child and both parents agree to furnish th eother with a current telephone number.
III. This order is a tempora ry order but shall become a permanent orde runless exceptioned thereto are filed by either pa rty wihtin thirty (30) days ofthe date hereof.
IV. Cost s of the mediation conference shall be paid by Crawford County. P. Richard Thomas, S.J.
Dec. 13, 1991 Copies of order to Harry White, Shane Michaud and John Fuller

1990

1146.

DONNA BYLER

vs.

MARTIN BYLER

PETITION FOR EMERGENCY RELIEF UNDER PROTECTION FROM ABUSE ACT

3 copies (sheriff)
1 copy. (plff)

ORDER:

And now, this 30 day of Nov., 19 90, upon review of the petition of Plaintiff, the Court entered the following Temporary Order.

1. The Defendant shall not assault, abuse, harass or threaten the Plaintiff or any of the minor children named in the Petition.
2. Special Conditions:
Dft. may not go to residence of wife for any purpose.

Filed Nov. 30, 1990
@ 11:23 a.m.

Tax & entry Pd 4/11/91	$50.50	✓
state Pd 4/11/91	5.00	
Sheriff's costs	31.04	
Pro Co Pd 4/11/91	9.00	✓

4/11/91 Recd. $ 31.04 From Plaintiff

4/11/91 Paid $31.04 To Howard Stewart, Sheriff-costs & #6156

3. This Order may be enforced without a warrant of arrest by any law enforcement officer having reasonable ground to believe it has been violated.
4. A copy of this Order shall be delivered to the police departments in the jurisdiction where the Plaintiff resides and to County Control.
5. Service of a copy of the Petition and this Order shall be made upon the defendant by a sheriff, constable, police officer or competent adult.
6. This temporary order shall remain in full force and effect until modified or terminated by further order of this Court. Liability for payment of fees and costs will be determined by final court order.
7. The Defendant is reminded that this is an ORDER OF COURT and violation of this Order may be punishable by a fine up to $1,000.00 and a jail sentence of up to six months.
8. The court reserves ruling on allocations of fees and costs.

Hearing is here by set for December 12, , 1990 at 2:00 PM., in Courtroom 1 or 2 of the Crawford County Courthouse. The defendant is advised he may retain an lawyer to represent him at said hearing if he so desires but he is not required to do so.

BY ORDER OF COURT,
P. Richard Thomas, P.J.

Dec 4, 1990 Sheriff's Return filed: SERVED Martin Byler personally on December 3, 1990 at 3:30 p.m. by handing copy of Protection From Abuse to him at residence, R.D.#3, Box 210 Spartansburg, Crawford Co., Pa.
So answers, Robert M. Stevens, Deputy Sheriff
Howard N. Stewart, Sheriff

Dec. 17, 1990, ORDER filed. AND NOW, Dec. 12, 1990, at the time set for hearing on this abuse petition, neither party appears. ACCORDINGLY,the petition is dismissed and the Prothonotary is directed to send the plaintiff a bill for costs in this case and the plaintiff is directed to see the same are paid within twenty (20) days of receipt of the notice.

BY ORDER OF THE COURT,
P. Richard Thomas, S.J.

dec. 18, 1990, copies to parties and County control.

1990

Fuller, Kinnunen,
Petruso & Gamble
Ann Hansen Gamble

1147.

PAULA L. STEWART

vs.

SCOTT T. STEWART

FIled Nov. 30, 1990
@ 2:37 p.m.

Tax & entry Paid	$50.50
State paid	10.00
state paid	5.00
Pro Co pd 3/11/91	9.00
Pro Co Pd 4/30/91	5.00

COMPLAINT IN DIVORCE

1 copy (atty)

Dec. 10, 1990 Affidavit Of Mailing filed. Ann Hansen Gamble being duly sworn according to law, deposes and says that she is an Attorney at Law, duly authorized to practice law in the Commonwealth of Pennsylvania and that on December 5, 1990, she sent a certified copy of the Complaint in Divorce to the Defendant by certified mail, restricted delivery, postage prepaid, receipt requested, to Scott L. Stewart, R.D. #1, Titusville, PA 16354, the Defendant's last known address. The said receipt being attached hereto. Ann Hansen Gamble

Mar. 5, 1991 Affidavit of Consent of defendant filed.

Mar. 7, 1991 Affidavit of Consent of Plaintiff filed.

Mar. 7, 1991 Upon praecipe of Plaintiff attorney To Transmit Record, this case moved to court.

Mar. 15, 1991 DIVORCE DECREE FILED.

AND NOW, March 12, 1991, it is ordered and decreed that Paula L. Stewart, plaintiff, and Scott T. Stewart, defendant, are divorced from the bonds of matrimony.

BY THE COURT,
Gordon R. Miller, P.J.

Apr. 30, 1991 Notice of Election to Retake Maiden (or Prior) name filed.
TO BE KNOWN AS PAULA L. BARLOG. 3 COPIES (atty)

Mayerson, Gerasimowicz & Munsing, P.C. ~~Jonathan Ostroff~~ withdrawn
~~Ronald E. Reitz~~
for plff.Stokes
Jones, Gregg, Creehan and Gerace

1148.

ANSTANDIG, LEVICOFF & McDYER
Louis Anstandig
Stephen J. Poljak ✓

~~Gerald J. Hutton~~ Philip M.P. Buttenfield
for Addl dft. Electra

EDWARD P. HARRY AND KELLE A. HARRY
R. D. #1, Box 397 B
Lynn Rd. Saegertown, Pa.16433
and
JAMES STOKES
P.O. Box 246
Ehrhardt, S. Carolina 29081

vs.

BOB HOWE, d/b/a BOB HOWE CONSTRUCTION COMPANY
ELECTRA MANUFACTURING COMPANY
Add'l deft.

Filed Nov. 30, 1990
@ 2:40 p.m.

Tax & entry paid	$50.50
state paid	5.00
Sheriffs costs	46.65
Pro.Co. pd 12/13/93	5.00

JURY TRIAL DEMANDED

SUMMONS IN A CIVIL ACTION
Issued (sheriff)

Nov. 30, 1990, Notice of Taking Oral Deposition filed.

Jan. 3, 1990 Writ Reissued.

Jan. 8, 1991, Sheriffs Return filed. Writ Returned.
And Now, Jan. 3, 1991, after diligent search and inquiry, Bob Howe, d/b/a Bob Howe Construction, defendant within named, NOT FOUND within the jurisdiction of this court.
So answers, William H. Romine, Jr. Sheriff
Eric A. Garrett, Dep. sheriff

Not Found, as to defendant Bob Howe, as per Affidavit received from Sheriff of Mercer County and hereto attached. Defendant was on vacation until 1-2-91. Original Summons and other papers turned over to Constable Richard Stinson at the request of Plaintiff attorney on 1-3-91.
So answers, Howard N. Stewart, Sheriff

Jan 17, 1991 Appearance of Anstandig, Levicoff & McDyer by Louis Anstandig, Esq., for Defendants filed.

Jan. 28, 1991, Certificate of Service filed. I, Richard L. Stinson, hereby certify that I personally served Bob Howe, d/b/a Bob Howe Construction Co., in Cochranton, Pa. with the original Summosn, Subpoena, Notice of Oral Depositions and Praecipe to Re-issue Summons in the above captioned action on Jan. 31, 1991 at 5:00 p.m.
Date: 1/17/91 Richard L. Stinson.

Jan. 29, 1991 Praecipe for Rule to File Complaint filed. (issued atty.)

Feb. 6, 1991, Rule and Affidavit of Service of Rule filed.

Mar. 11, 1991 COMPLAINT filed.

Mar. 13, 1991 Certificate Of Service filed. I, Jonathan Ostroff, Esquire, certify that a copy of the foregoing Complaint has been served upon counsel, listed below, by mailing a copy, first-class mail, postage prepaid on this 8th day of March, 1991. Louise Anstandig, Esquire
Anstandig, Levicoff & McDyer
2200 Gulf Tower
Pittsburgh, PA 15219
Jonathan Ostroff

Apr. 5, 1991 Preliminary Objections in the Nature of a Demurrer and/or in the Alternative a MOtion to Strike and a Motion for More Specific Pleading, filed.

Apr. 5, 1991 Upon praecipe of defendant attorney the above is hereby listed on the next Argument List.
ON MAY 1991 ARGUMENT LIST
Apr. 19, 1991 Amended Complaint filed.

Apr. 29, 1991, Motion to Remove Defendant's Preliminary Objections from May Argument List and order filed. ORDER OF COURT: AND NOW, this 29 day of April 1991 it is hereby ordered that the defendant's Preliminary Objections are removed from the court's May Argument List without prejudice. P. Richard Thomas, S.J.
May 2, 1991 copies to J. Ostroff and L. Anstandig attys.

Apr 29, 1991 Writ of Summons in Civil Action to Join ELECTR MANUFACTURING CORPORATION, as an additional defendant in the above-captioned case issued. (JURY TRIAL DEMANDED)

May 14, 1991 Affidavit of Service filed. Christine M. Walsh, Administrative Assistant for Stephen J. Poljak, Esquire, counsel for BOB HOWE, d/b/a BOB HOWE CONSTRUCTION COMPANY, Defendant, being duly sworn, deposes and says that on the 7th day of May, 1991, she sent by Certified Mail, Return Receipt Requested, postage prepaid, a true and correct copy of a Writ to Join Additional Defendant, directed to Electra Manufacturing Corporation, 125 So. Brunell Street, Wauseon, OH 43567, the last known address of the additional defendant. The return receipt is attached hereto.
Christine M. Walsh

12-26-93 Bill filed

June 13, 1991, Upon praecipe of counsel for the additional defendant Electra Manufacturing Corporation, Rule entered upon the defendant to file Complaint, issued.

June 13, 1991 Appearance of Gerald J. Hutton, of Law Offices of Robert G. Simasek, attorneys for additional defendant electra Manufacturing Corp. filed.

June 21, 1991, Preliminary Objections in the Nature of a Demurrer and/or in the Alternative a Motion to Strike, filed.

June 21, 1991 Upon praecipe of defendants, preliminary objections placed on next argument list.

ON ARGUMENT LIST FOR JULY 1991

June 19, 1991, Service of Rule a ccepted by Stephen J. Poljak, attorney for dfts.

July 3, 1991 Complaint Against Additional Defendant, Electra Manufacturing Corporation, filed.

Continued on page 598a...

EDWARD P. HARRY and KELLE A. HARRY and JAMES STOKES

VS.

BOB HOWE, d/b/a BOB HOWE CONSTRUCTION COMPANY

VS.

ELECTRA MANUFACTURING CORPORATION, add'l deft.

****

Record Continued from Page 598

of

AD 1990-1148

****

July 18, 1991 Motion to Remove Defendant's Preliminary Objection from July Argument List and Order filed: AND NOW, this 18th day of July, 1991, it is hereby ORDERED that Defendant Howe's Preliminary Objections are removed from the Court's July Argument List without prejudice.

The Prothonotary is directed to place this case on the August 26, 1991 Argument List (a specific time will be assigned on the printed list).

FOR THE COURT,
Imogene Yetman,
Court Administrator

July 19, 1991 Copies of order mailed to Attys. Reitz, Poljak and Hutton.and Ostroff.

On August 1991 Argument List

August 5, 1991 ANSWERS, NEW MATTER AND NEW MATTER UNDER RULE 2252(d), filed.

Aug. 23, 1991 PLAINTIFFS'RESPONSE TO NEW MATTER OF DEFENDANT ELECTRA MFG. CORP., filed.

Aug. 29, 1991 Plaintiff Stokes' Reply To New Matter Of Defendant,Electra Manufacturing Corporation filed.

Aug. 30, 1991 NOTICE filed. This Cour does not now recuse itself at this time in disposing of the preliminary objections of Bob Howe d/b/a Bob Howe Construction Company. This Court has absolutely no knowledge or prior connection with the facts of this case.

This Court did, however, represent James Stokes on several matters involving the property involved. This Judge, while a practicing attorney, represented James Stokes on an article of agreement or other type of sale or agreement of sale of the property to Robert Heist; a reconveyance of the Heist interest back to Stokes; an attempted sale by Stokes to Shreffler; a claim or lawsuit by Stokes against Shreffler; a claim or lawsuit by Stokes against Shreffler for breach of that agreement; in telephone conversations regarding a Stokes - Harry transaction.

The Court will not be prejudiced, compromised or influenced in any way by that prior representation. All of this was disclosed to counsel for the plaintiffs and counsel for Howe at the time of the argument and they had no objection to this Judge hearing and deciding the preliminary objections.

By The Court,
Gordon R. Miller, P.J.

Sept. 5, 1991 Copies of Order mailed to Attys. Jonathan Ostroff, Louis Anstandiz, Ronald Reitz and GeraldJ. Hutton.

Aug. 30, 1991 MEMORANDUM AND ORDER filed. AND NOW, this 30th day of Aug., 1991, on the preliminary objections of the Defendant to the Plaintiffs' Amended Complaint, the court orders the following:

(1) That the preliminary objection to paragraph 25 of Count III is sustained and said paragraph shall be stricken in its entirety;

(2) That the preliminary objection to paragraph 30 of Count IV is sustained and said paragraph shall be stricken in its entirety.

(3) That the preliminary objection to count VII is sustained and plaintiffs shall have twenty (20) days from the date of this order to amend their amended Complaint in accordance with the principles above stated.

BY THE COURT,
Gordon R. Miller, P.J.

Aug. 30, 1991, Copy of Order mailed to ATtys. Ronald E. Reitz and Stephen J. Poljak.

Sept. 5, 1991, Reply to New Matter and New Matter Under Rule 2252(d) of the Additional Defendant, Electra Manufacturing Corporation, filed.

Sept. 13, 1991 Affidavit In Support Of Reply To New Matter filed.

Jan. 30, 1992 REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO BOB HOWE CONSTRUCTION COMPANY filed.

May 19, 1992 ANSWER, NEW MATTER AND NEW MATTER PURSUANT TO RULE 2252 (d) filed.

June 1, 1992 PLAINTIFF'S RESPONSE TO DEFENDANT BOB HOWE, d/b/a BOB HOWE CONSTRUCTION COMPNAY'S NEW MATTER, filed.

Dec. 4, 1992, Notice of Service of Interrogatories to Plaintiffs Edward P. Harry and Kelle A. Harry filed.

Dec. 9, 1992, Notice of service of Interrogatories to Plaintiff James stokes, filed.

Dec. 16, 1992 Notice Of Service Of Interrogatories To Defendant, Bob Howe d/b/a Bob Howe Construction Company filed.

Sep. 30, 1993 Motion to Compel Discovery and Order of Court, on behalf of Electra Manufacturing Corporation, additional Defendant, filed.

Sep. 30, 1993 Upon Praecipe of Gerald J. Hutton, Esquire, Attorney for Electra ManufacturingCorporation, Additional Defendant, the above captioned matter is place on the next available Trial List.

ON FEBRUARY, 1994 TRIAL LIST

Continued on Page 598B

Edward P. Harry and Kelle A.
and James Stokes
vs.
Bob Howe et al

Record Continued from page 598 A
of
AD 1990 - 1148

Oct. 4, 1993, Motion to Compel Discovery filed.

Oct. 4, 1993, Upon praecipe of attorneys for defendant Bob Howe, d/b/a Bob Howe Construction Company, Motion to Compel discovery placed on next Argument List.

ON ARGUMENT LIST FOR NOVEMBER 1993

Dec. 1, 1993, ORDER filed. AND NOW, to-wit, this 30th day of November, 1993, upon presentation of the attached Motion to Compel, it is hereby ORDERED, ADJUDGED and DECREED that plaintiffs, EDWARD P. HARRY, KELLE A. HARRY, and JAMES STOKES, answer additional defendant, ELECTRA MANUFACTURING CORPORATION'S Interrogatories within twenty (20) days. In the event that plaintiffs fail to answr Interrogatories within the time hereinspecified, further sanctions may be imposed by this Court.

By the Court,
Gordon R. Miller, P.J.

Dec. 6, 1993 copy to J. Ostaroff, R. Rietz, S Poljak & G. Hutton

Nov. 30, 1993 Motion to Reschedule Argument and ORDER OF COURT filed. AND NOW, this 30th day of November, 1993, upon consideration of the defendant's Motion to Reschedule Argument, it is hereby ordered that said Motion is granted. The Motion to Compel previously filed by the defendant BOB HOWE d/b/a BOB HOWE CONSTRUCTION COMPANY shall be scheduled for presentation at the next availabel argument list.

Gordon R. Miller, J.

12-8-93 Copy of Order to Attys. Ostroff, Reitz, Poljak, Anstandig & Hutton

ON ARGUMENT LIST FOR JANUARY, 1994

Dec. 13, 1993 Upon Praecipe of Ronald E. Reitz, Esquire, Attorney for James Stokes, Plaintiff,the above-captioned matter on behalf of Plaintiff, James Stokes is hereby marked settled and idscountinued of record.

Dec. 21, 1993 Order filed. AND NOW, December 20, 1993, the Plaintiffs, Edward P. Harry and Kelle A. Harry, are ORDERED and DIRECTED TO answer the Supplemental Interrogatories and request for production of documents filed by Bob Howe, d/b/a Bob How Construction Company in this case within thrity (30) days from this date. In the event that said named Plaintiffs fail to answer the Supplemental Interrogatories and request for production of ducments within the time specified, further sanctions will be imposed by this Court on motion or petition of Bob Howe, d/b/a Bob Howe Construction Company.

BY ORDER OF THE COURT,
Gordon R. Miller,

Dec. 21, 1993 Copies dist. to Ostroff, Reitz, Andstandig & Hutton

Dec. 28, 1993 Upon Praecipe of Gerald J. Hutton, Esquire, the above captioned matter is placed on the next available Argument List.

ON JANUARY, 1994 ARGUMENT LIST

Dec. 28, 1993 Motions for Sanctions and Order of Court filed.

Dec. 30, 1993 Praecipe for Withdrawal of Appearance as counsel of record in the above-captioned lawsuit, on behalf of Plaintiffs Edward P. Harry and Kelle A. Harry and James Stokes, respectively, of Ronald E, Reitz, Esquire, filed.

Jan. 5, 1994 Plaintiffs' Counsel's Petiton to Withdraw from Representation of Plaintiff in this Matter and ORDER filed. AND NOW, on this 3rd day of January, 1994, upon consideration of the foregoing Petition to withdraw from representation of plaintiffs in this matter filed bv plaintiffs' counsel Jonathan Ostroff on behalf of himself, Ostroff & Kline, P.C., Hy Mayerson, Esq. and Mayerson, Munsing, Corchin, Rosato & Ostroff, P.C., it is hereby ORDERED, ADJUDGED and DECREED that said Petition is granted.

BY THE COURT:
Gordon R. Miller, J.

1-6-94 Copy of Order to Attys. Ostroff, Poljak & Hutton.Anstandig

Feb. 1, 1994 ORDER filed. AND NOW, January 31, 1994, at the time fixed for argument on the motion for sanctions of Electra Manufacturing Corporation seeking sanctions because the Plaintiffs, Edward P. Harry and Kelle A. Harry, his wife, had not filed Answers to Interrogatories that were served on December 3, 1992, the Plaintiffs appeared without counsel indicating that they believe they answered the Interrogatories a long time ago, but their prior attorney never filed them, indicated that they were attempting to get new counsel in what appears to be a rather complex case, and indicated other personal problems that have delayed the filing of Answrs once original counsel withdrew, it is ORDERED as follows:

1. The Plaintiffs, Edward P. Harry and Kelle A. Harry, are given sixty (60) days from this date, that is until April 1, 1994 to file Answers to Interrogatories propounded by Electra Manufacturing Corporation and served on December 31, 1992.

2. A true and correct copy of this Order shall be sent by the Plaintiffs to their former attorney, Jonathan Ostroff, and he is ORDERED and DIRECTED to turn over to the Plaintiffs the original Interrogatories that were served on him, any correspondence, memorandums, answers or other information the Plaintiffs gave to him that would answer said Interrogatories, including any answers the Plaintiffs may have made to him. He shall furnish that information to Plaintiffs within twenty (20) days from this date. He need not furnish that information to the Court or opposing counsel. The purpose of tis Order as to Mr. Ostroff is to require Mr. Ostroff to turn over any information he has sto the Plaintiffs with respect to the Answers to those Interrogatories so the Plaintiffs may answer them timely.

BY ORDER OF THE COURT,
Gordon R. Miller, P.J.

Feb. 1, 1994 copies mailed to Anstandig & Hutton.
Feb. 4, 1994 copy to Plfs. w/copy for Atty Ostroff

Nov. 25, 1996, Upon praecipe of counsel for add'l dft. Electra Mfg. Corp., the appearance of Gerald J. Hutton Esq. is substituted with the appearance of Philip M. P. Buttenfield, Esq.

Dec. 20, 1996 Petition For Rule To Show Cause Why a Judgment of Non Pros for Inactivity Should Not be entered Against the Plaintiffs and ORDER OF COURT filed. AND NOW, this 20th day of December, 1996, it is hereby ORDERED, ADJUDGED and DECREED that the Defendant's Petition for Rule to Show Cause why a Judgment of Non-Pros for Inactivity Should not be Entered Against the Plaintiffs is GRANTED. The Rule is returnable for argument on January 27, 1997 at a time to be set by the Court Administrator.

Gordon R. Miller, J.

Continued Pg. 598-c

1990

.1148	EDWARD P. HARRY and KELLE A. HARRY VS. BOB HOWE, d/b/a BOB HOWE CONSTRUCTION COMPANY VS. ELECTRA MANUFACTURING CORP.	CONTINUED FROM PAGE 598-B OF RECORD A. D. 1990 - 1148

****

Mar. 10, 1997 Memorandum and Order filed. AND NOW, March 6, 1997, the defendant's petition for a judgment of non pros and the additional defendant's petition for judgment of non pros are both granted.

BY THE COURT,
Anthony J. Vardaro, J.

598
-D-

1990

1990

Mason and Mason
Joan D. Mason

1149.

RAYMOND C. ELDER

vs.

SHARON ELDER

Filed Nov. 30, 1990
@ 2:45 p.m.

Tax & entry Paid	$50.50
1 count paid	15.00
state paid	10.00
state paid	10.00
Pro co Pd 8/6/93	9.00

COMPLAINT IN DIVORCE, EQUITABLE DISTRIBUTION

1 copy (atty)

Mar. 14, 1991 Affidavit of Service filed. I, Joan D. Mason, Esquire, attorney for the Plaintiff in the above entitled case, and being duly sworn according to law, despose and say that I did on Dec. 21, 1990, mail to the above Defendant, Sharon Elder, by certified mail return receipt requested, deliver to addressee only , a Complaint in the above divorce action. Said notice was received on Dec. 24, 1990, as indicated by the return receipt card which was returned to the office of the Plaintiff's attorney and is attached hereto.

Joan D. Mason , Atty, Plaintiff

Aug. 6, 1993, Affidavit of Consent of plaintiff filed.

Aug. 6, 1993, Affidavit of Consent of defendant filed.

Aug. 6, 1993, Upon praecipe of plaintiff attorney for Review, this case moved tocourt.

Aug. 9, 1993 Motion to Withdraw Equitable Distribution and ORDER OF COURT filed. And Now, August 6, 1993 Motion is granted.

Anthony J.Vardaro, J.

Aug. 12, 1993 Copy of Order to Atty. Mason

DIVORCE DECREE FILED

August 16, 1993 AND NOW, August 12, 1993, it is hereby ordered and decreed that RAYMOND C. ELDER, Plaintiff, and SHARON ELDER, Defendant, are divorced from the bonds of matrimony.

The Court retains jurisdiction of any claims raised by the parties to this action for which a final order has not yet been entered.

BY THE COURT:
Anthony J. Vardaro, J.

1990

Kathleen R. Nelson

1150.

R. Christopher Brode

GREGORY T. O'DAY

vs.

MARSHA A. O'DAY

Filed Dec. 3, 1990
@ 8:50 a.m.

Tax & entry paid $50.50
state paid 5.00
John Fuller, mediator

Mediation Costs 150.00
John Fuller, Mediator 180.00
Pro Co. 9.00

PETITION FOR CUSTODY
1 copy (atty)
1 copy (mediator)

Dec. 3, 1990, Motion for Appointment of Custody Mediator and Order filed. ORDER: AND NOW, Dec. 3, 1990, JOHN FULLER is hereby appointed Child Custody Mediator in the above captioned matter. Gordon R. MIller, J.
1 copy (atty) 1 copy (mediator)

Dec. 31, 1990 Complaint Reinstated.

Jan. 29, 1991 Acceptance of Service filed. I, Marsha A. O'Day, Defendant in the above-captioned action. accept service of the Complaint in Custody filed at the above-referenced term and number and acknowledge that I received same at approximately 2:15 P.M. on Jan. 25, 1991, at East Side Knolls, Rt. 18, Conneaut Lake, Pa. Dated: Jan. 25, 1991 Marsha A. O'Day, Defendant

Apr. 16, 1991 Order filed. AND NOW, April 11, 1991, after mediation conference before John Fuller, Esquire, and based upon an agreement of the parties, IT IS ORDERED AND DECREED AS FOLLOWS:

I. Legal custody of Suzanne M. O'Day, Thomas G. O'Day and Shane T. O'Day shall be with their father, Gregory T. O'Day.

II. Physical custody of Suzanne M. O'Day, Thomas G. O'Day and Shane T. O'Day shall be with their father, Gregory T. O'Day, subject to the following conditions:

A. Beginning April 1, 1991, the mother shall be entitled to visit the children every Monday evening from 4:00 p.m. to 6:00 p.m. in the home of the father. These visits shall supervised by the paternal grandmother, Ruth O'Day. These visits shall continue until May 6, 1991.

B. Beginning Monday, May 6, 1991, the mother shall be entitled to have unsupervised visits with the three children and tak them into her custody every Monday from 10:00 a.m. until 5:00 p.m. This visitation schedule shall continue until August 5, 1991.

C. Beginning August 5, 1991, the mother shall be entitled to visit and take the children into her custody every Monday from 1:00 p.m. and shall be entitled to keep the children in her custody overnight an duntil 4:00 p.m. on Tuesday. These visits shall continue until, Saturday, September 7, 1991.

D. Beginning Saturday, September 7, 1991, the mother shall be entitled to visit and take the children into her custody every other weekend from Saturday at 1:00 p.m. until Sunday at 5:00 p.m. This visitation schedule shall continue until modified by further order of Court, or agreement of the parties.

E. Holidays shall be defined as Thanksgiving, Christmas and Easter. The mother and father shall share custody of the three children on the three aforesaid holidays and unless the parties agree otherwise, the children shall be in the home of the father on those three holidays until 1:00 p.m. and in the home of the mother from 1:00 p.m. until 8:00 p.m.

F. Transportation of the children on visits shall be shared between the mother and the father with the person receiving custody of the children provideding transportation. That is, if the mother receives custody on a Monday or a Saturday, she shall pick up the children at the home of the father and when the children are to be returned to the home of the father, the father shall pick up the children at th ehom eof the mother.

G. Neither mother nor father shall say or do anything in an attempt to turn the children against th eother parent, but on the other hand shall do everything in the power of each to foster a favorable and loving attitude on the part of the children towards both parents.

H. Neither mother nor father shall expose the children to any person or situation which may be harnful to the children's health or well being.

I. Both parents agree to inform the other immediately of any illness or injury regarding the children and obth parents agree to furnish the other with a current telephone number.

III. This order is a tempora ry orde r but shall become a permanent order unless exceptions thereto are file dby either party within thirty (30) days of the date hereto.

IV. Cost of the mediation conference shall be paid by Crawford County.

P. Richard Thomas .SJ.

Apr. 19, 1991 Copies of order put in Kathleen Nelson and John Fuller's box and copy mailed to Marsha O'Day.

May 24, 1993 Petition For Contempt of Court Modification of Custody and Special Relief and Order filed. AND NOW, this 24 day of May, 1993, upon presentation and consideration of the foregoing petition, a Rule is entered upon the Respondent to show cause, if any he has, why the prayer for the Petitioner for special relief and the imposition of sanctions for contempt should not be granted. Additionally, the court will address the issue of Custody Modification at the Show Cause Hearing. You are further ordered to bring to the Show Cause Hearing the minor children over the age of 5 years, failure to appear or to bring the children as ordered, may impact upon your primary custody, partial custody or visitation rights. Additionally, a warrant may be issued for your arrest.

Further, the Court Orders the following Special Relief:

1. The Respondent shall not remove the subject minor children from Crawford County, Pennsylvania.
2. The Respondent is prohibited to procure third parties and/or family members from removing the subject minor children from Crawford County, Pennsylvania.

THIS RULE IS RETURNABLE on the 6th day of July, 1993, at 1:30 o'clock p.m. in Courtroom No. 1 or 2 of the Crawford County Court House, Meadville, Pennsylvania.

BY THE COURT,
Gordon R. Miller, J

* SEE ORDER OF 5-24-93 ON PAGE 600A.

May 28, 1993 Copies of order put in box for Atty's Nelson and Fuller

July 7, 1993, ORDER: AND NOW, July 6, 1993, at the time fixed for hearing on the dft. Petitioner's Petition for Contempt and mOdification and Special Relief, the dft/Petitioner has not appeared, but her ocunsel upon request has appeared and advised the court that he was under the impression from his client that this matter had been amicable resolved, and there was to be no hearing. The plaintiff/Respondent disagrees with that position, but the parties have reached a temporary disposition of the matter at this time and, therefore, the following Order is entered:

RECORD CONTINUED
ON PAGE 600A

1990

Gregory O'Day
vs.
Marsha O'Day

Record continued from page 600
of
AD 1990 - 1150

1. The petition for Contempt of Court, modification of Custody and Special RElief is hereby dismissed without prejudice.
2. This matter is referred to John Fuller, Custody Mediator, for the purpose of arranging a new visitation arrangement.
3. The temporary order of May 24, 1993 providing for temporary visitation is continued in full force and effect until the beginning of the s chool year in the fall of 1993 or the entry of a proposed order in accordance with the Custody mediator's recommendation provided, however, that said temporary order is modified so that the visitations at the home of the paternal grandmother shall take place on Thursdays in place of Saturdays between 1:00 p.m. and 3:00 p.m.

BY ORDER OF THE COURT,
Robert L. Walker, S. J.
July 7, 1993, copies dist. to Fuller, Brode and Nelson.

May 27, 1993 Temporary Order filed. AND NOW, May 24, 1993, the Court entered a Rule to Show Cause in a separate document and wishes now to supplement that Order to provide for some visitations between the natural mother and her children pending the hearing on July 6, 1993.

Based upon the argreement of counsel for the parties, the natural mother shall have a right to visit her children in the home of the paternal grandmother, Ruth O'Day, every Saturday between 1:00 o'clock p.m. and 3:00 o'clock p.m. The visitations ahall take place in the home of the paternal grandmother. The natural mother shall be given reasonable privacy to visit and see her children, but shall not take the children from the home.

In the event that the natural mother is more than 30 minutes late for a scheduled visitation, that visitation shall be canceled and no visitation shall be substituted therefor. Hopefully, the natural mother would call ahead of time if she is unable to make a visitation. In the event that she is more than 30 minutes late, the visitation will be canceled.

This is a Temporary Order and shall be modified in due course according to law. BY THE COURT,
Gordon R. Miller, P.J.

May 27, 1993 copies dist. to Fuller, Nelson, & Brode

Oct. 20, 1993 ORDER filed. AND NOW, October 19, 1993 after mediation conference before John Fuller, Esquire, IT IS ORDERED AND DECREED AS FOLLOWS, TO-WIT:

I. Legal custody of Suzanne M. O'Day, thomas G. O'Day, and Shane T. O'day shall be shared **etween the mother and the father, the plaintiff and defendant herein, that is, each parent shall be entitled to full access to school records,** medical records and other important records and that each parent shall be entitled to take part fully in important decisions affecting the children such as the education, medical treatment and religious instruction of the subject children.

II. Physical custody of Suzanne M. O'Day, Thomas G. O'Day, and Shane T. O'Day shall be with their father, ksubject to the following conditions:

A. The mother shall be entitled to visit and take the children into her custody everyother weekend from 10:00 o'clock a.m. on Saturday to 5:00 o'clock p.m. on sunday, beginning October 2, 1993.

B. Custody of the children shall be shared on the holidays as follows: The children shall be in the custody of their mother on thanksgiving and Easter, each year, from 3:00 o'clock p.m. to 9:00 o'clock p.m. On odd numbered years the children shall vi[illegible] rom 4:00 o'clock p.m. on December 24th to 1:00 o'clock p.m. on December 25th and on even numbered years from 1:00 o'clock p.m. on December 25th to 5:00 o'

C. Beginning with the Summer of 1994, the children shall be in the custody of the mother for the m onth of July each year, but shall be with their father two (2) weekends during July from 10:00 o'clock a.m. Saturday to 5:00 o'clock p.m. Sundday.

D. Transportation of the children on weekends, holidays and Summer visits shall be provided by the parent receiving c custody.

E. Neither mother nor father shall say or do anything in an attempt to turn the children against the other parent, but on the other hand shall do everything in the power of each to foster a favorable and loving attitude on the part of the children towards both parents.

F. Neither mother nor father shall expose the children to any person or situation which may be harmful to the children's health or well being.

G. Both parents agree to inform the other immediately of any illness or injury regarding the children and both parents agree to furnish the other with a current telephone number.

III. This order is a temporary order but shall become a permanent order unless exceptions thereto are filed by either party within thirty (30) days of the date hereof.

IV. Cost of the mediation conference will be divided as follows: Father shall pay one-half (½) thereof and Crawford County the remaining one-half (½).

Anthony J. Vardaro, J.

Oct. 27, 1993 copy to K. Nelson, C. Brode, J. Fuller, Plf. & Dft.

600 B

1990

1990

Mazzotta, McCague & Associates, P.C.

1151.

GENERAL MOTORS ACCEPTANCE CORPORATION

vs.

STEVE M. ALLEN

Filed Dec. 3, 1990
@ 1:08 p.m.

Tax & entry Paid	$50.50
State Pd 12/10/90	5.00
Sheriff's costs	22.72
Pro Co pd 1/14/91	9.00
Pro Co Pd 5/6/91	5.00

COMPLAINT IN CIVIL ACTION

1 copy (sheriff)

Dec. 19, 1990 Sheriff's Return filed. SERVED Steve M. Allen on Dec. 5, 1990 at 10:06 AM by handing copy of Complaint to Regina Allen, his wife, at their residence, R D # 3, Box 559, Conneaut Lake, Crawford County,PA. 16316
So answers, Robert M. Stevens, Deputy Sheriff
Howard N. Stewart, Sheriff

And Now, Jan. 14, 1991 at 11:55 a.m. upon praecipe of plaintiff's attorney, with Notice Of Intention to File default Judgment attached, judgment is hereby entered in favor of the plaintiff and against the defendant for failure to file an answer and the damages are assessed at the sum of Five Thousand Seven Hundred Fifty four and 85/100 plus interest and cost of suit.

A-151
judgment entered 1/14/91
Notice mailed to defendant 1/14/91

Debt $5,754.85
Int. from 6/20/88 to 1/9/91
Judgment
James F. Simmons
Prothoonotary

May 1, 1991 Upon praecipe of plaintiff attorney, the above entitled judgment is hereby satisfied of record.

602

1990

Bernstein & Bernstein
Susan Laatsch
Nicholas D. Krawec
1152.

Christopher J. Youngs

SATELLITE MUSIC NETWORK, INC.

vs.

ARTHUR W. CERVI, INDIVIDUALLY AND AS A PARTNER TRADING AND DOING BUSINESS AS RADIO STATION WVCC, A POSSIBLE PARTNERSHIP

COMPLAINT IN CIVIL ACTION

2 copies (sheriff)

Dec. 11, 1990, Proof of Service filed.

Dec. 14, 1990 Sheriff's Return filed. SERVED Arthur W. Cervi personally on Dec. 4, 1990 at 1:28 PM at the Sheriff's Office, Crawford Co. Courthouse, Meadville, PA 16335.
SERVED Arthur W. Cervi as partner and doing business as Radio Station WVCC by handing copy of Complaint to him on Dec. 4, 1990 at 1:27 PM at Sheriff's Office, Crawford Co. Courthouse, Meadville, PA 16335.
So answers, Robert M. Stevens, Deputy Sheriff
Howard N. Stewart, Sheriff

Filed Dec. 3, 1990
@ 1:18 p.m.

Tax & entry paid	$50.50
state paid	5.00
Sheriff's costs	27.00
Pro co pd 1/17/91	9.00
Pro Co pd 3/16/92	50.50
User's Fee pd 3/16/92	5.00
Pro Co pd 5-18-95	9.00
Pro Co pd 6-29-99	7.50

And NOw, Jan. 17, 1991 at 1:56 p.m. upon praecipe of plaintiff's attorney, with Notice of Intention to file default Jdugment attached, judgment is hereby entered in favor of the plaintiff and against the defendant for failure to file an answer and the damages are assessed at the sum of Thirty-eight Thousand One Hundred Forty two and 55/100 plus interest and cost of suit.

C-14; R-186	debt $38,142.55
judgment entered 1/17/91	Judgment
notice mailed to defendant 1/18/91	James F. Simmons Prothonotary

And Now, Jan. 17, 1991 at 1:56 p.m. upon praecipe of plaintiff's attorney, with Notice Of Intention to File Default Judgment attached, judgment is hereby entered in favor of the plaintiff and against the defnedant for failure to file an answer and the damages are seessed at the sum of Four Thousand Seven Hundred Ninety-nine and 74/100 plus interest and cost of suit.

C-14; R-186	Debt $4,799.74
judgment entered 1/17/91	Judgment
notice mailed to defendant 1/18/91	James F. Simmons Prothonotary

Mar. 16, 1992 Defendant's Petition To Strike Off or Open Default Judgment filed.
Mar. 24, 1992 Praecipe to File Exhibits to Defendant's Petition to Strike Off or Open Default Judgment, filed.
Mar. 25, 1992 ORDR filed. AND NOW, March 25, 1992 argument on the Defendant's petition to strike off or open default judgment shall be placed on the July 1992 Argument List by the Prothonotary of Crawford County.
BY THE COURT:
Anthony J. Vardaro, J.
Mar. 27, 1992 copy in box for C. Youngs, mailed copy to N. Krawec

ON JULY 1992 ARGUMENT LIST

July 10, 1992 Plaintiff's Answer to Petition to Strike off or Open Default Judgment filed.

July 27, 1992 Order filed. AND NOW, JUly 27, 1992, this matter is set for argument pursuant to an Order of this Court dated March 25, 1992.
Apparently, the attorney for the defendant was not aware of the argument date and at the time set it appears that most of the information the Court will need is in the pleadings or discovery documents to be submitted to the Court.
Rather than reschedule this for oral argument at a later date, the Court sets the following time frame so that this matter may be decided promptly:
The defendant shall file within seven days of the date of this argument any affidavit or affidavits he intends to fil with respect to this issue, it appearing that there may be one more affidavit he intends to file. The defendant shall within fourteen days of this date file any written brief he wishes to file with respect to these issues. Finally, the plaintiff shall file a responsive brief within twenty-one days of the date of this argument. Thereafter,the Court will make a decision with respect to this case without any further oral argument on behalf of the parties.
BY ORDER OF THE COURT,
Anthony J.Vardaro, J.
July 28, 1992 Copy of Order put in Atty. Youngs box and mailed to Atty. Krawec.

Aug. 7, 1992 Plaintiff's Answers to Defendant's Omnibus Discovery Requests filed.

Aug 3, 1992 Defendant's Affidavit in Support of Petition to Open or Strike Judgment, filed.

Sept. 22, 1992 MEMORANDUM AND ORDER filed.

Background

This case is before the Court on Defendants' petition to strike off or open default judgment. The Defendants are a Linesville, PA. radio station, WVCC-FM and its owner, Arthur W. Cervi, Sr. The Plaintiff is a radio programming contractor based in Dallas, Texas.
The issue arises out of a default judgment that Plaintiff took against the Defendants based upon alleged non-payments of monies due in accordance with a programming contract the two paraties entered into on April 19, 1990.
On December 3, 1990, the Plaintiff filed suit based upon the alleged default. The Defendants were served on the next day, Dec. 4, 1990. A notice of intention to take a default judgment dated Dec. 27, 1990 appears in the record. Judgment was entered against the Defendant on Jan. 17, 1991 in the amount of $38,142.55 with respect to Count I and $4,799.74 with respect to Count II.
The Defendant's petition to strike off or open the default judgement was filed on March 16, 1992.

DISCUSSION

The Defendant's petition states that they have a meritorious defense to the action based upon the ambiguous language of the agreement. The language plus several alleged actions by the Plaintiff are claimed to give rise to the defenses of estoppel, acquiescence and/or waiver. In addition, the Defendants dispute the scope of the agreement, the interest charged as well as the reasonableness of attorney's fees.

RECORD CONTINUED
ON PAGE 705.....

Gail R. Shearer
Legal Services

1153.

MARY HOLLEY

vs.

EDWARD ALLEN

Filed Dec. 3, 1990
@ 3:49 p.m.

Indigent filing
JOhn Fuller, mediator

Sheriff's Costs 37.50

COMPLAINT FOR CUSTODY/PARTIAL CUSTODY/VISITATION

3 copies (atty)
1 copy (mediator)

ORDER OF COURT:

You, Edward Allen, have been sued in court to obtain custody partial custody or visitation rights of Emma Allen, (d.o.b.7/27/88) and Mylina Allen (d.o.b. 6/15/90).

You are ordered to appear at the time and place selected by JOHN FULLER, ESQUIRE, THE CUSTODY MEDIATOR who has been assigned to this matter.

If you fail to appear as provided by this order, an order for custody, partial custody or visitation may be entered against you.

This Petition and order may be served upon the defendant by certified mail or by any competent person not a party to this action.

Plaintiff is allowed to proceed without payment of court costs reserving to the court the right to impose costs, if appropriate.

You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Crawford County Bar Assoc. Ser. to the Publ Comm.
c/o Prothonotary, Crawford County courthouse,
Meadville, Pa. 16335 814 724-4636

Dated: 11/28/90

By the Court,
P. R. Thomas, S. J.

Dec. 3, 1990, Praecipe to Proceed in Forma Pauperis filed.

Jan. 30, 1991, Complaint Reinstated.

Feb 26, 1991 Sheriff's Return filed: SERVED Edward Allen personally on February 8, 1991 at 9:10 a.m. at Sheriff's Office, Crawford County Courthouse, Meadville, Crawford Co., Pa.

So answers,

Carole Stefanucci, Deputy Sheriff
Howard N. Stewart, Sheriff

March 8, 1991 ORDER filed. AND NOW, March 7, 1991, after mediation conference before John Fuller, Esquire, and based upon an agreement of the parties, IT IS ORDERED AND DECREED AS FOLLOWS:

I. Legal custody of Emma Allen and Mylina Allen shall be equally divided between the mother, Mary Holley, and the father, Edward Allen, that is each parent shall be entitled full access to school records, medical records and other important records and each parent shall be entitled to take part in important decisions affecting the children such as the children's education, medical treatment and religious instruction.

II. Physical custody of Emma Allen and Mylina Allen shall be with their mother, Mary Holley, subject to the following conditions:

A. The father shall be entitled to visit and take the children into his custody the first three weekends of each month, beginning March 8, 1991 from 6:00 p.m. Friday evening until 6:00 p.m. Sunday evening. The first three weekends of the month shall be deemed to be those weekends in which the first three Saturdays of each month fall.

B. Transportation of the children on weekend and other visits shall be divided between the mother and father with the parent receiving custody of the children providing transportation on that trip. For example, if the father picks up the children Friday evening, he shall provide transportation of the children from the mother's home to his home and if the mother picks up the children Sunday evening, she shall provide transportation from the father's home back to her home.

C. In the event the father is required to work on any of the first three weekends of each month, and, therefore, not be able to have the children in his custody on those weekends, he shall immediately notify the motehr and the mother shall give him a make-up weekend which would normally be the fourth weekend of the month, or possible the fifth weekend of the month.

D. Holidays shall be defined as Christmas, Easter, Thanksgiving, so that the children are in the custody of the mother on those three holidays until 1:00 p.m. and in the custody of the father on those three holidays from 1:00 p.m. until 8:00 p.m. The children shall be in the custody of the mother every Mother's Day and in the custody of the father every Father's Day. Holiday visitation schedules shall take precedence over weekend visitation schedules.

E. Beginning with the Summer of 1991 the father shall be entitled to have the two children in his custody for a two(2) week period in July. The father shall notify the mother at least thirty (30) days in advance of such two week vacation visitation as to the exact time that he will pick up the children and return the children to the home of the mother.

F. Neither mother nor father shall say or do anything in an attempt to turn the children against the other parent, but on the other hand shall do everything in the power of each to foster a favorable and loving attitude on the part of the children towards both parents.

G. Neither mother nor father shall expose the children to any person or situation which may be harmful to the children's health or well being.

H. Both parents agree to inform the other immediately of any illness or injury regarding one or both of the children and both parents agree to furnish the other with a current telephone number.

III. This order is a temporary order but shall become a permanent order unless exceptions thereto are filed by either party within thirty (30) days of the date hereof.

IV. Cost of the mediation conference shall be equally with the father paying one-half of the cost thereof and the remaining one-half to be paid by Crawford County.

Gordon R. Miller, Judge

March 14, 1991 Copy of Order to Atty. Gail R. Shearer, John Fuller, Plaintiff,Defendant.

Legal Services
Gerald Sullivan

1154.

JOHN PATTERSON

vs.

EDNA WILCOX

Filed Dec. 3, 1990
@ 3:59 p.m.

Indigent filing
William Pineo, mediator
Mediation Costs 182.00
9.00

COMPLAINT FOR CUSTODY

3 copies (atty)
1 copy (mediator)

ORDER OF COURT:

You, Edna Wilcox defendant have been sued in court o obtain custody of the minor children, Rebecca Patterson, Tabatha Patterson and Robert Patterson.

You are ordered to appear in person at the time and place selected by WILLIAN PINEO CUSTODY MEDIATOR.

If you fail to appear as provided by this order, an order for custody, partial custody, or visitation may be entered against you or the court may issue a warrant for your arrest.

The Crawford County sheriffs Dept. is directed to serve a certified copy of complaint and order upon the defendant. Inthe alternative, this petition and order may be served by any competent adult or by cert. mail.

Plaintiff is allowed to proceed without payment of court costs reserving to the court the right to impose costs.

You should take this paper to your lawyer at once.

If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Crawford County Bar Assoc. Ser. to the Public Comm.
c/o Prothonotary, Crawford Countycourthouse, Meadville, Pa. 16335
814 724-4636.

BY THE COURT,
P. R. Thomas, S. J.

Dec. 14, 1990, Affidavit of Service filed. I hereby certify that the defendant edna Wilcox was served by cert. mail on de. 7, 1990. Return receitp is attached.
Dated: 12/10/90 Gerald Sullivan, Esq.

Jan. 14, 1991 temporary Order filed. AND NOW, this 11 day of January, 1991, after Mediation in the above referenced matter and upon the recommendations of the Child Custody Mediator, IT IS HEREBY ORDERED AND DECREED THAT:

1. The parties shall share legal and physical custody of the subject minor children.

2. The parties shall share with each other any and all information which each may have regarding the health, education, and the major events in the life of the subject minor children. Health care, school personnel, and other care providers are herejby authorized to release to eithr party any and all confidential information which they may have regarding the subject minor children.

3a. The children shall reside with their mother from 8:00 p.m. of the third Friday in August of each year until 8:00 p.m. of the first Saturday in July of the following year. They shall reside with their father from 8:00 p.m. of the first Saturday in July until 8:00 p.m. of the third Friday in August of each year.

During the time when the children are living with their mother, the father shallhave the right of temporary physical custody and visitation on alternate weekends from Saturday at 1:00 p.m. through Sunday at 8:00 p.m., beginning withthe weekend of January 18, 1991. During the periods when the children are residing with their father, the mother shall visitation and temporary physical custody on alternate weekends, beginning with the first full weekend after the father shallhave received the children for his summer time custodial period, from Friday at 7:00 p.m. through Sunday at 8:00 p.m. When the mother shallhave resumed her custody ofthe children, the father's weekend visitation shall begin on the second Saturday after the mother shallhave received the children and he shall continue to have the alternate weekend visitations thereafter.

b. The subject minor children shallhave the right to telephone the parent not having physical custody at reasonable times and for reasonable lengths of time and such converations will not be unreasonably monitored by the parent having physical custody .

4. Holiday visitation shall be arranged as follows: a. The father shall have visitation and temporary physical custody of the children during their Christmas vacation from school from 7:00 p.m. of the day following the last school day through December 27 at 8:00 p.m.

b. The father shall have visitation and tempora ry physical custody of the subject minor children each Easter from Holy Thursday at 7:00 p.m. through Easter at 8:00 p.m.

c. The other holidays to be observed are Memorial Day, INdependence Day, and Labor Day. Holiday visitation shall be between the hours of 9:00 a.m. and 8:00 p.m., except for Independence Day, when the holiday visitation shall be extended to 11:00 p.m. so that the children may watch the fireworks. The father shall have visitation for Memorial Day, 1991, and the parties shall thereafter alternate the holiday periods.

d. The children shall spend Father's day with their father from 9:00 a.m. to 7:00 p.m., and Mother's day with their mother, during the same hours.

e. The provisions of this paragraph shall take precedence over the other provisions of this order relating to the custodial or visitation periods.

5. Should it be necessary for either party to cancel or modify the visi tations as set out in this Order or as previously arranged, the party seeking cancellation or modification shall notify the other par ty as soon as he or she knows of the necessity which impels the cancellation or modification. Said modifications or cancellations shall not be proposed except for good reasons, which may however, include the children's church and school activities or working schedules. Should a cancellation or modification be neceesary, the parties shall attempt at once to arrange for alternative visits or to make alternative arrangements.

6. The parties shall split responsibility for transportion with the party receiving the children in the exercise of his or her rights picking up the children at the home of the other.

7. Each party shall teach said children to give to the other par ty that love and respect which is due a parent form his or her children.

8. Neither party shall use illegal drugs or be under the influence of alcohol at any time when said party has the care and custody of the subject minor children. The parties are cautioned that recent medical research has indicated that tobacco smoke is injurious to the health of growing children. Therefore, neither party shall smoke tobacco or permit others to do so in a closed automobile in which the children are being transported or in the bedroom of the children.

9. Any person transporting the children shall make sure that the seat belts or other restraints are used in accordance with the law of Pennsylvania.

10. Neither party shall do or say anything to blacken the character of the otherin the children's estimation. Each party shall treat the other in a polite and respectful manner when in the children's presence and each party shall instruct his or her relatives and friends to do likewise and also not to disparage the other par ty in the children's estimation.

11. The parties are free to make additional or alternative arrangements respecting the custodial and visitation periods and arestrongly encouraged to do so if that would be proper and convenient. Said arrangements shall be by mutual consent only, in the absence of which this Order shall govern.

12. costs and fees ofthis Mediation, which are fixed at $182.00 are assessed to Crawford County as costs in this case, the mediator having noted that the parties are indigent. Payment shall be made to the Prothonotary of Crawford County.

13. Either party may move the Court for a hearing de novo for thirty (30) days from date hereof. If neither party so moves, this Order shall be considered permanent.

BY THE COURT,
Gordon R. Miller, J

Jan 15, 1991 Copies of order to Atty. Pineo + Sullivan and copy mailed to defendant

Continued On Pg. 604A

Feb. 8, 1991, Motion for Hearing DeNovo filed.

Feb. 8, 1991, ORDER filed. AND NOW, this 8 day of feb. 1991, upon presentation and consideration of the within Motion, a hearing is scheduled in this matter for the 21st day of Mar. 1991 at9:30 a.m. in the Court of Common Pleas of crawford County, pa.
This motion and order shall be served upon defendant Edna wilcox by regular mail.
BY THE COURT,
Robert L. walker, S. J.

Feb. 12, 1991, copies of order to William Pineo and G. Sullivan Esqs.

Feb. 20, 1991, Proof of Service of above order and motion filed.

Mar. 22, 1991 Order filed. ORDER: AND NOW, March 21, 1991, after formal hearing on the plaintiff's Motion for Hearing De Noyo, the Temporary Order of January 11, 1991 is hereby ;made permanent, with on exception.
Although the Court strongly encourages the parties to work together to do what is best for the children, it appears that Paragraph 5 of the Order of January 11, 1991 has been used by the mother to avoid certain weekend visitations, all of which was permissible, except that alternative arrangements were mever made.
ACCORDINGLY, the Court is now of the opinion that the flexibility afforded by Paragraph 5 is not good and Paragraph 5 of the Order of January 11, 1991 is deleted.
In all other respects, the Order of January 11, 1991 remains in full force and effect without change until further Court Order.
While the children are visiting with their father, no child shall sleep in the same bed with any other person or child of the opposite sex.
BY ORDER OF THE COURT,
Gordon R. Miller, P.J.

Mar. 22, 1991 copy put in atty's box and copy mailed to defendant.

June 10, 1992 Answer To Petition For Custody, Contempt and Modification filed.

June 10, 1992 Custody Contempt-Modification Petition and Order filed. AND NOW, this 10 day of June, 1992, upon presentation ofthe foregoing Petition for Contempt and Modification, a Rule is issued uponthe Respondent, Edna Wilcox, to show cause, if any she has, why she should not be held in contempt of the January 11, 1991 and March 21, 1991 Orders of the Court of Common Pleas of Crawford County, PA., and a hearing is ther eon set for the 15 day of July, 1992, at 1:30 PM o'clock in Courtroom #1 or #2 of the Crawford County Courthouse at Meadville, Pennsylvania.
The Respondent is directed to immediately return the minor children of the parties to Crawford County.
This petition shall be served upon Respondent by regular mail.

BY THE COURT,
Anthony J. Vardaro, J

2 copies (atty)

June 24, 1992 Motion to Dismiss and Order filed. AND NOW, this 24 day of June, 1992, upon consideration of the foregoing Motion for Dismissal, said Motion is granted.
BY THE COURT,
Gordon R. Miller

2 copies atty

604 B

1990

1990

Joseph F. Kulwicki

1155.

STELLIE A. DIXON

vs.

DUANE DIXON

Filed Dec. 3, 1990
@ 4:02 p.m.

Tax & entry paid	$50.50
state paid	10.00
state paid	5.00
Pro Co Pd 12/24/91	9.00

COMPLAINT UNDER 201(c) OF THE DIVORCE CODE

1 copy (atty)

Oct. 25, 1991, Complaint Reinstated.

Dec. 18, 1991 Affidavit of Service filed. Stephanie Bellas being duly sworn according to law, deposes and says she is the adult individual, employed by the law office of Joseph F. Kulwicki, III and as such on Fri. Oct. 25, 1991 she personally served a cert. copy ofthe Div. complaint in the above matter on defendant at 891 Grove St. Meadville, Crawford County, Pa. at Approx. 4:00 p.m. byhandin her same.
further affiant saith no. Stephanie Bellas.

Dec. 18, 1991 Affidavit of consent of plaintiff filed.

Dec. 18, 1991 Affidavit of Consent of defendant filed.

Dec. 18, 1991 Upon praecipe of plaintiff attorney, for review, this case moved to court.

Jan. 3, 1991 **D I V O R C E D E C R E E F I L E D .**

AND NOW, December 31, 1991, it is ordered and decreed that Stellie A. Dixon, plaintiff, and Duane Dixon, defendant, are divorced from the bonds of matrimony.

BY THE COURT,
Gordon R. Miller, J

FOR FUTURE ENTRIES AS OF AUGUST 24, 2001 - SEE COMPUTER.

606

1990

1156.

pro se

MARY J. MARLEY

vs.

ELLIOT N. MINTZER

Filed Dec. 4, 1990
@ 10:14 a.m.

Tax & entry Paid	$50.25
state paid	5.00
Pro Co Pd. 1/3/91	5.00

APPEAL OF DEFENDANT FROM JUDGMENT OF
MAGISTERIAL DISTRICT 30-2-01

Dec. 4, 1990, Rule entered upon plaintiff to file Complaint issued.

Dec. 11, 1990, Proof of Service filed.

And Now, Jan. 3, 1991 at 2:10 p.m., upon praecipe of the plaintiff, this Appeal is Stricken Pursuant to Pa. R.C.P.D.J. No. 1005(a) and 1005(b), for failure to comply.

APPEAL STRICKEN
James F. Simmons,
Prothonotary

1990

Fuller, Kinnunen,
Petruso & Gamble
Gary A. Fabian

1157.

James R. Irwin
Shafer, Swick, bailey
Irwin & Stack

SIDNEY D. SMOCK

vs.

CARLEEN G. SMOCK

Filed Dec. 4, 1990
@ 10:37 a.m.

Tax & entry Paid	$50.50
1 count paid	15.00
State paid	10.00
State paid	10.00
Pro Co Pd 5/3/91	9.00

COMPLAINT UNDER SECTION 201(c) OF THE
DIVORCE CODE, EQUITABLE DISTRIBUTION

1 copy (atty)

Dec. 10, 1990 Appearance of James R. Irwin, attorney for defendant filed.

Dec. 12, 1990, Affidavit of Service filed. Gary A. Fabian, being duly sworn ac cording to law, deposes and says that;

1. He is an atty., authorized to practice law within the Com. of Pa.

2. He is the atty. for the plaintiff in the above matter.

3. On Dec. 4, 1990, he has deposited in the U. S. Mail, by cert. mail, ret. rec. req., Cert. Mail No. P 414 752 802 as evidenced by Cer.t mail receipt attached hereto and made a part hereof, a true and correct copy of a complaint in div. addressed to Carleen G. Smock said complaint naming her as the defendant in the above matter.

4. Service was obtained upon the defendant on Dec. 7, 1990 as evidenced by Ret. REc. for Cert. mail nO P 414 752 802 attached hereto and made a part hereof, being signed by Carleen G. Smock. Gary A. Fabian, Esq.

Jan. 15, 1991 Appearance of Shafer, Swick, Bailey, Irwin & Stack by James R. Irwin for Defendant filed.

Apr. 29, 1991 Affidavit of Consent of Plaintiff filed.

Apr. 29, 1991 Affidavit of Consent of defendant filed.

Apr. 29, 1991 Marital Settlement Agreemetn filed.

Apr. 29, 1991 Upon praecipe for Review under 201(c) of the Divorce Code, of plaintiff attorney, this case moved to court.

May 13, 1991 **D E C R E E F I L E D .**

1. Divorce: Upon consideration of the pleadings and affidavits filed in the above-captioned case, this Court hereby grants an absolute divorce formthe bonds of matrimony to the above-named parties on the grounds that the marriage is irretrievably broken and ninety (90) days has elapsed since the date of the filing of the complaint and an affidavit has been filed by each of the parties evidencing that each of the parties consents to the divorce, pursuant to Section 201(c) of the Pennsylvania Divorce Code.

2 Equitable Property Determination and Distribution: This decree provides that the marital and nonmarital proper ty of the above-named parties shall be divided in accordance with a Mariotal Settlement agreement dated April 25, 1991, which has been executed by the parties and filed in the Court of Common Pleas of Crawford County, Pennsylvania, at the above-captioned number:

This AGreement, in part, provides that:

A. Cash Payment. Plaintiff Husband shall pay to Defendant Wife, the sum of Seventeen Thousand ($17,000.00) Dollars.

b. REAL ESTATE. Defendant Wife shall make, execute and deliver to Defendant Husband a quit-claim deed conveying and transferring all right, title and interest in and to certain real estate located in Cussewago Township, Crawford County, Pennsylvania, which is commonly known as R.D. #1, Box 130, Springboro, Pennsylvania 16435 and which is more particularly identified in deed dated May 4, 1981, and recorded in Crawford County Deed Book 536, page 370.

Further, the division of all other marital and non-marital tangible and intangible property of the parties and the payment of obligations of the parties shall be mad ein accordance with the terms of the Marital Settlement Agreement dated April 25, 1991.

3. A copy of the Marital Settlement Agreement of the parties, dated april 25, 1991, which sets out in further detail the agreement of the parties concerning the matter herein shall be filed with this decree in the Prothonotary's Office at the above-number.

this Order shall be effective as of the 13th day of May, 1991.

BY THE COURT,
Gordon R. Miller, J

608

1990

William L. Walker
Thomas, Truax, Spadafore, Vardaro, Walker

1158.

ROBERT C. BUTTERFIELD

vs.

BEVERLY A. BUTTERFIELD

Filed Dec. 4, 1990
@ 2:37 p.m.

Tax & entry Paid	$50.50
state paid	10.00
state paid	5.00
Pro Co pd 4/26/91	9.00

COMPLAINT UNDER SECTION 201(c) OF THE DIVORCE CODE

1 copy (atty)

Dec. 12, 1990 Affidavit of Service filed. Debra Mattocks, being duly sworn according to law, deposes and says that she is the secretary to William L. walker, Esquire, Attorney for Petitioner in this action and certifies that on December 4, 1990 she delivered to the POst Office in Meadville, PA for delivery to beverly a. Butterfield at R.D. #1, Box 62, Springboro, PA 16435, by certified mail, return receipt requested, delivery restricted to addressee only, a t rue and correct copy ofthe Complaint in this matter for which deponent received at the time receipt for certified article no. P 398 121 559 which is attached hereto as Exhibit "A". Thereafter on December 5, 1990 it was returned to William L. Walker, Esquire return receipt card bearing the same number and signed by Beverly A. Butterfield said return receipt card being attached hereto as Exhibit "B". Debra Mattocks

Apr. 16, 1991, Affidavit of Consent of Defendant filed.
Apr. 17, 1991 Affidavit of Consent of Plaintiff filed.

Apr. 17, 1991 Upon praecipe of Plaintiff Attorney, To Transmit Record, this case moved to court.

Apr. 29, 1991 **D I V O R C E D E C R E E F I L E D .**

AND NOW, April 26, 1991, it is ordered and decreed that Robert L. Butterfield, plaintiff and Beverly A. Butterfield, defendant, are divorced from the bonds of matrimony.

BY THE COURT,
Gordon R. Miller, J.

1990

Shafer, Swick, Bailey, Irwin & Stack
Jeffrey K. Millin

1159.

Knox, McLaughlin, Gornall & Sennett, PC
Sean J. McLaughlin

TAMMY MALLIARD

vs.

EDWARD MALONEY AND KATHLEEN MALONEY, HIS WIFE, AND KRISTY MALONEY

Filed Dec. 5, 1990
@ 1:34 p.m.

Tax & entry Paid	$50.50
State paid	5.00
Sheriffs costs	37.00
Pro Co Pd 5/20/91	6.00

COMPLAINT

3 copies (sheriff)

Dec. 20, 1990, Sheriffs Return filed. SERVED Kathleen Maloney personally on Dec. 12, 1990 at 10:10 a.m. at sheriffs office, Crawford County courthouse, Meadivlle, Pa. 16335.
SERVED Edward Maloney On Dec. 12, 1990, at 10:11 a.m. by handing copy of complaint to his authorized agent, Kathleen Maloney, as per her signed ac ceptance of service attached.
SERVED Kristy Maloney on Dec. 12, 1990, at 10:12 a.m. by handing copy of complaint to her authorized agent, Kathleen Maloney, as per her signed acceptance of service attached.
So answers, Catherine I. Allen, Dep. sheriff
Howard N. Stewart, Sheriff

Dec. 31, 1990 Appearance of Knox, McLaughlin, Gornall & Sennett, P.C. by Sean J. McLaughlin for Defendants filed.

Jan. 8, 1991, Answer of Behalf of Defendants, Edward Maloney and Kathleen, his wife and Kristy Maloney, filed.

Mar. 12, 1991 Notice of Taking Depositions on Oral Examination of Tammy Malliard on Mar. 27, 1991 filed.

May 20, 1991 Upon praecipe of plaintiff attorney, the aobve captioned matter is marked settled and discontinued of record.

Culbertson, Weiss, Schetroma and Schug

1160.

JOSEPH T. AND ESTHER M. KERR, HUSBAND AND WIFE

vs.

DAVID M. DAVIS

Filed Dec. 5, 1990
@ 2:26 p.m.

Tax & entry Paid	$50.50
state paid	5.00
Sheriff's Costs	44.80

COMPLAINT

1 copy (sheriff)

Jan. 7, 1990 Sheriff's Return filed. Not Found, as to defendant David M. Davis. His mail is received by his Mother at R.D.#2, Cambridge Springs, PA, but he does not live there, and count not be located at that address. He reportedly lives somewhere in Erie County, PA.
So answers, Howard N. Stewart, Sheriff

Jan. 11, 1991 Complaint Reinstated.

Feb. 11, 1991 Complaint Reinstated.

Mar. 4, 1991 Motion for Transfer of Venue and Order filed. And Now, this 4th day of March, 1991, upon presentation of the proceding Motion, it is hereby ordered as follows: The action filed at the above term and number shall be transferred to the Court of Common Pleas of Erie County and the Plaintiffs and the Prothonotary of Crawford County are hereby directed to take whatever steps are necessary t affect such transfer.

By the Court,
Gordon R. Miller, J

Mar. 5, 1991 Copy of order put in John Brautigam

Mar 4, 1991 Motion for Leave to Amend Complaint and Order filed: AND NOW, this 4th day of March, 1991, upon consideration of the preceding Motion for Leave to Amend Complaint, it is hereby ordered that Plaintiffs are granted leave to amend Paragraph 2 of their Complaint to read as follows:
The Defendant is David M. Davis, an adult individual whose last known address is RD#3, Hogback Road, Cambridge Springs, Crawford County, Pennsylvania, and, upon information and belief, said Defendnat is believed to be a resident of Erie County, Pennsylvania.

By the Court,
Gordon R. Miller, J.

Mar 6, 1991 Copies of order put in Atty. Brautigam's box.

1990

William J. Gregg

1161.

THOMAS L. McKINSEY AND BERTHA R. McKINSEY, HIS WIFE

vs.

LARRY L. COULTER

Filed Dec. 5, 1990
@ 2:56 p.m.

Tax & entry Paid	$50.50
state paid	5.00
Sheriff's Costs	134.28
Pro Co. pd 4-16-92	9.00
SATISFACTION	5.00

COMPLAINT

1 copy (atty)

Oct. 1, 1991 Complaint reinstated.

Jan. 17, 1992, Complaint Reinstated

Jan. 24, 1992 Motion For Service By Publication and Order filed. AND NOW, this 24 day of January, 1992, upon consideration of the foregoing Motion and Affidavit, the Sheriff of Crawford County is ORDERED and DIRECTED to make service of the Complaint on the Defendant, Larry L. Coulter, by publication once in the Orlando Sentinel, a newspaper of general circulation in Orange County, Florida. BY THE COURT, Anthony J. VArdaro, J

Jan. 28, 1992 Copy given to Atty. Gregg

Feb. 21, 1992 SHERIFF'S RETURN filed. SERVED by publication once only in the Orlando Sentinel, Orlando, Florida, on Feb. 7, 1992, asper proof of publication attached. So answers, Robert M. Stevens, Sheriff

Mar. 6, 1992 Motion For Judgment, Affidavit and Decree filed AND NOW, March 6, 1992, upon presentation of the foregoing Motion, and after due consideration thereof, Judgment is hereby entered in favor of the Plaintiffs and against the Defendant in the amount of $12,237.00, along with interest from July 3, 1989, and costs of suit, provided, however, that this decree shall become final only of the Defendant fails to take any action as is herien dircected within thrity (30) days form the date of this decree; IT IS FURTHER ORDERED AND DIRECTED that if no petition to open this judgment or to set aside this Order and decree is presented by the Defendant, or no action of ejectment is commenced by him within thirty (30) days from and after the entry of this Order, the same shall become final, and if no such action is taken within siad thirty (30) day period, the Prothonotary on Praecipe of the Plaintiff shall enter final judgment.

C-101 Anthony J. Vardaro

Mar. 10, 1992 Copy of order put in box for Atty. Gregg

April 6, 1992 And now, April 6, 1992, at 2:49 p.m., upon praecipe of plaintiff attorney, FINAL JUDGMENT is hereby entered in the above captioned case, in the amount of One thousand two hundred thirty seven and 00/100 Dollars, along with interest from July 3, 1989, in accordance with the Decree of Judge Anthony J. Vardaro, dated March 6, 1992.

C-101

Debt $1,237.00
FINAL JUDGMENT
Barbara H. King, Pro.

EX1992-81

1990

Shafer, Swick, Bailey
Irwin & Stack
Louis J. Stack

1162.

THE FEDERAL LAND BANK OF BALTIMORE, NOW KNOWN AS PENNWEST FARM CREDIT ACA

vs.

LARRY A. HOWELL AND DEBRA G. HOWELL, HIS WIFE

Filed Dec. 6, 1990
at 3:10 p.m.

Tax & entry paid	$50.50
state paid	5.00
Sheriff's Costs	56.20
Pro Co Pd 2/6/91	9.00

COMPLAINT IN MORTGAGE FORECLOSURE

2 copies (sheriff)

Jan. 9, 1991 Sheriff's Return filed. SERVED Debra G. Howell personally on December 31, 1990 at 2:11 PM at her residence, R.D.# 2, Sundback Road, Spartansburg, Crawford County, PA.
served Larry A. Howell on December 31, 1990 at 2:12 PM by handing copy of Complaint to his wife, Debra G. Howell, at their residence R.D.#2, Sunback Road, Spartansbug, Crawford County, PA. 16434
So answers, Robert M. Stevens, Deputy Sheriff
Howard N. Stewart, SHeriff

And Now, Feb. 6, 1991, at4:27 p.m., upon praecipe of plaintiff attorney, Judgment is hereby entered in favor fo the plaintiff and against the defendants in the sum of Eighteen Thousand Seven Hundred Twenty Two and 55/100 Dollars, with costs plus int. from 11/13/90 at reate of 10% for failure to file answer.
Judgment entered 2/6/91
H - 101, 41

DEBT $18,722.55
Int. from 11/13/90 at 10%
JUDGMENT
James F. Simmons,
Prothonotary

EXECUTION 1991 - 11

Fuller, Kinnunen,
Petruso & Gamble
Gary A. Fabian

1163.

DONALD F. OBERT, JR.

vs.

SOLOMON ENGLEHOPT, a/k/a SOLOMON ENGLEHOUPT, THOMAS S. B. McCLURE, GEORGE B. McCLURE, MIRA McCLURE, CATHERINE E. JOLLY, a/k/a CATHRINE (KATE) JOLLY, a/k/a CATHERINE (KATE) JOLLEY, ELLEN JOLLY STANLEY, a/k/a ELLEN JOLLEY STANLEY, a/k/a NELLE STANLEY, a/k/a NELLIE STANLEY, MARTHA JOLLY, a/k/a ELIZABETH JOLLY, a/k/a ELIZABETH JOLLEY, AND MARY JOLLY, a/k/a MARY JOLLEY, THEIR HEIRS, SUCCESSORS, AND ASSIGNS

COMPLAINT - ACTION TO QUIET TITLE

Dec. 7, 1990, Affidavit of Whereabouts of Defendants, their heirs and assigns, filed.

Dec. 7, 1990, Motion for Service by Publication and Order filed. ORDER: AND NOW, to-wit: Dec.,7, 1990, upon consideration of the foregoing Motion, the sheriff of crawford County is ORDERED AND DIRECTED to make servic eof the Complaint on the defendants Solomon Englehopt, a/k/a Solomon Englehoupt, Thomas S. B. McClure, Goerge B. McClure, Mira McClure, Catherine E. Jolly, a/k/a Catherine (Kate) Jolly, a/k/a Catherine (Kate) Jolley, Ellen Jolly Stanley, a/k/a Ellen JolleyStanley, a/k/a Nelle Stanley, a/k/a Nellie Stanley, Martha Jolly, a/k/a Martha Jolley, Elizabeth Jolly, a/k/a Elizabeth Jolley and Mary Jolly, a/k/a Mary Jolley, their heirs, successors and assigns, are unknown to your affiant and that after diligent search and inquiry, the plaintiff has been unable to ascertain the present whereabouts of their heirs and assigns, if any are unknown to plaintiff, by publication once in the Meadville Tribune newspaper, a newspaper of general circulation in Crawford County, Pa., and in the Crawford County Legal Journal.

Gordon R. Miller, Judge

Dec. 10, 1990, copy to G. Fabian, atty.

Jan. 7, 1991 Sheriff's REturn filed. SERVED Solomon Englehop, Thomas S. B. McClure, et al by publishing once only in the Meadville Tribune, Meadville, PA and in the Crawford County Legal Journal, Meadville, PA, as per their proofs of publications attached Published both on December 19, 1990.
so answers, Howard N. Stewart, Sheriff

Filed Dec. 7, 1990
@ 8:48 a.m.

Tax & entry paid	$50.50
state paid	5.00
Sheriff's Costs	355.05
Pro Co Paid 2-15-91	9.00

Jan. 9, 1990 Affidavit filed. GARY A. FABIAN, being duly sworn according to law, deposes and says that he is a member of the law firm of Fuller, Kinnunen, Petruso & Gamble, attorneys for the plaintiff in the above-captioned case, and as such makes this Affidavit on behalf of said pl aintiff; that on December 7, 1990, your Honorable Court entered an Order in the said case directing that service of the Complaint be made on defendants, their heirs, successors and assigns, by publication once in the Meadville Tribune newspaper and in the Crawford County Legal Journal; that service has been made by publication in accordance with said Order as appears by the Proofs of Publication attached to the Sheriff's Return, duly filed of record in the case; that more than twenty days have elapsed from the date of publication of said notices and no appearance has been entered or answer file don behalf of any defendant. Gary A. FAbian

Jan. 9, 1991, Motion for Judgment and Order filed. ORDER: AND NOW, Jan. 9, 1991, upon presentation of the foregoing Motion, and after due consideration thereof, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the defendants, Solomon Englehopt, a/k/a Solomon Englehoupt, Thomas S. B. McClure, George B. McClure, Mira McClure, Catherine E. Jolly, a/k/a Catherine (Kate) Jolly, a/k/a Catherine (Kate) Jolley, Ellen Jolly Stanley, a/k/a Ellen Jolley Stanley, a/k/a Nelle Stanley, a/k/a Nellie Stanley, Martha Jolly, a/k/a Martha Jolley, Elizabeth Jolley and Mary Jolly, a/k/a Mary Jolley; their heirs, successors and assigns, are foreever barred from asserting any right, title, lien or interest in the land described in paragraph No. 2 of the Complaint in the above entitled case inconsistent with the interest of the plaintiff as set forth in the Complaint, provided, however, that this decree shall become final only, if the defendants, or nay of them, fail to take any action as is herein directed within thirty (30) days from the date of this decree; IT IS FURTHER ORDERED AND DIRECTED that if no petition to open this judgment or to set aside this order and decree is presented by the defendants, or within thirty (30) days from and after the entry of this order, the same shall become final, and if no such action is taken within said thrity (30) day period, the Prothonotary on praecipe of the plaintiff shall enter final judgment.

BY THE COURT,
Gordon R. Miller, J.

Jan. 9, 1991, copy of order to Atty. G. Fabian.

Feb 12, 1991 @ 3:05 P.M. Upon Praecipe of Plaintiff's Attorney, judgment is hereby entered in favor of the plaintiff and against the defendants pursuant to the final decree of this Court dated January 9, 1991.

E-153, 153; M-161, 71, 111,
J-31, 31, 31, 111, 51, 51,
J-111, 111

FINAL JUDGMENT
James F. Simmons
Prothonotary

Mary Ann Kirkpatrick

1164.

ROBERT MAYFIELD

vs.

MELLISA HALL

IN RE:
CUSTODY OF KIRSTIN JANEL HALL

Filed Dec. 7, 1990
@ 9:16 a.m.

Tax & entry 12/11/90 $50.50
state 12/11/90 5.00
John Fuller, mediator

COMPLAINT FOR CUSTODY

2 copies (atty)
1 copy (mediator)

You, Mellisa Hall, dft., have been sued in court to obtain custody of Kirstin Janel Hall.

You are ordered to appear in person when requested to do so by JOHN FULLER, CHILD CUSTODY MEDIATOR.

If you fail to appear as provided by this order and the custody mediator an order for Custody, Partial Custody or Visitation may be entered against you o rthe court may issue a warrant for your arrest.

You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you may obtain legal help.

Crawford County bar Assoc. Ser. to the Pub. Comm. c/o Prothonotary, Court House, Meadville Pa. 16335. 814 724-4636.

By the court,
Gordon R. Miller, J.

Dec. 11, 1990 Affidavit Of Personal Service filed. John Adamini, being duly sworn according to law, deposes and sets forth as follows:

1. That he is a competent adult.
2. That on information furnished him, he served a certified copy of the Complaint for Custody in the above-matter upon Mellisa Hall, Dekfendant, at 12:00 O'clock, p.m., on December 7, 1990, at Missy reagle's MObile home in Saegertown, PA.
3. That Costs in cured for this service were as follows:

a.) Service	$ -0-
b.) Mileage	$ -0-
Total	$ -0-

John Adamini

1990

William J. Gregg

1165.

Thomas, Truax,
Spadafore, Vardaro
& Walker
R. Charles Thomas

WATTS & PEPICELLI, PC
Alan L. Pepicelli

JAMES A. EULIANO AND JoANN EULIANO, HIS WIFE

vs.

BONNIE J. McKLVEEN AND ROBERT McKLVEEN, HER HUSBAND

Filed Dec. 7, 1990
@ 11:19 a.m.

Tax & entry Paid	$50.50
state paid	5.00
sheriffs costs	31.00

COMPLAINT

2 copies (sheriff)

Dec. 20, 1990, SERVED Bonnie J. McKlveen personally on Dec. 12, 1990, at 1:00 p.m. at sheriff's office, Crawford county Courthouse, Meadville, pa. 16335.

SERVED Robert McKlveen personally on Dec. 12, 1990, at 1:01 p.m. at sheriffs office Crawford CountyCourthouse, Meadville, Pa. 16335.

So answers, Robert m. Stevens, dep. sheriff
Howard N. Stewart, sheriff

Jan. 14, 1991 Appearance of Thomas, Truax, Spadafore, Vardaro & Walker by R. Charles Thomas for Defendants filed.

Jan. 14, 1991 Preliminary Objections filed.

Apr 22, 1991 Appearance Watts and Pepicelli, PC by Alan L. Pepicelli, Esq. for Defendant filed.

Sept. 13, 1991 Motion To Withdraw As Counsel and Order filed. AND NOW, this 13th day of September, 1991, upon consideration of the foregoing Motion, Watts and Pepicelli PC and Alan L. Pepicelli, Esquire, are hereby granted leave to withdraw as counsel for the above-captioned defendants.

BY THE COURT,
Gordon R. Miller, J

Sept. 16, 1991 Copies of order to William Gregg, R. Charles Thomas and Alan Pepicelli

1166.

TAMMY L. SUTTON

vs.

JACK E. SUTTON

Filed Dec. 7, 1990
@ 11:50 a.m.

Tax & entry	$50.50
state	5.00
Sheriff's Costs	36.60

PETITION FOR EMERGENCY RELIEF UNDER PROTECTION FROM ABUSE ACT
1 copy plaintiff
3 copies sheriff

ORDER:

And now, this 7th day of December, 1990, upon review of the petition of Plaintiff, the Court entered the following Temporary Order.

1. The Defendant shall not assault, abuse, harass or threaten the Plaintiff or any of the minor children named in the Petition.
2. Special Conditions: Defendant shall not contact the Plaintiff in any way without further order of court.
3. This Order may be enforced without a warrant of arrest by any law enforcement officer having reasonable ground to believe it has been violated.
4. A copy of this Order shall be delivered to the police departments in the jurisdiction where the Plaintiff resides and to County Control.
5. Service of a copy of the Petition and this Order shall be made upon the defendant by a sheriff, constable, police officer or competent adult.
6. This temporary order shall remain in full force and effect until modified or terminated by further order of this Court. Liability for payment of fees and costs will be determined by final court order.
7. The Defendant is reminded that this is an ORDER OF COURT and violation of this Order may be punishable by a fine up to $1,000.00 and a jail sentence of up to six months.
8. The court reserves ruling on allocations of fees and costs.

Hearing is here by set for Monday, Dec. 17, 1990, at 3:30 P. M., in Courtroom 1 or 2 of the Crawford County Courthouse. The defendant is advised he may retain an lawyer to represent him at said hearing if he so desires but he is not required to do so.

BY ORDER OF COURT,
Gordon R. Miller, J

Dec. 17, 1990 Sheriff's Return filed. SERVED Jack E. Sutton personally on December 17, 1990 at 11:26 AM at Sheriff's Office, Crawford County Courthouse, Meadville, PA 16335.
So answers,
Edgar D. Householder, Chief Deputy
Howard N. Stewart, Sheriff

Dec. 19, 1990 ORDER filed. AND NOW, Dec. 17, 1990 at the time scheduled for hearing in this matter, it appears that the Defendant was just served at noon this date and desires to discuss this matter with an attorney. He has already signed a consent agreement, but still wishes to discuss the agreement with his attorney.

Accordingly, we will not approve the consent agreement at this time, and we will not hold a hearing at this time, in order to give the Defendant an opportunity to discuss this matter with his attorney. Accordingly, the hearing in this matter is continued to Wednesday, Jan. 9, 1991 at 3:30 p.m. in Courtroom # 2 of the Crawford Co. Courthouse.

In the meantime, the temporary abuse order entered December 7, 1990 is continued in full force and effect.

A copy of this Order shall be delivered to the Police Dept. in the jurisdiction where the Plaintiff resides, and to County Control.

The Defendant is reminded that this is an order of Court and violation of this order may be punishable by a fine up to $1,000.00 and a jail sentence up to 6 months.

By Order Of The Court,
Gordon R. Miller, J.

Dec. 19, 1990 Copy of Order to Atty. R. Christopher Brody, Defendant.

Jan. 16, 1991 ORDER filed. AND NOW, Jan. 9, 1991, this matter is before the Court on an Abuse Petition, with the allegations of abuse being rather unclear and apparently relating to the wife's allegations that for over a long period of time, she was abused in various fashions by the husband.

Under any circumstances, ratehr than go into a contested hearing, the husband agrees that while denying the allegations set forth in the petition, he will consent to an Order prohibiting him from abusing, assaulting, annoying or harassing the plaintiff.

ACCORDINGLY, the defendant is precluded from going to the residence of the plaintiff for any purpose. He shall not assault, annoy, threaten or harass her in any fashion or procure others to do so on his behalf.

The parties mutually agree that it would not be in everyone' best interst for the father to come to the home of the mother for visitations with his two minor children. ACCORDINGLY, every Saturday, commencing with Saturday, Jan. 12, 1991, the mother shall deliver the children to the father's mother, Mrs. BEtty Sutton, 410 N. First St., Titusville, PA., and the father may have the children in his care and custody between the hours of 9:00 a.m. and 5:00 p.m. The parties mutually agree it shall be the obligation of the mother to deliver and pick up the children.

In addition, in order that the father may maintain contact with the children, he shall be permitted to call the residence of the mother every Tuesday and Thrusday night between the hours of 7:00 p.m. and 7:15 p.m. and have a reasonable length conversation with the minor children. The mother is directed to attempt to arrange her schedule so the children will be present at these times.

Any Police Officer having reasonable grounds to believe that the defendant has violated the abuse portions of this petition, may, upon a verified affidavit from the mother, aprehend the defendant without a warrant, lodge him in the County Jail and ask for an immediate contempt hearing.

In view of the fact the mother is on welfare and the husband is unemployed, the County is directed to pay costs in this case.

This Order shall remain in force and effect for a period of one (1) year.

BY ORDER OF THE COURT,
P. Richard Thomas, S.J.

Jan. 16, 1991 Copy of Order given to County Control.
Jan. 17, 1991 Copy of Order to Atty. R. Christopher Brody, Defendant.

Continued on the next page

616
A

Tammy L. Sutton

vs.

Jack E. Sutton

Record continued from page 616

of record

A.D. 1990 - 1166

****

Mar. 18, 1991 Order filed. AND NOW, March 14, 1991, the Defendant pro se petitions the Court to hold the Plaintiff mother in contempt for violations of the custody and visitation provisions of an abuse order entered January 9, 1991. Hearing on this matter is set for April 9, 1991, at 2:30 P.M., in Courtroom No. 1, 2, or 3. In the meantime, both aprties are directed to fully and cmopletely comply with the January 9, 1991, Order regarding all the terms and conditions involving custody, visitation and telelphone calls regarding the children. BY ORDER OF THE COURT,
P. Richard Thomas, S.J.

Mar. 18, 1991 copy putin box for Atty. and copy mailed to Dft.

April 11, 1991 ORDER filed. AND NOW, April 9, 1991, on the Defendant's petition to adjudicate the Plaintiff in contempt, the adjudication is reserved and the Court reserves the right to further act thereon if there are any more apparent violations, bu the Court at the present time is of the opinion that there are probably violations on both sides and neither of the parties are acting very maturely in regard to the premises.

The visitation Order entered on Jan. 9, 1991 will be slightly modified to attempt to resolve the problems that apparently have arisen. The mother shall deliver the children each Saturday morning at 9:00 o'clock to the home of Mrs. Betty Sutton Kelly, 410 North First St., Titusville, PA. and shall leave the children with Mrs. Kelly and depart. She may return at 9:30 a.m. and if the children have not been picked up by their father, she may return them to her own home and there will be no further consideration of a visit on that date.

The father shall not return the children to his mother's home after such visits earlier than 4:00 o'clock p.m. and if his schedule is such that he will not be able to return them at or after 4:00 o'clock p.m. he shall cancel the visitation.

The Court is insistent that the provision regarding telephone calls be followed both by the telephone being reasonably available between the hours of 7:00 and 7:15 p.m. on Tuesdays and Thursdays and further that the Defendnat will nto call outside of those hours except in case of extreme emergency.

By Order Of The Court,
Robert L. Walker, S.J.

April 11, 1991 Two copies to Atty. Christopher Brody, copy to County Control. April 16, 1991, copy mailed to defendant.

616
B

1990

1990

James L. Moran

1167.

Thomas, Truax, Spadafore, Vardaro and Walker
R. Charles Thomas

DORIAN P. DENMAN AND ROBIN L. DENMAN, HIS WIFE

vs.

JOHN T. MILLER

Filed Dec. 10, 1990
@ 8:52 a.m.

Tax & entry Paid	$50.50
state paid	5.00
Sheriff's Costs	25.00
Pro.Co. pd 2/23/95	6.00

CIVIL COMPLAINT

1 copy (sheriff)
2 copies (atty)

Dec. 27, 1990 Sheriff's Return filed. SERVED John T. Miller personally on December 14, 1990 at 8:20 AM at Sheriff's Office, Crawford County Courthouse, Meadville, PA 16335.
So answers, Robert M. Stevens, Deputy Sheriff
Howard N. Stewart, Sheriff

Jan. 16, 1991 Appearance of Thomas, Truax, Spadafore, Vardaro, and Walker By R. Charles Thomas, Attorney for Defendant filed.

Feb. 25, 1991, Answer filed. 1 copy (atty)

Mar. 4, 1991, NOtice of Service of Interrogatories filed.

Apr 23, 1991 Reply to New Matter filed.

May 28, 1991, Plaintiffs' Answers to Defendants' First Set of Interrogatories and Request for Production, filed.

May 28, 1993, Notice of Serving Interrogatories and REquests for Production of Documents filed.

June 22, 1994 Notice of Intent to Complete Discovery, filed.

Feb. 23, 1995 Upon Praecipe of James L. Moran, Esquire, Attorney for Plaintiff, the within suit is Settled, Discontinued Ended and costs paid, filed.

1168.

LAURA L. MYERS

vs.

DONALD E. MYERS

Filed Dec. 10, 1990
@ 1:18 p.m.

3/20/91 REED. #17.00 FROM DEFENDANT

3/20/91 PAID #17.00 TO SHERIFF STEWART LW# 6049

Tax & entry Pd 3/20/91 $50.50
state Pd 3/20/91 5.00
Sheriff's costs 17.00

PETITION FOR EMERGENCY RELIEF UNDER PROTECTION FROM ABUSE ACT

1 copy plaintiff
3 copies sheriff

ORDER:

And now, this 10th day of December, 19 90, upon review of the petition of Plaintiff, the Court entered the following Temporary Order.

1. The Defendant shall not assault, abuse, harass or threaten the Plaintiff or any of the minor children named in the Petition.

2. Special Conditions: Defendant shall not go to Plaintiffs residence. Defendant shall pick up the children exactly on time at his mothers house at the times provided in a prior custody order. He shall have another adult with him when he does that.

3. This Order may be enforced without a warrant of arrest by any law enforcement officer having reasonable ground to believe it has been violated.

4. A copy of this Order shall be delivered to the police departments in the jurisdiction where the Plaintiff resides and to County Control.

5. Service of a copy of the Petition and this Order shall be made upon the defendant by a sheriff, constable, police officer or competent adult.

6. This temporary order shall remain in full force and effect until modified or terminated by further order of this Court. Liability for payment of fees and costs will be determined by final court order.

7. The Defendant is reminded that this is an ORDER OF COURT and violation of this Order may be punishable by a fine up to $1,000.00 and a jail sentence of up to six months.

8. The court reserves ruling on allocations of fees and costs.

Hearing is here by set for Friday, Dec. 21, 1990, at 3:30 P. M., in Courtroom 1 or 2 of the Crawford County Courthouse. The defendant is advised he may retain an lawyer to represent him at said hearing if he so desires but he is not required to do so.

BY ORDER OF COURT,
Gordon R. Miller, J

Dec. 21, 1990 Sheriff's Return filed. Before me, the undersigned authority, personally appeared Paul Greiner, Deputy who being duly sworn according to law, deposes and says that on the 13th day of December 1990, at 3:30 P.M., he served Petition for Protection from ABuse and Court Order filed at No. 1168 Term, 1990, Crawford Co. PA. upon defendant Donald E. Myers at Sheriff's Office, 140 W. 6th St., Erie Co., Erie, PA. By making known the contents thereof to Donald E. Myers and handing to an leaving with him the certified copy of the Petition received from Crawford County.

Paul Greiner, Deputy Sheriff
So answers,
Robert N. MIchel, Sheriff
Erie County, PA.

SERVED Donald E. Myers by deputizing the Sheriff of Erie County, PA as per his Affidavit of Service attached. Served: December 13, 1990.
So answers,

Howard N. Stewart, Sheriff

Dec 21, 1990 Order filed: AND NOW, December 21, 1990 this matter is before the Court on the Plaintiff's petition for protection under the Protection from Abuse Act, the court is presented with evidence of a Sheriff's return showing service was made on the Defendant December 13, 1990. The Defendant fails to appear.

Tesitimony is heard from the Plaintiff and accordingly we enter the following Order:

1. The Defendant shall not assault, threaten, annoy, abuse, or harass the Plaintiff in any fashion or procure others to do so on his behalf.

2. The Defendant will not go the the residence of the Plaintiff for any purpose.

3. The court is aware there is a custody order entered in Erie County November 15, 1990 and the wife requests that in view of the prior activities in the exchange of the child under the custody order, she requests the pick up and return be made at some place other than her home. Accordingly, this Court having been advised that the Defendant's mother Mrs Lois Young of R.D.#2, Cambridge, has agreed that visitations accorded the father shall require him to pick up and return the children to the home of his mother and not at the home of the Plaintiff.

4. This order shall remain in force and effect for a period of one year. Any duly authorized police officer having reasonable grounds to believe the Defendant has violated the terms and conditions of the abuse portion of this order may, upon reasonable cause, apprehend the defnedant and lodge him in the County Jail and request an immediate hearing.

5. The defendant is directed to pay costs in this case within ten days of being billed for the same at his address, 932 East Ninth Street, Erie, Pa 16503.

BY ORDER OF THE COURT,
P. Richard Thomas, S.J.

12/21 Defendant belatedly appeared & agreed to above order.
PRT

Dec 24, 1990 Copies of order given to Defendant & Atty. Brode and Co Control.

1990

Brian J. Lindsay

1169.

DENNIS L. ERICKSON

vs.

SANDRA L. ERICKSON

Filed Dec. 10, 1909
@ 4:01 p.m.

Tax & entry Paid $50.50
state paid 12/12/90 5.00
STATE Paid 12/10/90 10.00
Pro Co pd 7/24/91 9.00

COMPLAINT IN DIVORCE

1 copy (atty)

Jan. 2, 1990, Acceptance of Service filed. I, the above named defendant, hereby accept service of the Complaint in the above action. Sandra L. Erickson
Date: Dec. 17, 1990

July 17, 1991, Affidavit of Consent of plaintiff filed.

July 17, 1991, Affidavit of Consent of Defendant filed.

July 23, 1991 Upon praecipe of Plaintiff Attorney To Transmit Record, this case moved to court.

July 31, 1991 **D I V O R C E D E C R E E F I L E D .**

AND NOW, July 30, 1991, it is ordered and decreed that Dennis L. Erickson, plaintiff, and Sandra L. Erickson, defendant, are divorced from the bonds of matrimony.
BY ORDER OF THE COURT,
Gordon R. Miller, J

Blystone & Blystone
Curtis E. Blystone

1170.

WAYNE E. HUGHES

vs.

LAVINA C. HUGHES

Filed Dec. 11, 1990
@ 11:31 a.m.

Tax & entry Paid	$50.50
state paid	10.00
state paid	5.00
Pro Co Pd 4/24/91	9.00
Pro Co Pd 5/9/91	15.00
State Pd 5/9/91	5.00

COMPLAINT IN DIVORCE

1 copy (atty)

Dec. 13, 1990 Affidavit Of Service filed.

1. The undersigned, Custis E. Blystone, is attorney for the plaintiff, Wayne E. Hughes, in the above action in divorce.

2. On December 11, 1990, affiant mailed a true and attested copy of the Complaint in the above cpationed action with notice to Defend and Claim Rights to the defendnt Lavina C. Hughes addressed to her mailing address of 3315 Charlotte Street, Erie, Pennsylvania, 16508, by certified mail item no. P 063 586 868 as indicated by the "Receipt for certified Mail" attached hereto. Said item of certified mail was restricted for delivery to the addressee only.

3. The aforesaid item of certified mail was delivered to the defendant, Lavina C. Hughes, personally on December 12, 1990 as indicated by the return receipt attached hereto and signed by the defendant personally.

I hereby verify that the statements made in this affidavit are true and correct to the best of my knowledge, information and belief. I understand that false statements made herein are subject to the penalties of 18 Pa.C.S. No. 4904 relating to unsworn falsification to authorities.

Dated: december 13, 1990 Curtis E. Blystone

Apr. 24, 1991 Affidavit of Consent of plaintiff filed.

Apr. 24, 1991 AFfidavit of Consent of defendant filed.

Apr. 24, 1991, Upon praecipe of plaintiff attorney to transmit the record, this case moved to court.

May 9, 1991 Petition For Equitable Distribution Of Property filed.

May 14, 1991 Motion For Entry Of A Consent Divorce Decree filed.

May 14, 1991 Qualifying Court Order filed. AND NOW, this 14th day of May, 1991, it appearing to the Court that:

1. Wayne E. Hughes and Lavine C. Hughes were husband and wife, having been divorced by Decree of this Court issued conjuctively with the entry of this Qualifying Court Order: and

2. Wayne E. Hughes, Social Security No. 178-20-8038, hereinafter referred to as "Participant" is a retired employee of the National Aeronautics and Space Administration (NASA), and is a participant in the Federal Civil Service Retirement System and, with respect thereto, has been assigned claim No. A3058529; and

3. Lavina C. Hughes, Social Security No. 161-22-5756, is hereinafter referred to as "Alternate Payee"; and

4. Participant's benefits under the Federal Civil Service Retirement System have matured and Participant, having at the time of retirement provided a full (55%) survivor annuity in favor of Alternate Payee, has been receiving a reduced annuity.

5. Participant's current mailing address is RD #2, Box 272C, Cambridge Springs, PA, 16403, and Alternate Payee's current mailing address is 3315 Charlotte Street, Erie, PA; and

6. Participant and Alternate Payee have entered into a Property Settlement Agreement which provides for the entry by this Court of this Qualifying Court Order effecting division of Participant's retirement benefits under the Federal Civil Service Retirement System as hereinfafter set forth.

NOW, THEREFORE, it is ORDERED, ADJUDGED AND DECREED as follows:

1. commencing as of the date hereof, Participant's Federal Civil Service Retirement benefits, that is, Participant's gross annuity, shall be divided equally between Participant and Alternate Payee during the joint lives of Participant and Alternate Payee.

2. Alternate Payee shall be entitled to receive a full (55%) survivor annuity inthe event that Alternate Payee survives Participant.

3. Participant and Alternate Payee shall each be responsible for all tax obligiations incident to his or her share of the retirement benefits as hereinablve set forth.

4. Participant and Alternate Payee shall promptly submit this Order to the Office of Personnel Management for determination of its status as a Qualifying court Order under applicable law and Office of Personnel Management guidelines. This Court retains jurisdiction to amend this Order as might be necessary to establish or maintain its status as a Qualifying Court Order.

5. Participant and Alternate Payee shall promptly notify the Office of Personnel Management of any change of his or her address from those set forth in this Order.

Approved:
Curitis E. Blystone
Attorney for Plaintiff
Donald J. Rogala
Attorney for Defendant

BY THE COURT,
Gordon R. Miller

May 14, 1991 **D I V O R C E D E C R E E F I L E D .** AND NOW, this 14th day of May, 1991,
upon presentation and consideration of plaintiff's and defendant's motion for Entry of a Consent Divorce Decree, it is ORDERED and DECREED that Wayne E. Hughes, plaintiff, and Lavina C. Hughes, defendant, are divorced from the bonds of matrimony. The Property Settlement Agreement entered into by and between the plaintiff and the defendant which is attached to the Motion for Entry of a Conent Divorce Decree is incorporated and merged into this Divorce Decree as though fully set forth h erein. Pursuant to the Property Settlement Agreement, this Court conjunctively herewith enters a Qualifying Court Order effecting division between plaintiff and defendant of plaintiff's retirement benefits under the Federal Civil Service Retirement System.

BY THE COURT,
Gordon R. Miller, J

1990

Legal Services, N/W
R. Christopher Brode

1171.

TED COFFEY

vs.

PATRICIA COFFEY

Filed Dec. 12, 1990
@ 9:14 a.m.

Indigent filing

William Pineo, mediator

COMPLAINT FOR CUSTODY

2 copies (atty)
1 copy (mediator)

ORDER OF COURT:

You, Patricia coffey, defendant, have been sued in court to obtain custody of the minor child, Debra Lee Coffey.

You are ordered to appear in person at the time and place selected by WILLIAM PINEO, CUSTODY MEDIATOR.

If you fail to appear as provided by this order, an order for custody, partial custody, or visitation may be entered against you or the court may issue a warrant for your arrest.

The Crawford county Sheriff's Department is directed to serve a certified copy of this complaint and order upon the defendant. IN the alternativ e, this petition and order may be served by any competent adult or by cert. mail.

Plaintiff is allowed to proceed without payment of court costs reserving to the court the right to impose costs.

You should take this paper to your lawyer at once. If you do not hve a lawyer or cannot afford one, to to or telephone the office set forth below to find out where you can get legal help.

Crawford County Bar assoc. ser. to the Public Comm. c/o Prothonotary, crawford CountyCourthouse, Meadville, Pa. 814 724-4636.

BY THE COURT,
P. Richard Thomas, J.

Dec. 12, 1990, Praecipe to Proceed in forma Pauperis, Affidavit to Proceed In Forma Pauperis and order filed. ORDER: 12/12/90 Granted.
P. Richard Thomas, S. J.

Jan. 9, 1991 Proof of Service filed. I hereby certify that a copy of the foregoing Order and Complaint for Custody was served on defendant. Patricia Coffey, on January 5, 1991, by Certified U.S. Mail, Return REceipt REquested. R. Christopher Borde

Mar. 15, 1991 Stipulation For Consent Decree and Order filed. AND NOW, this 12 day of March, 191, the Court, upon recommendation ofthe Child Custody Mediator, in consideration ofthe wtihin Stipulation of the parties in the above referenced matter, hereby accepts the foregoing stipulation and enters same as an order of Court.

The parties are permitted to proceed in forma paupers in this matter, the Mediator having advised the Court that each party is receiving either disability income or is on public assistance.

Costs and fees of this mediation, which are fixed at $47.00, are assessed to Crawford County.

By the Court,
Gordon R. Miller, J

Mar. 21, 1991 Copies of order put in Atty's Pineo and Brode's box and copy mailed to Patricia Coffey

1990

N/W Legal Services
R. Christopher Brode

1172.

Shafer,Swick,Bailey
Irwin & Stack
James R.Irwin

JOHN A. SMITH

vs.

REBECCA L. SMITH

Filed Dec. 12, 1990
@ 1:21 p.m.

Indigent Filing

John Fuller, Mediator

COMPLAINT FOR CUSTODY

2 copies (atty)
1 copy (mediator)

Dec. 12, 1990, Affidavit to Proceed in Forma Pauperis, Praecipe to Proceed In Forma Pauperis filed.

ORDER OF COURT:

You, Rebecca L. Smith, defendant, have been sued in court to obtain custody/partial custody of the minor children, Alicia A. Smith, Debra C. Smith and Joanne Smith.

You are ordered to appear in person at the time and place selected by JOHN FULLER, CUSTODY MEDIATOR.

If you fail to appear as provided by this order, and order for custody, partial custody, or visitation may be entered against you or the court may issue a warrant for your arrest.

The Crawford County Sheriff's Dept. is directed to serve a cert. copy of this complaint and order upon the defendant. In the alternative, this petition and order may be served by any competent adult or by cert. mail.

Plaintiff is allowed to proceed without payment of court costs reserving to the court the right to impose costs.

You should take this paper to your lawyer at once. If you do nothave a lawyer or cannot afford one, go to or telephone the office set for th below to find out where you can get legal help.

Crawford County Bar Assoc. Ser. tothe Pub. Committee c/o Prothonotary Crawford County Courthouse, Meadville, Pa. 814 724-4636.

Dec. 10, 1990

BY THE COURT,
Gordon R. Miller, J.

Dec. 21, 1990 Affidavit of Service filed. I, hereby certify that the defendant, Rebecca L. Smith was served by certified mail on December 14, 1990. Return receipt is attached.

R. Christopher Brode, Esq.

Jan 25, 1991 Order filed: AND NOW, January 23, 1991, after mediation conference before John Fuller, Esquire, and based upon an agreement of the parties, IT IS ORDERED AND DECREED AS FOLLOWS:

I. Legal custody of Alicia A. Smith, Debra C. Smith and Joann Smith shall be shared between the father, John A. Smith, and the mother, Rebecca L. Smith, that is, each parent shall be entitled to full access to school records, medical records and other important records and that each parent shall be entitled to take part fully in important decisions affecting the children, such as the children's education, medical treatment and religious instruction. .

II. Physical custody of Alicia A. Smith, Debra C. Smith and Joann Smith shall be with their mother, Rebecca L. Smith, subject to the following conditions:

A. The father shall be entitled to visit and take the children into his custody every other weekend, beginning February 1, 1991 from Friday at 5:00 p.m. until Sunday at 6:00 p.m.

B. The father shall be entitled to visit and take the children into his custody every other Wednesday, beginnig February 6, 1991 from 3:30 p.m. until 7:30 p.m. Such visits may take place at the home of the mother.

C. The father shall be entitled to telephone the children every Tuesday and Thursday, between 7:00 p.m. and 7:15 p.m. when the mother is able to obtain a telephone.

D. Beginning with the Summer of 1991 the father shall be entitled to have the children in his custody for a two (2) week period immediately after the end of the school year and the father shall also be entitled to have the children in his custody for a two (2) week period in August, immediately preceding the beginning of the school year. The parties shall communicate with each other to ascertain the exact dates for the end of the school year and the beginning of the school year.

E. Holidays shall be defined as Easter, Thanksgiving, Christmas, Fathers Day and Mother's Day. The children shall be in the custody of the father every Father's Day and in the custody of the mother every Mother's Day. The mother and father shall share physical custody of the children on Easter, Thanksgiving and Christmas and unless the parties agree otherwise, the children shall be in the custody of their mother on the aforementioned three holidays until 1:00 p.m. and in the custody of the father from 1:00 p.m. on such holidays until 1:00 p.m. the following day.

F. Neither mother nor father shall say or do anything in an attempt to turn the children against the other parent, but on the other hand shall do everything in the power of each to foster a favorable and loving attitude on the part of the children towards both parents.

G. Neither mother nor father shall expose the chidlren to any person or situation which may be harmful to the children's health or well being.

H. Both parents agree to inform the other immediately of any illness or injury regarding one or both of the children and both parents agree to furnish the other with a current telephone number.

I. Transportation of the children on weekend and Summer visits shall be the responsibility of the father.

III. This Order is a temporary order but shall become a permanent order unless exceptions thereto are filed by either party within thirty (30) days of the date hereof.

IV. Cost of the mediation conference shall be paid by Crawford County.

Gordon R. Miller, Judge

Jan 25, 1991 Copies of order put in Atty. Brode's box. and Atty. Fuller's box.

Jan. 28, 1994 Petition for Contempt of Court and Modification of Custody Order and RULE TO SHOW CAUSE, filed. AND NOW, this 28 day of January,1994, upon presentation and consideration of the foregoing Petition, a Rule is entered upon the Respondent to show cause, if any she has, why the prayer of the Petitioner for a hearing and custody modification and the imposition of sanctions for contempt should not be granted. Additionally, the Court will address the issue of custody modification at the Show Cause hearing. You are further ordered to bring your minor children. Failure to appear or to bring the children as ordered may impact upon your primary custody, partial custody, or visitation rights. Additionally, a warrant may be issued for your arrest.

THIS RULE IS RETURNABLE on the 2 day of March, 1994, at 2:00 o'clock p.m., in Courtroom No. 1 or 2 of the Crawford County Courthouse, Meadville, Pa.

BY THE COURT,
Anthony J. Vardaro, J.

1-31-94 Copy of Order to Atty. Brode, Atty. Fuller & Respondent

Continued on Page 622A

John A. Smith
vs.
Rebecca L. Smith

CONTINUED FROM PAGE 622
of Record
A. D. 1990 - 1172

****

Mar. 4, 1994 Memorandum and Order, filed. ORDER: 1. The hearing in this matter is continued to Thursday, June 9, 1994 at 1:30 o'clock p.m. in Courtroom No. 1 of the Crawford County Courthouse.

2. In the meantime, the mother is permitted to return to Florida and re-enroll her children in the school where they have been since fall.

3. Before the mother returns to Florida, the father shall have the right to see his children and take them into his custody at the home of his mother, Kathleen Keller, in Meadville, every Saturday between 10.00 o'clock a.m. and 6:00 o'clock p.m. and every Sunday between 1:00 p.m. and 6:00 p.m. The mother at the very least shall not return to Florida until after March 6, 1994, to at least give the father this weekend to see his children on two (2) days.

4. In the meantime, the mother shall reside at 13017 Clairmont, Hudson, Florida, 34667, telephone (813) 862-5197, and the father shall reside at 408 North Street, Oil City, Pennsylvania, 16301, telephone (814) 677-3213, and neither shall change their address or telephone number without notifying the other in writing at least seven (7) days before the address sor telephone number change takes effect.

The father shall have the right to call his children at reasonable times and to write to them. The parties shall at any time when the father will be available and the children will be available have telephone contact. That telephone contact should take place at least once every fourteen (14) days.

5. The mother is advised to obtain counsel through Northwest Legal Services and the Crawford County Bar Association if she desires counsel. The June hearing will be held whether or not she has counsel.

6. The mother shall arrange to have a home study performed in Florida, which said home study shall include school reports from Florida. She may contact a local agency in Florida that is licensed and permitted to perform such a home study. If she cannot afford that, then she shall contact Children Youth and Families Department of the Department of Health and Rehabilitation Services in Pasco County, Florida to obtain help or advice on how she can obtain a home study free of charge. That might include petitioning the Pasco County Courts for Court Order appointing an authorized agency to perform a home study. Once the home study is completed, a copy of the homestudy shall be mailed directly to the undersigned Judge and this Judge will provide a copy to counsel for the father. The Court ORDERS and DIRECTS that the home study be completed by May 1, 1994. The mother shall give a true and correct copy of this Memorandum and Order to the agency in Florida that will be performing the home study so that that agency will know what this Court expects. We are not now ordering psychological examinations of the children or the mother, burt we want to know more about the conditions under which the children live in Florida, their friends and associates, relevant information about their schooling and education and relevant information concerning Mr. Bish.

7. At the hearing in Juen Mr. Bish shall appear and testify so that the Court may scrutinize him.

8. The mother and father shall make arrangements to have school authorities from the Pennsylvania Schools where the children attended in thelast twelve (12) months before their removal to Florida so that the Court can compare the school records in Pennsylvania with the school records in Florida.

9. The Court will receive nay additional information and evidence presented by either side in order to determine the best interest of the children and the impact of relocationon these children and will consider all of the Gruber factors again.

10. The mother should be prepared that when she brings the children to the hearing in June that the children may be staying for some period of time with the father either permanently if the Court awards custody to the father or at least for some temporaryn period of time so that the father may have some periods of summer visitation with the children, provided, of course, that the father's conduct and place of residence is fit and that he would do nothing that would adversely affect the health, morals, safety and welfare of the children. BY ORDER OF THE COURT,
Gordon R. Miller, P.J.

Mar. 4, 1994 copoies dist to Brode & Dft.

Mar. 8, 1994, Proof of Service filed. I hereby certify that a copy ofte foregoing order and Custody Petition was served upon respondent Rebecca L. Smith, at 1302 Clermont St. Hudson, Florida, 34667, by cert. U.S. Mail, Ret. REc. REq. on Jan. 20, 1994. R. Christopher Brode, Esq.

Jun. 10, 1994 ORDER filed. AND NOW, June 9, 1994, at the completion of the hearing in this matter, The Court does not make a final determination, even though we recognize that this leaves the parties and the children in an uncertain state for some period of time. We think that is appropriate and may be inescapable based upon what we have before us. The mother still does not have a lawyer. She did not obtain the home study that we had ordered in our last Order and we have not had any evaluation of the home of the father.

ACCORDINGLY, it is ORDERED as follows:

1. The hearing in this matter is continued until Thursday, June 30, 1994, at 10 o'clock a.m. in Courtroom No. 1 of the Crawford County Courthouse, at which time,the Court will make a final decision on this case. If the mother does not appear on June 30, the hearing will be held nonetheless.

2. The father shall have custody of the children from 6 o'clock p.m. this date through the hearing on June 30.During that period of t ime, he shall permit the children to talk with their mother at least once per week at a time to be pre-arranged. We recognize that one or both of the parties may not even have a telephone, but they are ordered and directed to come up with a method in which the children can communicate with the mother at least once a week by telephone at an appointed time. In t he event that any harm comes to the children while they are in the father's custody, he shall immediately notify the mother by any appropriate means that is likely to get to her. She shall give him a phone number where she can be reached or where somebody can reach her. The father shall give the mother a telephone number where she can be reached. The number where the mother can be reached is (813) 869-6167.

3. Both homes shall be reviewed and home studies performed. As to the mother's home in Florida, the mother shall contact Maureen Helfritch at the Department of HRS, 7625 Little Road, Suite 200, Newport Ritchie, Florida, 34655, Telephon (813) 841-4143. An appropriate home study shall be done on the mother's home and completed by June 30, 1994. A copy of the written home study shall be submitted to t he Court in care of t he undersigned, Judge, Crawford County Courthouse, Meadville, Pennsylvania, 16335.

A home study shall be performed on the father's home in Oil City, Pennsy lvania, and shall be arranged by the Crawford County Children and Youth Services. A copy of this Order shall be delivered to Crawford County CYS. The father resides at 566 Colbert Avenue, North Side, Oil City, Pennsy lvania, 16301. A written report shall be submitted to the undersigned Judge no later than June 30, 1994. If the Court is to understand and make a determination based upon the quality of the living arrangements, then these home studies mut be done and provided to t he Court in t ime for the next hearing.

4. The mother should have legal counseland she tells the Court that the Crawford County Bar Association has not afforded her legal counsel, even though she has tried. A copy of this Order shall be delivered to the President of the Crawford County Bar Association, who shall ppovide counsel to represent this mather in this important custody case. The mother shall cooperate with counsel. Counsel must undoubtedly contact the mother in writing at her address at 13017 Claremont STreet, Hudson, Florida, 34667.

5. The mother shall also contact the school authorities where Alicia and Debra have gone to school this past school year to make tentative arrangements for them to return to school for summer school. If they are going to return to summer school and tentative arrangements are made for their attendance, the teacher or the school authorites shall write to the undersigned Judge at the address given above indicating when school will start. If the Court ultimately decides that the children shall return to their mother in Florida, then the Court wants t he children to attend summer school if that is necessary or appropriate. If the Court ultimately determines that the children will not be returning with the mother,then we may not allow them to go to Florida for summer school. That decision will be made on June 30.

6. At the hearing on June 30, the Court will receive additional evidence and arguments presented by either side in order to make a determination of what is in the best interests of the children, as well as the impact of relocation on these children, considering all of the Gruber factors again.

Continued to Page 622 B

7. While the children are in the custody of the fat her this summer, he shall do nothing to adversely affect their health, safety, morals and welfare. He shall not consume or be in possessionof alcoholic beverages, intoxicating liquors, beer and wine nor controlled substances, illegal drugs or non-prescribed medication(excepting over-the-counter medication). He shall not expose the children to any activities or matters that would adversely affect their health, safety, morals and welfare.

8. While the children are in the custody of the father, he shall make certain that they have adequate sleeping arrangements. We realize that there may not be enough beds immediately, but within 48 hours from the date of this hearing, he shall arrange to have appropriate bedding so that each child has his or her own bed so that no more than two people are sleeping in a bed. The bed where two children are sleeping must be a bed big enough in size to reasonable accommodate them. That can be a double bed, three-quarters bed, king-size bed or queen -size bed.

9. The Court does not make a final determination at this point regarding permanent custody beyond June 30. We do not now direct the mother to return to Pennsylvania. She should consult with counsel to determine what is in her best interests. In fact, we do not even suggest that she move back to Pennsylvania. Obviously, however, if she does return to Pennsylvania, the Gruber issues no longer apply.

10. We make no determination with respect to whether or not the mother is in contempt of court. It appears that she is in cont empt of court and should be punished accordingly. Again, we reserve a ruling on that until June 30.

11. If either parent changes his or her address, he or she shall notify the other in writing at least 7 days before the address change takes place.

BY THE COURT,
Gordon R. Miller, P. J.

6-10-94 Faxed to Attys. Brode & Schetroma (Bar Assoc.), mailed CYS & Deft.

Jun. 16, 1994 Appearance of Shafer, Swick, Bailey, Irwin & Stack by James R. Irwin, Esquire for Rebecca L. Smith, Defendant, filed.

June 30, 1994 ORDER filed. ANDNOW, June 30, 1994 at the time fixed for hearing in this matter, the defendant did not appear. It appears that she went back to Florida and had difficulty getting there. The attorney provided to her by the Bar Association, James R. Irwin, Esq., indicates that he met with Mrs. Smith once and has talked to her at least once. He represents to the Court that she does not have the money to come back or the money to even send pictures of the house.

He moves for a continuance, even though we think Mrs. Smith had ample opportunity to be present at this hearing, and in fact could have remained in Meadville for the two weeks or so between the last hearing and this hearing. We think this is serious enough in view of the fact that the children do love their mother and want to see her that we continue this case one more time to give the mother an opportunity to be present or to decide what she wants to do before the school year in the fall starts. Her choices are to remain in Florida and try to keep primary custody and run the risk that primary custody will be given to the father, which might make it difficult for her to see the children, or to return to Pennsylvania and live closer to the father so that both will have ongoing and frequent contact with the children.

Mr. Irwin is a very experienced domestic relations lawyer, and Mrs. Smith is encouraged to cooperate with Mr. Irwin because he will be looking out for her best interest and she would be foolish not to cooplerate with him or this Court.

Accordingly, this matter is continued until Tuesday, August 9,1994 at 1:30 o'clock p.m. in Courtroom No. 1 of the Crawford County Courthouse. At that time, the Court will make a final decision.

In the meantime, the children shall remain with their father under the terms and conditions of the order of June 9, 1994 until August 9, 1994.

We encourage both parties to comply with the order of June 9, especially provisions dealing with the ability of the children to talk to their other by telephone, as the children need to have frequent communication with her and be reassured that she is well and is interested in them.

BY ORDER OF THE COURT,
Gordon R. Miller, P.J.

June 30, 1994 copies dist. to Brode & Irwin

Aug. 10, 1994 ORDER filed. AND NOW, Aug. 9, 1994, the parties appeared in open court with counsel and have agreed to a settlement of this case with the mother and children relocating to Crawford Co. or Venango Co., PA. So long as the mother does that, the Order of Jan. 23, 1991 shall remain in full force and effect without change or modification. In that Order the mother is the primary physical custodian of the children and the father has visitation rights.

The contempt aspects of this case are hereby dissolved and dismissed without further proceedings.

BY ORDER OF THE COURT,
Gordon R. Miller, P.J.

Aug. 10, 1994 Copies of Order distributed to Attys. Irwin and Brode.

1990

Plate, Shapira, Hutzelman, Berlin, May, Walsh and Brabender
Stephen H. Hutzelman

1173.

FNB CONSUMER DISCOUNT COMPANY

vs.

GLADEN E. GESIN AND ANNA G. GESIN, HIS WIFE

COMPLAINT

2 copies (sheriff)

Dec. 27, 1990 Sheriff's Return filed. SERVED Gladen E. Gesin personally on December 13, 1990 at 2:33 PM at his residence, 212 Bank Street, Titusville, Crawford County, PA.
SERVED Anna G. Gesin personally on December 13, 1990 at 2:34 PM by handing copy of Complaint to her husband, Gladen E. Gesin, at their residence, 212 Bank Street, Titusville, Crawford County, PA.
So answers, Robert M. Stevens, Deputy Sheriff
Howard N. Stewart, Sheriff

And Now, feb. 4, 1991, at 11:43 a.m., upon praecipe of plaintiff attorney, with default notice attached, Judgment is hereby entered in favor of the plaintiff and against the defendants for want of an answer; damages assessed in the amount of Fifteen Thousand Eighty and 12/100 dollars, with int. from June 1990 of $678.61 and atty. fees of Three Thousand Sixteen and 02/100 Dollars, plus court costs of record.
Judgment entered - 2/4/91
G - 13, 73

Debt -- $15,080.12
Int. from June 1990 - $678.61
Atty. fees - $ 3,016.02
JUDGMENT
James F. Simmons,
Prothonotary

Filed Dec. 12, 1990
@ 1:37 p.m.

Tax & entry Paid	$50.50
state paid	5.00
Sheriff's Costs	38.60
Pro Co Pd 2/4/91	9.00

EX 1991-10

Feb. 7, 1991, Notice of entry of judgment mailed to each defendant.

624

1990

Jorden and WHite
William T. Jorden

1174.

David A. Schroeder
Swensen Perer, Johnson
& McCandless

CLAUDIOUS GREATHOUSE

vs.

FLOYD GREATHOUSE

VS.

STEPHANIE DAWN BOLDING
Add'l Defendant

Filed Dec. 13, 1990
@ 3:59 p.m.

Tax & entry Paid	$50.50
state paid	5.00
Sheriff's Costs	34.48
Sheriff's costs	21.00
Pro Co. Paid 12-10-91	6.00
Pro Co Pd 12/23/91	6.00

SUMMONS IN CIVIL ACTION

Issued (sheriff)

Jan. 2, 1990 Writ Return filed. SERVED Floyd Greathouse personally on December 31, 1990 at 1:22 PM at his residence, R.D.#4, Rt. 408, Centerville, Crawford County, PA 16404
So answers, Robert M. Stevens,
Howard N. Stewart

July 24, 1991 Complaint filed. 1 copy (atty)

Sept. 5, 1991, APPEARANCE of Swensen, Perer, Johnson, and McCandless, by David A. Schroeder, attorneys for defendant filed.

Oct. 3, 1991 complaint to Join Additional Defendant Stephanie dawn Bolding filed. 1 copy (sheriff)

Oct. 3, 1991 Answer and New Matter to Plaintiff's Complaint filed.

Oct. 24, 1991 Sheriff's Return filed. SERVED Stephanie Dawn Bolding on Oct. 8, 1991 at 1:58 PM by handing copy of Complaint to Kathea Bolding, her mother, at Star Route Estates, Meadville, Crawford County, PA. Signed Acceptance of Service attached.

Robert M. Stevens, Deputy Sheriff
Howard N. Stewart, Sheriff

Dec 6, 1991 Upon Praecipe of Attorney for Defendant, the above action is marked settled and discontinued as against the-Additional Defendant, Stephanie Dawn Bolding, ONLY.

Dec. 18, 1991 Upon praecipe of plaintiff attonrey, for value received and upon payment of costs, the above captioned actin ishereby settled and discontinued of record.

1990

Ted J. Padden
Carney & Good
1175.

FORD MOTOR CREDIT COMPANY

vs.

DIANA M. SWARTWOOD, AND TODD SWARTWOOD, d/b/a SWARTWOOD GENERAL CONTRACTING

Filed Dec. 14, 1990
@ 9:03 a.m.

Tax & entry Paid $50.50
State paid 5.00

COMPLAINT IN REPLEVIN

2 copies (sheriff)

Dec. 14, 1990, Notice of Hearing for seizure of Property and Order filed. ORDER: AND NOW, to-wit, this 14 day of Dec. 1990, pursuant to the foregoing Complaint and Motion, it is hereby ordered and decreed that a hearing to determine whether a Writ of Seizure should be issued is hereby set for Jan. 2, 1991 at 3:00 p.m. Ct. Rm. 1 or 2.

P RICHARD THOMAS, S.J.

(2 copies- sheriff) 1 copy (atty)

626

1990

Mary Ann Kirkpatrick

1176.

Northwestern Legal Services
R. Christopher Brode

2/20/91 Recd. $67.50 From Plaintiff
Recd 3-1-91
$67.50
Vivian Stoltz

3/19/91 Recd $40.00 From Defendant
Recd 4-1-91
$40.00
Vivian Stoltz

4/3/91 Recd. $27.50 From Defendant
Recd May 1, 1991
$27.50
Vivian Stoltz

FLOYD JAMES McKINNEY, JR.

vs.

BRENDA VALINGO

IN RE: CUSTODY OF JAMI LYNN McKINNEY, and KRYSTAL RAE VALINGO

Filed Dec. 14, 1990
@ 9:05 a.m.

Tax & entry Paid	$50.50
state paid	5.00
John Fuller, mediator	$135.00
Pro Co Pd 2/20/91	9.00

CUSTODY COMPLAINT

1 copy (atty)
1 copy (mediator)

ORDER:

AND NOW, Dec. 14, 1990, this matter is referred to JOHN FULLER, CHILD CUSTODY MEDIATOR.

By the Court,
P. Richard Thomas, S. J.

Dec. 31, 1990 Affidavit Of Service filed. And Now, December 19, 1990, comes Lisa M. Sherretts being duly sworn according to law, deposies and sets forth as follows:

1. That she is the legal secretary of Attorney for Floyd James McLinney, Plaintiff in the above-captioned matter.
2. That on information furnished her by the Plaintiff, she caused a certified copy of the Custody Complaint to be forwarded by Certified Mail, P398 123 121; postmarked December 14, 1990, to the last known address of the Defendant, Brenda Valingo, R.D.#1, Box 14, Conneaut Lake, PA 16316.
3. That the Defendant, Brenda Valingo, on or before December 16, 1990, personally signed the return receipt card which was affixed to the Complaint in the above matter and which is attached hereto.
4. Service of the Complaint against Defendant is therefore effected in accordance with Pennsylvania rules of Civil Procedure.

Lisa M. Sherretts

Jan. 14, 1991 Appearance of Northwestern Legal Services by R. Christopher Brode for Defendant filed.

Jan. 14, 1991 Certificate of Notice filed.

Jan 18, 1991, Preliminary Objections filed. ORDER: AND NOW, Jan. 18, 1991, these objections are denied without prejudice to raise these issues later.

Gordon R. Miller, J.

Jan. 18, 1991, copies to M. Kirkpatrick and C. Brode

Jan. 31, 1991 Order filed. AND NOW, Jan. 31, 1991, aft er mediation conference before John Fuller, Esquire, IT IS ORDERED AND DECREED AS FOLLOWS:

I. No order is entered with relation to Krystal Rae Valingo.

II. Legal custody of Jami Lynn McKinney shall be shared between her father, Floyd James McKinney, Jr. and her mother, Brenda Valingo, that is, each parent shall be entitled to full access to school records, medical records and other important records and each parent shall be entitled to take part fully in important decisions affecting the child such as the child's education, religious instruction and medical treatment.

IIIPhysical custody of Jami Lynn McKinney shall be with her mother, Brenda Valingo, subject to the following conditions:

A. The father shall be entitled to visit and take Jami Lynn McKinney into his custody every weekend, with the exception of the first weekend of each month, from Friday at 6:)0 p.m. until Sunday at 6:00 p.m. The first weekend of each month shall be deemed to be the weekend in which the first Friday of each month falls.

B. Beginning with the Summer of 1991, the father shall be entitled to have the child, Jami Lynn McKinney, in his custody for two (2) two-week periods. The father shall give the mother at least thirty (30) days notice of the exact dates of these two extended vacation periods.

C. Holidays shall be defined as Christmas, Easter, Thanksgiving, Mother's Day and Father's Day. Jami Lynn McKinney shall be in the custody of her mother every Mother's Day and in the custody of her father every Father's Day. The parties shall alternate having the children in their custody on Christmas, Easter and Thanksgiving.. In 1991 and odd year s thereafter, Jami Lynn McKinney shall be in the custody of her father on Easter and Thanksgiving and in the custody of her mother on Christmas Day. In 1992 and even years thereafter, Jami Lynn McKinney shall be in the custody of her mother on Easter and Thanksgiving and in the custody of her father on Christmas Day. The parent not having custody of the child on Christmas Day shall be entitled to have the child in his or her custody on Christmas Eve from 5:00 p.m. until 8:00 a.m. the next morning.

D. Transportation of the child on weekend, holiday and Summer visits shall be divided with the parent receiving custody providing the transportation, that is, if the father is to receive custody of the child on Friday evening, he shall pick up the child at the mother's house and when the child is to be returned to the mother on Sunday evening, the mother shall pick up the child at the father's house.

E The father shall not consume alcohol at any time when the child is in his custody nor shall he take the child to an establishment where alcohol is served without the consent of the mother.

F. Neither mother nor father shall say or do anything in an attempt to turn the child against the other parent but on the other hand shall do everything in the power of each to foster a favorable and loving attitude on the part of the child towards both parents.

G. Neither mother nor father shall expose the child to any person or situation which may be harmful to the child's health or well being.

H. Both parents agree to inform the other immediately of any illness or injury regarding the child and both parents agree to furnish the other with a current telephone number.

IV. This order is a temporary order but shall become a permanent order unless exceptions thereto are filed by either party within thirty (30) days of the date hereof.

V. Cost of the mediation conference shall be equally divided between the parties.

Gordon R. Miller, JUdge.

Feb. 4, 1991 copies to Mary Ann Kirkpatrick, R. Christopher Brode, & John Fuller, Esqs., and Plaintiff & Defendant

1990

Christopher Youngs

1177.

Mary Ann Kirkpatrick

JENNIFER L. LOVEN

vs.

EUGENE G. LOVEN

PETITION FOR EMERGENCY RELIEF UNDER PROTECTION FROM ABUSE ACT

1 copy plaintiff
3 copies sheriff

Filed Dec. 14, 1990
@ 12:01 p.m.

Tax & entry	12/13/91	$50.50
State	12/13/91	5.00
Sheriff's costs		25.00
Pro Co Bd	1/3/91	5.00

1/3/91 Recd $ 25.00 From Plaintiffs

1/3/91 Paid $ 25.00 To Howard Stewart, Sheriff Chg. 5978

ORDER:

And now, this 14th day of December, 1990, upon review of the petition of Plaintiff, the Court entered the following Temporary Order.

1. The Defendant shall not assault, abuse, harass or threaten the Plaintiff or any of the minor children named in the Petitio n.
2. Special Conditions: Defendant shall not contact the children nor have them in his custody until further order of court.
3. This Order may be enforced without a warrant of arrest by any law enforcement officer having reasonable ground to believe it has been violated.
4. A copy of this Order shall be delivered to the police departments in the jurisdiction where the Plaintiff resides and to County Control.
5. Service of a copy of the Petition and this Order shall be made upon the defendant by a sheriff, constable, police officer or competent adult.
6. This temporary order shall remain in full force and effect until modified or terminated by further order of this Court. Liability for payment of fees and costs will be determined by final court order.
7. The Defendant is reminded that this is an ORDER OF COURT and violation of this Order may be punishable by a fine up to $1,000.00 and a jail sentence of up to six months.
8. The court reserves ruling on allocations of fees and costs.

Hearing is here by set for December 20, 1990, at 4:00 p. M., in Courtroom 1 or 2 of the Crawford County Courthouse. The defendant is advised he may retain an lawyer to represent him at said hearing if he so desires but he is not required to do so.

BY ORDER OF COURT,
Gordon R. Miller, J

Dec. 19, 1990 Sheriff's Return filed. SERVED Eugene G. Loven personally on Dec. 14, 1990 at 4:00 PM at his residence, 278 Walnut St., Meadville, Crawford County, PA 16335.
So answers, Howard N. Stewart, Sheriff

Dec. 21, 1990 Order filed. ORDER: AND NOW, December 20, 1990 at the time fixed for hearing in this matter, the Plaintiff made a proposal with respect to postponing our decision, supervised visitation in the meantime, and possible psychological evaluation, and the Defendant vigorously opposed anything other than a discharge of the prior order. In all events, the Plaintiff was not prepared for nor was she capable of proceeding under the Act this date. Accordingly, the hearing in this matter is continued until Thursday, January 3, 1991 at 11:00 a.m. in Courtroom No. 2 of the Crawford County Courthouse.

The temporary abuse order entered December 14, 1990 is hereby dissolved.

A copy of this order shall be delivered to the police department in the jurisdiction where the Plaintiff resides and to County Control

BY ORDER OF THE COURT,
Gordon R. Miller, P.J.

Dec. 21, 1990 copies of Order to Attys. Christopher Youngs, Mary Ann KIrkpatrick, County Control and Meadville City POlice

Jan. 2, 1990 Upon praecipe of Plaintiff Attorney the above action is marked settled and discontinued of record.

628

1990

James R. Irwin
Shafer, swick, Bailey,
Irwin & Stack

1178.

JEFFREY K. FINCH

vs.

RUTH A. FINCH

Filed Dec. 14, 1990
@ 2:02 p.m.

Tax & entry Paid	$50.50
state paid	10.00
state paid	5.00
Pro Co. Pd. 1-7-92	9.00

COMPLAINT IN DIVORCE

1 copy (atty)

Apr. 29, 1991 Affidavit of Consent of plaintiff filed.

May 29, 1991 Affidavit of Service filed. I, James R. Irwin, Esquire, being duly sworn according to law, depose and say that I am the attorney of record, and as such say that I served a true and correct copy of the complaint in Divorce certified by the Prothonotary of Crawford County, Pennsylvania on the above named Defendant by certified mail, addressee only, return receipt requested, dated Decemer 14, 1990. The Defendant acknowledged service on Dec. 17, 1990 by accepting delivery on that date as evidenced by the attached signed return receipt.

James R. Irwin, Esquire

Dec. 6, 1991 plaintiff's Affidavit Under Section 3301(d) of the Divorce Code filed.

Jan. 7, 1992 Upon praecipe of plaintiff attorney to transmit record, this case moved to Court.

Jan. 7, 1992 Notice of Intention to Request Entry of Divorce Decree filed. Affidavit of Service filed. I, JAMES R. IRWIN, Esq., being duly sworn according to law, depose and say that I am the attorney of record, and as such say that I served a true and correct copoy of the Complaint in Divorce certified by the Prothonotary of Crawford County, Pa. on the above named Defendant by certified mail, addressee only, return receipt requested, dated Dec. 14, 1990. The Defendant acknowledged service on Dec. 17, 1990 by accepting delivery on that date as evidenced by the attached signed return receipt.

Jan. 14, 1991 **D I V O R C E D E C R E E F I L E D .**

AND NOW, January 13, 1992, it is ordered and decreed that Jeffrey K. Finch, plaintiff and Ruth A. Finch, defendant, are divorced from the bonds of matrimony.

BY THE COURT,
Gordon R. Miller, J

1990

Federman and Phelan Frank Federman	BANKERS TRUST (DELAWARE) NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS TRUSTEE FOR THE RURAL HOUSING TRUST 1987-1 P.O. Box 9430 Deerfield Beach, Fl. 33442	COMPLAINT IN MORTGAGE FORECLOSURE
1179.	vs.	Jan. 2, 1990, Upon praecipe of plaintiff attorney, the above matter is marked settled, discontinued and ended of record.
	JOHN T. PIERCE, JR. AND KIMBERLY S. PIERCE P.O. Box 781 KENEALLVILLE, IN. 46555	
	Filed Dec. 14, 1990 @ 2:27 p.m.	
	Tax & entry Paid $50.50 State paid 5.00 Pro Co Pd 1/2/91 5.00	

630

1990

Blystone & Blystone
Peter E. Blystone

1180.

Terry Toomey
Bukac and Toomey

GRAPHIC REALTY CORPORATION

vs.

FREE POLAND GROUP 2770,
POLISH NATIONAL ALLIANCE

Filed Dec. 14, 1990
@ 3:41 p.m.

Tax & entry Paid	$50.50
State paid	5.00
Sheriff's Costs	21.00
Pro Co Pd 12/12/91	6.00

COMPLAINT IN CIVIL ACTION

1 copy (sheriff)

Dec. 28, 1990 Sheriff's Return filed. SERVED Free Poland Group, Polish National Alliance on December 17, 1990 at 2:25 PM by handing copy of Complaint to Robert D. draudt, Sec.-Treas., at their place of business, 217½ Market Square, Meadville, Crawford County, PA.
So answers, Edgar D. Householder, Deputy
Howard N. Stewart, Sheriff

Jan. 17, 1991, Answer, New Matter and Counterclaim filed.
Feb. 13, 1991 Reply to New Matter and Answer to Counterclaim filed.

Aug. 21, 1991 Notice Of Service Of INterrogatories To Defendant and REquests For Production To Defendant filed.

Sept. 10, 1991, Certificate of Readiness filed.

ON OCTOBER 1991 TRIAL LIST

Sept. 9, 1991 Plaintiff's Motion For Consolidation Of Actions and For Expedited Trial and Order filed. AND NOW, this 9th day of September, 1991, upon Motion of plaintiff, Graphic Realty Corporation, it is ordered that the causes filed at No. AD 1990-1180 and NO. AD 19910498 are consolidated for purposes of discovery and trial. Gordon r. Miller, J
Sept. 12, 1991 Copies of order put in box for Atty's Toomey and Blystone

Sept 18, 1991 Defendant's Motion to Enlarge Time to Answer Plaintiff's Interrogatories filed.

**Sept 18, 1991 Order filed: AND NOW, this 18th day of September, 1991, upon Defendant's Motion to enlarge the time during which to respond to Plaintiff's Interrogatories, said Motion is GRANTED and the Defendant is permitted until Tuesday, October 8, 1991 to respond to Plaintiff's Interrogatories. BY THE COURT,
Gordon R. Miller, J.**
Sept 19, 1991 Copies of order put in Attys. Blystone and Toomey's boxes.

Sept 18, 1991 Motion to Strike Plaintiff's Certificate of Readiness filed:

**Sept 18, 1991 Order filed: September 18, 1991 This motion is denied.
Gordon R. Miller, J**
Sept 19, 1991 Copies of order put in Attys. Blystone and Toomey's boxes.

Oct. 15, 1991 ORDER SETTING NONJURY TRIAL filed. AND NOW, Oct. 15, 1991, nonjury trial in this matter is hereby set for Dec. 10, 1991 at 9:00 A.M., in Courtroom 2 or 2.
FOR THE COURT,
Imogene Yetman, Court Administrator
Oct. 18, 1991 Copy of Order to Attys. Peter Blystone and Terry Toomey.

Nov. 27, 1991 Pretrial NaRRATIVE Statement of Plaintiff Graphic Realty Corporation filed.

Dec. 9, 1991, Upon praecipe of plaintiff attorney and consented to by defendant attorney, all causes of action which were, or could have been asserted in the above action, including defendant's counterclaims, having been fully settled and determined, the above action is hereby marked settled and discontinued of record.

1990

John F. Mizner
MacDonald, Illig,
Jones & Britton

1181.

IN THE MATTER OF:

SWANSON JOSEPH BENNETT

Filed Dec. 17, 1990
@ 9:04 a.m.

Tax & Entry Pd 1/11/91 $50.50
State Pd 1/11/91 5.00

PETITION FOR CHANGE OF NAME

1 copy (atty)

Dec. 17, 1990, Motion for Publication filed. 1 copy (aTTY)

Dec. 17, 1990, ORDER filed. 1 copy (atty)
AND NOW, towit, this 17 day of dec. 1990, upon consideration of the foregoing Petition for Change of Name and Motion for Publication, it is hereby Ordered anddecreed that a hearing be held on the 11 day of Jan. 1991, at 8:45 a.m. in C. R. No. 1 of the Crawford CountyCourthouse, and that notice of the filing of the within Petition and the date of the final hearing be published once in a newspsper fo general circulation in the County of Crawford, Pa., namely, the Meadville Tribune, and once in the Crawford County Legal Journal.

BY THE COURT:
P. Richard Thomas, S. J.

Jan. 11, 1991 Decree filed. AND NOW, to-wit, this 11th day of January, 1991 upon the Petition In the Matter of Change of Name of Swanson Joseph Bennett, after a hearing thereon, and upon presentation of proff of publication of notice as required by law, together with proof that there are no judgments or decrees of record or any other matter of like effect against the Petitioner, or her son son, it is hereby ORDERED and DECREED that the name of Swanson Joseph bennett be changed to Joseph Patrick Bennett.

BY THE COURT,
Gordon R. Miller, J

Jan. 11, 1991 Copy of decree mailed to John Mizner

1990

James R. Irwin
Shafer, Swick, Bailey,
Irwin & Stack

1182.

GINGER M. WILLIS

vs.

ROGER B. WILLIS

Filed Dec. 17, 1990
@ 10:25 a.m.

Tax & entry Paid	$50.50
1 count paid	15.00
State paid	10.00
State paid	10.00
Pro Co Pd 4/30/91	9.00
Pro Co Pd 2/6/92	5.00

COMPLAINT IN DIVORCE

1 copy (atty)

Apr 23, 1991 Affidavit of Consent of Defendant filed.

Apr 23, 1991 Affidavit of Consent of Plaintiff filed.

Apr. 30, 1991, AFfidavit of Service filed. I, James R. Irwin Eqs. being duly sworn ac cording to law, depose and say that I am the atty. of record, and as such say that I served a true and correct copy of the Complaint in Div. certified by Prothonotary on the above named defendant by cert. mail, addressee only, ret. rec. requested, dated Dec. 17, 1990. The defenant acknowledged servcie by accepting delivery as evidenced by the attached signed ret. rec.
James R. Irwin Esq.

Apr. 30, 1991, Upon praecipe of plaintiff attorney, to transmit the record, this case moved tocourt.

May 13, 1991 **D E C R E E F I L E D .**

1. Divorce: Upon consideration of the pleadings and affidavits filed in the abovecaptioned case, this Court hereby grants an absolute divorce from the bonds of matrimony to the abovenamed parties, on the grounds that the marriage is irretrievably broken and Ninety (90) days have elapsed form the date of filing of the Complaint and an affidavit has been filed by each of the parties evidencing that each of the parties consents to the entry of a divorce decree, pursuant to Section 201(c) of the Pennsylvania Divorce Code.

2. Equitable Property Determination and Distribution: It is ordered and decreed that the marital property of the abovenamed parties shall be divided in accordance with Agreements dated december 14, 1991 and april 19, 1991, executed by the parties and filed in the court of Common Pleas of crawford county, Pennsylvania at the abovecaptioned number and term.

These Agreements, in part, provide that the parties have equitably divided and distributed their real estate.

Further, it is ordered and decreed that the division of marital owned personal property shall be made in accordance with Paragraph 4, 5, and 6 of the Agreement dated April 19, 1991.

3. A copy of the Agreement of the parties, dated december 14, 1991 and April 19, 1991, which set in further detail the agreement of the parties concerning the matters her ein, shall be filed with this Decree in the Prothonotary's Office at the above number and term.

4. No other matters or causes of action provided under the Pennsylvania Divorce Code are reserved by either of the parties.

This Order shall be effective as of this 13th day of May, 1991.

BY ORDER OF THE COURT,
Gordon R. Miller, J

May 13, 1991 Memorandum of Agreement as to Divorce and Equitable Distribution filed.

Feb. 6, 1992, NOTICE OF ELECTION TO RETAKE MAIDEN NAME filed.
TO BE KNOWN AS: GINGER A. MOORE.

1990

Harry C. J. Blair

1183.

LINDA R. GRANAT

vs.

FRANICS R. GRANAT

Filed Dec. 17, 1990
@ 4:10 p.m.

Tax & entry paid $10.50
State paid 5.00

CERTIFICATION OF DECREE OF DIVORCE FROM COUNTY OF NORTHAMPTON, COURT OF COMMON PLEAS-1984-C-9752

ORDER OF COURT:
AND NOW, this 10th day of May 1990, upon consideration of the within Memorandum of Understanding and Affidavit of Consent executed by the parties, and upon motion fo Harry C. J. Blair, Esq. Standing master in Divorce, it is Ordered and Directed that the Memorandum be, and hereby is approved, and sahll have the same force and effect as a full order of this court.
IT IS FURTHER specifically noted that a Decree in Divorce is entered contemporaneously herewith.
BY THE COURT,
James C. Hogan Judge

DECREE:
AND NOW, this 10 day of May 1990, it is ORDERED AND DECREED that Linda R. Granat, Plaintiff and Francis R. Granat defendant are divorced from the bonds of matrimony.
The Court retains jurisdiction of any claims raised by the parties to this a ction for which a final order has not yet been entered. James C. Hogan, Judge

1990

Mason and Mason
Joan D. Mason

1184.

Shafer, Swick Bailey
Irwin & stack
James R. Irwin

CLARK ALLEN LINDGREN

vs.

JAN ZERNELL LINDGREN

Filed Dec. 18, 1990
@ 3;19 p.m.

Tax & entry Paid	$50.50
1 count paid	15.00
state paid	10.00
state paid	10.00
2 counts pd 2/25/91	30.00
state pd 2/25/91	10.00
Pro Co pd 2/20/91	15.00
State pd 2/20/91	5.00
Pro Co pd 6/20/91	9.00

COMPLAINT IN DIVORCE, EQUITABLE DISTRIBUTION

1 copy (atty)

Jan. 10, 1991 Affidavit of Service filed. I, Joan D. Mason, Esquire, Attorney for the Plaintiff in the above entitled case, and being duly sworn according to law, depose and say that I did on December 18, 1990, mail to the above Defendant, Jan. Zernell Lindgren, by certified mail #P 066 073 989, return receipt requested, deliver to addressee only, a complaint in the above divorce action. Said notice was received by Defendant, Jan zernell Lindgren on January 2, 1991, ad indicated by the return receipt card which was returned to the office of the Plaintiff's attorney and is attached hereto. Joan D. Mason

Feb. 11, 1991, Answer and Counterclaim filed. (Counsel Fees and Expert Fees, Alimony, Alimony Pendente lite added)

Feb. 19, 1991, Inventory and Appraisement of Jan Z. Lindgren filed.

Feb. 20, 1991 Petition For Additional Remedies filed. (Custody)

Feb. 20, 1991 Motion For Appointment of Custody Mediator and Order filed. AND NOW, February 21, 1991 John Fuller is appointed custody mediator. P. Richard Thomas
1 copy atty. 1 copy mediator

Mar. 26, 1991, Income and Expense Statement of Plaintiff filed.

Mar. 26, 1991, Inventory and Appraisement of Plaintiff filed.

Mar. 28, 1991 Affidavit of Service filed. I, Joan D. Mason, Esquire, Attorney for the Plaintiff in the above entitled case, and being duly sworn according to law, depose and say tha tI did on February 21, 1991, mail to the above Defendant, Jan Zernell Lindgren, by certified mail #P 966 073 991, return receipt requested, deliver to addressee only, a Petition for Additional Remedies - Custody, in the above divorce action. SAid notice was received by Jan Zernell Lindgren on February 26, 1991, as indicated by the return receipt card which was returned to the office of the Plaintiff's attorney and is attached hereto.
Joan D. Mason

April 2, 1991 Consent Custody Agreement and Order filed: AND NOW, this 1st day of April, 1991, the court orders as follows:

1. Legal and physical custody of the parties' two minor children, Jason Clark Lindgren, born July 9, 1982, and Joshua Allen Lindgen, born June 14, 1985, shall be shared between their father, Clark A. Lindgren and their mother, Jan Z. Lindgren.

2. The Commonwealth of Pennsylvania retains jurisdiction in regard to custody, until further order of this court.

3. Physical custody of the children shall be shared, such that mother shall have the children in her custody from August 15th of each year through Juane 14th (essentially the school term of the children), with father to have the children in his exclusive custody from Juane 15th through August 15th of each summer. In addition thereto, father shall have the children in his custody one week at teh children's spring break and two weeks at Christmas time each odd numbered year, and one week at Thanksgiving time each even numbered year. Mother shall provide father with a school schedule as soon as one becomes available, before the commencement of school. Father shall provide mother with at least forty-five (45) days advance notice of the schedule he elects for his designated vacations, apart from the summer vacation. The parties both recognize that said vacation schedules may infringe upon a number of days of the children's normal school time.

4. Transportation expenses involving said visits, shall be shared between the parents equally, except for each spring break, which shall be solely father's expense. Father shall escort the children for said visits, which escort transportation expense for him shall also be shared equally between the parties, until such time as the youngest child attains seven (7) years of age. Beginning with the summer of 1992, the children may travel without escort. Father shall personally escort the children, unless arrangements are made otherwise by mutual agreement. Sixty days prior to the children's scheduled departure date, father shall submit to mother, the transportation expenses anticipated in connection with said visit, for those visits for which she bears 50% reimbursement responsibility. Mother shall then have ten days to notify father of less expensive airline alternative flights. Said alternative flights shall not curtail or substantially vary the existing schedule set for by father, in compliance with the provisions of this order, nor shall they require father's transportation to or from airport in conflict with his work schedule, nor shall airports further than Cleveland, or Pittsburgh be designated by mother. In the event the above condistion have been met, and father shall opt to utilize the more expensive transportation, mother shall be responsible for one-half of the cost of the less expensive alternative. In regard to transportation expenses, father shall incur said expenses initially, providing mother with proof of the amount of said expenses, and father's payment of same. Within thirty days of receipt of said proof, mother's one-half share shall be paid by her in full, to father. In the event that mother wishes to provide transportation in kind for the children, either to a visit, or from a visit, she may elect to provide either transportation in kind one way for any particular visit, and said provision of transportation one way shall constitute her one-half obligation towards the travel expenses of the children for said visit. If mother elects to provide transportation (and escort the children if prior to summer, 1992) in kind for the children to said visit, father shall be responsible for transportation back, and if mother elects to provide transportation (and escort the children if prior to summer, 1992) to return the children to her home, father shall provide the transportation for the children to come to his home. In this event, neither party shall be sharing half the ncurred expense of the other parent.

Either parent may designate a responsible adult to escort the children (if prior to summer, 1992), or to provide transportation in kind, beginning with the summer of 1992 and thereafter, and shall give forty-five (45) days advance notice to the other party to allow the other sufficient time to arrange air transportation if need be.

5. Father shall have the right to call the children at the home of the mother preferably at prearranged times, twice a week, at his expense.

Additional telephone visits for father shall be liberally granted.

Continued on page 634a

Clark Allen Lindgren

vs.

Jan Zernell Lindgren

Record Continued from Page 634

of

AD 1990-1184

****

Mother shall have the right to call the children at the home of the father, preferably at preagganged times, twice a week, during the summer, and once a week during all other visits when father has the children.

6. Non-scheduled visitation of either parent may be permitted under special circumstances, pursuant to previously obtained mutual agreement.

7. Each parent shall immediately notify the other parent of any situation in which either child is seriously ill, or has been injured, giving details of said injury, illness and treatment.

8. Each party shall treat the other in a polite and respectful manner when in the children's presence, and each party shall instruct his or her relatives and friends to do likewise, and shall not disparage, nor allow others to disparage the other parent, in the children's estimation.

9. Each party shall notify the other party hereto, of any change in residential address and telephone number, and shall likewise notify the other party hereto of work telephone number.

BY THE COURT,
Gordon R. Miller, J

3 copies (atty)

May 29, 1991 Affidavit of Consent of Defendant filed.

June 19, 1991 Affidavit of Consent of Plaintiff filed.

June 19, 1991 Upon praecipe of Plaintiff Attorney For Review Under §201(c) of the Divorce Code, this case moved to court.

June 26, 1991 **S T I P U L A T I O N A N D D E C R E E F I L E D .**

AND NOW, this 26 day of June, 1991, the court orders and decrees as follows:

1. DIVORCE: Upon consideration of the pleadings and affidavits filed in the above-captioned case, this court hereby grants an absolute divorce from the bonds of matirmony to the above-named parties, on the grounds that the marriage is irretrievably broken and ninety (90) days have elapsed from the date of the filing of the complaint, and an affidavit has been file dby ech of the parties, evidencing that each of the parties consents to the divorce pursuant to Section 201(c) of the Pennsylvania Divorce Code.

2. REAL ESTATE: The parties hereto jointly own residential real estate located at 558 Arch Street, Meadville, Pennsylvania. The Defendant will simutaneously with her signature to the Stipulation attached hereto, execute a Quit Claim Deed giving the Plaintiff all right, title and interest in and to said former marital evidence, in exchange for stated consideration. Until such time as the property is sold, Plaintiff shall be responsible for the payment of the mortgage, and shall have exclusive right to occupancy of the home.

3. TANGIBLE PERSONAL PROPERTY: The parties hereto have divided all tangible personal proper ty to their mutual satisfaction, and each shall retain those items in his or her present possission, free and clear from any claim of the other party hereto.

4. VEHICLES: Defendant shall retain the 1984 Chevrolet Celebrity station wagon, title to which has been transferred to her alone.

Plaintiff shall retain the 1979 Volkswagon Rabbit, title to which has been transferred to him alone.

5. DEBTS: Plaintiff shall assume full responsiblity for the balance owed on the following debts: Visa (Ameritrust) with a current balance of approximately $2,200.00; Discover (Sears) with a current balance of approximately $2,444.00; Sears with a present balance of approximately $1,176.00; J. C. Penney with an approximate balance of $252.00 Student loans (Guaranteed Student Loan and National Direct Student Loan) utilized for Plaintiff's education, with a current balance of approximately $25,00.00. The parties hereto agree to file joint 1990 federal and state income tax returns, with any tax refund to be shared equally between the parties. Plaintiff agrees to hold Defendant harmless, and to indemnify her, in regard to said stated debts.

6. ALIMONY, ALIMONY PENDENTE LITE:

a. Alimony: Plaintiff shall pay to the Defendant the sum of $250.00 per month, provided that Defendant is a full time student at any accreditied post-secondary educational institution (full time being defined as enrollment and active pursuit of at least eight semester credit hours, or the equivalent thereof in the event that the system is not on a semester basis. Said full time status requiring payment of said alimony shall deemed to continue during the summer if summer courses are offered and the Plaintiff pursues them, even though same amy not be eight semester credit hours or the equivalent thereof. I fsummer courses are not available, alimony shall continue).

b. said alimony payments shall not increase or reduce in amount, during the months for which it is due under the preceding conditions, and shall be limited to the eligible months inthe itme period beginning with the month of September, 1992, and ending with the month of August, 1994.

c. Provided that the Defendant remains in school as defined above, she shall continue to receive said alimony even though she may remarry or cohabit with a person of the opposite sex, either of which occurrences would otherwise disqualify her from eligibility for alimony.

d. All said payments for al imony shall be made directly to the Defendant from the Plaintiff, without proceding through the Domestic Relations Office. Said payments shall be fully taxable to the Defendant, and deductable to the Plaintiff, for all income tax purposes.

e. In regard to the requirement that wife remain enrolled in school, she shall provide written proof of her student status, bearing signature of the reigstrar of siad institution, at least once per semester or term. In addition, Plaintiff shall have the right to request written proof of continuing attendance and enrollment at othe rtimes, and Plaintiff shall furnish the same (a letter signed by the registrar) within thirty days of said request, which requests shall not be in excess of one per month. If same is not produced, aliomny shall be suspended and shall not be due again until such time as said proof is furnished.

f. The entire period during which alimony may be due shall span from September, 1992 through August, 1994. If, during any part of that time, the Defendant is disqualified from receiving alimony by not attending school as set forth above, those months of alimony shall be lost to her, and not receoverable at any time follwoing the stated two year period.

634-b-

1990

Clark Allen Lindgren

vs.

Jan Zernell Lindgren

Record continued from page 635-a

of record

A.D. 1990 - 1184

****

g. In the event that the Defendant decides to discontinue her education, or take less than the required number of hours or equivalent credit hours as set forth above, she shall immediately notify the Defendant (within forty-eight hours of discontinuance of her education or ineligibility for aimony in accordance with these terms), whether she has formally withdrawn or not, and any alimony owed for that month shall be prorated to the date of actual discontinuance of her educational pursuits, or from the date of reduction to below the number of hours required to trigger his obligation to pay alimony. Said notice form Defendant to Plaintiff shall be to him alone, and in addition to verbal notice, written notice form Defendant shall be provided to Plaintiff within onw week of said discontinuance or reduction in hours.

h. Plaintiff shall provide to the Defendnat through COBRA premium payment for health insurance overage in conneciton with his employment at Allegheny College, up to a maximum of three years, unde rthe following conditions and limitations:

(1) He shall not be re sponsible for any amount of monthly premium that exceeds $100.00. Said excess amount shall be due and payable from the Defendant on or before the due date of said payment. She shall forward said excess amount to the Plaintiff, which he will them match with said $100.00 payment, and only under those circumstances shall he be responsible for said monthly premium. Plaintiff shall notify the Defendant of any increase in the monthly premium above the same of $100.00, an dhe shall provide her with written verfication of said premium expense, from the responsible college offical in charge of employee benefits.

(2) In the eent of Defendant's remarriage, Plaintiff shall hav eno further responsibility towards defendatn's medical, health insurance or other needs, and this provision shall be modifiable.

g. Defendant hereby waives her request for payment of alimony pendente lite.

7. COUNSEL FEES AND EXPERT EXPENSES: Each party shall pay his or her attorney fees, court costs and expenses, in connection with this litigation.

8. WAIVER OF FILING OF DOCUMENTS: Neither party hereto shall require the other par ty hereto to file an inventory and appraisement as would otherwise have been required by the Pennsylvania Rules of Civil Procedure. Each par ty is aware of the debts and assets acquired during the marriage.

9. WAIVER OF CLAIMS: Neither party hereto shall make any cliam against th eother par ty hereto, except for enforcement of the rights and responsibilites set forth in this decree.

BY THE COURT,
P. Richard Thomas, S.J.

1990

Fuller, Kinnunen,
Petruso & Gamble
John Fuller

1185.

HARRY A. KLEIN AND JEAN L. KLEIN, HIS WIFE

vs.

H. Y. CHANDRA, HIS HEIRS AND ASSIGNS

Filed Dec. 18, 1990
@ 4:21 p.m.

Tax & entry Paid	$50.50
state paid	5.00
Sheriff's Costs	249.06
Pro Co Pd. 2/25/91	#9.00

COMPLAINT - ACTION TO QUIET TITLE

Dec. 19, 1990, Motion for Service by Publication, Affidavit, and Order filed.

ORDER FOR SERVICE BY PUBLICATION: AND NOW, to-wit, Dec. 19 1990, upon consideration of the foregoing Motion, the Sheriff of Crawford County is ORDERED AND DIRECTED TO make service of the Complaint on the Defendant, H. Y. chandra, his heirs and assigns, by publication once, inthe Meadville Tribune newspaper, a newspaper, a newspaper of general circulation in Crawford County, Pennsylvania, and in the Crawford County Legal Journal.

P. Richard Thomas, S. Judge

Dec. 19, 1990, copy of order to John Fuller, Esq.

Jan. 17, 1991 Sheriff's REturn filed. SERVED by publication once only, Wednesday, January 2, 1991 in The Meadville Tribune newspaper, and The crawford County Legal Journal. Proof of publications attached.

So answers, Howard N. Stewart, Sheriff

Jan 23, 1991 Motion for Judgment and Final Decree filed: AND NOW, 1-23-91, upon presentation of the foregoing Motion, and after due consideration thereof, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Defendants, H. Y. Chandra, his heirs and assigns, are forever barred from asserting any right, title, lien or interest in the land described in Paragraph No. 4 of the Complaint in the above entitled case inconsistent with the interest of the Plaintiffs as set forth in the Complaint, provided, however, that this decree shall become final only, if the defendants, or any of them, fail to take any action as is herein directed within thirty (30) days from the date of this decree; IT IS FURTHER ORDERED AND DIRECTED that if no petition to open this judgment or to set aside this Order and Decree is presented by the defendant, or no action of ejectment is commenced by him within thirty (30) days from and after the entry of this Order, the same shall become final, and if no such action is taken within said thirty (30) day period, the Prothonotary on Praecipe of the Plaintiffs shall enter final judgment. P. Richard Thomas, S.J.

Jan 24, 1991 Copies of order put in Atty. Fuller's box.

And now, Feb. 25, 1991 at 11:13A.M upon praecipe of plaintiff's attorney, final judgment
t
is hereby entered in this case, in favor of the plaintiffs and against the defendants, pursuant
of Court.

C-83

FINAL JUDGMENT
James F. Simmons
Prothonotary

~~Kathleen R. Nelson~~

James R. Irwin
Shafer, Swick, Bailey,
Irwin & Stack

1186.

Wm. Walker

Joseph Tinbo.

DOREEN K. HOGUE

vs.

DAVID J. HOGUE

PETITION FOR CUSTODY (UCCJA)

1 copy (atty)
1 copy (mediator)

Dec. 19, 1990, ORDER filed. AND NOW, this 19 dayof Dec. 1990, it is ordered that all parties inthe above captioned case and their counsel shall appear for a mediation conference before the mediator, WILLIAM PINEO, at a time to be set by the mediator as required by Rule 31(e) of the court of Common Pleas of Crawford County, Pa.

It is further ordered and decreed that pending final determination by the court, the aforesaid minor children shall not be removed from the Jurisdiction of the court by either party hereunder, under possible punishment for Contempt of court.

1 copy (atty)
1 copy (mediator)

BY THE COURT,
P. Richard Thomas, S.J.

2-1-91 Recvd. $91.00 From Defendant.

2/14/91 Recvd $50.00 From Plaintiff

Recd 3-1-91 $91.00 Vivian Stoltz

Recd 3-1-91 $50.00 Vivian Stoltz

Filed Dec. 19, 1990
@ 1:28 p.m.

Tax & entry Paid	$50.50
state paid	5.00
William Pineo, mediator	$182.00
Pro Co.	9.00
Mediation Costs	152.00
	9.00

Terry Toomey, Master

Jan 29, 1991 Temporary Order filed. AND NOW, this 28 day of January, 1991, after Mediation in the above referenced matter and upon the recommendations of the Child Custody Mediator,

IT IS HEREBY ORDERED AND DECREED THAT:

1. The parties shall share legal and physical custody of the subject minor children.

2. The parties shall share with each other any and all information which each may have regarding the health, education, and the major events in the life of the subject minor children. Health care, school personnel, and other care providers are hereby authorized to release to either party any and all confidential information which they may have regarding the subject minor children.

3a. The children shall reside with their mother from 7:00 p.m. of the Friday preceding the beginning of the children's school year until 7:00 p.m. of the Friday after the close of the children's school year. During the school year, the father shall have visitation and temporary physical custody on alternate weekends from, Friday at 7:00 p.m. through Sunday at 7:00 p.m. Forthe present school year, the father shall begin the alternate weekend visitation on Friday, January 25, 1991. In succeeding years the alternate weekend visitation will begin with the first full weekend after the children shall have begun the school session. In addition, the children shall spend three afternoons per week with their father from the close of school until 8:00 p.m. Presently the father indicated that the three days he would wish to have the children are Tuesdays, Thursdays and Fridays but he may designaTE DIFFERENT WEEK DAYS BY GIVING THE MOTHER ONE WEEK"S Notice. Children may ride the school bus to the father's household if that can be satisfactorily arraNGED WITH THE SCHOOL DISTRICT AND THE MOTHER SHALL PICK THEM UP AT THE FATHER"S HOUSE AT *8:00 p.m.

There shall be two summertime custodial periods. The first shall begin at 7:00 p.m. of the Friday after the close of the school sessions and end at 7:00 p.m. of the sixth Friday thereafter and the second period shall begin with the close of the first period and end at 7:00 p.m of the Friday preceding the opening of the school session. For summer of 1991, the father shall have the first custodial period and the mother the second the parties shall thereafter alternate. During the summer, the parent not having primary physical custody shall have the right of visitation and temporary physical custody on alternate weekends, beginning with the second weekend after the beginning of the custodial period from Friday at 7:00 p.m. through Sunday at 7:00 p.m.

b. The subject minor children shall have the right to telephone the parent not having physical custody at reasonable times and for reasonable lengths of time and such conversations will not be unreasonably monitored by the parent having physical custody.

4. Holiday visitation shall be arranged as follows:

a. Christmas holiday visitation shall be arranged as follows:

There shall be two Christmas visitation periods, the first beginning on Christmas Eve at 6:00 p.m. and ending Christmas Day at noon and the second beginning Christmas Day at noon and ending Christmas Day at 8:00 p.m. For Christmas, 1991 , the father shall have the first period and the mother the second, and the parties shall thereafter alternate. The children shall also spend three days of their Christmas holidays from school with their father. He shall notify the mother one week before Christmas of the days he wishes to spend with them.

b. Thanksgiving holiday visitation shall be arranged as follows:

There shall be two Thanksgiving visitation periods, the first beginning after school of the Wednesday preceding Thanksgiving and ending at 2:30 p.m. Thanksgiving Day and the second beginning at 2:30 p.m. Thanksgiving Day and ending at 8:30 p.m. Thanksgiving Day. For Thanksgiving, 1991, the mother shall have visitation and temporary physical custody for the first period and the father, the second, and the parties shall thereafter alternate the periods. Each year the father shall have visitation and temporary physical custody from Thanksgiving Day at 8:30 p.m through 7:00 p.m. of the Monday after Thanksgiving.

c. The Easter vacation visitation shall be arranged as follows:

There shall be two Easter visitation periods, the first beginning at 6:00 p.m. Holy Saturday and ending at noon of Easter Sunday and the second beginning at noon of Easter Sunday and ending at 8:00 p.m. Easter Sunday. For Easter, 1991 the father shall have the first period and the mother, the second, and the parties shall thereafter alternate the periods.

d. The other holidays to be observed are Memorial Day, Independence Day and Labor Day. Holiday visitation shall be between the hours of 9:00 a.m. and 8:00 p.m., except for Independence Day, when the holiday visitation shall be extended to 11:00 p.m so that the children may watch the fireworks. Themother shall have visitation and temporary physical custody for Memorial Day, 1991, and the parties shall thereafter alternate the holiday periods.

e. The children shall spend Father's Day with their father from 9:00 a.m. to 7:00 p.m, and Mother's Day with their mother, during the same hours.

f. The provisions of this paragraph shall take precedence over the other provisions of this order relating to the custodial or visitation periods.

5. The parties are free to make additional or alternative arrangements respecting the custodial and visitation periods and are stronglyencouraged to doso if that would be proper and convenient. Said arrangements shall be by mutual consent only, in the absence of which this Order shall govern.

6. Should it be necessary for either party to cancel of modify the visitations as set out in this Order or as previously arranged, the party seeking cancellation or modification shall notify the other party as soon as he or she knows of the necessity which impels the cancellation or modification. Said modifications or cancellations shall not be proposed except for good reasons. Should a cancellation or modification be necessary, the parties shall attempt at once to arrange for alternative visits or to make alternative arrangements.

7. The parties shall split responsibility for transportation with the party receiving the children in the exercise of his or her rights picking up the children at the home of the other, except as previously provided herein.

8. The mediator notes for the Court that the parties have told him that counseling for the children is continuing through Centers for Families in Change. The Court directs that counseling continue as directed by the counselor in order to help the children adjust to their status. The mediator also notes for the Court that there may be some disagreement over the

Continued on next page 636a

identity of the counselor. If the parties cannot agree on this point, then the issue may be mediated further.

9. The mediator notes for the Court that the children are being raised in the Methodist church. The parties shall cooperate in seeing that the children are able to attend the instruction and participate in the celebrations of that faith.

10. Each party shall teach said children to give to the other party that love and respect which is due a parent from his or her children.

11. Neither party shall use illegal drugs or be under the influence of alcohol at any time when said party has the care and custody of the subject minor children. The parties are cautioned t hat recent medical research has indicated that tobacco smoke is injurious to the health of growing children. Therefore, neither party shall smoke tobacco or permit others to do so in a closed automobile in chich the children are being transported or in the bedroom of the children.

12. Any person transporting the children shall make sure that the seat belts or other restraints are used in accordance with the law of Pennsylvania.

13. Neither party shall do or say anything to blacken the character of the other in the children's estimation. Each party shall treat the other in a polite and respectful manner when in the children's presence and each party shall instruct his or her relatives and friends to do likewise and also not to disparage the other party in the children's estimation.

14. Either party may request a review of this Order two years from date hereof to make any adjustments.

15. Costs and fees of this Mediation, which are fixed at $182.00 are divided equally between the parties with a share of each being assessed to him or her as costs in this case. Payment shall be made to the Prothonotary of Cra wford County.

16. Eigher party may move the Court for a hearing de novo for thirty (30) days from date hereof. IF neither party so moves, this ORder shall be considered permanent.

By the Court,
Gordon R. Miller, P.J.

Feb. 4, 1991 copies of order to Wm. Pineo, Jim Irwin, Bill Walker, Esqs., and plaintiff & defendant

Dec. 23, 1991 Petition To Modify Custody filed.

Dec. 23, 1991 Order filed. AND NOW, this 23 day of December, 1991, it is ordered that all parties in the above cpationed case and their counsel shall appear for a mediation conference vefore Mediator William Pineo at a time to be set by the Mediataor in the Crawford County Courthouse with the Child Custody Mediator as required by Rule 31(e) of the Court of Common Pleas of Crawford County, Pennsylvania.

It is further ordered and decreed that pending final determination by the Court, the aforesaid minor child shall not be removed from the jurisdiction of the Court by either party hereunder, under possible punishment for Contempt of Court.

BY THE COURT,
P. Richard Thomas, S.J.

1 copy (med) 1 copy (atty)

Feb. 10, 1992 Temporary Order filed. AND NOW, this 7th day of February, 1992, after Mediation in the above referenced matter and upon the recommendations of the Child Custody Mediator, IT IS HEREBY ORDERED AND DECREED THAT:

1. Until further order of court, legal custody of the subject minor children is awarded to their mother.

2. The parties shall share with each other any and all information which each may have regarding the health, education, and the major events in the life of the subject minor children. Health care, school personnel, and other care providers are hereby authorized to release to either party any and all confidential information which they may have regarding the subject minor children.

3. Until further order of the court, the father is to have visitation and temporary physical custody with his chidlren each Saturday from 9:00 a.m. to 7:00 p.m. Should the father have to work on his Saturday, he shall notify the mother as soon as he knows of his schedule and shall then have visitation on Sunday immediately following the Saturday in which he would have had visitation, form the close of the chidlren's church services until 7:00 p.m.

4. The parties shall arrange immediately for parental evaluation for themselves and evaluations for the children through Community Mental Health Center. The Community Mental Health Center and its counselors are authorized and directed to share with the mediator their recommendations and reasons for same. When the evaluations have been completed, the counselor shall discuss the matter with the mediator, submit his or her reports, and the mediator shall review the matter and make further recommendations to the court, which may include further mediation, further counseling and further recommendations regardings the custodial and visitation arrangements.

5. Should it be necessary for either party to cancel or modify the visitations as set out in this Order or as previously arranged, the party seeking cancellation or modification shall notify the other par ty as soon as he or she knows of the necessity which impels the cancellation modification. Said modifications or cancellations shal lnot be proposed except for good reasons. Should a cancellation or modification be necessary, the parties shall attempt at once to arrange for alternative visits or to make alternative arrangements.

6. The parties shall split responsibility for transportation with the party receiving the childrenin the exercise of his or her rights picking up the children at the home of the other.

7. Each party shall teach said children to give to the other party that love and respect which is due a parent form his or her children.

8. Neither party shall use illegal drugs or be under the influenace of alcohol at any time when said party has the care and custody of the subject minor childme. The parties are cautioned that recent medical research has indicated that tobacco smoke is injurious to the health of growing children. Therefore, neither party shall smoke tobacco or permit others to do so in a closed automobile in which the children are being transported or in the bedroom of the children.

9. Any person transporting the children shall make sure that the seat belts or other restraints are used in accordance with the law of Pennsylvania.

10. Neither party shall do or say anything to blacken the character of the other in the children's estimation. Eachparty shall treat the other in a polite and respectful manner when in the children's presence and each party shall instruct his or her relatives and friends to do likewise and also not to disparage the other party in the children's estimation.

11. Costs and fees of this Mediation, which are fixed at $152.00 are divided equally between the parties with a share of each being assessed to him or her as costs in this case. Payment shall be made to the Prothonotary of Crawford County.

12. Either party may move the Court for a hearing do novo for thirty (30) days from date hereof. If neither party so moves, this Order shall be considered permanent.

By the Court,
Gordon R. Miller, J

Feb. 18, 1992 Copies of order to plaintiff, defendant, James Irwin, william Walker and William PIneo

May 19, 1992 Motion To Withdraw As Counsel and Order filed. AND NOW, this 15th day of May, 1992, upon consideration of the foregoing Motion, Attorney William L. Walker is hereby permitted to withdraw form the above captioned action as attorney for defendant.

BY THE COURT:
Gordon R. Miller, J

May 20, 1992 Copies of order put in box for Atty's Irwin and Walker, J

Continued of Record to Page 636 B

636 (B)

1990

July 29, 1992 Temporary Order filed. AND NOW, this 27th day of July, 1992, after Mediation inthe above referenced matter and upon the recommendations of the Child Custody Mediator,

IT IS HEREBY ORDERED AND DECREED THAT:

1. The parties shall share legal and physical custody of the subject minor children. It shall be presumed that the party having care of the children shall have the consent of the other in making decisions regarding routine matters, including routine medical and dental care. Major decisions such as where the children shall go to school, or major medical procedures shall be made jointly after obtaining appropriate information and, where necessary, professional advice.

2. The parties shall share with each other any and all information which each may have regrding the health, education, and the major events in the life of the subject minor children. Health care, school personallel, and other care providers are hereby authorized to release to either party any and all confidential information which they may have regarding the subject minor children.

3. The mother shall have primary physical custody of the subjectminor children. The father shall have visitation and temporary physical custody of said children at the following times:

a) each Tuesday andThursday afternoon from the close of school, if shcool is in session,or from 4:00 PM, if not, 7:00 PM,

b) each Sunday from the close of the children's church services until 7:00 PM,

c) during the father's vacations from work, provided that he gives the mother and children one month's notice of the vacation period he has selected, and that it be during a vacation from School.

d) The subject minor children shall have the right to telephone the parent not having physical custody at reasonable times and for reasonable lengths of time and such conversations will not be unreasonably monitored by the parent having physical custody.

4. Holiday visitation shall be arranged as follows:

a. Christmas holiday visitation shall be arranged as follows:

There shall be two Christmas visitation periods, the first begining on Christmas Eve at 6:00 p.m. and ending Christmas Day at noon and the second beginningChristmas Day at noon and ending Christmas Day at 8:00 p.m. For Christmas, 1992, the father shall have the first period and the mother the second, and the parties shall thereafter alternate.

b. The other holidays to be observed are Easter,Memorial Day, IndependenceDay and Labor Day, and Thanksgiving. Holiday visitation shall be between the hours of 9:00 a.m. and 8:00 p.m., except for Easter,when the visitation period shall begin after the close of the services at the children's church, and Independence Day,when the holiday visitation shall be extended to 11:00 p.m. so that the children may watch the fireworks. The father shall have visitation and temporary physical custody for Memorial Day, 19992 and the parties shall thereafter alternate the holiday periods.

c. The children shall spend FAther's Day with their father from 9:00 a.m. to 7:00 p.m., and Mother's Day with their mother, during the same hours.

d. The provisions of this paragraph shall take precedence over the other provisions of this order relating to the custodial or visitation periods.

5. The parties are free to make additional or alternative arrangements respecting the custodial and visitation periods and are strongly encouraged to do so if that would be proper and convenient. The mediator advises the court that the father's place of work provides occasionaly for picnics and trips to places such as Conneaut Lake Park or to sports events and that the mother's place of work provides for reduced fare travel arrangments. Both of these appear to offer opportunities for fun and experience for the children. The parties are requested to cooperate in taking advantage of these opportunities and where they would necessitate changing the visitation schedule, to be reasonable, give reasonable notice and to arrange alternate visitation. The court specifically directs that the father be allowed to take his children on a trip to a sports event inPittsburgh now scheduled for August 3, 1992.

6. Should it be necessary for either party to cancel or modify the visitations as set out in this Order or as previously arranged, the party seeking cancellation or modification shall notify the other party as soon as he or she knows of the necessity which impels the cancellation or modification. Said modifications or cancellations shall not be proposed except for good reasons. Should a cancelation or modification be necessary, the parties shall attempt at once to arrange for alternative visits or to make alternative arrangements.

7. The parties shall split responsibility for transportation with the party receiving the children in the exercise of his or her rights picking up the children at the home of the other, except as previously provided herein.

8. The father is advised that his visition periods are to be quality time and that he shall take care to be present during the visitations.

9. The mediator notes for the Court that the children are being raised in the Methodist church. The parties shall cooperate in seeing that the children are able to attend the instruction and participate in the celebrations of that faith.

10. Each party shall teach said children to give to the other party that love and respect which is due a parent from his or her children.

11. Neither party shall use illegal drugs or be under the influence of alcohol at any time when siad party has the care and custody of the subject minor children. The parties are cautioned tht recent medical research has indicated that tobacco smoke is injurious to the health of growing children. Therefore, neither party shall smoke tobacco or permit others to do so in a closed kautomobile in which the children are being transported or in the bedroom of the children.

12. Any person transporting the children shall make sure that the seat belts or other restraints are used in accordance with the law of Pennsylvania.

13. Neither party shall do or say anything to blackenthe character of the other in the children's estimation. Each party shall treat the other in a polite and respectful manner when inthe children's presence and each party shall instruct his or her relatives and friends to do likewise and also not to disparage the other party in the children's estimation.

14. Neither party shall expose the children tothe compnay of persons of the opposite sex to whom he or she is not related by blood or marriage between the hour of 10:00 PM and 8:00 PM, nor to undue display of affection directed toward said persons at any time.

15. Costs and fees of this Mediation, which are fixed at $202.00 are dived equally between the parties with a share of each being assessed to him or her as costs in this case. Payment shall be made to the Prothonotary of Crawford County.

16. Either party may move the Court for a hearing de novo for thirty (30) days from date hereof. If neither party so moves, this Order shall be considered permanent.

By the Court,
Gordon R. Miller, J.

Aug. 5, 1992 Copy of the Order to: Attys. Pineo, Irwin and Defendant.

In Error Feb. 25, 1993 Inventory of DoreenK. Hogue, filed.

In Error Feb. 25, 1993 Income & Expense Statement of Plaintiff, filed.

In Error Mar. 1, 1993 Motion to Appoint Master in Divorce and Order, filed. ORDER: AND NOW, Feb. 26, 1993, Terry A. Toomey, Esq., is appointed Master in respect to the following claims: Eq. Property Distribtion, Alimony, Alimony Pendente Lite, Counsel Fees & Expenses.

Deposit required: Plaintiff $500.00 Defendant $500.00

PER CURIAM:
Anthony J. Vardaro, J.

Mar. copy to J. Irwin, K. Nelson, T. Toomey & Dft.

In Error Mar 1, 1993 ORDER filed. AND NOW, Feb. 26, 1993 this matter is before the Court on a motion for appointment of master in divorce filed by the Plaintiff.

This is a 1990 divorce and the Defendant has not yet filed his incoem and expense statement and inventory and appraisement. Accordingly, he is ordered to do so within 30 days of the date of thisOrder.

BY THE CORUT:
Anthony J. Vardaro, J.

Mar. 1, 1993 copies given to Toomey & Nelson. Mar 5, 1993 copy to Dft.

Continued on Page 636C

1990 TERM

DOREEN K. HOGUE
VS.
DAVID J. HOGUE

CONTINUED FROM PAGE 636B
of Record
A. D. 1990 - 1186

****

In Error Mar 5, 1993 ORDER filed. AND NOW, this 5th day of March, 1993, upon consideration of Plaintiff's Petition for Leave to Take Discovery Pursuant to PA R.C.P. 1920.22 it is hereby ORDERED, and DECREED that Defendant, David J. Hogue, shall supply to attorney for Plaintiff any and all information requested in regard to his employment related benefits with Meadville Forge.

BY THE COURT:
Anthony J. Vardaro, J.

In Error Mar. 5, 1993 Petition For Leave To Take Discovery, filed.

Mar. 29, 1994 Qualified Domestic Relations Order filed. And Now, this 25th day of March, 1994, by agreement of the parties, this Order is made to effect a Qualified Domestic Relations Order pursuant to the parties' Stipulation and Final Decree executed by the parties on August 19, 1993 and subsequently filed in this Court at No. A.D. 1990-1188.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. A portion of Defendant-Participant David J. Hogue's interest in the Meadville Forging Company-USWA Pension Plan be irrevocably assigned to Plaintiff-Alternate Payee Doreen K. Hogue as herein provided, by a Qualified Domestic Relations Order; and that

2. The last known name and mailing address of Defendant-Participant David J. Hogue is David J. Hogue of R.D. #1, Plank Road, Guys Mills, Pennsylvania 16327;

3. Defendant-Participant David J. Hogue has the Social Security Number of 199-44-2044;

4. The last known name and mailing address of Plaintiff-Alternate Payee Doreen K. Hogue is Doreen K. Hogue of R.D. #1, Townville, Pennsylvania 16360;

5. Plaintiff-Alternate Payee Doreen K. Hogue has the Social Security Numbr of 170-48-5666;

6. The Pension Plan to which this Order applies is the Meadville Forging Company-USWA Pension Plan, as it now exists or is hereafter amended, and any successor plan ("Plan").

7. As her share of the Plan, Plaintiff-Alternate Payee Doreen K. Hogue is hereby irrevocably assigned a fixed monthly pension benefit totaling the aggregate sum of One Hundred Ten and 00/100 Dollars ($110.00) per month upon attaining normal retirement age subject to the provisions of said Plan until full distribution is made to Plaintiff-Alternate Payee Doreen K. Hogue as specified herein, and she shall have all rights and privileges afforded to Plan participants under the terms of the said Plan and of the Employment Retirement Security Act of 1974, as amended by the Retirement Equity Act of 1984;

8. Plaintiff-Alternate Payee Doreen K. Hogue shall be entitled to commence receipt of such benefit, as specified hereinabove in Item #7, in accordance with the terms of the Plan and of the Employment Retirement Security Act of 1974, as amended by the Retirement Equity Act of f1984; moreover, just as if the Defendant-Participant David J. Hogue should elect to take an early retirement and receive a reduced benefit under the Plan, the Plaintiff-Alternate Payee Doreen K. Hogue shall receive a reduced benefit under the Plan in the event she selects an early retirement date, all as set forth and provided for under the terms and conditions of the Plan; and if any costs are incurred as a result of early retirement election, then the party selecting the early retirement option shall be solely responsible for said costs, andthe Plan shall not be responsible for any costs incurred in said early retirement election, all as set forth and provided for under the terms and conditions of the Plan;

9. The parties and the court intend this Order to constitute a Qualified Domestic Relations Order as defined in Section 414(p)(1) of the Internal Revenue Code of 1986, as amended, and Section 206(D)(3)(B) of the Employee Retirement Income Security Act of 1974, as amended by the Retirement Equity Act of 1984, and this Order shall be administered and interpreted in conformity with the same. Without limiting the generality of the foregoing, this Order shall not provide any type or form of benefit or any option not otherwise provided in said Plan, shall not require the Plan to provide increased benefits (determined on the basis of actuarial value), and shall not require the payment of benefits to an alternate payee which are required to be paid to another alternate payee under a previously-issued Qualified Domestic Relations Order;

10. This Court shall retain jurisdiction for purposes of enforcement of this Order or for purposes of establishing and maintaining qualification of this Qualified Domestic Relations Order; and

11. If modification is requested by the Plan Administrator in order to make its determination that this Order qualifies as a Qualified Domestic Relations Order, then this Order may be modified by the mutual consent of the parties as may be required by the Plan Administrator of the Plan affected by this Order.

IT IS SO ORDERED.

BY THE COURT,
Gordon R. Miller, J

APPROVED:
Doreen K. Hogue, Plaintiff-Alternate Payee
James R. Irwin, Attorney for Doreen K. Hogue
David J. Hogue, Defendant-Participant
Joseph W. Tinko, Attorney for David J. Hogue
Plan Administrator of the Meadville Forging
Company-USWA Pension Plan

Mar. 31, 1994 Copies of order to Atty's Irwin and Tinko

636
-d-

1990 TERM

1990

William L. Walker 1187.	FLORA E. DAYTON vs. RICHARD RUGGIERE Filed Dec. 19, 1990 @ 2:14 p.m. Tax & entry Paid $50.50 State paid 5.00	SUMMONS IN A CIVIL ACTION Issued (sheriff) Dec. 28, 1990 Writ Return filed. SERVED Richard Ruggiere personally on December 21, 1990 at 12:22 PM by handing copy of Summons to him at Sheriff's Office, Crawford County Courthouse, Meadville, PA 16335. So answers, Carole Stefanucci, Deputy Sheriff Howard N. Stewart, Sheriff

1990

James R. Irwin
Shafer, Swick Bailey
Irwin & Stack

1188.

~~William L. Walker~~
( )
~~Joseph W. Tinko~~
(withdrawn)

DOREEN K. HOGUE

vs.

DAVID J. HOGUE

Filed Dec. 19, 1990
@ 4:15 p.m.

Tax & entry Paid	$50.50
State paid	10.00
2 counts paid	45.00
state paid	20.00
Pro.Co. pd 8/20/93	9.00

Terry Toomey, Master

COMPLAINT IN DIVORCE, EQUITABLE PROPERTY DETERMINATION AND DISTRIBUTION, COUNSEL & EXPERT FEES, ALIMONY, ALIMONY PENDENTE LITE

1 copy (atty)

Jan. 10, 1991 Appearance of William L. Walker, Attorney for defendant filed.

March 20, 1991 Affidavit of Servcie filed. I, James R. Irwin, Esquire, being duly sworn according to law, depose and say that I am the attorney of record, and as such say that I served a true and correct copy of the Complaint in Divorce certified by the Prothonotary of Crawford Co., PA. on the above named Defendant by certified mail, addressee only, return receipt requested, dated December 26, 1990. The Defendant acknowledged service on Dec. 28, 1990 by accepting delivery on that date as evidenced by the attached signed return receipt.
James R. Irwin, Esq.

March 20, 1991 Affidavit of Consent of Plaintiff filed.

May 19, 1992 Motion To Withdraw As Counsel and Order filed. AND NOW, this 15th day ofMay, 1992, upon consideration of the foregoing Motion, Attorney William L. Walker is hereby permitted to withdraw from the above cpationed action as attorney for defendant.
BY THE COURT,
Gordon R. Miller, J

May 20, 1992 Copies of order put in box for Atty's Irwin and Walker

Nov. 12, 1992 Affidavit of Consent of Plaintiff filed.

Feb. 25, 1993 Inventory of Doreen K. Hogue, filed.

Feb. 25, 1993 Income & Expense Statement of Plaintiff, filed.

Mar. 1, 1993 Motion to Appoint Master in Divorce and Order, filed. ORDER: AND NOW, Feb. 26, 1993, Terry A. toomey, Esq., is appointed Master in respect to the following claims: Eq. Property Distribution, Alimony, Alimony Pendente Lite, Counsel Fees & Expenses.
Deposit required: Plaintiff $500.00 Defendant $500.00
PER CURIAN:
Anthony J. Vardaro, J.
Mr. copy to J. Irwin, T. Toomey & Dft.

Mar. 1, 1993 ORDER filed. AND NOW, Feb. 26, 1993 this matter is before the Court on a motion for appointment of master in divorce filed by the Plaintiff.
This is a 1990 divorce and the Defendant has not yet filed his income and expense statement and inventory and appraisement.
Accordingly, he is ordered to do so within 30 days of the date of this Order.
BY THE COURT:
Anthony J. Vardaro, J.
Mar. 1, 1993 copies given to Toomey & Nelson, Mar. 5, 1993 copy to Dft.

Mar 5, 1993 ORDER field. AND NOW, this 5th day of March, 1993, upon consideration of Plaintiff's Petition for Leave to Take Discovery Pursuant to PA R.C.P. 1920.22 it is hereby ORDERED, and DECREED that Defendant, David J. Hogue, shall supply to attorney for Plaintiff any and all information requested in regard to his employment related benefits with Meadville Forge.
BY THE COURT:
Anthony J. Vardaro,J.

Mar. 5, 1993 Petition For Leave To Take Discovery, filed.

Mar. 19, 1993 Income and Expense of David James Hogue, Defendant, filed.

Apr. 21, 1993 Petition for Contempt filed.

Apr. 21, 1993 Order Filed. AND NOW, this 21 day of April, 1993, it is hereby ORDERED, ADJUDGED AND DECREED that a Rule to Show Cause is hereby entered upon Defendant, David J.Hogue, to show cause why he should not be held in contempt of Court.
Said Rule is returnable on the 1 day of June, 1993, in Courtroom No 1 or 2 of the Crawford County Courthouse, Meadville, Pennsylvania at 11 o'clock A.M.
BY THE COURT:
Anthony J. Vardaro, J.
Apr. 27, 1993 Copy of Order to Attys. Irwin & Toomey and Defendant

Apr. 27, 1993 Appearance of Joseph W. Tinko for Defendant filed.

May 17, 1993 Income & Expense Statement of Defendant, filed.

May 17, 1993 Certificate of Service filed. I, the undersigned hereby certify that on the 17th day of May, 1993, I served a true and correct copy of the foregoing document entitled Defendant's Income and Expense Statement on all of the following parties or the following counsel of record for same by United States First Class Mail,postage prepaid,or by personal delivery, pursuant to the Pennsylvania Rules of Civil Procedure:
James R.Irwin, Esquire By: Joseph W. Tinko, Esquire

June 4, 1993 Stipulation and Consent to Entry of Contempt Order and Order filed. AND NOW, this 4 day of June, 1993 it is hereby ordered, adjudged and decreed as follows:
1. Defendant shall pay the sum of $200.00 for attorney's fees within thirty (30) days of this Order to James R.Irwin, Esquire, counsel for the Plaintiff;

Continued to Page 638 A

3-12-93 Received from Plff 500.00 Master dep

5-17-93 Received from dft Master dep 500.00

9-24-93 Pd Master Ck# 7707 $140.00

9-24-93 Pd Plff $430.00 Ck# 7706

9-24-93 Pd dft $430.00 Ck# 7809

 Continued from Page 638

2. The Defendant shall provide to the Plaintiff all information regarding his employment, terms of employment and retirement benefits provided through his employer;

3. Plaintiff shall provide to the Defendant all information regarding her employment, terms of employment and retirement benefits provided through her employer to Joseph Tinko, Esquire, counsel for the Defendant,upon request being made to do so.

BY THE COURT:
Anthony J.Vardaro, J.

June 15, 1993 Copy of Order to Attys. Irwin & Tinko

Aug. 20, 1993 Affidavit of Consent of David J. Hogue, Defendant, filed.

Aug. 20, 1993 Upon Praecipe of James R.Irwin, Esquire, Attorney for Plaintiff, to transmit record, case moved to Court.

DIVORCE DIVORCE DECREE FILED

Sept. 24, 1993 STIPULATION AND FINAL DECREE filed. AND NOW, this 22nd day of September, 1993, upon review of the above captioned case and upon presentation and consideration of the foregoing Stipulation of Doreen K. Hogue, the Plaintiff, and David J. Hogue, the Defendant, IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

DIVORCE

1. Doreen K. Hogue, the Plaintiff, and David J. Hogue, the Defendant, be and hereby are divorced from the bonds of matrimony heretofore contracted between them.

EQUITABLE DISTRIBUTION OF MARITAL PROPERTY

2. The Plaintiff is awarded cash in the aggregate amount of Six Thousand and 00/100 ($6,000.00) Dollars, without interest thereon, which sum represents Plaintiff's share of the proceds from the sale of the marital home. Any remaining proceeds, plus all interest thereon, from the said sale of the marital home are awarded to the Defendant as his share thereof. All sums referenced in this paragraph shall be delivered to the Plaintiff and Defendant within ten (10) days after the filing and entry of this Final Decree.

3. The Plaintiff is awarded cash in the aggregate amount of One Thousand Seven Hundred fifty five and 18/100 ($1,755.18) Dollars, without interest thereon, which sum represents a fifty five percent (55%) share of the Defendant's credit union account balance at Meadville Forging Company as of Nov. 9, 1993, the date of separation of the parties, at which time the aggregate amoutn of said credit union account balance was Three thousand One Hundred ninety one and 23/100 ($3,191.23) Dollars. The remaining forty five percent (45%) or One thousand four hundred thirty six and 05/100 ($1,436.05) Dollars of said credit union account balance, plus all interest thereon, is awarded to the Defendant as hsi share thereof. All sums referenced in this paragraph shall be delivered to the Plaintiff within ten (10) days after the filing and entry of this Final Decree.

4.. As set forth hereinafter in this paragraph, the Plaintiff is awarded a portion fo the Defendant's Pension Plan at the Meadville Forging Co. titled in Defendant's name, which said Pension Plan is a defined benefit type rather than a defined contribution type. The Defendant shall direct the plan administrator to make the necessary provisions in the said Pension Plan so as to fix the Plaintiff's benefit therein to entitle Plaintiff to receive thirty two percent (32%), but not less than a fixed monthly pension benefit in the aggregate sum of One Hundred Ten and NO/100 ($110.00) Dollars per month, of Defendant's pension projected status estimated monthly income of the Defendant's benefits as of July 31, 1993, upon attaining normal retirement age subject to the provisions of the said pension Plan. To effectuate the terms of this paragraph and within ten (10) days after the filing and entry of this Final Decree, the Defendant shall direct his legal counsel to prepare and submit to the plan administrator for approval an appropriate Qualified Domestic Relations Order pursuant to the Retiremetn Equity Act of 1984; and upon receipt of the plan administrator's approval of same, the said Qualified Domestic Relations Order then shall be filed with this court accordingly.

5. The Plaintiff shall retain all (100%) of Plaintiff's 401(K) Profit Sharing Plan at Allegheny Automobile titled in Plaintiff's name.

6. The Plaintiff is awarded all tangible personal property presently in Plaintiff's possession at her current residence, and which tangible personal property was formerly located at the parties' marital residence. In addition to the aforesaid tangible personal property, the Plaintiff is awarded the following items of tangible personal property currently in the possession, custody or control of the Defendnat, to-wit: (i) a Canon 35mm camera; and (ii) a color television both of which will be delivered to the Plaintiff in good operating condition. The Plaintiff shall remove the aforesaid items of tangible personal property, and the Defendant shall permit said removal, within ten (10) days after the filing and entry of this Final Decree.

7. The Defendant is awarded all tangible personal property not otherwise provided for hereinabove in paragraph 5.

8. The Defendant shall be solely and exclusively responsible for payment of certain indebtedness incurred by the Plaintiff and Defendant by reason of charges made on the following credit cards, to-wit: (i) VISA in the approximate amount of One Thousand Four Hundred and No/100 ($1,400.00) Dollars; and (ii) Montgomery Wards in the approximate amount of Two hundred eighty-seven and 87/100 ($287.87) Dollars. If the same are not yet paid off in full, then the Defendant shall pay said credit card debts either in a lump sum payment or on a regular and timely basis; and the Defendant further shall indemnify and hold the Plaintiff harmless from any obligations, liabilities and institutions of suit thereunder.

9. The Plaintiff shall immediately return to the Defendant any and all charge plates relative to the aforesaid VISA and Montgomery Wards credit card accounts that she may have in her possession; and any debts incurred by the Plaintiff on any fo the aforesaid VISA and Montgomery Wards credit cards or charge plates not returned to the Defendant shall be the sole and exclusive responsibility of the Plaintiff who shall indemnify and hold the Defendant harmless from any obligations, liabilities and institutions of suit thereunder.

10. The Defendant shall be solely and exclusively responsible for payment of certain indebtedness in the amount of Three hundred forty and no/100 ($340.00) Dollars incurred by Plaintiff and Defendant by reason of certain medical doctor bills up to April of 1991. If the same are not yet paid off in full, then the Defendant shall pay said medical doctor bills either in a lump sum payment or on a regular nd timely basis; and the Defendant further shall indemnify and hold the Plaintiff harmelss from any obligations, liabilities and institutions of suit thereunder.

11. The Defendant is awarded as Defendant's sole and separate property a ceratin 1985 Eagle automobile which is presently in the joint names of the Plaintiff and Defendant; consequently, within ten (10) days after the filing and entry of this Final Decree, the Plaintiff and Defendant shall execute the necessary documents to transfer title to the said automobile to the sole name of the Defendant.

COUNSEL FEES, EXPERT FEES AND COSTS

12. Plaintiff's claims for counsel fees, expert fees and costs are hereby denied.

ALIMONY AND ALIMONY PENDENTE LITE

13. Plaintiff's claims for alimony and alimony pendente lite are hereby denied.

MISCELLANEOUS

14. Plaintiff;s maiden name is hereby restored and she shall be known hereafter as Doreen K. Jordan.

15. All funds paid to the Prothonotary of Crawford Co., Pa. as a deposit for the payment of fees for the appointed Master, Terry A. Toomey, shall be returned as a deposit for the paymetn of fees for the appointed Master, Terry A. Toomey, shall be returned forthwith to the Plaintiff and Defendant; provided, however, that if any funds have beenpaid and/or are owed to the said Master on account of his efforts in this case, then the Plaintiff and Defendant shall share equally (50% by Plaintiff and 50% by Defendant) in the payment thereof with the necessary funds being deducted from the said deposited amounts before the same are returned to the Plaintiff and Defendant.

RECORD CONTINUED ON PAGE 638 (b).....

DOREEN K. HOGUE

VS.

DAVID J. HOGUE

RECORD CONTINUED FROM PAGE 638 (a)

OF

AD 1990 - 1188

****

16. Plaintiff and Defendant shall sign, execute and acknowledge, if necesary, any and all documents necessary to comply with and to effectuate the provisions of this Final Decree within ten (10) days after the filing and entry of this Final Decree, unless otherwise mutually agreed in writing.

17. Neither the Plaintiff nor the Defendant shall make any further claims or demands against the other except for the enforcement of th provisions of this Final Decree.

18. The Court retains jurisdiction and the right to enforce the terms of this Final Decree, and to impose any remedies deemed appropriate by the court, including counsel fees, in the event of any breach or non-compliance hereof.

BY THE COURT,
Gordon R. Miller, J.

Sept. 23, 1993 Motion For Payment of Divorce Master and ORDER OF COURT filed. AND NOW, this 21st day of September, 1993, upon Motion of the Divorce Master for the payment of Master's fees, said Motion is hereby GRANTED. The Prothonotary shall pay from the Escrow deposit the sum total of $140.00 dollars as full payment to Terry A. Toomey, Esquire, Master. Said payment shall be taken in equal amounts from the deposit of the Plaintiff and the deposit of the Defendant. Thereafter, the Prothonotary shall release the balance of the Plaintiff's deposit and the Defendant's deposit to the parties.

BY THE COURT:
Gordon R. Miller, J.

Oct. 1, 1993 Copy of Order to Attys. Jim Irwin, Joseph Tinko and Terry Toomey.

Oct. 4, 1993 Praecipe for Refund of Balance of Master's Fees filed.

Oct. 4, 1993 Certificate of Service filed. I, the undersigned, hereby certify that on the 4th day of October, 1993, I served a true and correct copy of a Praceipe for Refund of Balance of Master's Fees on the following party or the following counsel of record for same by United States First Class Mail, pursuant to the Pennsylvania Rules of Civil Procedure:

James R.Irwin, Esquire
360 Chestnut Street
Meadville,PA 16335

By: Joseph W. Tinko, Esquire

Mar. 3, 1994, Upon praecipe of Joseph w. Tinko, on behalf of defendant, appearance withdrawn.

1990

1189.

FIRST NATIONAL BANK OF COCHRANTON, NOW BY MERGER MARINE BANK

vs.

JOHN J. PARISE
JANE M. PARISE

Filed Dec.20, 1990
@ 1:34 p.m.

Pro Simmons Paid	$9.00
plff on orig.	23.50
Sat pd 10/16/91	5.00
Pro Co pd 7/27/95	1.00

AGREEMENT TO REVIVE

of

AD 1990 - 317

Revival of Judgment entered in judgment index in favor of the plaintiff and against the defendant in the sum of Twenty Three Thousand Six Hundred Fifty and 00/100 Dollars, plus costs.

Debt -----$23,650.00
Dated-----Mar. 28, 1990
P - 94, 94 ----JUDGMENT
James F. Simmons,
Prothonotary

Oct. 15, 1991, THIS JUDGMENT SATISFIED. (see paper filed)

640

1990

Joseph W. Tinko

1190.

Thomas, Truax,
Spadafore, vardaro &
Walker
R. charles Thomas

JOHN C. KLEFFEL

vs.

ANNE KLEFFEL

Filed Dec. 21, 1990
@ 10:37 a.m.

Tax & entry Paid	$50.50
state paid	10.00
state paid	5.00
Pro Co. pd 8/22/91	9.00

COMPLAINT IN DIVORCE

2 copies (atty)

Dec. 31, 1990 Acceptance Of Service filed. I accept service of the "Complaint Under Section 201(c) or 201(d) of the Divorce Code" on behalf of thenamed defendant, Anne Kleffel, and certify that I am authorized to do so. R. Charles Thomas

Apr. 15, 1991 Affidavit of Consent of Plaintiff filed.

Apr. 15, 1991, Affidavit of Consent of defendant filed.

Aug. 22, 1991 Upon Praecipe of Plaintiff attorney for Review under Section 201(c) of Divorce Code this case moved to Court.

Aug. 30, 1991 **DECREE IN DIVORCE FILED.**

AND NOW, to wit, this 30th day of August, 1991, the Court, having reviewed the above-captioned case, finds that the marriage between JOhn C. Kleffel andAnne Kleffel is irretrievably broken, that ninety (90) days have elapsed formthe date of filing the above-captioned Complaint inDivorce, and that John C. Kleffel and Anne Kleffel each filed an affidavit consenting to the divorce:
THEREFORE, IT IS HEREBY ORDERED, ADJDUGED AND DECREEED
that John C. Kleffel, the plaintiff, and Anne D. Kleffel, the defendant, by and hereby are divorced fromthe bonds of matirmony heretofore contracted between them.

THIS DECREE OF DIVORCE constitutes a FINAL ORDER as to all pending claims herein.

BY THE COURT,
GordonR. Miller, J

1990

pro se

1191.

Alan Shaddinger

JAMES H. ANDERS
appellant

vs.

WEST MEAD TOWNSHIP ZONING HEARING BOARD
Appellees

Township of West Mead,
party respondent

Filed Dec. 24, 1990
@ 9:35 a.m.

Tax & entry paid $50.50
State paid 5.00

APPEAL OF THE DECISION OF THE WEST MEAD TOWNSHIP ZONING HEARING BOARD'S DECISION DENYING APPELLANT A SPECIAL EXCEPTION

2 copies (plff.)

(Certiorari issued to Terry J. Aiuppy, Chairman of the West Mead Township Zoning Hearing Board, 1502 Leslie Road, Meadville, Pa. 16335)

Jan 11, 1991 Amended Complaint to Include Fraud as a Cause of Action filed.

Feb. 7, 1991, Record of Proceedings Before the Zoning Hearing Board of West Mead Township on Application of James Anders for Special exception filed Sept. 26, 1990, filed.

Feb. 11, 1991 Petition of Township of West Mead To Intervene in Support of Decision of West Mead Township Zoning Board (Hearing) on Appeal and Order filed.
ORDER: AND NOW, this 11 day of Feb. 1991, upon consideration of the Petition fo the Township of West Mead to Intervene in Support of Decision West Mead Township Zoning Hearing Board Appeal, the Petition is granted and the Township of West Mead is hereby permitted to intervene as a party responsent or appellee in this appeal.
BY THE COURT,
P. Richard Thomas, S. J.
Feb. 12, 1991, copies of order to Alan Shaddinger, and plaintiff and zoning board ch.

Feb. 12, 1991 ORDER FOR HEARING filed. AND NOW, Feb. 4, 1991, at the time of motion court Plaintiff filed a motion to compel the filing of a transcript with the Prothonotary's Office to perfect an appeal the Defendant is alleged to have taken from an adverse ruling of the Zoning Board. The Court's law clerk ascertained that counsel for the Hearing Board was in the process of having the transcript prepared and hopes to file the same on or before Feb. 8, 1991.
ACCORDINGLY, we proceed on the assumption that the transcript will be filed.
We hereby set hearing on this issue for April 11, 1991, at 9:00 A.M.
By Order Of The Court,
P. Richard Thomas, Senior Judge
Feb. 11, 1991 Copy of Order to Attys. Alan Shaddinger, Charles Swick and a copy mailed to James H. Anders.

Feb. 15, 1991, Motion to Compel the West Mead Township Zoning Hearing Board to Transmit the Record Immediately tothe Prothonotary of this court or grant Petitioner a Special Exception and Compensatory Damages, filed.

Feb. 15, 1991 Petition to Have Judge Walker Disqualified from Trying the Above Case, filed.

Feb. 19, 1991, ORDER filed. AND NOW, Feb. 15, 1991 after having reviewed the peition of James H. Anders to have Judge Robert L. Walker disqualified from hearing this case and after a thorough review of the records at A.D. 1988 - 929, A.D. 1988 - 1113 and A.D. 1990 - 191 this Court finds that in the interest of judicial economy the assignment of Judge Robert L. Walker to hear this case is appropriate.
Judge Walker heard a prior appeal involving the same parties, the same parcel of land, and building and the same factual issues at A.D. 1988 - 1113. Judge Walker's order was affirmed by the Commonwealth Court of Pa. on Sept. 20, 1989. Cases are uniformly assigned to Judges of this court who have heard other aspects of the case. This case presents no exception.
Further more we know of no reason, unless Judge Walker recuses himself, why it would not be appropriate for Judge Walker to hear this case.
Accordingly, the petition of James H. Anders to have Judge Walker disqualified is denied. This matter is scheduled to be heard before Judge Walker on Thursday, April 11, 1991 at 9:00 a.m.
BY THE COURT,
Gordon R. Miller, P.J.
Feb 19, 1991, copy in A. Shaddinger's box and copy mailed to James Anders.

Mar. 6, 1991 Additional Evidence In Support of My Position That The Area Of A Building Is Not Related To Its Height filed.

Mar. 13, 1991 Additional Cases Showing that A Vertical Expansion Does Not INcrease The Building Area filed.

Mar 14, 1991 Motion for Summary Judgement on the Issue of Whether I Comply with Section 805.2 of the Ordinance filed.

Mar 13, 1991 Transcript of Proceedings Before Zoning Hearing Board October 31, and December, 1991 Hearings filed.

Mar 20, 1991 Petition to Have Judge Walker Disqualify Yourself filed.

Mar. 22, 1991, MEMORANDUM AND ORDER filed. AORDER: AND NOW, March 21, 1991, argument on the appellant's Motion for Summary Judgment is fixed for Apr. 11, 1991 at the time of the already scheduled hearing. The request of the appellant that the undersigned recuse himself in this matter is denied by the court.
BY ORDER OF THE COURT,
Robert L.Walker, S. J.
Mar. 22, 1991, copy mailed to plaintiff; copy put in atty's box.

Mar. 25, 1991 8 Crawford County Townships With definitions For Area Similar To My Definition For Bulding Area filed.

April 5, 1991 Precision of Zoning Terms filed. (3 copies Atty).

April 12, 1991, Response to Appellee's Brief in Support of their Denial of a Special Exception filed. (4 copies (plff)

Continued on Pg. 685

1990

Bernard Stuczynski
& Bonanti
James J. Stuczynski

1192.

Shafer,Swick,Bailey,Irwin
& Stack
Robert S. Bailey

BAILLIE LUMBER CO., INC.

vs.

MAPLEX WOOD PRODUCTS

Filed Dec. 24, 1990
@ 11:00 a.m.

Tax & entry Paid	$50.50
state paid	5.00
Sheriff's costs	21.00

CIVIL COMPLAINT

1 copy (sheriff)

Jan 3, 1990 Sheriff's Return filed: SERVED Maplex Wood Products on January 3, 1991 at 11:20 A.M. by handing copy of Complaint to Thomas Boyda, Plant Manager, and person in charge, at place of business, Dunham Road, Meadville, Crawford County, Pa.
So answers, Robert M. Stevens, Deputy Sheriff
Howard N. Stewart, Sheriff

Jan. 16, 1991 Appearance of Shafer, Swick, Bailey, Irwin & Stack By Robert S. Bailey, Attorney for Defendant filed.

Jan. 28, 1991, Notice of Deposition of William Tencer filed.

Jan. 28, 1991, Notice of Deposition of Peter Halmos filed.

Jan. 28, 1991, Certificate of Service of Notices of Depositions filed.

Feb. 1, 1991 Answer and New Matter filed.

Feb. 27, 1991 Reply to New Matter filed.

1990

1193.

VENIRE FOR CIVIL COURT
TERM COMMENCING
FEBRUARY 11, 1991

Filed Dec. 24, 1990
@ 11:17 a.m.

ORDER FOR EIGHTY (80) QUALIFIED PERSONS
TO COME AND SERVE FOR TRIAL COMMENCING
MONDAY, FEBRUARY 11, 1990

To Sheriff and Jury Commissioners of Crawford County:
We command you, in your official capacity to draw from the jury sheel in accordance with the law, the names of 80 persons to serve as Jurors in the Court of 'common Pleas, to be held at the court house in Meadville, Pa. commencing Feb. 11, 1991.
BY ORDER OF the Hon. Gordon R. Miller, pres. Judge at Meadville, this twenty-fourth dayof Dec. 1990.
James F. Simmons, Prothonotary

Mar. 1, 1991, Writ returned. I do hereby make return that I have summoned the 80 persons whose names appear on schedule hereto attached to serve as Jurors at a term of court to be held at Meadville, Pa. commencing on Mon. Feb. 11, 1991.
So answers, Howard N. Stewart, Sheriff

the Schedule hereto attached is a correct list of the above jurors drawn by us.
Nancy L. Hanes, Jury Com.
Dorothy H. Kennedy, juryComm.

1990

C. Barton Jones

1194.

BARBARA L. McNEISH

vs.

WILLIAM H. McNEISH, JR.

Filed Dec. 24, 1990
@ 11:20 a.m.

Tax & entry Paid	$50.50
State Pd 1/2/91	15.00
2 counts paid	30.00
state paid	10.00
Pro Co pd 4/23/91	9.00

COMPLAINT UNDER SECTION 201(c) OF THE DIVORCE CODE, PARTIAL CUSTODY, AND EQUITABLE DISTRIBUTION

Apr. 17, 1991 Affidavit Of Service By Mailing Pursuant To Pa. R.C.P. 120.4 (a)(1)(ii) filed. I, C. Barton Jones, Esquire, being duly sworn according to law, deposes and says that he is the attorney for Plaintiff, BARBARA L. McNEISH, and that he did mail a true and currect copy of the Complaint in Divorce filed in the above matter, by Certified Mail, Return Receipt Requested, to the Defendant, WILLIAM H. McNEISH, JR., on December 19, 1991, at his last known address, 1112 Arlington Drive, Greenville, PA 16125. The signed receipt is attached as Exhibit "A".
Date: April 17, 1991 C. Barton Jones

Apr. 17, 1991 Affidavit Of Consent of Defendant filed.

Apr. 17, 1991 Affidavit Of Consent of Plaintiff filed.

Apr. 17, 1991 Upon praecipe of Plaintiff Attorney To Transmit Record, this case moved to Court.

Apr. 29, 1991 **DECREE AND ORDER FILED.**

AND NOW, this 29th day of April, 1991, on the grounds of Irretrievably Breakdown, in the above case having been duly approved the Court, by virtue of the authority vested in it by law, decrees that BARBARA L. McNEISH and WILLIAM H. McNEISH, JR., are hereby divorced from the bnds of matrimony, and all the duties, rights, and lcaims accorded to either of the said parties at any time heretofore, in pursuance of said marriage, shall henceforth cease and determine, and the said parties shall severally be at liberty to marry again as if they had never been married.

AND IT IF FURTHER ORDERED, ADJUDGED, AND DECREED, as follows:

2) Property Distribution:

a) The husband and Wife have entered into a Marriage Settlement Agreement amicably and satisfactorily distributing their personal proper ty among themselves. Each preceives his and her own vehicles. The Husband is also bound to pay off the Ready Cash account at Pennbank with an approximate balance of $3,870.00 The Wife shall receive full title and ownship of the marital residence including approxiamtely eight (8) acres, and has since retired the Mortgage. The Husband shall receive approximately thirty-two (32) acres of property. The parties have agreed to reduce this agreement to deeds by October 1, 1991.

b) The parties have amicably, in said Marriage Settlement Agreement settled all bank accounts and any other liquid assets between them. Wife waives any claim to any pension of the Husband's

c) Both parties were advised by Counsel: For the Husband, Mary Ann Kirkpatrick, 911 Diamond Park, Meadville, PA: and for the Wife, C. Barton Jones, 306 Liberty Street, P.O. Box 218, Jamestown, PA 16134.

d) Personal rights were delineated in the agreement and mutual releases were given.

e) Alimony was waived by both and each assumed their legal fees. The usual boilerplate language, including that Pennsylvania law shall govern, was included. The Agreement was properly executed and notarized. Husband agrees to pay for the drafting of the Marriage settlement Agreement. Wife pays her attorney's fees.

3) Partial Custody The parties have agreed to split custody of Tara Louse McNeish and Lacey Dawn McNeish. William H. McNeish, Jr., i sto have primary custody of Tara and barbara L. McNeish is to have primary custody of Lacey. Both parents are to have partial custody and visitation rights to the child not residing with them.

BY THE COURT:
Gordon R. Miller, J

1990

R. Charles Thomas
Thomas, Truax, Spadafore
Vardaro and Walker

1195.

Marsh, Spaeder, Baur,
Spaeder & Schaff
William J. Schaaf
Donald F. Fessler, Jr.

PHYLLIS FERRARO

vs.

AETNA LIFE ~~AND CASUALTY~~ INSURANCE
COMPANY

Filed Dec. 27, 1990
@ 8:41 a.m.

Tax & entry paid	$50.50
state paid	5.00
Sheriff's costs	20.00
Pro Co pd 4-15-92	5.00
Pro Co pd 4-24-92	1.00

COMPLAINT

1 copy (sheriff)

Jan. 9, 1990 Sheriff's Return filed. SERVED Aetna Life and Casualty Company on January 3, 1991 by Certified Mail at 1600 Two Chatham Center, Pittsburg, PA 15219. Signed return receipt attached.
So answers, Howard N. STewart, Sherif

Feb. 4, 1991, Appearance of Marsh, Spaeder, Baur, Spaeder and Schaaf, by William J. Schaaf and Donald F. Fessler, Jr., attorneys for defendant filed.

Mar. 15, 1991 Motion for Authority to Amend Caption and Order filed. ORDER: And NOw, March 15, 1991 The within Motion is allowed and the Complaint in this case is amended so as to reflect the name of the Defendant as Aetna Life Insurance Company.
Gordon R. Miller, J.

Mar. 20, 1991 copies of order mailed William J. Schaaf and Donald F. Fessler, Jr. & put in R.Chas. Thomas' box.

Mar. 15, 1991 Answer and New Matter to Complaint filed.

Apr. 15, 1992 Upon praecipe of Plaintiff attorney this case is hereby marked settled and discontinued of record.

Fuller, Kinnunen,
Petruso & Gamble
Ann Hansen Gamble

1196.

Mahany Roeder &
Rothschild
Tamera Ochs Rothschild

CHARLES F. KERR

vs.

JUNE E. KERR

Filed Dec. 27, 1990
@ 11:04 a.m.

Tax & entry Paid	$50.50
state paid	5.00
STATE Pd 12/31/90	10.00
Pro Co pd 4/17/91	9.00

COMPLAINT IN DIVORCE

1 copy (atty)

Jan. 18, 1991, Acceptance of Service filed. And Now, this 15th day of Jan. 1991, I hereby accept servcie of a copy of the complaint in Divorce in regard to the above captioned matter on behalf of the defendant, as proper service hereof.
Tamera Ochs Rothschild, Esq.

Jan. 18, 1991 Appearance of Mahany, Roeder & Rothschild, by Tamera Ochs Rothsc hild, attorneys for defendant filed.

Apr. 2, 1991 Affidavit of Consent of plaintiff filed.

Apr. 8, 1991 Affidavit of Consent of defendant filed.

Apr. 12, 1991 Upon praecipe of Plaintiff attorney, To Transmit Record, this case moved to court.

Apr. 24, 1991 **D I V O R C E D E C R E E F I L E D .**

And now, April 24, 1991, it is ordered and decreed that CHARLES F. KERR, plaintiff, and JUNE E. KERR, defendant, are divorced from the bonds of matrimony.

BY THE COURT,
P. Richard Thomas, S.J.

1990

Jorden and White
William T. Jorden

Shafer, Swick, Bailey
Irwin and Stack
~~James R. Irwin~~ Withdrawn

1197.

Bettie J. Peterson Muth

RODGER P. NYDES

vs.

KAREN L. NYDES

Filed Dec. 27, 1990
@ 11:15 a.m.

Tax & entry Paid	$50.50
1 count paid	15.00
state paid	10.00
state paid	10.00
Joan Mason, master Pro Co pd 5-12-93	9.00

COMPLAINT IN DIVORCE, EQUITABLE PROPERTY DETERMINATION, AND DISTRIBUTION

1 copy (atty)

Feb. 15, 1991 Answer filed.

Apr. 1, 1991, Affidavit of Consent of plaintiff filed.

June 6, 1991 Inventory and Appraisement of Roger Nydes filed.

June 13, 1991 **AFFIDAVIT OF SERVICE** filed. I, James R. Irwin, Esquire, being duly sworn according to law, depose and say that I am the attorney of record, and as such say that I served a true and correct copy of the Complaint in Divorce certified by the Prothonotary of Crawford County, Pennsylvania on the above named Defendant by certified mail, addressee only, return receipt requested, dated December 17, 1990. The Defendant acknowledged service on December 21, 1990 by accepting delivery on that date as evidenced by the attached signed return receipt.

James R. Irwin, Esquire

June 14, 1991 Motion To Withdraw Appearance and Order filed. AND NOW, this 14 day of June, 1991, upon presentation and consideration of the within Motion, Plaintiff's counsel, James R. Irwin, Esquire, is hereby authorized to withdraw his appearance on behalf of the Plaintiff in the abovecaptioned case.

P. Richard Thomas, J

June 18, 1991 Copies of order put in box for Atty's Irwin and Muth

Received from defendant 7-15-92 Master's Fees $250.00

6-25-93 Pd 6-25-93 Master's Report Ch #7630 Left Blank 250.00

June 27, 1991, Appearance of Jorden and WHite, by William T. Jorden, attorneys for Roger P. Nydes, filed.

Aug. 28, 1991 Notice of Service of Request for production Directed to Defendant Karen L. Nydes, filed.

Aug. 28, 1991 Notice of Service of Supplemental REquest for production Directed to Defendant Karen L. Nydes, filed.

Mar. 18, 1992 NOTICE OF SERVICE OF REQUEST FOR PRODUCTION DIRECTED TO PLAINTIFF, RODGER P. NYDES, filed.

Mar. 12, 1992, Motion for Appointment of Master in Divorce and Order filed. ORDER APPOINTING MASTER: AND NOW, March 18, 1992, JOAN D. MASON, ESQUIRE is appointed Master in respect tothe following claims:

Divorce, Equitable Distribution, and no other issues since these are the only issues that have been raised to date.

Deposit REquired:

By Plaintiff $500.00 By Defendant $250.00

PER CURIAM,
Gordon R. Miller, Judge

Mar. 20, 1992, copies to W. Jorden, J. Irwin, Bettie Muth and J. Mason.

April 15, 1992 Affidavit of Consent of Defendant filed

April 16, 1992 INCOME AND EXPENSE STATEMENT OF KAREN L. NYDES, Defendant filed.

April 16, 1992 INVENTORY AND APPRAISEMENT OF KAREN L. NYDES, Defendant filed.

May 11, 1992 Notice of Filing Answers To Request For Production of Documents Directed To Plaintiff filed.

May 12, 1993 Upon praecipe of Plaintiff attorney to transmit record, case moved to Court.

June 1, 1993, Upon praecipe of plaintiff attorney count of Equitable Distribution withdrawn.

DIVORCE DECREE FILED

June 4, 1993 AND NOW, June 4, 1993, it is ordered and decreed that RODGER P. NYDES, plaintiff, and KAREN L. NYDES, defendant, are divorced from the bonds of matrimony.

The Court retains jurisdiction of any claims raised by the parties to this action for which a final order has not yet been entered and which has not been withdrawn by the party making the claim.

BY THE COURT,
Gordon R. Miller, P.J.

Jun. 25, 1993 Motion for Return of Deposit and ORDER filed. And Now, this 25 day of June, 1993, the Court hereby directs that the Prothonotary return the defendant, Karen L. Nydes' deposit for Master's Hearing to her.

By the Court:
P. Richard Thomas, S. J.

6-30-93 Copy of Order to Attys. Jorden & Muth.

1990

Halliday & Halliday
Michael Halliday

1198.

Brian Lindsay

SANDRA S. WATERHOUSE

vs.

ROBERT A. WATERHOUSE

Filed Dec. 27, 1990
@ 2:30 p.m.

Tax & entry Paid	$50.50
3 counts paid	45.00
state paid	10.00
state paid	20.00
Pro Co. pd 4/1/92	9.00

COMPLAINT IN DIVORCE, ALIMONY, CUSTODY, ALIMONY PENDENTE LITE, COUNSEL FEES, EXPENSES

2 copies (atty)

Dec. 27, 1990, Complaint for Custody filed.
ORDER AND NOTICE:
AND NOW, Dec. 31, 1990 this custody action is referred to the court requesting a hearing. ACCORDINGLY, the matter is referred to Custody Mediator, John Fuller, to hold a custody mediation conference with parties and their counsel and present an agreed or recommended Order to the court.

BY ORDER OF THE COURT,
P. Richard Thomas, S. J.

Jan. 3, 1990, copy to JOhn Fuller, and copy mailed to Atty. Halliday.

Apr. 16, 1991 Affidavit of Consent of defendant filed.

Nov. 15, 1991 Complaint Reinstated.

Mar. 16, 1992, Affidavit of Consent of defendant filed.

April 1, 1992 Affidavit of Consent of plaintiff filed.

April 1, 1992 Affidavit of Consent of defendant filed.

April 1, 1992 Upon Praecipe of plaintiff attorney for review Under §201(c) of Divorce Code, this case moved to Court.

Apr. 10, 1992 Memorandum of Gordon R. Miller, P.J., filed.
Apr. 15, 1992 copy mailed to M. Haaliday

Apr. 24, 1992 AFFIDAVIT OF SERVICE, filed. On this, the 10th day of January, 1991, before me, the undersigned officer, personally appeared MICHAEL HALLIDAY, Esq., who being duly sworn according to law, deposes and states as follows:

1. That he is an attorney authorized to practice law in the Commonwealth of Pennsylvania, with offices at 273 Main St., Greenville, Mercer County, Pa. 16125.
2. That on Dec. 26, 1990, he did forward to the Defendant, Robert A. Waterhouse, certified copies of the Complaint in Divorce and Complaint to Confirm Custody as filed on behalf of the Plaintiff in the above-captioned action.
3. That said pleadings was forwarded to the Defendant by certified United States Mail, postage pre-paid, return receipt requested, addressed to Robert A. Waterhouse, P.O. Box 81, Venango, Pa. 16440.
4. That attached hereto is the return receipt as executed by the Defendant, Robert A. Waterhose, showing delivery to have been made on Dec. 28, 1990. Michael Halliday

June 3, 1992 AFFIDAVIT OF VERIFICATION OF SERVICE, filed. I, Robert A. Waterhouse, Defendant in the above-captioned matter, after being duly sworn according to law, do hereby certify that I received a certified copy of a Complaint in Divorce, No. A.D. 1990-1198, on or about Dec. 28, 1991.

June 3, 1992 Upon praecipe to Retransmit Record by Plaintiff attorney, case moved to Court.

June 16, 1992 Memorandum filed. This matter has been referred to the Court another time for final decree and, once again, the Court returns the file to the Prothonotary for further proceedings consistent with this memorandum.

The parties appear to be resubmitting a stipulation to the Court asking that certain agreements covering equitable distribution of marital property be incorporated into the divorce decree. As we indicated by prior memorandum of April 10, 1992 this Court cannot enter a decree covering equitable distribution of marital property because neither party has made a claim for that and the Court lacks jurisdiction.

Therefore the request to have the stipulation entered as a part of the decree should either be withdrawn or equitable distribution of marital property should be raised in an appropriate manner as provided by the Rules.

BY ORDER OF COURT
Gordon R. Miller, P.J.

Juen 16, 1992 copies mailed to Atty Halliday & given to Atty. Lindsay

Aug. 17, 1992 Upon praecipe of Defendant attorney To REsubmit Record, this case moved to court.

D I V O R C E D E C R E E F I L E D

Aug.24, 1992 stipulation and CONSENT DECREE filed. AND NOW, this 20th day of Aug. 1992, upon presentation and consideration of the foregoing Stipulation, this Court hereby directs that:

1. Divorce

Upon consideration of the pleadings and affidavits filed in the above captioned case, this Court hereby grants an absolute divorce from the bonds of matrimony to the above named parties, on the grounds that the marriage is irretrievably broken and ninety (90) days have elapsed from the date of the filing of the complaint and an affidavit has been filed by each of the parties evidencing that each of the parties consents to the divorce,

RECORD CONTINUED ON PAGE 648 (a).....

Sandra S. Waterhouse

vs.

Robert A. Waterhouse

RECORD CONTINUED FROM Page 648

OF

AD 1990 - 1198

****

pursuant to §201(c) of the Divorce Cod of Pennsylvania.

2. Equitable Property Determination and Distribution

The plaintiff shall have sole and exclusive possession of any and all furnishings, appliances and personalty currently in her possession and defendant shall have sole and exclusive possession of any and all furnishings, appliances and personalty currently in his possession.

The 1988 Ford, Festiva, currently registered to the parties, shall become the sole and exclusive property of Defendant and Defendant shall be responsible for any and all outstanding obligations due and owing on said vehicle and shall indemnify and hold Plaintiff harmless from and against any and all liability arising from said obligations. Plaintiff shall execute and deliver any and all documents necessary to effect this transfer within 5 days after demand therefor.

The partis are the owners of certain real estate located in Venango, Crwford County, PA., as more particularly described in Crawford County Deed Book 568, page 814. Plaintiff shall convey, by Quitclaim Deed, her interest in said premises to Defendant. Defendant shall assume all expenses and liabilities relating to said property including, but not limtied to, the mortgage, and Defendant shall indemnify and hold Plaintiff harmless from any and all expenses and liabiliteis on said real estate, including the payment of the mortgage, taxes and insurance.

Within five (5) days of the entry of the Decree in Divorce in this action, the above referenced Quitclaim Deed shall be delivered unto Defendant for recording.

Defendant shall pay to Plaintiff the sum of Five hundred ($500.00) Dollars in full settlement of the within agreement.

3. Alimony Pendente Lite, Counsel Fees and Expenses

Neither party shall be entitled to payment of attorney fees, alimony pendent lite, permanent alimony or expenses.

4. Custody

It is hereby Ordered that Plaintiff shall have primary physical custody of the parties' minor child, Shane Michael Waterhouse, born October 1, 1988.

Defendant shall be entitled to rights of visitation every Tuesday between the hours of 3:00 P.M. and 9:00 P.M. and on first, second, and fourth weekends of each month, beginning Friday at 3:00 P.M. and ending Sunday at 5:00 p.m.

BY THE COURT:
Gordon R. Miller, J.

1990

William J. Gregg

1199.

CHRISTINE LOGSDON

vs.

CHARLES D. LOGSDON

Filed Dec. 27, 1990
@ 3:19 p.m.

Tax & entry paid	$50.50
state paid	5.00
state paid	10.00
Pro. Co. Pd. 1-2-92	9.00

COMPLAINT UNDER SECTION 201(c) OF DIVORCE CODE

1 copy (atty)

Jan. 14, 1991 Affidavit of Service filed.William J. Gregg, Esq., being duly sworn according to law, deposes and says that the following facts in support of his Affidavit of Servcie are true and correct to the best of his knowledge, information and belief:

1. That the Affiant is the Attorney for the Plaintiff in the above-captioned action.

2. That a true and correct copy of the Complaint in Divorce and Notice were sent by registered mail to the Defendant, Charles E. Logsdon, on Jan. 3, 1991.

3. The registered mail was sent to Charles D. Logsdon, at RD # 2, Springboro, PA 16435. The sender's receipt is attached hereto.

4. That the Defendant received said registered mail on Jan. 9, 1991. Said Return Receipt card P 269 402 152 is attached hereto signed by Charles D. Logsdon and made a part hereof.

William J. Gregg, Esq.

Dec. 24, 1991 Affidavit of Consent by Plaintiff filed.

Dec. 24, 1991 Affidavit of Consent by Defendant filed.

Jan. 2, 1992 Upon praecipe of Plaintiff attorney to transmit record, this case moved to court.

Jan. 14, 1992 **D I V O R C E D E C R E E F I L E D .**

AND NOW, January 13, 1992, it is hereby ordered and decreed that Christine Logsdon, Plaintiff, and Charles D. Logsdon, defendant, are divorce form the bonds of matrimony.

BY THE COURT,
Gordon R. Miller, J

650

1990

Thomas, Truax, Spadafore, Vardaro & Walker William L. Walker 1200.	ANDOVER BANK vs. KERRY E. LOUCKS Filed Dec. 27, 1990 @ 3:24 p.m. Tax & entry Paid $50.50 state paid 5.00	COMPLAINT IN MORTGAGE FORECLOSURE 1 copy (atty) Jan. 25, 1991 Affidavit of Service filed. Debra Mattocks, being duly sworn according to law, deposes and says that she is the secretary to William L. Walker, Esquire, Attorney for Petitioner in this action, and certifies that on December 28, 1990 she delivered to the POst Office in Meadville, PA for delivery to Kerry E. Loucks at 1200 State Route 7, Pierpont, Ohio 44082, by certified mail, return receipt requested, delivery restricted to addressee only, a true and correct copy of the Complaint in this matter for which deponent received at the time receipt for certified article no. P 398 121 555 which is attached hereto as Exhibit "A". Thereafter on January 10, 1991 it was returned to William L. Walker, Esquire return receipt card bearing the same number and signed by Kerry E. Loucks said return receipt card being attached hereto as Exhibit "B". Debra Mattocks

1990

Mason and Mason
Joan D. Mason

1201.

James R. Irwin

MELINDA S. KNAPP

vs.

RICHARD W. KNAPP, JR.

Filed Dec..27, 1990
@ 3:39 p.m.

Tax & entry paid	$50.50
state paid	10.00
3 counts paid	45.00
state paid	20.00
John Fuller, Mediator Mediation Cost	150.00
Pro Co. Pd. 3-10-98	$9.00

COMPLAINT IN DIVORCE, CUSTODY, EQUITABLE DISTRIBUTION, ALIMONY PENDENTE LITE, COUNSEL FEES AND COURT COSTS

1 copy (atty)

Jan. 7, 1990, Appearance of James R. Irwin, attorney for defendant filed.

Jan. 7, 1991 Affidavit Of Consent filed. I, Joan D. Mason, Esquire, attorney for the Plaintiff in the above entitled case, and being duly sworn according to law, despose and say that I did on December 31, 1990 mail to the above defendant, Richard W. Knapp by certified mail #P 425 665 174, return receipt requested, deliver to addressee only, a complaint in the above divorce action. Said notice was received on January 3, 1991, as indicated by the return receipt card which was returned to the office of the Plaintiff's attorney and is attached hereto.

Joan D. Mason

Mar. 1, 1991 Motion To Appoint Mediator and Order filed. AND NOW, this 1 day of Mar., 1991 it is ordered that all parties inthe above captioned case and their counsel shall appear for a mediation conference before the Mediator, John Fuller, at a time to be set by the Mediator in the Crawford County Courthouse, with the child Custody Mediator as Rquired by Rule 31(e) of the Court of Common Pleas of Crawford County, Pennsylvania, it is further ordered and decreed that pending final determination by the Court, the children shall not be removed from the jurisdiction of the Court by either party hereunder, under possible punishment for Contempt of Court.

BY THE COURT,
P. richard Thomas, S.J.

1 copy atty; 1 copy mediator

Apr 19, 1991 Petition Regarding Temporary Custody filed.

Apr 19, 1991 Order filed: AND NOW, April 19, upon consideration of the plaintiff's petition relating to temporary custody, a hearing is set thereon for April 29, 1991 at 10:30 o'clock a.m. in a courtroom to be assigned. Pending said hearing, the status quo will be maintained and the children shall remain a the plaintiff's residence and shall remain in their current elementary school

BY ORDER OF THE COURT,
Robert L. Walker, S.J.

April 25, 1991 Copies of order put in Attys. Mason and Irwin's boxes.

May 3, 1991 Order filed. AND NOW, May 2, 1991, the plaintiff having filed a request for a temporary order pending custody mediation in this case and the Court having been advised that a custody mediation conference will be held on May 14, 1991, the following temporary custody is entered:

The present informal custody and visitation arrangement existing between the parties shall remain in full force and effect until after the basic custody questions are resolved in the normal course of events. Pending said resolution of the custody proceedings the child shall remain in the care of the plaintiff or her designee and the defendan tshall have temporary custody of the children for visitation purposes every other weekend beginning at 5:00 o'clock p.m. on Friday and ending at 5:00 o'clock p.m. on Sunday. Transportation to and from the visits shall be furnished by the defendant.

BY THE COURT,
Robert L. Walker, J

May 3, 1991 copy put in Atty's box.

May 14, 1991 Notice Of Mediation Conference filed.

May 30, 1991 Order filed. AND NOW, May 29, 1991, after mediation conference before John Fuller, Esquire, IT IS ORDERED AND DECREED AS FOLLOWS:

I. Legal custody of Danielle Knapp, Heather Knapp, and Shane Knapp shall be shared between th emother, Melinda S. Knapp and the father, Richard W. Knapp, that is each parent shall be entitled to full access to school records, medical records and othe important records and each parent shall be entitled to tak epart fully in important decisions affecting the children such as the children's education, medical treatment and religious instruction.

II. Physical custody of Danielle Knapp, Heather Knapp and Shane Knapp shall be with their mother, Melinda S. Knapp, subject to the following conditions:

A. During May of 1991 the father shall be entitled to visit and take the children into his custody every other weekend, from 5;00 p.m. on Friday until 5:00 p.m. on Sunday in accordance with th eprior orde rof court dated May 2, 1991.

B. In the Summer of 1991, the father shall be entitled to have the children in his custody for a two (2) week period in June during that period of time when the mothr is incarcerated in jail, which unless otherwise agreed upon between the parties, shall be from 3:00 p.m. on June 3, 1991 until 3:00 p.m. on June 17, 1991.

In addition the father shall be entitled to have the children in his custody for a one (1) week period in July and a one (1) week period in August. The father shall provide the mother at least thrity (30) days notice of the one (1) week in July and the one (1) week in August in whic he intends to exercise his Summer vacation custody period with the children and the fathe rmay not select the one week prior to the beginning of school in the Fall of 1991.

C. During the summer of 1992 an deach Summer thereafter, the father shall be entitled to hav ethe children in his custody one (1) week in June, one (1) week in July and and one (1) week in August. In addition to the one (1) week periods, the father shall be entitled to have the children in his custody during the Summer one (1) weekend in June, one (1) weekend in July and one (1) weekend in August, which weekends shall be from Friday at 5:00 p.m. until Sunday at 5:00 p.m. The father likewise shall notify the mother at least thirty (30) days of the one (1) week periods and weekend Summer visitation schedule provided further that the father's Summer visits with the children shall not

Continued on page 688

Thomas, Truax, Spadafore,
Vardaro & Walker
R. Charles Thomas

1202.

Christopher J. Youngs

JAMIE L. BAILEY

vs.

STEVEN HILL

Filed Dec. 27, 1990
@ 4:01 p.m.

Tax & entry Pd 12/27/91 $50.50
state Pd 12/27/91 5.00

COMPLAINT FOR CUSTODY

Dec. 27, 1990 RE: CROSS PETITIONS FOR CUSTODY-ORDER: Jamie Bilaey is the mother of Lacey Hill, 2 yrs. of age, Jamie HIll, age 9 months. She petitions the court for an emergency custody order contending that their father, Defendant Steven Hill, is the subject of an ongoing child molestation case involving three minor children of Jamie Bailey, born of a prior marriage. Apparently this matter is being investigated by CHildren and Youth Services and the West Mead Township Police Department. Jamie Bailey requests exclusive custody of her two children born out of wedlock to Steven Hill and denying him any visitation rights until the aforesaid investigation involving three other children is completed.

At the same time the aforesaid complaint for custody was presented to the court at motion court, Steven Hill through his counsel presented a petition requesting appointment of a custody mediator for the purpose of granting visitation with the two children born of his relationship with Jamie Bailey.

We believe this matter should be temporarily resolved by an informal hearing and conference before Judge miller, and Accordingly, set hearing thereon for Dec. 31, 1990, at 10:30 a.m. in C. R. No. 2.

The court requests a representative knowledgeable of this case from Children and Youth Services be present.

Pending further order of court, the mother Jamie Bailey is accorded custody of the two children and at this time the court accords no court order visitations for the father, but if Jamie Bailey desires to accord the father visits with the children, she may do so at her discretion and under the such reasonable terms and conditions as she prescribes.

BY ORDER OFTHE COURT
P. Richard Thomas, S. J.

Dated: Dec. 27, 1990.

Dec. 27, 1990, copies to Attys. C. Youngs and R. C. Thomas and Children and Youth Services (mail).

Jan. 3, 1991 ORDER filed. AND NOW, Dec. 31, 1990 at the time fixed for hearing in these cases, both parties appeared with their counsel, met with the Court informally, and have reached a tentative settlement of the matters raised in these petitions. Based upon the agreement of the parties, it is ORDERED as follows:

1. Until further Order of Court, temporary physical custody of Lacy Hill and Jamie Hill shall be with Jamie L. Bailey, with Steven J. Hill having the following visitation privileges:

2. Steven J. Hill shall have the right to visit Lacy Hill and Jamie Hill at the home of Jamie L. Bailey every Monday and Wednesday of each week between the hours of 9:00 a.m. and 11:00 commending with the week of Jan. 14, 1991. In the event that Steven is unable to exercise a visitation granted to him herein, he shall notify Jamie L. Bailey at least 24 hours in advance. If Steven J. Hill does not appear at the home of Jamie L. Bailey by 9:30 a.m. on any day for scheduled visitation, Jamie L. Bailey may assume that that visitation is cancelled and she shall be free to make other arrangements for the children. Steven J. Hill shall not remove the children from Jamie L. Bailey's residence during these visitations or at any other time until further Order of Court.

3. The parties shall be free to modify the visitation schedule hereinabove set forth provided they both agree to such change and put that change in writing.

4. This Order shall remain in full force and effect until modified by the parties in the manner set forth above or by further Order of Court. The matters raised in these cross petitions may abe considered and decided by the Court on motion of either party as it is intended that this order be temporary only and that a more permanent resolution of the matter shall occur later either by consent or after hearing by the Court.

5. Neither party shall do anything to adversely affect the health, safety, morals, or well-being of the children. Neither party shall do anything to turn the children against the other. The parties shall not bicker or argue in front of the children. The visitation rights given to the father shall be used to allow him to visit the children in peace, without conflict or bickering.

By Order Of The Court,
Gordon R. Miller, P.J.

Jan. 3, 1991 Copy of Order to Attys. R. Charles Thomas and Christopher J. Youngs.

Jan 3, 1991 Order filed: AND NOW, December 31, 1990, at the time fixed for hearing in these cases, both parties appeared with their counsel, met with the Court informally, and have reached a tentative settlement of the matters raised in these petitions. Based upon the agreement of the parties, it is ORDERED as follows:

1. Until further Order of Court, temporary physical custody of Lacy Hill and Jamie Hill shall be with Jamie L. Bailey, with Steven J. Hill having the following visitation privileges.

2. Steven J. Hill shall have the right to visit Lacy Hill and Jamie Hill at the home of Jamie L. Bailey every Monday and Wednesday of each week between the hours of 9:00 a.m. and 11:00 a.m. commencing with the week of January 14, 1991. In the event that Steven J. Hill is unable to exercise a visitation granted to him herein, he shall notify Jamie L. Bailey at least 24 hours in advance. If Steven J. Hill does not appear at the home of Jamie L. Bailey by 9:30 a.m. on any day for scheduled visitation, Jamie L. Bailey may assume that that visitation is cancelled and she shall be free to make other arrangements for the children. Steven J. Hill shall not remove the children from Jamie L. Bailey's residence during these visitations or at any other time until further order of court.

3. The parties shall be free to modify the visitation schedule hereinabove set forth provided they obth agree to such change and put that change in writing.

4. This Order shall remain in full force and effect until modified by the parties in the manner set forth above or by further order of court. The matters raised in these cross petitions may be considered and decided by the Court on motion of either party as it is intended that this order be temporary only and thata more permanent resolution of the matter shall occur later either by consent or after hearing by the court.

Continued in Margin.....

5. Neither party shall do anything to adversely affect the health, safety, morals, or well-being of the children. Neither party shall do anything to turn the children against the other. The parties shall not bicker or argue in front of the children. The visitation rights given to the father shall be used to allow him to visit the children in peace, without conflict or bickering.

BY ORDER OF THE COURT,
Gordon R. Miller, P.J.

Jan 4, 1991 Copies of order put in Attys. Thomas and Youngs boxes.

1990

Christopher J. Youngs

1203.

Thomas, Truax, Spadafore,
Vardaro, Walker
R. Charles Thomas

STEVEN J. HILL

vs.

JAMIE BAILEY

Filed Dec. 27, 1990
@ 4:01 p.m.

Tax & entry Pd 1/15/91 $50.50
state Pd 1/15/91 5.00

PETITION FOR CUSTODY AND VISITATION

1 copy (atty)

Dec. 27, 1990, RE: CROSS PETITIONS FOR CUSTODY - ORDER:

Jamie Bailey is the mother of Lacey Hill, 2 years of age, Jamie Hill, age 9 months. She petitions the court for an emergency custody order contending that their father, defendant Steven Hill, is the subject of an ongoing child molestation case involving three minor children of Jamie Bailey, born of a prior marriage. Apparently this matter is being investigated by Children and Youth Services and the West Mead Township Police Dept. Jamie Bailey requests exclusive custody of her tow children born out of wedlock to Steven Hill and denying him any visitation rights until the aforesaid investigation involving three other children is completed.

At the same time the aforesaid complaint for custody was presented tot he court at motion court, Steven Hill through his counsel presented a petition requesting appointment of a custody mediator for the purpose of granting visitation with the two children born of his relationship with Jamie Bailey. We believe this matter should be tmeporarily resolved by an informal hearing and conference before judge Miller, and ACCORDINGLY, set hearing thereon for Dec. 31, 1990 at 10:30 a.m. in C. R. No. 2.

The court requests a representative knowledgeable of this case from Children and Youth Services be present.

Pending further order of court, the mother, Jamie Bailey is accorded custody of the two minor children and at this time the court accords no court order visitations for the father, but if Jamie Bailey desires to accord the father visits with the children, she may do so at her discretion and under such reasonable terms and conditions as she prescribes.

Dated: Dec. 27, 1990

BY ORDER OF THE COURT,
P. Richard Thomas, S. J.

Dec. 27, 1990, copies to R. C. Thomas, C. Youngs, and Children and Youth Ser.

Jan 3, 1990 Order filed: AND NOW, December 31, 1990 at the time fixed for hearing in these cases, both parties appeared with their counsel, met with the Court informally, and have reached a tentative settlement of the matters raised in these petitions. Based upon the agreement of the parties, it is ORDERED as follows:

1. Until further Order of Court, temporary physical custody of Lacy Hill and Jamie Hill shall be be with Jamie L. Bailey, with Steven J. Hill having the following visitation privileges.

2. Steven J. Hill shall have the right to visit Lacy Hill and Jamie Hill at the home of Jamie L. Bailey every Monday and Wednesday of each week between the hours of 9:00 a.m. and 11:00 a.m. commencing with the week of January 14, 1991. In the event that Steven J. Hill is unable to exercise a visitation granted to him herein, he shall notify Jamie L. Bailey at least 24 hours in advance. If Steven J. Hill does not appear at the home of Jamie L. Bailey by 9:30 a.m. on any day for scheduled visitation, Jamie L. Bailey may assume that that visitation is cancelled and she shall be free to make other arrangements for the children. Steven J. Hill shall not remove the children from Jamie L. Bailey's residence during these visitations or at any other time until further Order of Court.

3. The parties shall be free to modify the visitation schedule hereinabove set forth provided they both agree to such change and put that change in writing.

4. This Order shall remain in full force and effect until modified by the parties in the manner set forth above or by further order of Court. The matters raised in these cross petitions may be considered and decided by the Court on motion of either party as it is intended that this order be temporary only and that a more permanent resolution of the matter shall occur later either by consent or after hearing by the Court.

5. Neither party shall do anything to adversely affect the health, safety, morals, or well-being of the children. Neither party shall do anything to turn the children against the other. The parties shall not bicker or argue in front of the children. The visitation rights given to the father shall be used to allow him to visit the children in peace, without conflict or bickering.

BY ORDER OF THE COURT,
Gordon R. Miller, SJ

Jan 4, 1991 Copies of order put in Attys. Youngs and Thomas' boxes.

654

1990

Christopher J. Youngs 1204.	ROBERT V. SNYDER AND JESSIE M. SNYDER, HIS WIFE vs. JOYCE L. BRADLEY, t/a and d/b/a JOYCE L. BRADLEY INSURANCE Filed Dec. 28, 1990 @ 10:56 a.m. Tax & entry paid $50.50 state paid 5.00 Sheriff's Costs 25.00 Pro Co Pd 2/22/91 6.00	COMPLAINT IN CIVIL ACTION 2 copies (atty) Jan. 16, 1991 Sheriff's Return filed. SERVED Joyce L. Bradley personally on January 11, 1991 at 4:15 PM at Sheriff's OFfice, Crawford County Courthouse, Meadville, PA. So answers, Diane Severo, Deputy Sheriff Howard N. Stewart, Sheriff Feb. 20, 1991, UPon praecipe of plaintiff attorney the above captioned action to hereby settled and discontinued of record.

May, Long & Sanders
Russell R. Sanders

1205.

GENERAL MOTORS ACCEPTANCE CORPORATION

vs.

MICHAEL T. STROUD

Filed Dec. 28, 1990
@ 11:36 a.m.

Tax & entry Paid	$50.50
state paid	5.00
Sheriff's Costs	26.72
Pro Co Pd 2/4/91	5.00

COMPLAINT IN CIVIL ACTION - REPLEVIN

Jan. 7, 1991 Motion For Writ Of Seizure and Order filed. AND NOW, this 7th day of January, 1991, upon motion of MAY, LONG & SANDERS and RUSSELL R. SANDERS ESQ., for Order of Writ of Seizure, a hearing is set on the said Motion for the 7th day of February, 1991, at 1:30, p.m., o'clock, Courtroom No. 1 or 2, Crawford County Courthouse, Meadville, Pennsylvania, a copy of this Order to be served upon Defendant not less than twenty-four (24) hours before said hearing.

BY THE COURT,
! COPY ATTY Gordon r. Miller, J

Jan. 7, 1991 Petition For Examination and Order filed. AND NOW, January 7, 1991, upon consideration of the foregoing Petition upon motion of MAY, LONG & SANDERS and RUSSELL R. SANDERS, ESQ., attorney for Plaintiff, IT IS ORDERED that Defendant, MICHAEL T. STROUD, appear before this Court, Courtroom No. 1 or 2 Crawford County Courthouse, Meadville, Pennsylvania, at 1:30, p.m., o'clock, on February 7, 1991, to be examined orally and under oath, and there to answer as to the whereabouts of the property sought to be replevied in this case.

BY THE COURT:
1 copy atty Gordon R. Miller, J

Jan. 16, 1991 Sheriff's Return filed. SERVED Michael T. Stroud personally on January 11, 1991 at 10:36 AM at his residence, 610 Washington Street, Apt. #1, Meadville, Crawford County, PA.
So answers, Robert M. Stevens, Deputy Sheriff
Howard N. Stewart, Sheriff

Jan. 25, 1991, Motion to Cancel Hearing and Order filed. ORDER OF COURT: AND NOW, this 22 day of Jan. 1991 upon Motion of Russell R. Sanders, Esq. and May, Long & Sanders, it is hereby ORDERED that the hearing scheduled for Feb. 7, 1991, at 1:30 p.m. Courtroom Nos. 1 or 2, Crawford County Courthouse, Meadville, Pa., is hereby cancelled.

1 copy (atty) BY THE COURT:
Gordon R. Miller, J.

Jan. 31, 1991, Upon praecipe of plaintiff attorney, the above captioned action is marked discontinued of record.

1990

William C. Kuhn

1206.

PENNSYLVANIA POWER COMPANY

vs.

EUGENE CALVERT AND ROSEMARY CALVERT

Filed Dec. 28, 1990
@ 11:40 a.m.

Tax & entry Paid	$50.50
state paid	5.00
Sheriffs costs	31.84
Pro Co Pd 2/5/91	9.00
Sat Pd 2-25-93	5.00

COMPLAINT

2 copies (sheriff)

Jan. 8, 1991, Sheriff's Return filed. SERVED Eugene Calvert on Dec. 31, 1990 at 11:31 a.m. by handing copy of Complaint to Rosemary Calvert, his wife, at residence, R. D. #3, Box 167, Conneaut Lake, Crawford County, Pa.

SERVED Rosemary Calvert personally on Dec. 31, 1990 at 11:30 a.m. at her residence R. D. #2, Box 167, Conneaut Lake, Crawford County, Pa.

So answers, Robert M. Stevens, Dep. sheriff
Howard N. Stewart, sheriff

And Now, Feb. 5, 1991, at 11:39 a.m. upon praecipe of plaintiff attorney, with default notice attached, Judgment is hereby entered in favor of the plaintiff and against the defendants in the sum of Two Thousand Five Hundred Fifteen and 93/100 Dollars.

Judgment entered - 2/5/91

C - 254, 141

Debt ---$2,515.93

JUDGMENT

James F. Simmons,
Prothonotary

Feb. 25, 1993 This Judgment satisfied. (see paper filed)

1990

1207.

Northwestern Legal services
Christopher Brode

2/11/90 Rec'd $21.00 From Defendant

2/11/90 Paid $21.00 To Howard Stewart, Sheriff's Office #6033

AMY J. BURKHARDT

vs.

DAVID P. BURKHARDT

Filed Dec. 28, 1990
@ 1:32 p.m.

Tax & entry	2/11/90	$50.50
state	2/11/90	5.00
Sheriff's Costs		21.00
Pro Co	2/11/90	9.00

PETITION FOR EMERGENCY RELIEF UNDER PROTECTION FROM ABUSE ACT

3 copies sheriff
1 copy plaintiff

ORDER:

And now, this 28 day of Dec., 1990, upon review of the petition of Plaintiff, the Court entered the following Temporary Order.

1. The Defendant shall not assault, abuse, harass or threaten the Plaintiff or any of the minor children named in the Petition.
2. Special Conditions: Defendant not to threaten Pl. Child to remain in custody of father at 917 N. Main St. Pl may go to residence at 917 N. Main St to get her clothing & personal possessions. Mother to have visits with child on 3 seperate day (not at 917 N. Main St) for a period not in excess of 3 hours
3. This Order may be enforced without a warrant of arrest by any law enforcement officer having reasonable ground to believe it has been violated.
4. A copy of this Order shall be delivered to the police departments in the jurisdiction where the Plaintiff resides and to County Control.
5. Service of a copy of the Petition and this Order shall be made upon the defendant by a sheriff, constable, police officer or competent adult.
6. This temporary order shall remain in full force and effect until modified or terminated by further order of this Court. Liability for payment of fees and costs will be determined by final court order.
7. The Defendant is reminded that this is an ORDER OF COURT and violation of this Order may be punishable by a fine up to $1,000.00 and a jail sentence of up to six months.
8. The court reserves ruling on allocations of fees and costs.

Hearing is here by set for Jan. 7, 1991, at 3 P. M., in Courtroom 1 or 2 of the Crawford County Courthouse. The defendant is advised he may retain an lawyer to represent him at said hearing if he so desires but he is not required to do so.

BY ORDER OF COURT,
P. Richard Thomas, J

Dec. 31, 1990 Sheriff's return filed. SERVED David P. Burkhardt personally on December 28, 1990 at 2:15 PM at his residence, 917 North Main Street, Meadville, Crawford County, PA. 16335
So answers, Robert M. Stevens, deputy Sheriff
Howard N. Stewart, Sheriff

Jan. 4, 1990, Motion to Continue and Order filed. ORDER: AND NOW, this 4 day of Jan. 4,1991UPON DEFENDANT'S Motion to Continue, it is hereby ordered that the hearing presently scheduled for Jan. 7, 1991, is continued to Jan. 10, 1991 at 3:00 p.m. Visits to continue with plaintiff mother every 3rd day.

The Crawford County sheriff's Department is directed to serve a certified copy of this Continuance and Order upon the defendant. In the alternative, this continuance and Order may be served by any competent adult or by First Class Mail.
3 copies (atty) P. R. Thomas,
S. J.

Jan. 8, 1991, Proof of Service filed. I hereby certify that a copy of the foregoing Motion to continue and Complaint for Protection From Abuse was mailed by First Class Mail to the defendant David P. Burkhardt on Jan. 7, 1991.
Date: 1-8-91 R. Christopher Brode, Esq.

Jan. 16, 1991 Order filed. AND NOW, January 10, 1991, at th etime this abuse matter is called for hearing before the Court, the parties advise the Court the matter has been amicably resolved along with the following lines:
1. Without admission of the allegation in the peittion, the Defendant agrees he will not threaten, assault, harass or annoy his wife in any fashion.
2. The parties mutually agree that they will separate living together and the wife will return tolive with her mother Mary Jean Schell, Star Route, Meadville, Pennsylvania.
3. The Plaintiff will have primary custody of the minor child at the residence of her mother and may not move the child to another residence without the consent of the father.
4. The award of custody to the mtoehr is conditioned on the mother's continuing faithfully her parenting classes unless the person operating the classes believes she is ready to discontinue her parenting classes. likewise, the mother agrees that she will continue her counseling at the Mental Health Center on a weekly basis and will not discontinue the Mental Health counseling until her counselor recommends that counseling is no longer necessary.
5. The parties mutually agree that commencing with the month of January, 1991, the father shallhave the right to have the child in his sole and exclusive custody onthe first and third weekends of each month between the hours of 3:00 p.m. Firday and 5:00 p.m. Sunday. It shall be the responsibility of the father to go to the residence of his mother-in-law and pick up the child and return the child to the same residence.
6. the parties mutually agree that the child will be transferred form the father to the mtoehr at Mrs. Schell's residence on Saturday, January 12, 1991 at 3:00 p.m. The husband also agrees to transfer any per sonal possessions of the wife she desires to have at the same time.
7. This Order shall remain in force and effect for a period of one (1) year.
8. Any police officer having reasonable grounds to believe that the dEfendant has violated the abuse portions of this Order may upon a s worn or verified affidavit from the wife and if the police officer beleives the wife is in immediate danger, immediatley apprehend the Defendant, remand him to the County Jail and notify the Court to schedule an immeidate contempt hearing.
9. The Defendant is DIRECTED to pay costs in this case within fifteen (15) days of being billed for the same by the Prothonotary at his address at 917 North Main Street, Meadville, Pennsylvania.

BY ORDER OF THE COURT,
P. Richard Thomas, S.J.

Jan. 17, 1991 Copies of order put in R. Christopher Brody and County Control's box and copy mailed to defnedant.

658

1990

Joseph F. Kulwicki

1208.

4/24/91
Sheriffs costs Pd
$21.00

4/24/91
Paid to
Howard Stewart
Sheriff
$21.00
Ck. No. 6189

TERRI L. CARPENTER

vs.

SCOTT H. CARPENTER

Filed Dec. 28, 1990
@ 2:44 p.m.

Tax & entry	Pd 4/24/91	$50.50 ✓
state	Pd 4/24/91	5.00
Sheriff's Costs		21.00
DJ	4/24/91	9.00 ✓

PETITION FOR EMERGENCY RELIEF UNDER PROTECTION FROM ABUSE ACT

3 copies sheriff
1 copy plaintiff

ORDER:

And now, this 28 day of Dec., 19 90, upon review of the petition of Plaintiff, the Court entered the following Temporary Order.

1. The Defendant shall not assault, abuse, harass or threaten the Plaintiff or any of the minor children named in the Petition.
2. Special Conditions: Defendant shall not threaten, assault or harass the Pl. Pl given exclusive possession of residence & dft. must vacate taking only clothing & personal possession. Pl shall have exclusive possession of a 76 Hornet.
3. This Order may be enforced without a warrant of arrest by any law enforcement officer having reasonable ground to believe it has been violated.
4. A copy of this Order shall be delivered to the police departments in the jurisdiction where the Plaintiff resides and to County Control.
5. Service of a copy of the Petition and this Order shall be made upon the defendant by a sheriff, constable, police officer or competent adult.
6. This temporary order shall remain in full force and effect until modified or terminated by further order of this Court. Liability for payment of fees and costs will be determined by final court order.
7. The Defendant is reminded that this is an ORDER OF COURT and violation of this Order may be punishable by a fine up to $1,000.00 and a jail sentence of up to six months.
8. The court reserves ruling on allocations of fees and costs.

Hearing is here by set for Jan. 10, 1991, at 10:30 A M., in Courtroom 1 or 2 of the Crawford County Courthouse. The defendant is advised he may retain an lawyer to represent him at said hearing if he so desires but he is not required to do so.

BY ORDER OF COURT,
P. Richard Thomas, S.J.

Dec. 31, 1990 Sheriff's Return filed. SERVED Scott H. Carpenter personally on December 28, 1990 at 4:00 p.m. at his residence, R.D.#2 Box 128K, Saegertown Crawford County, PA.
So answers, James Withers, Deputy Sheriff
Robert M. Stevens, deputy Sheriff
Howard N. Stewart, Sheriff

Jan. 9, 1991 Motion To Continue and Order filed. AND NOW, this 9th day of January, 1991, this matter is continued generally and to be reset on motion of either party. In the meantime the Temporary order previously entered shall continue. A copy of this order shall be delivered to County Control and to the police department where Plaintiff resides.
Gordon R. Miller, J

Jan. 9, 1991 Copies of order put in Joseph Kulwicki and County Control's box.

Feb 27, 1991 Motion to Withdraw Petition for Protection Abuse and to Vacate Order and Order filed: AND NOW, this 27th day of February, 1991, comes the Plaintiff, Terry L. Carpenter, by her attorney, Joseph F. Kulwicki, III, and moves the Court to withdraw the Petition for Protection from Abuse and to vacate the Protection from Abuse Order of December 28, 1990, for th_ reason the parties have resolved their differences by marital agreement. Joseph F. Kulwicki

ORDER

AND NOW, this 27th day of February, 1991 Motion granted upon payment of costs.
Gordon R. Miller, J.

Mar 4, 1991 Copy of order put in Atty. Kulwicki's box.

1990

Wollman and Tracey
Nelson H. Wollman

1209.

BANK OF NEW YORK (DELAWARE)
110 White Clay Center Drive
Newark, De. 19714

vs.

MARGARET SHETLER
Rt. 2, Box 205
Titusville, Pa. 16354

Filed Dec. 31, 1990
@ 11:16 a.m.

Tax & entry Paid	$50.50
state paid	5.00
Sheriff's Costs	82.30

COMPLAINT IN CIVIL ACTION

1 copy (sheriff)

May 24, 1991 Sheriff's rEturn filed. Before me the undersigned authority personally appeared D. E. Allen, Jr., Sheriff of the County of Warren, Commonwealth of Pennsylvania who being duly sworn according to law deposes and says that by virtue of the within writ directed to me, I have caused to be made strict and diligent search and inquiry but was unable to find the defendant Margaret Shetler in Warren County, Pennsylvania.

I therefore make a return of NOT FOUND.

So answers, D. E. Allen, Sheriff

Not Found as to defendant Margaret Shetler, as per Affidavit received from Sheriff of Warren County and hereto attached.

So answers, Howard N. Stewart, Sheriff

1990

Prather, Prather & Pineo
William Pineo

1210.

William J. Gregg

MEADVILLE ITALIAN BAKERY
A PENNSYLVANIA PARTNERSHIP, BY JOSEPH M. LIMANO, LIQUIDATING PARTNER
vs.
WILLIAM H. PERFETT d/b/a
STABLE PIT & PUB

Filed Dec. 31, 1990
@ 11:26 a.m.

Tax & entry Paid	$50.25
state paid	5.00
Pro Co Pd 2/12/92	9.00

EX1990-51

APPEAL OF DEFENDANT FROM JUDGMENT OF
D.J. CHISHOLM, MAGISTERIAL DISTRICT 30-2-01

Dec. 31, 1990 Rule entered upon plaintiff to file Complaint issued.

Jan. 9, 1991, Proof of Service filed.

Jan. 18, 1991 Complaint filed.

Jan. 22, 1991, Verification of Servcie filed. William Pineo Esq. hereby verifies that on Jan. 22, 199,, he served the complaint and notice to Defend on the defendant by sending an attested copy of same to William Gregg, Esq. the defendants atty. of record, at his regular business address, East Side Drive, Conneaut Lake, Pa. 16316 by regular first class mail, postage prepaid.
This verification is made subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsification to authorities.
Dated: 1/22/91 William Pineo, Esq.

And Now, Feb. 12, 1992, at 4:04 p.m., upon praecipe of plaintiff attonrey, with default notice copy attached, Judgment by default is hereby entered in the above captioned case for a total of Two Thousand Four Hundred Ninety Six and 45/100 Dollars.
(prin. sum of $2,068.19 plus int. from 7/8/89 at 8% to date $428.26)
Judgment entered
2/12/92 Debt ----$2,496.45

P - 174
S - 185

JUDGMENT
Barbara H. King,
Prothonotary

Feb. 12, 1992, notice of entry of judgment given to Atty. Gregg.

1990

Devine & Kuftic
Elizabeth Malc
David R. Devine

1211.

Quinn, Gent, Buseck & Leemhuis, Inc.
Patricia Kennedy

RACHEL GOSIK

vs.

PAUL A. GOSIK

Filed Dec. 31, 1990
@ 11:37 a.m.

Tax & entry Paid	$50.50
state paid	5.00
state paid	10.00
Pro Co. Pd 7-3-91	45.00
State Pd.	15.00
Pro Co Pd 12-19-91	9.00
Pro Co pd 6-24-92	9.00

Received from Atty 12-12-91 $76.00

Received from Plaintiff 12-19-91 $76.00

Dec. 31, 1991 paid Co. Comm. $76.00

Dec. 31, 1991 paid Co. Comm $76.00

COMPLAINT IN DIVORCE

3 copies (atty)

Jan. 17, 1991 Affidavit of Service filed. Before me, the undersigned Notary Public, personally appeared David r. Devine, Esquire of 201 Erie Street, Edinboro Pennsylvania, Attorney for Plaintiff, RACHEL GOSIK, in the above cpationed case. Attorney Devine deposes and states that he mailed a true and certified copy of a Complaint in Divorce in the above captioned case to defendant, PAUL A. GOSIK, by certified mail, return receipt requested, pursaunt to rule 1920.4 (a)(ii). The original of the return receipt is attached to this Affidavit and made a part hereof.

David R. Devine

July 3, 1991 Petition To Amend Divorce Complaint and ORDER filed. AND NOW, this 3rd day of July, 1991, upon consideration of the attached Petition, it is hereby ordered that the Complaint in Divorce filed at AD 1990 - 1211 in the Court of Common Pleas of Crawford Co., be amended, adding the following counts:

Count II: Equitable Distribution of Marital Property

Count III: Alimony Pendente Lite, Counsel Fees and expenses.

Count IV: Custody

Gordon R. Miller, J.

July 3, 1991 Two (2) copies order to Atty. Devine.

Aug. 5, 1991 Petition For Custody & Appointment of Mediator filed. AND NOW, this 5 day of Aug., 1991 upon presentation of the foregoing Complaint for Custody, the parties hereto and their respective counsel are Ordered to appear before William Pineo, the Child Custody mediator, who is hereby appointed in this case. The said apnties and their respective counsel shall appear at such time or times that the Child Custody mediator shall hereinafter determine.
2 copies atty; 1 copy meidator P. richard Thomas,

*** See below.
Aug. 16, 1991 ORDER, filed. ORDER: On Aug. 5, 1991, David R. Devine, Attorney for Plaintiff, petitioned the court for the appointment of a custody mediator and William Pineo was appointed. On Aug. 9.1991, Frank L. Kronto, Jr., Attorney for Defendant, petitioned the court for the appointment of a custody mediator. The Court being unaware of the fact that William Pineo had been appointed on Aug. 5, 1991, by Order dated Aug. 8, 1991, John Fuller was appointed custody m mediator.

And now, Aug. 15, 1991, in view of the fact William Pineo was appointed custody mediator on Aug. 5, 1991, the appointment of John Fuller on Aug. 8, 1991 is rescinded.

By Order of the Court,
P. Richard Thomas, S.J.

Aug 21, 1991 copies in box for Atty. W.Pineo and J. Fuller. Sent copies to Attys. D.Devine and F.Kroto, Jr.

*** Aug. 7, 1991 PETITION FOR CUSTODY and ORDER, filed. ORDER: You, Rachel Gosik, Plaintiff, have been sued in court to obtain custody, partial custody or visitation of the child: Sarha Gosik,date of birth - February 15, 1988.

You are ordered to appear in person before John Fuller, Custody Mediator, Crawford County Court House, Meadville, Pa., 16335, at date and time set by Mediator.

You are further ordered to bring with you the child: Sarha Gosik,date of birth - Feb. 15, 1988.

If you fail to appear as provided by this order or to bring the child, an order for custody, partial custody, or visitation may be entered against you or the court may issue a warrant for your arrest.

YOU SHOULD TAKE THIS PAPER TO YOURLAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

LAWYERS REFERRAL SERVICE CRAWFORD COUNTY BAR ASSOCIATION

BY THE COURT:
P. Richard Thomas, S.J.

Date: Aug. 8, 1991

Dec. 6, 1991 TEMPORARY ORDER, filed. AND NOW, this 3rd day of Dec., 1991, after Mediation in the above referenced matter and upon the recommendations of the Child Custody Mediator,

IT IS HEREBY ORDERED AND DECREED THAT:

1. The parties shall share legal and physical custody of the subject minor child.
2. The parties shall share with each other any and all information which each may have regarding the health, education, and the major events in the life of the subject minor child. Health care, school personnel, and other care providers are hereby authorized to release to either party any and all confidential information which they may have regarding the subject minor child.

CONTINUED ON PAGE 668

Gerald Sullivan

1212.

MARY AILEEN WEDEKIND

vs.

PAUL D. WEDEKIND

Filed Dec. 31, 1990
@ 4:09 p.m.

Tax & entry	$50.50
State	5.00
Sheriff's Costs	32.60

PETITION FOR EMERGENCY RELIEF UNDER PROTECTION FROM ABUSE ACT
3 copies Sheriff
1 copy plaintiff

ORDER:

And now, this 31st day of December, 1990, upon review of the petition of Plaintiff, the Court entered the following Temporary Order.

1. The Defendant shall not assault, abuse, harass or threaten the Plaintiff or any of the minor children named in the Petition.
2. Special Conditions:

3. This Order may be enforced without a warrant of arrest by any law enforcement officer having reasonable ground to believe it has been violated.
4. A copy of this Order shall be delivered to the police departments in the jurisdiction where the Plaintiff resides and to County Control.
5. Service of a copy of the Petition and this Order shall be made upon the defendant by a sheriff, constable, police officer or competent adult.
6. This temporary order shall remain in full force and effect until modified or terminated by further order of this Court. Liability for payment of fees and costs will be determined by final court order.
7. The Defendant is reminded that this is an ORDER OF COURT and violation of this Order may be punishable by a fine up to $1,000.00 and a jail sentence of up to six months.
8. The court reserves ruling on allocations of fees and costs.

Hearing is here by set for January 8, 1991, at 3:30 P. M., in Courtroom 1 or 2 of the Crawford County Courthouse. The defendant is advised he may retain an lawyer to represent him at said hearing if he so desires but he is not required to do so.

BY ORDER OF COURT,
Gordon R. Miller, J

Jan. 7, 1991 Sheriff's Return filed. SERVED Paul D. Wedekind personally on December 31, 1990 sometime between 4 PM and 12 Midnight, by Titusville Police Department, Titusville, Crawford County, PA.
So answers,

Jonathon Elsey, Titusville Police Dept.
Howard N. Stewart, Sheriff

Jan 10, 1991 Order filed: AND NOW, January 8, 1991, the matter is before the Court on an Abuse Petition and an allegation that the father has abused his child Mary and on other occasions, is abusive towards his wife and other children. During informal discussion, it is obvious that parenting philosophies between the parents differ greatly and the father's theory that his wife should be under his domain and control is resisted by the wife. The believes the best solution for the turmoil and the stress within the family would be for him to remove himself from the household and he consents to an Order by the Court to do so.

ACCORDINGLY, the Court directs, with the consent of the defendant/father, that he remove himself from the household 704 Jones Street, Titusville, Pennsylvania, by going there at approximately 9:00 p.m. this date to remove his clothing and his personally owned computer. The defendant will also remove his guns.

The defendant is accorded one weekly visit with his three children at the household of the mother at 704 Jones Street, Titusville, Pennsylvania, and the parents mutually agree this visit shall be every Sunday between the hours of 2:00 p.m. and 4:00 p.m. During the visits, the parents shall not argue with each other and the defendant will not make any threats against the chidlren or the wife and will not physically abuse the children in any fashion. The father is advised that if he wishes more extensive visits, he may petition the court in the form of a custody and visitation action if he cannot reach a satisfactory agreement with the mother.

Whether at the home on Jones Street or elsewhere, the defendant will not assault, threaten, harass or annoy his wife or any of the children.

This Order shall remain in force and effect for a period of one (1) year.

Except for the visitation periods, the defendant may not go to the residence for any purpose unless he is specifically invited to go there by his wife.

Any Police Officer having reasonable grounds to believe that the defendant has violated the abuse portions of this Order by assaulting, striking or threatening his wife or children with serious bodily injury, may investigate the same, have the wife sign a sworn affidavit as to the facts that constituted the breach of this Order and apprehend the defendant and lodge him in the County Jail and request an immediate Contempt hearing.

County to pay the costs.

BY ORDER OF THE COURT,
P. Richard Thomas, S.J.

Jan 10, 1991 Copies of order mailed to defendant, given to Co. Control and put in Atty. Sullivan's box.

FRONT

1990

Carol Marie Sterner

vs.

James Harold Sterner

Record continued from page

of record

A.D. 1990 - 703

****

Aug. 30, 1990 Order filed. AND NOW, August 27, 1990, the matter is before the Court on a contempt petition for alleged violation of this Court's Abuse Order of August 3, 1990. It appears that on August 23, 1990, the plaintiff and the child were at her parent's home and the defendant callled and got into some kind of an argument after several calls with the pl aintiff's mother. As a result, the father called the Police and the defendant was incarcerated for allegedly violating the Court's Order by harassing the plaintiff.

The defendant's posture is that he and his wife are attempting a reconciliation and the wife is unweilling to confront her parents with the fact that she and her husband wish to reconcile. It is the wife's contention that while she tries to be decent with her husband when he comes to visit the child, the romance is over and she no longer wishes to continue the marriage with the defendant.

As was the case at the August 3, 1990 hearing, neither party can agree on anything resembling a visitation schedule for th eminor child SHalyn, ACCORDINGLY, we enter the following Order:

1. The Court cannot find the defendant was willfuly and deliberately i contempt of the Court's Order, an daccordingly, he is directed to be released. Any costs in this case will be paid by the County.

2. On days the father is not working, he will give th emaother at least 24-hour telephone notice of when he will come to the house to visit th eminor child and the wife will attempt to accommodate his schedule, which must be between the hours of 9:00 a.m. and 7:00 p.m., and the parties agree that the visitation shall not last for a period longer than two (2) hours.

3. The visits may not be more frequent than three (3) days a week and th emtoehr shallhave the option of having another person present during said visits, but is shall not be a member of her family.

4. During said visits the defendant/husband shallnot make any threats or harass or annoy his wife in any fashion.

5. The parties mutually agree that the defendant still has personal clothing at the residence of the wife. She will bag the same neatly, leave themon the front porch by 2:00 p.m. this date and the husband may pick the clothes up upon his arrival at Titusville, but he may not enter the premises at such time.

BY ORDER OF THE COURT,
P. Richard Thomas, SJ

Aug. 31, 1990 Copy put in County Control's box and copies mailed to plaintiff and defendant

Joan Marie Thompson

vs.

Richard Lloyd Thompson

Record continue from page 31

of record

A.D. 1990 581

12. The parties are directed to arrange for counseling for themselves and their children to adjust to their status of separated parents and to help the children to adjust to their situation, and also to help the children correct any behavioral problems that may be developing. The mediator har noted for the Court that the parties were agreed to try to make arrangements with Centers for Families in Change. The parties shall report to the mediator on whether or not they have succeeded in making arrangements for counseling.

13. The parties are free to make additional or alternative arrangements respecting the custodial and visi tiaton periods and are strongly encouraged to do so if that would be proper and convenient. Said arrangements shall be by mutual consent only, in the absence of which this Order shall govern.

14. Costs and fees of this Mediation, which are fixed at $137.00 are divided equally between the aprties with a share of each being assessed to him or her as cost sinthis case. Payment shall be made to the Prothonotary of Crawford county.

15. Either party may move the Court for a hearing de novo for thirty (30) days from date hereof. If neither party so moves, this ORder shall be considered permanent.

By the Court,
Gordon R. Miller, J

Sept. 6, 1990 copies of order put in William Pineo, Bruce Barrett and Brian Lindsay's box and copies mailed to plaintiff and defendant.

Oct. 25, 1991, Motion for Mediation and Order filed. ORDER OF COURT: AND NOW, Oct. 25, 1991 Motion granted.

Gordon R. Miller, J.

Oct. 31, 1991 copies to B. Barrett, and W. Pineo, and Brian LIndsay

Jan. 22, 1992 MOTION TO WITHDRAW and ORDER filed.. ORDER: AND NOW, this 22nd day of January, 1992, upon presentation and consideration, the above motion is granted.

BY THE COURT,
Gordon R. Miller, P.J.

Jan. 23, 1991 copy to B. Lindsay & B. Barrett

Feb. 3, 1992, Motion for hearing and Order filed. ORDER: AND NOW, Feb. 3, 1992, de novo hearing in the above case is set for Feb. 28, 1992 at 10:30 a.m. in C. R. No. 2.

FOR THE COURT, Imogene Yetman
Ct. Adm.

Feb. 3, 1992, copy to Richard Lloyd Thompson by Ct. Adm.

Feb. 6, 1992, copy to Bruce Barrett, Esq. plff atty.

Jan. 27, 1992 TEMPORARY ORDER filed. AND NOW, this 23rd day of January, 1992, after Mediation in the above referenced matter and upon the recommendations of the Child Custody Mediator,

IT IS HEREBY ORDERED AND DECREED THAT:

1. The mother is hereby awarded legal and physical custody of the subject minor children, Jessica, Melanie, and Christina. The mother is also awarded custody of Samantha, if and when Samantha is released from the jurisdiction of Children's and Youth's Services.

2. The parties shall share with each other any and all information which each may have regarding the health, education, and the major events in the life of the subject minor children. Health care, school personnel, and other care providers are hereby authorized to release to either party any and all confidential information which they may have regarding the subject minor children.

3a. The father shall have visitation and temporary physical custody of Jessica, Melanie, and Christina, on alternate weekends, from FRiday at 4:30 p.m. through Saturday at 8:00 p.m. starting with the weekend next after the date of this Order.

b. The subject minor children shall have the right to telephone the parent not having physical custody at reasonable times and for reasonable lengths of time and such conversations will not be unreasonably monitored by the parent having physical custody.

4. The holiday visitation schedule set out in the order resulting from the mediation of Aus. 22, shall continue unchanged.

5. Should it be necessary for either party to cancel or modify the visitations as set out in this Order or as previously arranged, the party seeking cancellation or modification shall notify the other party as soon as he or she knows of the necessity which impels the cancellation or modification. Said modifications or cancellations shall not be proposed except for good reasons. Should a cancellation or modification be necessary, the parties shall attempt at once to arrange for alternative visits or to make alternative arrangements.

6. The parties shall split responsibility for transportation with the party receiving the children in the exercise of his of her rights picking up the children at the home of the other.

7. Each party shall teach said children to give to the other party that love and respect which is due a parent from his or her children.

8. Neither party shall use illegal drugs or be under the influence of alcohol at any time when said party has the care and custody of the subject minor children. The parties are cautioned that recent medical research has indicated that tobacco smoke is injurious to the health of growing children. Therefore, neither party shall smoke tobacco or permit others to do so in a closed automobile in which the children are being transported or in the bedroom of the children.

9. Any person transporting the children shall make sure that the seat belts or other restraints are used in accordance with the law of Pennsylvania.

10. Neither party shall do or say anything to blacken the character of the other in the children's estimation. Each party shall treat the other in a polite and respectful manner when in the children's presence and each party shall imstruct his or her relatives and friends ot do likewise and also not to disparage the other party in the children's estimation.

11. The parties are free to make additional or alternative arrangements respecting the custodial and visitation periods and are strongly encouraged to do so if that would be proper and convenient. Said arrangements shall be by mutual consent only, in the absence of which this Order shall govern.

12. Costs and fees of this Mediation, which are fixed at $102.00 are divided equally between the parties with a share of each being assessed to him or her as costs in this case. Payment shall be made to the Prothonotary of Crawford County.

13. Either party may move the Court for a hearing de novo for thirty (30) days from date hereof. If neither party so moves, this Order shall be considered permanent.

By the Court,
Gordon R. Miller, P.J.

Feb. 19, 1992 copy in box for W. Pineo, B. Barrett, mailed copy to Plf. & Dft.

Continued on Page 664A

1990

Joan Marie Thompson

vs.

Richard Lloyd Thompson

RECORD CONTINUED FROM PAGE 664

of Record

A.D. 1990 - 581

Feb. 19, 1992 MOTION FOR CONTINUANCE and ORDER filed. ORDER: The above motion allowed and the hearing set for the 2nd day of April, 1992, in Courtroom No. 1 Or 2 at 1:30 p.m.
Anthony J. Vardaro, J.
Feb. 24, 1992 copy in box for B. Barrett

Feb. 21, 1992, Service of Order upon Richard Thompson, dft. filed.

Feb. 27, 1992, Certificate of Service of Motion and Order filed.

Apr. 16, 1992 ASSIGNMENT OF HEARING DATE, filed. April 15, 1992: The Court Administrator having been directed by the Court to set a HEARING IN THE ABOVE MATTER, HEREBY SETS A HEARING FOR July 8, 1992, at 9:00 a.m., in Courtroom 2.
FOR THE COURT,
Imogene Yetman, Crt. Adm.
Apr. 23, 1992 copy in box for B. Barrett & B. Lindsay

May 1, 1992 Motion For Amended Divorce Complaint of plaintiff and ORDER OF COURT filed. And now, May 1, 1992, the above motion allowed.
Anthony J. Vardaro, J.

May 8, 1992 Copy of Order to Attys. Bruce Barrett and Brian Lindsay.

May 1, 1992 Affidavit Under Section 3301(d) of the Divorce Code, filed. Case moved to Court.

May 1, 1992 Amended Complaint in Divorce Under Section 3301(d) of the Divorce Code, filed. 1 copy (atty)

May 20, 1992 Affidavit of Service filed. Bruce A. Barrett, Esquire, being duly sworn, deposes and says that the following facts in support of his Affidavit of Service are true and correct to the best of his knowledge, information and belief.

1. That the affiant is the Attorney for the Plaintiff in the above captioned action.
2. That a true and correct copy of a Complaint under Section 3301(d) of the Divorce Code was sent by registered mail to the Defendant.
3. The registered mail was sent to the Defendant at RD 4 Troy Center, Centerville, PA 16404, on May 1, 1992. The sender's receipt is attached hereto.
4. The defendant received said registered mail o nMay 14, 1992. Said receipt card number 320 791 361 is attached hereto and signed by the Defendant, Richard Lloyd Thompson.

Bruce A. Barrett

May 28, 1992 DEFENDANT'S COUNTER-AFFIDAVIT UNDER SECTION 3301 (d) OF THE DIVORCE CODE, filed.

June 4, 1992 ORDER FILED. June 3, 1992: Hearing heretofore set for July 8, 1992, at 9:00 A.M., is hereby reset for July 8, 1992 at 1:30 P.M., in Courtroom No. 2.
FOR THE COURT,
Imogene Yetman, Court Administrator
June 4, 1992 Copy of order to Bruce A. Barrett, Esq. and Brian J. Lindsay,ESq.

June 5, 1992 Petition For Hearing Pursuant To 23 P.S. 3301(d)(ii) and Order filed. AND NOW, this 5th day of June, 1992, upon co;nsideration of the foregoing Petition, a hearing is set forth 29th day of June, 1992, at 3:00 o'clock PM in Courtroom No. 2.
Gordon R. Miller, J
June 11, 1992 Copies of order put in box for atty. Barrett and Lindsay

June 24, 1992 REASSIGNMENT OF HEARING DATE, filed. June 22, 1992, hearing in the above matter ishereby reset for July 8, 1992, at 1:30 p.m. in Courtroom 2, which is the same date and time for hearing on a review of custody matter.
FOR THE COURT,
Imogene Yetman Crt. Adm.
June 24, 1992 copies mailed to Dft & given to Atty. Barrett & Lindsay

July 8, 1992 Exhibits Filed.

July 10, 1992 ORDER filed. AND NOW, July 8, 1992, this matter has been before the Court for de novo hearing on April 2, 1992 and continuing this day.

After such hearing the Court affirms the Temporary Order of Jan. 23, 1992 in all respects except as it is modified specifically herein. Those modifications including the following:

1. Legal and physical custody of Samantha if and when she is released from the jurisdiction of Children & Youth Services shall be with father.
2. The visitations set forth in Paragraph 3(a) of the January 23, 1992 Order with respect to father's visits with Jessica and Melanie shall remain in full force and effect except that during the summer months of June, July and August, if Jessica and Melanie are not in father's custody, his alternate weekend visits shall begin on Thursday at 4:30 p.m. rather than Friday at 4:30 p.m.

Father's visitation with Christina shall be arranged between father and Christina insofar as it appears that she is somewhat independent at this time and has been making arrangements satisfactory to all parties as far as visitation with her father goes.

Mother shall have visitation with Samantha when and if she is released from the jurisdiction of Children & Youth Services and placed in father's custody on the opposite weekends of father's visits with Jessica and Melanie during the same time periods that would occur for father's visits with Jessica and Melanie.

3. The provisions of Paragraph 5 of the Jan. 23, 1992 Order are emphasized to the parties and expanded to the extent that if a party is unable to exercise their visitation and has not arrived to pick up the child or children within one (1) hour of the time the visitation is to begin, it shall be presumed that the visit has been cancelled. The parties are, however, cautioned that they should not rely on just not being able to show up for a visit and should make every effort to let the other party know if they do not intend to exercise a visitation, it being the intention of this provision to only be sure that a party does nto have to wait for the party that will be obtaining custody an unreasonable period of time.
4. The Defendant's father shall only go to the residence and place of business of the Plaintiff/Mother for the purposes of exercising all visitations set forth in this Order and not for any other purpose unrelated to the exercise of such visitation.
5. The Defendant/Father shall have one (1) week of extended visitation in August of 1992 beginning at 10:00 a.m. on August 10, 1992 and continuing through Aug. 16, 1992 at 5:00 p.m. That visitation shall be with both Jessica and Malanie.

Thereafter, each summer he shall have two (2) weeks of extended visitation with Jessica and Malanie during the summertime to be arranged between the parties but if the parties cannot arrange such visitation, one week shall occur beginning on the third Monday of June and ending on the following Sunday and one week shall occur beginning on the second Monday of August and ending on the following Sunday.

Likewise, if Samantha shall be in the custody of father, mother shall be entitled to two (2) extended weekds with Samantha during the summer beginning in the summer of 1993 and if the parties cannot agree otherwise, those weeks shall be with the first one beginning the Sunday in June that Jessica and Melanie are returned from their extended visit with father through the following Saturday and the week in August beginning with the Sunday that Jessica and Melanie are returned to mother and continuing through the following Saturday.

6. The Defendant shall pay the mediation costs of $51.00 from the mediation in Jan. of 1992 on or before July 17, 1992 or he is advised that he may be held in contempt of court.

BY ORDER OF THE COURT,
Anthony J. Vardaro, J.

July 13, 1992 Copy of Order to \ttys. Bruce Barrett, B. Lindsay.

RECORD CONTINUED ON PAGE 664(b).....

664

-13-

1990

Thompson vs. Thompson A.D. 1990 - 581

DIVORCE DECREE FILED

July 10, 1992 AND NOW, July 8, 1992, after hearing pursuant to the Plaintiff's petition for hearing requesting a unilateral no-fault divorce and after hearing from both parties, the Court is convinced that the Plaintiff has met her burden of proving that the marriage is irretrievably broken and accordingly, the Court grants a divorce from the bonds of matrimony with respect to these parties.

The Court finds that there are no timely collateral issues filed before the Court and accordingly, this Decree is entered at this time with no other issues to be considered by the Court nor ripe for decision by the Court.

BY ORDER OF THE COURT,
Anthony J. Vardaro, J.

Aug. 10, 1992 Notice Of Election To Resume Former Name filed. Joan Marie Thompson TO BE KNOWN AS: Joan Marie Cook

Aug. 25, 1992 ORDER filed. AND NOW, Aug. 24, 1992 the Plaintiff is before the Court asking the Court to direct the Sheriff of Crawford County to pick up the parties' daughter, Christina, age 17, at the Defendant's residence and to deliver her to the Plaintiff's residence insofar as Plaintiff has legal and physical custody of Christina and she has now moved into her father's residence.

In reviewing the Court's Order of July 8, 1992, and the Court recalling tha tChristina was somewhat independent in her livign arrangements at the tiem of the hearing, the Court allowed such visitation to be arranged between the Defendant and Christina as they may agree u pon.

Therefore in light of the fact that the Court cannot factually determine without testimony whether Christina is just on an extended visitation with her father or whether she has in fact moved in, the Court does not believe it would be appropriate to enter an ex parte order providing the relief requested by the Plaintiff.

If the Plaintiff believes the Defendant is in violation of the Order, the Court could determine such facts if a petition for contempt was filed and then a hearing held.

BY THE COURT:
Anthony J. Vardaro, J.

Aug. 27, 1992 copy in box for B.Barrett & B. Lindsay

Aug. 25, 1992 Motion filed.

Karen M. Wofford

vs.

Mervan M. Wofford

Record continued from page 167

of record

A.D. 1990 - 717

****

Sept. 6, 1990 Order filed. AND NOW, September 4, 1990, after hearing, the Court is satisfied from the wight of the evidence that the defendant committed acts of asault and abuse entitling the wife to an Abuse Order. ACCORDINGLY, the defnedan tis directed not to assult, abuse, harass or threaten his wif ein any fashion nor procure others acting on his behalf to do so. The defendant may not go to the residence of the wife for any purposes and may not contact her by telephone except to report any serious injuries or change of circumstances when he has custody of the children unde rthe Temporary Order entered in this case.

It appears that a custody action is pending in Allegheny County, but is will likely be several months before the custoyd and visitation issues existing between these parties are litigated in Allegheny County.

ACCORDINLY, we will enter a Temporary Visitation Order as follows:

The father shall be entitled to have temporary custody and visitation with the three minor children between the hours of 9:00 a.m. Saturday and 3:00 p.m.Sunday every other week commencing with the weekend of September 8-9, 1990. The children will be delivered by the mother toher mother, Mrs. Ann Ellison, R.D. 38, Box 416, Meadville, Pennsylvania at least one-half hour before the visitation period, and the father will pick the children up promptly at the designate time. The mother shall pick the children up at 3:30 p.m. on Sunday on the visitation weekends at the home of the mother, and the fathe rshall not remain at the home ofthe mother, and the father shall not remain at the home of the mother after the children are returned. ONce the children are in the custody of the father, he may take them to any place of his choosing, but it is not the intention of the Court that he pick the chidlren up and return them to his residence in the Pittsburgh area and them the next day return them to Crawford County. It is the intention of the parties in this Orde rthat the overnight sleeping arrangements for the children will be accommodated at the residence of the defendant's cousin, Mrs. Johnnie Mae Goodrum. In the event Mrs. Goodrum's residence is not available because of her absence for any reason, the father may make otehr sat isfactory arrangements with friends or relatives in this area, but msut notify the mother of the location where the chidlren will be.

The abuse portions of this Order shall remain in force and effect for a period on one(1) year. The Order on custody and visitation in AlleghenyCounty, when entered, will automatically supersede the visitation provisions of this Order.

Any Police Officer having reasonable grounds to believe that the abuse protions of this Order have been violated, may, after the plaintiff complies with the following condition, apprehend the defendant without warrant, lodge him in the Crawford County Jail and notify the Cour tto schedule a contempt hearing.

In view of the wife divergence of the parties in the testimony in this case, the Court directs that if the plaintiff wishes to request the Police for assistance if the abuse portions of this Order are violated, the pl aintiff must go before a District Justice ofthe Peace and make a sworn affidavit delineating the precise and exact manner in which the abuse portions of this Order have been violated and the Court leaves to the discretion of the Distruct Justice of the Peace taking siad affidavit as to whether to authorize the immediate arrest of the defendant by a Police Officer or to refer the matter to court after due notice to the defendant in a contempt proceedings.

The defendant is directed to pay costs in this case when billed by the Prothonotary's Office at his address at 1269 Terrace Street, Bridgeville, Pennsylvania, 15017.

BY ORDER OF THE COURT,
P. Richard Thomas, S.J.

Sept. 11, 1990 Copies of order mailed to Defendant and John Brown and copies given to Gerald Sullivan, County Control and District Attorney.

Oct 5, 1990 Order filed: AND NOW, this 5 day of Oct., 1990, upon consideration of the foregoing Petition, a Rule be and is hereby entered against respondent to show cause why he should not be held in contempt of Court as prayed for in the attached Petition.

Rule returnable for hearing on the 16 day of Oct., 1990, at 2:00 o'clock p.m., in Courtroom No. 1. of the Crawford County Courthouse, Meadville, Pennsylvania.

Pending the hearing scheduled above, temporary custody of the parties' minor children shall be with the Petitioner. The Respondent shall not remove nor atempt to remove the children from the custody of the Petitioner.

The Crawford County Sheriff's Department is directed to serve a copy of this Petition and Order upon the respondent. In the alternative, the Petition and Order may be served upon the respondent or his attorney by any competent adult or by certified mail.

This Petition and Order shall be filed and served without payment of costs; the Court shall determine at the hearing if the respondent shall be required to pay costs.

BY THE COURT,
P.R. Thomas, S.J.

Oct 8, 1990 5 copies (atty)

Oct. 12, 1990, Affidavit of Service filed. I hereby certify that the respondent Mervan M. Wofford, was served by cert. mail on Oct 9, 1990. Ret. receipt is attached.
Gerald Sullivan, Esq.

Oct 15, 1990 Order filed: And now, October 12, 1990, the Court has been advised that the Defendant has been placed in the Crawford County Jail for violation of the Order of this Court dated September 14, 1990.
The Court has also been advised that a contempt hearing has been set for October 16, 1990, at 2:00 p.m., before Senior Judge P. Richard Thomas.

The above Defendant shall remain in the Crawford County Jail pending the hearing scheduled October 16, 1990.

BY ORDER OF THE COURT,
Robert L. Walker, S.J.

Oct 15, 1990 Copies of order put in Atty Sullivan's box and copy given to defendant and Co. Control.

Oct 19, 1990 Order filed: AND NOW, October 16, 1990, the Court is satisfied by the fair weight of the evidence that the father made indirect threats to the wife through minor son Mario at a District Justice hearing October 1, 1990. The Defendant has been incarcerated in the Crawford County Jail since October 11, 1990, and the Court believes he has had sufficient punishment for making the threatening remarks to the wife. Accordingly, we find the Defendant

Record Continued on next page....

KAREN M. WOFFORD

VS.

MERVAN M. WOFFORD

RECORD CONTINUED FROM PAGE 603

of

AD 1990-717

****

in contempt of our previous Order of September 4, 1990 and in view of the five (5) days already spent in jail, suspends any further punishment for contempt and authorizes the Defendant's release from confinement in the Crawford County Jail. The Defendant cautioned, however, that any more direct or indirect threats to do harm to his wife any other violations of the Court's previous Order will be dealt with mor harshly than the punishment accorded in this case.

In regard to the weekend visits with the children, as contained in the September 4, 1990 Order, the Court modifies the same to the effect that the father may not take the children to the City of Bridgeville, Pittsburgh or any other place and may not take the children out of Crawford County during the visits.

Weekend visits with the father shall resume the week of October 27/28 and every other weekend thereafter.

At this time the wife apparantly has a pending action with a companion custody Complaint filed in Allegheny County. The Court, however, has doubts that the custody aspect of that case would be processed in the near future in Allegheny County and advises both parties that if there is any disagreement about the custody and visitation of the children that either party may file a custody action in Crawford County at which time the Court will accord a more detailed hearing in regard to the best interest of the children than was possible at the time a temporary custody Order was entered September 4, 1990.

BY ORDER OF THE COURT,
P. Richard Thomas, S.J.

Oct 22, 1990 Copies of order mailed to Defendant, and given to Co. Control and copy put in Atty. Sullivan's box.

Jan. 18, 1991 Petition For Contempt Pursuant To The Protection From abuse Act and Order filed. AND NOW, this 18th day of January, 1991, upon consideration of the foregoing Petition, a Rule be and is hereby entered against respondent to show cause why he should not be held in contmept of Court as prayed for in the attached Petition.

Rule returnable for hearing on the 1st day of February, 1991, at 3:30 o'clock p.m. in Courtroom No. 1 of the Crawford County Courthouse, Meadville, Pennsylvania.

Pending the hearing scheduled above, the Respondent shall not remove nor attempt to remove the children from the custody of the Petitioner.

The Crawford County Sheriff's Department is directed to serve a certified ocpy of this Petition and Order upon the respondent. In the alternative, the Petition and Order may be served upon the respondent by regular mail.

This Petition and Order shall be filed and served without payment of costs; the Court shall determine at the hearing if the respondent shall be required to pay costs.

BY THE COURT,
Gordon R. Miller, J

4 copies atty

Jan. 28, 1991 Affidavit of Service filed. I hereby certify that the Respondent, Mervan M. Wofford, was served by regular U.S. Mail on Jan. 22, 1991.

Gerald Sullivan, Esq.

Jan. 30, 1991, Motion to Continue and Order filed. ORDER: AND NOW, this 30th day of Jan. 1991 upon presentation and consideration of the foregoing Motion, the hearing is continued for the 5th day of Mar. 1991. in Courtroom No. 1 or 2 of the Crawford County Courthouse, Meadville Pa. commencing at 3:00 p.m. the order of Oct. 16, 1990 shall continue in effect as modified by Jan. 18, 1991 order.

BY THE COURT,
Gordon R. Miller, J.

Feb. 5, 1991 copies to Gerald Sullivan, John W. Brown, Brian Lindsay and County Control.

Mar. 6, 1991 Order filed. AND NOW, March 5, 1991, after a hearing on the Plaintiff's Petition for Contempt and the Court believing that the Plaintiff is obligated to prove contempt by the fair wight and preponderance of the evidence, the court finds that the Plaintiff has failed to sustain her burden and therefore, does not now hold the Defendant in contempt of court.

The prior Order of October 16, 1990 and September 4, 1990 are to continue in effect without modification until changed by a subsequent Orde rof this Court in a Protection From Abuse action or in an upcoming custody action.

Costs in this proceeding if any shall be borne by the Plaintiff.

BY ORDER OF THE COURT,
Gordon R. Miller, P.J.

Mar. 8, 1991 Copies of order put in Gerald Sullivan, Brian Lindsay and County Control's box.

KIMBERLY A. RITCHEY

VS.

WILLIAM J. HOOVER, JR.

Record Continued from Page 285

of

AD 1990-835

****

Now Therefore, the parties hereto, each intending to be legally bound hereto, do herey agree as follows:

1. William J. Hoover, Jr. shall not assault, abuse, harass, threaten or any way frighten Kimberly A. Ritchey.

2. William J. Hoover, Jr. shall not be present on the premises of Kimberly A. Ritchey's place of employment while Ms. Ritchey is working there and Mr. Hoover will not contact or attempt to contact Ms. Ritchey except through a third person. The only direct contact between the parties shall be when Ms. Ritchey drops off Benjamin Ritchey at Mr. Hoover's residence as required by the parties' custody agreement.

3. All record costs associated with this action shall be paid by Mr. Hoover.

4. The parties agree that the items of personal property listed on Exhibit "A" attached hereto are the property of Kimberly A. Ritchey with the exception of items next to which there is an asterisk, which items will be divided by the parties at the time set forth herein. The parties further agree that on Sunday, October 7, 1990, Mr Hoover will allow Ms. Ritchey to come onto the premises where the parties recently lived together to recover said personal property and Mr. Hoover will do nothing to hinder or restrain Ms. Ritchey from recovering said property. At said time, the parties shall divide and distribute all their personal property.

5. Mr. Hoover shall pay to Ms. Richey the amount of $830.00 in 12 monthly payments of $69.16, with the first payment to be made on or before 30 days from the date of this Order and the remaining payments to be made each month thereafter until the total amount is paid. This amount represents Ms. Ritchey's attorney's fees to date relating to this protection from abuse action.

6. Mr. Hoover shall pay to Ms. Ritchey the amount of $30.00 per week, commencing on the date of this agreement, as support for the parties' minor child, Benjamin Ritchey, with the condition that within two weeks of the date that this agreement is reduced to a Court Order, Ms. Richey shall petition for child support under the provisions of 23 C.S. Chapter 43.

7. Custody of Benjamin Ritchey shall be in accordance with the parties' Custody Agreement entered into contemporaneously with this agreement.

8. On approval of the Court, this agreement shall be reduced to an Order of Caourt, effective for one year pursuant to 35 P.S. Section 10184(4)(b). The parties' Custody Agreement entered into contemporaneously herewith shall not be governed by this provision.

9. Mr. Hoover acknowledges that he has been advised prior to signing this agreement,. that he should seek the advice of counsel regarding the affect of this agreement.

In Witness Whereof, the parties hereto have hereunto set their hands and seals the day and year first above written.

Kimberly A. Ritchey
William J. Hoover, Jr.

Wherefore, this 3 day of October, 1990, the Court hereby enters this agreement of the parties as a Consent Order to be in effect for one year from the date of the parties' agreement and, pursuant to 35 P.S. Section 10187, directs that a copy of this Consent Order shall be issued to the Plaintiff, to the Defendant, and to the County Sheriff's Office, to enforce the Consent Order. Copy to County Control.

By the Court,
P. Richard Thomas, S.J.

Oct 4, 1990 Copies of order put in Atty. Brautigam's box, mailed to Defendant and given to Co. Control and Sheriff.

RACHEL GOSIK

VS.

PAUL A. GOSIK

Record Continued From Page 661

Record of

A.D. 1990 - 1211

****

3a. The father shall have physical custody of the subject minor child until 6:00 p.m. Jan. 1, 1992. Beginning at 6:00 p.m. of Jan. 1, 1992, the mother shall have physical custody for one month ending at 6:00 p.m. of Feb. 1, 1992, and the father for one month beginning at 6:00 p.m. of Feb. 1, 1992 and ending 6:00 p.m. of March 1, 1992. The parties shall thereafter alternate the monthly periods of physical custody.

The party not having physical custody shall have the right of visitation and temporary physical custody three successive weekends of the month from Fri. at 6:00 p.m. through Sun. at 6:00 p.m., the first such weekend being the weekend beginning on or after the sixth day following the change of primary physical custody.

b. The parent not having physical custody shall have the right to telephone the subject minor child at reasonable times and for reasonable lengths of time and such conversations will not be unreasonably monitored by the parent having physical custody.

4. Holiday visitation shall be arranged as follows:

a. There shall be two Christmas holiday visitation periods, the first beginning at 3:00 p.m. Christmas Eve and ending 1:00 p.m. Christmas Day and the second beginning 1:00 p.m. Christmas Day and ending 6:00 p.m. Christmas Day. For Christmas, 1991, the father shall have the first period, and the mother, the second, and the parties shall thereafter alternate.

b. There shall be two Thanksgiving visitation periods, the first beginning on Thanksgiving Day at 10:0-0 a.m. and ending Thanksgiving Day at 2:30 p.m. and the second beginning Thanksgiving Dat at 2:30 p.m. and ending Thanksgiving Day at 6:00 p.m. For Thanksgiving, 1992, the mother shall have the first period, and the father, the second, and the parties shall thereafter alternate the periods.

c. There shall be two Easter visitation periods, the first beginning on Holy Saturday at 6:00 p.m. and ending Easter Sunday at 11:00 a.m. and the second beginning EasterSunday at 11:00 a.m. and ending Easter Sunday at 6:00 p.m. For Easter 1992, the mother shall have the first period, and the father, the second, and the parties shall thereafter alternate.

d. The other holidays to be observed are New Years Day, The child's birt hday, Memorial Day, Independence Day and Labor Day. Holiday visitation shall be between the hours of 9:00 a.m. and 6:00 p.m., except for Independence Day, when the holiday visitation shall be extended to 11:00 p.m. so that the child may watch the fireworks. The mother shall have visitation on New Year's Day, 1992, and the parties shall thereafter alternate the holiday periods.

e. The child shall spend Father's Day with her father from 9:00 a.m. to 6:00 p.m., and Mother's Day with her mother, during the same hours.

f. The provisions of thisparagraph shall take precedence over the other provisions of th is order relating to the custodial or visitation periods.

5. Should it be necessary for either party to cancel or modify the visitations as set out in this order or as previously arranged, the party seeking cancellation or modification shall notify the other party as soon as he or she knows of the necessity which impels the cancellation or modification. Said modifications or cancellations shall not be proposed except for good reasons. Should a cancellation or modification be necessary, the parties shall attempt at once to arrange for alternative visits or to make alternative arrangements.

6. The parties shall split responsibility for transportation with the party receiving trhe child in the exercise of his or her rights picking up the child at the home of the other.

7. Each party shall teach said child to give to the other party that love and respect which is due a parent from his or her children.

8. Neither party shall use illegal drugs or be under the influence of alcohol at any time when said party has the care and custody of the subject minor child. The parties are cautioned that recent medical research has indicated that tobacco smoke is injurious to the health of growing children. Therefore, neither party shall smoke tobacco or permit others to do so in a closed automobile in which the child is being t ransported or in the bedroom of the child.

9. Any person transporting the child shall make sure that the seat belts or other restraints are used in accordance with the law of PLennsylvania.

10. Neither party shall do or say anything to blacken the charavter of the other in the child's estimation. Each party shall treat the other in a polite and respectful manner when in the child's presence and each party shall instruct his or her relatives and friends to do likewise and also not to disparage the other party in the child's estimation.

11. The parties are free to make additional or alternative arrangements respecting the custodial and visitation periods and are strongly encouraged to do so if that would be proper and convenient. Said arrangements shall be by mutual consent only, in the absence of which this Order shall govern.

12. Either party may request a review of this Order six m onths from date hereof to make any adjustments.

13. Costs and fees of this Mediation, which are fixed at $152.00 are divided equally between the parties with a share of each being assessed to him or her as costs in this case. Payment shall be made to the Prothonotary of Crawford County.

14. Either party may move the Court for a hearing de novo for thirty (30) days from date hereof. If neither party so moves, this Order shall be considered permanent.

By the Court,
P. Richard Thomas, S.J.

Dec. 10, 1991 copy in box for Atty. W. Pineo. Mailed a copy to Attys. E. Malc, P. Kennedy, Plf. and Dft.

Dec 23, 1991 Agreement for Entry of Shared Custody Order of Court and Order filed: AND NOW, to-wit, this 23 day of Dec., 1991, upon review of the attached agreement between the parties regarding custody of their child, it is hereby ORDERED that the said Agreement is approved and shall be incorporated into this Order of Court as if more fully set forth herein.

BY THE COURT,
P. Richard Thomas, S.J.

2 copies (atty)

June 24, 1992 Affidavit of Consent by Suzanne Rachel Gosik, Plaintiff, filed.
June 24, 1992 Affidavit of Consent by Paul A. Gosik, Defendant, filed.
June 24, 1992 Upon Praecipe of David R. Devine, Esquire, Attorney for Plaintiff, for Review under §3201 (c) of the Divorce Code, this case moved to Court.

DIVORCE DECREE FILED

June 29, 1992 AND NOW, June 26, 1992, it is ordered and decreed that RACHEL GOSIK, Plaintiff, and PAUL A. GOSIK, Defendant, are divorced from the bonds of matrimony.

All duties, rights and claims of the parties in regard to each other as a result of their marriage are hereby terminated, except for those duties, rights and claims specifically enumerated in a Postnuptial AGreement executed by the parties and dated June 5, 1992, the terms of which are hreby incorporated by reference as if fully set forth herein.

BY THE COURT:
Anthony J. Vardaro, J.

JANET M. WINDSOR

VS.

JEFFREY W. LOOMIS

Record Continued from Page 219

of

AD 1990-769

****

Oct 4, 1990 Crder filed: AND NOW, October 2, 1990, the matter is before the Court on a contempt action resulting from the sife summoning the police on September 30, 1990 when she was accosted by the defendant. After informal heariang, the Court finds the defendant violated the Abuse Order entered August 23, 1990, in that on September 27, 1990, he grabbed the plaintiff a couple of times on the Edinboro University Campus and directly or indirectly threated or harassed her. The Court notes harassment charges on this incident are apparently pending in Erie County.

On Sunday, September 30, 1990, at the Evergreens bar, the defendant further violated the Order by threats against the plaintiff, threatening to distroy her car and assaulting her as she attempted to get out of his presence.

ACCORDINGLY, The Court finds the defendant in willful and deliberate violation of Paragraphs 1 and 2 of the August 23, 1990. As punishment therefore, the defendant is sentenced to undergo imprisonment in the Crawford County Jail for a minimum period of thirty (30) days and a maximum period of sixty (60) days. In view of the three days already spent in jail, the execution of the sentence is postponed and the defendant is continued under the conditions of the original abuse order, plus the additional following conditions:

1. The defendant may not go any place where the plaintiff is present, and if through inadvertence, they both end up at the same place, it shall be the duty of the defendant to promptly leave and not return and make no comments to the plaintiff.

2. The defendant will not go to the plaintiff's place of employment for any purpose, and if he sees her in and about the Edinboro University Campus, he shall not go near her.

3. There is a dispute about whether the defendant has tools and clothing left in the trailer. In the event the plaintiff finds any tools belonging to the defendant or any of his clothes, she shall put them in a bag and deliver them to the Evergreens Bar where the defendant's father can pick them up.

4. The Court notes that there apparently are indecent assault charges pending in Crawford County against the plaintiff's minor child and the defendant advises the Court that he is on parole in Erie County on a DUI charge.

5. It shall be specific provision of the defendant's conditions that he not call the Plaintiff at her home or at her employment for any purpose.

6. The Warden is authorized to release the Defendant forthwith.

BY ORDER OF THE COURT,
P. Richard Thomas, S.J.

Oct 8, 1990 Copies of order mailed to plaintiff and defendant & copy to Co. Control and copy to put in Atty. D. Mason's box.

Joyce A. Moyer

vs.

Harold L. Moyer

Record continued from page 193

of record

A.D. 1990 - 743

****

Apr. 23, 1991 Order filed. AND NOW, April 18, 1991, the matter is before the Court on a contempt citation with both parties represented by counel. The evidence is received informally and the Court is satisfied beyond all doubt that the Defendant committed a serious violation of the previous Order of August 21, 1990.

It seems the Defendant had a loaded firearm in the glove compartment of his care, namely a .357 Magnum at the time the alleged incident occurred. The Sheriff is DIRECTED to rescind the present existing gun permit and the Defendant is DIRECTED to give the Sheriff the keys to his apartment and to accompany the Sheriff to his apartment where the Sheriff will confiscate and put in storage all firearms belonging to the defendant either in his premises, in his automobile or anywhere else.

Regarding custody and visitation, all visitations with the children are rescinded until the weekend of May 11, 1991 and on May 11, 1991, the Defendant may be entitled to a visit of hour (4) hours between 4:00 p.m. and 8:00 p.m. with his two (2) children. Pick up and return will be to the State Police Barracks as prescribed in prior Orders. Commencing with the weekend of May 25, 26, 1991, the every other weekend visits with the minor children shall recommence in accordance withthe terms and conditions of the Order entered on August 21, 1990 in this case.

The Defendant may not go to the residence ofthe Plaintiff for any purpose and he may not go the wife's place of employment or other places where he knows shy may be and he may not contact the children at any other place.

The Defendant's car was left at the wife's residence any it may be removed by any person authorized by the Defendant, but the Defendant may not go to the wife's residence to remove the car.

The Court finds after hearing that the defendant is in wilful and deliverate violation of the abuse Order entered August 21, 1990 by Judge Robert L. Walker, and accordingly, the Defendant, as punishment, is sentenced to undergo imprisonment in the Crawford County Jail for a minimum term of two (2) months and maximum term of six (6) months. In view of the fact the Defendant has been confined in the Crawford County Jail since April 13, 1991, the Court will suspend the aforesaid two (2) to six (6) month sentence and authorize the Sheriff to release the Defendant after the Sheriff is satisfied the conditions of this Order regarding the guns have been complied with.

The Defendant is cautioned that any further violations of this Order of the terms and conditions of the prior Order entered August 21, 1990 will be subject to service of the suspended two (2) to six (6) month sentence plus any additional punishment for any new violations.

Having found the Defendan tin contempt, we believe the reasonable attorney fees and costs in this case should be the responsibility of the Defendant to pay. Counsel for the Plaintiff will submit a bill for attorney fees to the Court for approval and upon apaproval thereof, the Court will designate the manner in which the attorney fees are to be paid.

Costs in this case will be paid to the Prothonotary's Office within twenty (20) days of this date.

The terms and conditions of the previous Order of August 21, 1991 are extended for an additional period of one (1) year from this date in addition to requiring the Defendant to comply with the terms and conditions set forth in the Order this date.

Any police officer having reasonable grounds to believe the terms and conditions of the extended Order of August 21, 1990 or the conditions of this Order as they relate to abuse is authorized to apprehend the Defendant upon reasonable cause, lodge him in the County Jail and ask for a contempt hearing.

BY ORDER OF THE COURT,
P. Richard Thomas.J.

Apr. 29, 1991 Copies of order put in James Irwin, Terry Toomey, County Control and Sheriff's Office box.

June 18, 1991 ORDER filed. By Order dated April 18, 1991 we found the defendant in willful and deliberate contempt of an abuse order and directed him to apy reasonable attorney fees incurred by the plaintiff in bringing the matter to the Court's attention. We directed counsel to submit a bill for atty. fees for approval and counsel for the plaintiff has now submitted a bill inthe amount of $285.00 attached hereto.

We hereby direct that the defendant pay the sum of $250.00 in attorney fees directly to Atty. James R. Irwin with one-half of the same to be paid on or before July 5, 1991. The balance will be paid on or before Aug. 1, 1991.

BY THE COURT,
P. Richard Thomas, S.J.

June 18, 1991 copies box of Attys. Irwin and Toomey.

1990

Marjorie Marie Fry

vs.

Henrik Nordstrom

Record continued from page 347
of
AD 1990 - 897

---

12. Costs and fees of this Mediation, which are fixed at $137.00 are divided equally between the parties with a share of each being assessed to him or her as costs in this case. Payment shall be made to the Prothonotary of Crawford County.

13. Either party may move the Court for a hearing de novo for thirty (30) days from dat e hereof. If neither party so moves, this Order shall be considered permanent

By the Court,
P. R. Thomas, S.J.

Oct. 29, 1990 copies of order to Wm. Pineo, Brian Lindsay, Mary Ann Kirkpatrick , plaintiff and defendant

Oct. 31, 1990 Motion for Hearing De Novo and Order filed. And Now, October 31st, 1990, upon presentation of defendant's Motion for Hearing De Novo this matter is scheduled for February 27, 1991, beginning at 9:30 a.m., in Courtroom number 1 or 2 of the Crawford County Courthouse in Meadville, Pennsylvania.

By the Court:
Gordon R. Miller, J

Nov. 1, 1990 Copies of order put in Mary Ann Kirkpatrick and Brian Lindsay's box.

Feb. 15, 1991 Motion to Continue and Order filed. And now, February 15, 1991, the hearing scheduled for February 27, 1991 is rescheduled to April 10, 1991, at 9:00 O'clock a.m. in Courtroom number 1 or 2 of the Crawford County Courthouse in Meadville, Pennsylvania.

By the Court,
Gordon R. Miller, J

Feb. 20, 1991 Copies of order put in Mary Ann Kirkpatrick and Brian Lindsay's box.

Apr. 11, 1991 Order filed. AND NOW, April 10, 1991, upon agreement ofthe parties, the Temporary Order entered October 23, 1990 is confirmed as the Final Order of Court, subject to the amendments hereinafter set forth:

1. Paragraph 3(a) of the Temporary Order is deleted and there is substituted therefor the followin "The mother shall have primary physical custody of the subject minor child. The father shall have temporary physical custody and visitation for two (2) non-consecutive one-month periods uring each calendar year. The time of such visits shall be as agreed upon by the paraties at least forty-five (45) days prior to the commencement of any such visitation period, and if the parties are unable to agre,e upon application of either party and after, the Court willfix the time of such visitations.

"In addition to the said two one-month non-consecutive periods, the father shall have custody for a two-week period during the Christmas season of 1991, said two-week period to include Chstimas Day and to otherwise be established by agreement of the parties or by the Court if such agreement is not reached. The father shallhave a similar visitation period during the Christmas holidays in each odd year thereafter until further modified by the court."

2. Paragraph 11 of the Order of October 23, 1990 is stricken and there is substituted therefor the following: "This Order shall continue in full force and effect until modified by further court Orde,r either after hearn gor by agreement of the parties and will be reviewed at the request of either party in interest within a sixty-day period prior to the subject child entering the first grade"

BY ORDER OF THE COURT,
Robert L. Walker, J

Apr. 11, 1991 2-copies each put in atty's box.

672

1990

Rhonda Lee

vs.

Robert J. Lee

Record continued from page 45

of record
A.D. 1990 - 595

****

Nov. 8, 1990 Petition To Modify and Order filed. AND NOW, this 13th day of November, 1990, Bruce L.Smith, Esquire, is appointed Custody Mediator to the plaintiff's petition to modify. The parties are reminded that there are past due mediation costs that are due.
1 copy plaintiff; 1 copy mediator
Gordon R. Miller, J

Nov. 26, 1990, Affidavit of Mailing filed. Ann Hansen Gamble, being duly sworn according to law, deposes and says that she is an atty. at Law, duly authorized to practice law, and that on Nov. 7, 1990, she sent a cert. coy of Petition to Modify to defendant by cert. mail, rest. delivery, postage prepaid rec. req. to robert J. Lee % Mary goodearl, 2 Dedant Drive, wilmington Ma. 01887 defendant's last known address. The said receipt being attached hereto.
Ann Hansen Gamble, Esq.

Dec. 12, 1990 Supplemental Temporary Order of Court filed. AND NOW, this 11 day of December, 190, after additional Mediation and upon recommendation of the Child Custody Mediator, it is hereby ordered and decreed that:

1. Provisions of an Orde rof court of August 3, 1990, will remain in full force and effect, except as specifically modified by this Supplemental Temporary Order.
2. The parties to this action, and all adult individuals coming into contact with the minor child, Bobbie Jo Lee, age four, born July 24, 1986, shall speak kindly of the natural parents of the child in the child's presence. The father of the child will refrain from any display of physical anger in the presence of the minor child, whether directed toward the child or other persons. Both parents are reminded that in paragrph 7. of the existing Order there is a strict prohibition against illegal or street drugs or excessive use of alcohol, which provision the court intends to strictly construe.
3. While the child is in the presence of the father during the Christmas 1990 visitation, the father shall make certain at all times he is not working that me makes every effort to spend all of his other available time with Bobbie Jo, especially in light of the fact that she will be going to a new physical location where he wil lthem be living and will be in the presence of his girlfriend with whom Bobbie Jo is not familiar or marginally familiar.
4. The defendant father is reminded that he has not paid his one-half share of the 133.40 costs of Mediation in August 1990; and, further, that the fee for the Child Custody Mediator for additional Mediation shall be paid 50% by the county of Crawford on behalf of the plaintiff mother who is on Public Assistance and 50% by the defendant father.
5. this Order shall be a Temporary Order, but shall beocme a permanent Order unless exceptions are filed by either party within thirty days form the date of this Temporary Order.
6. The Defendant father shall provide round trip transportation for the child's 1990 Christmas visit.

BY THE COURT,
P. Richard Thomas, S.J.

Dec. 13, 1990 copies of order mailed to Ann H. Gamble, Defendant and Bruce Smith and copy put in Kathleen Nelson's box.

June 7, 1991 Petition to Modify and Order filed. APPOINTMENT OF CUSTODY MEDIATOR: AND NOW, this 4 day of June 1991, Bruce 1. Smith, Esq. is appointed Cusotyd Mediator, to hold such hearing or hearings as he finds necessary and to make a report and recommendation thereon to the court.
Gordon R. Miller, J.
June 12, 1991 copies to A. Gamble, Bruce Smith, and K. Nelson.

June 17, 1991 **PETITION FOR CONTEMPT** and **NOTICE AND ORDER TO APPEAR** filed.
Wheather or not you file in writing with the Court your defenses or objections, you must appear in person in Court on June 19, 1991, at 1:00 o'clock p.m., in Courtroom No. 2, at Meadville, Crawford County, Pennsylvania.

BY THE COURT,
P. Richard Thomas, S.J.

June 25, 1991 Order filed. and now, June 19, 1991, the matter is back before the Court on a contempt citation by the father/defendant in that the mother has deliberately refused to comply with previous Court Orders according him a summer visitation period form June until August with the minor child. The terms ofthat prescribed visit are set forthin the Court Order of August 3, 1990, affirmed by a Supplemental Order on December 11, 1990. The Court notes that the mother did file a Petition to Modify on June 7, 1991, but willfully and deliberately refused to comply with the Order that required custody of the child be surrendered to the father on June 15, 1991.

The father is accorded the summer visits as prescribed in the aforesaid Order and the praties mutually agree that the child will be surrendered to the father forthwith. The visit with the father shall terminate August 15, 1991 as provided in prior Orders. In view of the fact that the father has not paid one cent of support on this Order, we alter the previous Order to the extent that it shall be the father's obligation in this year alone to return the child to the custody of the mother at the end of the summer vistiation period and said child shall be returned to the mother on or before August 15, 1991, at 6:00 pm.

The father is currently residing at 6 Railroad Avenue, Wilmington, Massachusetts, 01887, but for reasons immaterial to the issue before the Court, has had his telephone suspended for non-payment. If the father moves form said residence, he shall notify the mother wihtin twenty-four (24) hours of the address and any telephone number a this new residence. If the father wll be away f rom the aforesaid residence for a period in excess of forty-eight (48) hours, he shall notify the mother in advance of his location, an dif he does not take the child with him, the location of the child.

The father shall give to the mother this date the telephone number of a friend or relative at or near the aforesaid address where he can be reached.

The fther shall be responsible for making a telephone call at his expense, but not to exceed eight minutes, every Sunday commencing June 23, 1991, so the child may speak with her mother and any other friends or persons in the household.

The child is apparently unde rthe care of Dr. Leslie Tar of Meadville, Pennsylvania for asthma and allergy and is receiving some type of undersignated treatment. The father has signed a release requesting Dr. Tar to release all pertinent medical records to him so that he may deliver them to a doctor or clinic in his neighborhood in Massachusetts so that ongoing treatment can be accorded the child. So that Dr. tar will know he has both parents' consent to release said records, we direct the mother to co-sign the release this date forthwith.

The father shall be responsible for reporting any illness requiring medical attention within twelve (12) hours to the mother. It is not intended that the aforesaid ongoing treatment for asthma and allergy will be reported as a new illness.

The father will see that any prescribed medication and all required ongoing treatments for the child's problems is provided, and upon receipt of the medical records, will immediately be in touch with a doctor or regional clinic for a initial examination of the child and th elodging of the records with the clinic or doctor.

The Court is advised that there is a Uniform Support Action forwarded by the State of Hew Hampshire to the Crawford County Comestic rElations Section in existence at DR 1990-70. This Order apparently covers both children, Bobbie Jo, the child here at issue, and Duane, a seventeen-year-old child previously in the custody of the father. It is reported to the Court and admitted by the father that he has never paid one cent on this Support Order. It is mutually agreed by the parents that son Duane came into custody of the father on or about December 20, 1990 and the Order for support applicable to duane should be adjdusted accordinly. The Cour talso directes that there should be no requirement for ongoing support for the minor child Bobbie Jo from this date through August 15, 1991. To complicate matters further, the father reports he has been unemployed except for occasional odd jobs for over a year, that he is two months behind in his current rent, that he owes an excessive telephone bill run up by son Duane, that he has not paid custody mediation costs as ordered in Crawford County an dhe professes he has little or no income an dis about to go on Public Welfare. The defendant/father is directed to report any employment of any nature, whether daily, temporary or permanent, to the Domestic Relations Section of Crawford County, and the Caseworker in charge of this ase is authorize dto enter a Temporary Order requiring the father to make payments to reduce the arrearages existing on this case.

This matter has been before a Custody Mediator three times and the Court finds, after hearing, that in spite of the alleged good intentions of the mother, that she has caused the defendant three trips to Crawford County and has willfully and deliberately failed to comply with the most recent Order establishing the summer visitation for the father. ACCORDINGLY, she is found in contempt and as punishment for contempt, the Court directs counsel for the father to submit a bill to the Court for reasonable attorney fees in getting this matter before the Cour tin its present posture and for conducting the contempt hearing, and after Court approval of the fees, the Court will direct that the mother Rhonda Lee shall be responsible for paying the father's attorney fees as approved by the Cour tand the Court will establish a schedule for payment thereof. In default of payment in accordance with the Court's schedule, the Court advises the mother the Court will find her in further contempt and impose an additional fine of $500.00.

BY ORDER OF THE COURT,
P. Richard Thomas, SJ
June 25, 1991 copies of order to Ann Gamble, Kathleen Nelson, Dom. Rel. and Bruce Smith

Record Continued on Page 672(a)

1990

Rhonda Lee

VS.

Robert J. Lee

Record Continued from Page 672

Of

AD 1990 - 595

****

July 8, 1991 Petition For Approval of Counsel Fees and ORDER filed. AND NOW, this 8 day of July, 1991, the amount of $277.50 submitted by the Petitioner, Kathleen R. Nelson, Esq. is hereby approved as a reasonable fee incurred in connection with the contempt hearing conducted on June19, 1991.

Rhonda Lee is hereby Ordered to make payment of the total amount of $277.50 to Kathleen R. Nelson, Esq. as follows:

$200.00 by 5 PM July 26, 1991

$ 77.50 by 5 PM August 5, 1991

All payments direct to Atty. Nelson.

By the Court,
P. Richard Thomas, S.J.

July 9, 1991 Copy of Order to Atty. Kathleen Nelson and Ann Hansen Gamble.

July 9, 1991 AMENDED ORDER filed. AND NOW, July 5, 1991, this Court having received a bill from the Custody Mediator in the total amount of $94.50, the Court directs that the Plaintiff, Rhonda Lee, be responsible for paying the same and is directed to pay the same to the Prothonotary's Office of Crawford County on or before August 9, 1991.

By Order Of The Court,
P. Richard Thomas, Senior Judge

July 10, 1991 Copy of Order to ATtys. Ann Hansen Gamble and Kathleen Nelson.

Dec. 20, 1991 Plaintiffs Affidavit Under Section 3301(d) of the Divorce Code filed.

July 6, 1992, Defendant's counter-Affidavit Under section 3301(d) of the Divorce Code filed.

July 6, 1992, Affidavit of Mailing of Plaintiffs Affidavit under Section 3301(d), form of Dft's Counter Affidavit under 3301(d), a Notice of Intention to Request Divorce Decree, Proposed Praecipe for Review, filed.

July 6, 1992, Notice of Intention to Request entry of divorce decree filed.

July 6, 1992, Upon praecipe to Transmit Record, this case moved to court.

July 17, 1992 DIVORCE DECREE FILED.

AND NOW, July 13, 1992, it is ordered and decreed that RHONDA LEE, plaintiff, and ROBERT J. LEE, defendant, are divorced form the bonds of matrimony.

The Court retains jurisdiction of any claims raised by the parties to this action for which a final order has not yet been entered and which has not been withdrawn by the party making the claim.

BY THE COURT,
Gordon R. Miller, P.J.

672
-b-

1990

Joseph Alan Walley

vs.

Beverly Kay Walley

Record continued from page 343

of record

A.D. 1990 - 893

****

10. The parties are free to make additional or alternative arrangements respecting the custodial and visitation periods and are strongly encouraged to do so if they would be proper and convenient. Said arrangements shall be by mutual consent only, in the absence of which this order shall govern.

If the relationship between the Defendant/mother and the children improves and strengthens and Defendant/mother believes more visitation is appropriate, she may petition the Court for further hearing.

Child Support, Alimony Pendente Lite, Counsel Fee, Costs and Expenses

The parties agree that the Plaintiff may be entitled to child support from the Defendant in the amount of $186 per month and the parties agree that Plaintiff will waive the payment of such child support at this time and Defendant will waive her claim to alimony pendente lite, counsel fees and costs in return for the Defendant receiving $3,000 of mining royalties which are due to the parties jointly with respect to land they own in Armstrong County. The same is due from Glacial Mineral, P.O. Box 161, Strattenville, PA 16258 and that company is directed to make payment of the outstanding royalties for the poast two years apparently in the amount of $3,000 to the Defendant, Beverly Kay Walley, forthwith. If anything further is required by that company , the Plaintiff shall promptly comply by signing or doing whatever may be necessary to accomplish the transfer of this money to the Defendant, Beverly Kay Walley.

Thereafter, until further order of Court, Glacial Minerals shall not make payment of future years royalties to either party unless both parties shall sign a document directing how such payment may be made.

With respect to the above payment of $3,000, $1,500 shall be considered counsel fees, costs and expenses and $1,500 shall be considered alimony pendente lite.

In addition, the Plaintiff shall immediately take whatever action is necessary to see to it that Defendant receives a new military identification insofar as hers expired at the end of October 1992 and she needs the same to obtain appropriate medical treatment so that she may cancel health insurance that she has been required to obtain.

In making this order with respect to the economic issues, we note that we determine that the Plaintiff's net income per month is $3,666 of whcih he saves $600 apparently for the purpose of providing education for the oldest child and the Defendant's net income is about $594 per month.

Finally, in order to get this divorce moving forward, the parties agree and it is ordered that all appropriate inventories and income and expense statements shall be filed within 30 days of the date of this order and the Plaintiff shall praecipe for the appointment of a Master to hear the remaining issues in this divorce action with such praecipe to be filed within 60 days of the date of this order.

By the Court
Anthony J. Vardaro, J

Dec. 14, 1992 Copies mailed to Atty's Gamble and Acker

Dec. 8, 1992 Exhibit filed.

Feb. 23, 1993, Inventory of Joseph Alan Walley filed.

Aug 5, 1993 Plaintiff's Income and Expense Statement Pursuant to Pa.R.C.P. 1920.31, filed.

Aug. 20, 1993 Plaintiff's Income and Expense Statement Pursuant to Pa.R.C.P. 1920.31, filed.

Aug. 20, 1993 Motion For Appointment of Master, filed.

Aug. 20, 1993 ORDER filed. AND NOW, August 19, 1993, the Court declines to grant Plaintiff's motion for appointment for appointment of Master insofar as said motion is not in the form prescribed by Exhibit L1920.74 of the Crawford County Local Rules of Court as required by Local Rule L1920.51A(2). BY THE COURT,
Anthony J. Vardaro, J.

Aug. 23, 1993 copies dist. to Acker & Gamble

Feb. 8, 1994 Motion for Appointment of a Master in Divorce and ORDER APPOINTING MASTER filed. AND NOW, February 8, 1994, John Brautigam, Esq., is appointed Master in respect to the following claims:

Divorce,Alimony, Counsel fees & Costs & Expenses, Eq. Distribution

Deposit Required: By Plaintiff: $800 By Defendant: $200

If not filed already the parties are ordered to file their pretrial statements within thirty (30) days from this date.

Per Curiam,
Anthony J.Vardaro, Judge

2-10-94 Copy of Order to Attys. Acker, Gamble & Brautigam.

May 3, 1994 Notice of Pre-Trial Conference to be Conducted by Master, filed.

May 20, 1994 Notice of Master's Hearing, filed.

July 11, 1994, Affidavit of Consent of defendant filed.

Sept. 1, 1994, MASTER'S REPORT filed.

Oct. 31, 1994 Upon Praecipe of Plaintiff's attorney to transmit record, case moved to Court.

Nov. 7, 1994 Petition for Payment of Master's Fees, filed.

Nov. 7, 1994 ORDER filed. And Now,November 4, 1994, the Prothonotary is directed to release to the Master in the above-captioned case the amount of $526.26 for the Master's fees and costs. The Master shall be responsible for payingthe $40.00 Court Reporter fee.

By TheCourt:
Gordon R. Miller, J.

11-7-94 Faxed to Attys. Brautigam,Gamble & Acker

RECORD CONTINUED ON PAGE 672 (c),,,,,,,,,,,,,,,,,,,,,,

DIVORCE DECREE FILED

Nov. 10, 1994 AND NOW, November 9, 1994, it is ORDERED and DECREED as follows:

1. That JOSEPH A. WALLEY, and BEVERLY K. WALLEY, defendant, are divorced from the bonds of matrimony.

2. The defendant's claim for alimony is denied.

3. The defendant shall be entitled to receive $544.29 per month, which is one-half of the value of the marital portion of the plaintiff's pension plan through his employment with the United States Marine Corps. Counsel for the defendant shall prepare a Qualified Domestic Relations Order and submit the same to the Court with a written motion asking the Court to approve and sign said Order. Counsel shall give provide proper notice of the filing of said motion to counsel for the plaintiff in accordance with Crawford County Civil Rules governing motions practice.

4. All of the right, title and interest to the parties in and to that certain piece or parcel of land situate in Perry Township, Armstrong Co., PA., more particularly described in a jointure deed between the parties dated Oct. 11, 1983 and recorded in Armstrong County Deed Book 633, page 645 shall be transferred to the plaintiff excepting and reserving, however, unto the defendant one-half of all of the oil, gas and mineral rights. The parties shall continue to own all oil, gas and mineral rights as tenants in common. Counsel for the plaintiff shall prepare an appropriate deed to accomplish this transfer of title and submit the same to counsel for the defendant forthwith. Said deed may include a provision that the defendant will do nothing that would hinder any action on the part of the plaintiff to enforce plaintiff's right to prevent Glacial Minerals, Inc., the holder of a coal lease option, or any subsequent lessee or sublessee of the coal rights underlying the subject parcel to conduct strip mining operations on the parcel.

5. The plaintiff shall assume and become responsible to well and truly pay all debts listed on the plaintiff's inventory schedule entitled "Marital Debts and Non-Marital Debts" with the exception of the Security Pacific obligation which has already been paid by the plaintiff and the debt to American Express company, acct. no. 373220859 which shall be the obligation of the defendant.

6. Until the indebtedness referred to in paragraph 5, which is calculated to be approximately $17,695.35, is paid by the plaintiff, the plaintiff shall receive all delay payments and or royalties from Glacial Minerals Inc. Thereafter all delay payments and/or royalties from Glacial Minerals Inc. shall be divided between the parties on an equal basis. The parties shall give appropriate notice of this provision to Glacial Minerals Inc.

7. Each party shall retain title and sole possession of any items of personal property now in his or her possession.

8. The plaintiff will do whatever is necessary to facilitate, and not interfere with, defendant obtaining a military identification card at any time after the date of this decree and additional cards as identification cards expire. Plaintiff shall not be obligated to expend any funds for this purpose.

9. Each party shall pay his or her own counsel fees, costs and expenses.

10. The plaintiff shall pay 80% of the Master's fee and the defendant shall pay 20% of the Master's fee.

11. The Master shall file a petition with the Court, with notice required by the Crawford County Civil Rules governing motions and petitions within thirty (30) days from the date of this decree setting forth the time and effort he has expended asking for the Court to establish the amount of the Master's fees in this case.

12. The parties shall make, sign, acknowledge and deliver any and all documents necessary to effecuate and carry out the terms and providions of this Order, all within thirty (30) days from the date of this decree.

BY THE COURT
Gordon R. Miller, P.J.

Oct. 17, 1995, PETITION FOR ENTRY OF QUALIFIED DOMESTIC RELATIONS ORDER filed. ORDER filed. AND NOW, this 17 day of October, 1995, hearing on the defendant's petition for entry of a qualified Domestic Relations Order is set for the 9th day of November, 1995, at 1:30 o'clock P.M., in the Crawford County Courtroom #1, #2, or #3.
Anthony J. Vardaro
10/17/95 FAXED Gamble, Brautigam & A. Peptoelli

Oct. 27, 1995 Stipulation and Qualified Domestic Relations Order filed. AND NOW, this 27 day of October, 1995, it is hereby ordered and directed that the military pension of the Plaintiff be allocated between the parties hereto in accordance with the following provisions:

1. The Member is Joseph Alan Walley, Rte. 10, Box 216D, Waco, Texas 76708. The Former Spouse is Beverly Kay Walley, 265 Spillman Drive Dry Ridge, Kentucky 41035. The Former Spouse and the Member were married on July 21, 1973.

2. The Member assigns to the Former Spouse an interest in the Member's military retainer pay. The Former Spouse is entitled to a direct payment in the amount specified in paragraph 3 from the United State Marine Corps from the Member's net disposable retired or retainer pay. The Former Spouse shall receive payments at the same times as the Member.

3. The Former Spouse shall receive the following amount from each payment of the Member's net disposable retired or retainer pay: Five hundred forty four and 25/100 dollars ($544.25). Any required witholding for Federal Taxes attributable to the $544.25 payment will be withheld from this amount in accordance with I.R.S. regulations.

4. The monthly payments under paragraph 3 shall be paid as long as the Member has the right to receive the retired or retainer pay and shall cease at the death of either party. The Former Spouse agrees that any future overpayments to her are recoverable and subject to involuntary collection from her or from her estate. The Former Spouse agrees further to notify the United State Marine Corps about any changes in this agreement or the order effecting these these provisions of it, or in the eligibility of any recipient receiving benefits pursuant to it.

5. The Member and the Former Spouse intend that this order qualify under the Uniformed Services Former Spouses' Protection Act, 10 U.S.C.§1408 and following. All provisions shall be interpreted to make the order qualify.

6. Each person shall pay any necessary income taxes on the portion of the monthly payment which he or she receives.

7. The Member and Former Spouse state the following information is correct.

The Member's address is Rte 10, Box 216D, Waco, Texas 76708.

The Member's social security number is 162-44-8288

The Member's date of birth is 8 March 54

The Member's military service is the United States Marine Corps and the member's military identification number is 101 03 842

The Former Spouse's address is 265 Spillman Drive, Dry Ridge, KY 41035.

The Former Spouses social security number is 162-44-8288

8. The Member agrees to cooperate with the Former Spouse to prepare an application for direct payment to the Former Spouse from the Member's retired or retainer pay pursuant to 10 U.S.C. Section 1408. The Member agrees to execute all documents that the United State Marine Corps may require to certify that the retired or retainer pay can be provided to the Former Spouse.

9. The Member waives any and all rights that he may have under the Soldier's and Sailor's Civil Relief Act of 1940 (50 App U.S.C. §201)as to this division of retired or retainer pay.

10. The parties agree that the Court of Common Pleas of Crawford County, Pennsylvania, is a court of competent jurisdiction in this action under 10 U.S.C. Section 1408(a)(1). This order bears the certification of the Prothonotary of the Court of Common Pleas of Crawford county and has not been amended, superseded, or set aside by any subsepuent order.

11. The Member agrees not to merge the Member's retired or retainer pay with any other pension, and not to pursue any course of action that would defeat the Former Spouse's right to receive a portion of the full net disposable retired or retainer pay of the Member. The Member agrees not to take any action by merger of the military retirement pension so as to cause a limitation in the amount of the total net monthly retirement or retainer pay in which the Member has a vested interest and, therefore, the Member will not cause a limitation of the Former Spouse's monthly payments as set forth above. The Member agrees to indemnify the Former Spouse for any breach of this paragraph

CONTINUED ON PAGE 672-D-

JOSEPH ALAN WALLEY,
Plaintiff

vs.

BEVERLY KAY WALLEY,
Defendant

CONTINUED FROM PAGE 672-C
of RECORD
A. D. 1990 - 893

****

as follows. Therefore, if the Member becomes employed, which employment causes a merger of the Member's retired or retainer pay, the Member will pay to the Former Spouse directly the monthly amount provided in paragraph 3 under the smae terms and conditions as if those payment were made under paragraph 3.

12. The monthly payments under paragraph 3 shall be to the Former Spouse regardless of her marital status and shall not terminate at her remarriage.

13. The monthly payments shall cease upon the death of either the Member or the Former Spouse.

14. The parties acknowledge that the following items be sent by the Former Spouse to the United States Marine Corps. The Member agrees to provide any of this information of his Former Spouse at the Former Spouse's request and to make all necessary efforts to obtain any of this information that the Former Spouse is unable to obtain.

(a). A copy of this court order that divides retired or retainer pay and any divorce decree that approves this court order certified within ninety (90) days immediately preceding its service on the United States Marine Corps.

(b). A statement by the Former Spouse which verifies the divorce decree has not been modified, superseded or set aside.

(c). The parties marriage certificate.

(d). The Member's name, social security number, date of birth, name of the military service.

(e). The Former Spouse's name, address, and social security number.

Anthony J. Vardaro, J.

2 COPIES ATTY.

Oct. 30, 1995 Stipulation Order for Division of Rental and Royalties filed. AND NOW, this 30 day of October, 1995, the parties hereto having stipulated and agreed, it is hereby ordered and decreed as follows:

1. Glacial Minerals Inc., P. O. Box 161, Statenville, Pennsylvania 16258, is hereby directed to pay any and all delayed rentals and royalties payable out of that certain lease of May 28, 1985, a copy of which is attached hereto and marked Exhibit A, entirely to Joesph A. Walley, until such time as the total amount of $17,695.35, has been paid to him.

2. Thereafter, any and all fees, delayed rentals, and royalties shall be equally divided between the parties.

3. A statement of any and all sums paid to either party shall be made available to the other.

4. The parties may agree to an different division of the delayed rental and royalty payments. Any such amendments shall be in writing signed by both parties with their signatures properly acknowledged before a notary. Any such amendment may be filed at the above term and number as an amendment to this order or it may be sent directly to Glacial Minerals Inc., its successors and assigns.

5. Neither party may consent to surface mining operations without the full and expressed consent of the other by a writing properly signed and acknowledged before a notary.

Anthony J. Vardaro, J.

Oct. 18, 1996, Petition for Contempt and order filed. ORDER: AND NOW, this 18 day of Oct. 1996 hearing on the defendants petition for contempt is set for the 2 day of December 1996 at 11:00 am in C. R. No. 1 or 2 of courthouse, Meadville, Pa.

Pending resolution of this amtter Rosebund Mining Company, its successors and /or assigns, are hereby ordered and directed to withhold payment of delayed rentals and royalties which may be due to Joseph Alan Walley or Beverly K. Walley until further order of court. Anthony J. VArdaro, J.

10/18/96 faxed to Gamble and Acker

Dec. 6, 1996, Motion to continue generally and order filed. ORDER: AND NOW, this 6 day of Dec. 1996 the above motion is hereby granted. Anthony j. Vardaro J.

12/6/96 faxed to Gamble and Acker.

Feb 5, 1997 Stipulation and Order: AND NOW, this 4 day of February, 1997, the parties hereto having stipulated and agreed, it is hereby ordered and decreed as follows:

1. Rosebut Mining Company is hereby ordered and directed to pay to Ann Hansen Gamble, attorney for the defendant, Beverly K. Walley the delayed rentals currently due and payable of $1,500.00.

2. The plaintiff respondent, Joseph Alan Walley is hereby directed to pay the sum of $225.67, to the defendant, Beverly K. Walley, through her attorney, Ann Hansen Gamble, on January 15, 1997, February 15, 1997, and March 15, 1997, for a total payment to her of $677.00.

3. In the event the plaintiff respondent fails to make any of the payments required by this order, petitioner defendant may move the court for sanctions for failure to obey this order of court.

4. In all other respect the orders and decrees previously entered in this matter are hereby ratified and confirmed.

5. This order is intended to resolve the contempt matter filed on October 18, 1996.

Anthony J. Vardaro, J.

Feb 5, 1997 Faxed Acker & Gamble

KAREN BECK

VS.

EDWARD BECK

RECORD CONTINUED FROM PAGE 429

of

AD 1990-979

****

Nov 19, 1990 Order filed: AND NOW, November 14, 1990, the matter is before the Court on a specially set court hearing because the Court received telephone input from both parties regarding the Abuse Order entered October 24, 1990 and the fact that the two (2) older children left the mother's home and moved in with the father.

After informal hearing, the Court amends the previous Order and the two (2) older children Jessica and Edward shall reside primarily with the father.

Minor child Edward requested visits with the mother, and accordingly, the minor child Edward will visit with the mother every other weekend commencing with the weekend of November 24, 1990.

The parties mutually agree that the exchanges of the children should not be at the home of either parent because of extreme animosity exixting between the two parents. Accordingly, for child Edward, the father shall deliver Edward to the Burger King Restaurant at the Meadville Mall at 7:00 p.m. Saturday for the mother to pick up the child at the restaurant and the mother shall return the child at 7:00 p.m. Sunday to the restaurant for the father to return the child.

As far as minor child Jessica (age 15) is concerned, she has no present desire to visit with her mother but may change her mind in the future and if she does, the Court urges the parents to make some satisfactory arrangments for visits between mother and Jessica.

With regard to the two (2) minor children Deanna Beck and Kelly Beck, they shall continue in the custody of the mother, but each week from Tuesday at 8:00 a.m.; until Thursday at 8:00 a.m. said minor children will be in the custody of the father with the pick up point being the same Burger King Restaurant and it shall be the obligation of the mother to take the children to the restaurant so the father can pick them up and the father's obligation to return them to the restaurant where the mother can pick them up.

Other conditions of the original Order directing the Defendant not to assault, threaten or abuse the Plaintiff in any fashion are continued.

The motehr will be moving the weekend of November 17, 1990 to a now mobile home located at R.D.#5, Lake View Manor Trailer Park, Vernon Township, Meadville, Pennsylvania. The husband is DIRECTED that he may not go to said trailer or in the vicinity of said trailer for any purpose.

BY ORDER OF THE COURT,
P. Richard Thomas, S.J.

Nov 27, 1990 Copies of order mailed to Plaintiff and copies put in Atty Lindsay's box and given to Co Control.

Dec. 6, 1990 Order Rescinding Abuse Order filed. AND NOW, December 6, 1990, in accord with the letter hereto attached and after telephone verification, it is the request of the plaintiff that the Abuse Order heretofore entered November 14, 1990, be canceled. The request is granted and said Order is rescinded.

BY ORDER OF THE COURT,
P. Richard Thomas, S.J.

Dec. 7, 1990 Copies of order mailed to Karen Beck, Edward Beck, and copies of order put in Brian Lindsay and County Control's box.

KATHRYN ANN BRADFORD

vs.

LARRY DAVID BRADFORD

Record continued f rom page 407

of record

A.D. 1990 - 957

****

Jan. 16, 1991 Order filed. AND NOW, January 11, 1991, the matter is before the Court on Plaintiff's request for a permanent Order restraining the defendant form disposing of marital assets pending the outcome of this divorce aciton. The Defendant is employed in Texas by Lone Star Container Corporation and his pension and unascertained ancillary benefits are unknown.

It apppears at this time that th eonly viable marital asset from which the Plaintiff would derive any benefit is the Defendant's pension plan with his employer and any profit sharing or other ancillary employer/employee benefits.

counsel for the defendant appears and agreeing that within ten (10) days he will forward a standard release for the defnedant to present to his employer releasing all information regarding Defendant's vested or unvested interest in a pension plan and any other ancillary benefits with said information to be furnished by the employer to counsel for the Defendant.

Upon receipt of siad release, the defendant is DIRECTED to present the smae to the appropriate corporate employee within three (3) days of receipt. When counsel for the defendant receives the release, he agrees he will deliver a copy thereof to counsel for the Plaintiff.

In the meantime, this Court's temporary Order of December 5, 1990 shall remain in full force and effect.

BY ORDER OF THE COURT,
P. Richard Thomas, S.J.

Jan. 17, 1991 Copies of order put in Bruce Barrett and brian Lindsay's box.

June 26, 1991 Petition For Contempt and Order filed. AND NOW, this 26th day of June, 1991 upon consideration of the foregoing Petition, a hearing is set for the 19 day of July, 1991, at 3:00 o'clock p.m., Courtroom No. 2. P R Thomas, S.J.

1 copy atty.

July 18, 1991, Affidavit of Service filed. Bruce A. Barrett, esq. being duly sworn according to law, deposes and says that the following facts are true and correct to the best of his knowledge, information and belief.

1. That the affiant is the Atty. for plff. inthe above action.
2. That a true and correct copy of the Petition for Contempt was sent by reg. mail to the dft.
3. The reg. mail was sent to the dft. at 2212 Timbercreek Trail, Flower Mound, Tx. 75028, on July 1, 1991. The sender's receipt is atta ched hereto.
4. The defendant received said reg. mail on an exact date unknown. Said receipt card No'. 320 791 297 is attached hereto and signed by the dft. Bruce A. Barrett Esq.

July 24, 1991 Order filed: AND NOW, July 19, 1991, at the time fixed for hearing in this matter, it appears that the defendant was aware of this hearing as counsel for the plaintiff is filing Proof of Service in the form of a certified mail, return receipt card with the defendant's signature on it.

The Court now being satisfied that the defendant was aware of these proceedings and the reaseons why the plaintiff has asked that the defendant be held in contempt of court and thus the defendant has had an opportunity to explain why he should not be held in contempt of court, the defendant did not appear even though he had an opportunity to do so. The Court now finds the defendant in contempt of court for failure to comply with the order of January 11, 1991.

The defendant is ORDERED AND DIRECTED to comply with the Order of January 11, 1991 in all respects no later than August 9, 1991. FURTHERMORE, the defendant is ORDERED and DIRECTED TO PAY TO Bruce A. Barrett, Attorney for the plaintiff, the sum of $105.00, representing counsel fees and expenses for seeking compliance with the Order of January 11, 1991. The defendant shall pay counsel for the plaintiff all sums due hereunder not later than August 9, 1991.

A true and correct copy of this Order shall be served upon the defendant by counsel for the plaintiff by Certified Mail, Return Receipt requested, sent to the defendant's last known address.

The defendant is advised that if he continues to violate these Court Orders, further and more serious sanctions will be place on him.

BY ORDER OF THE COURT,
Gordon R. Miller, P.J.

July 24, 1991 Copies of order put in Attys. Lindsay and Barrett's boxes.

Aug. 21, 1991 Certified mail returned UNCLAIMED.

Nov.25, 1991 Motion To Withdraw and Order filed. AND NOW, this 25th day of NOvember, 1991 upon presentation and considerationof the foregoing Mtoion, request to withdraw by counsel of record is granted and the Prothonotary is directed to mark the record accordingly.

BY THE COURT
Gordon R. Miller, J

2 copies atty.

April 22, 1992 MOTION FOR AMENDED DIVORCE COMPLAINT AND ORDER FILED. And NOw, April 22, 1992 The above motion allowed.

BY ORDER OF THE COURT
Gordon R. Miller, J.

April 28, 1992 copy distributed to Bruce A. Barrett, Esq. William Pineo, ESq. & Defendant.

May 1, 1992 Amended divorce complaint on behalf of Plaintiff filed.

May 1, 1992 NOTICE TO DEFEND AND CLAIM RIGHTS filed. You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take prompt action. You are warned that if you fail to do so, the case may proceed without you and a decree of divorce or annulment may be entered against you by the Court. A judgment may also be entered against you for any other claim or relief requested in these papers by the plaintiff. You may lose money or property or other rights important to you, including custody or visitation of your children.

When the ground for th divorce is indignities or irretrievably breakdown of the marraige, you may request marriage counseling. A list of marriage counselors is available in the offie of the Prothonotary at Crawford Co. Courthouse, Meadville, PA.

If you do not file a claim for alimoney, division of property, lawyer's fees or expenses before a divorce or annulment is granted, you may lose the right to claim any of them.

You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Court Administrator, Courhouse
Meadville, PA 16335
(814) 336-1151 ext. 298

Continued on Pg. 674A

1990

Kathryn Ann Bradford
vs.
Larry David Bradford

CONTINUED FROM PAGE 674
of Record
A.D. 1990 - 957

May 1, 1992 Affidavit Under Section 3301(d) of the Divorce Code, filed, by Kathryn Ann Bradford, Plaintiff.

May 12, 1992 AFFIDAVIT OF SERVICE FILED. Bruce A. Barrett, Esquire, being duly sworn, deposes and says that the following facts in support of his Affidavit of Service are true and correct to the best of his knowledge, information and belief.

1. That the affiant is the Attorney for the Plaintiff in the above captioned action.
2. That a true and correct copy of a Complaint under Section 3301 (d) of the Divorce Code was sent by registered mail to theDefendant.
3. The registered mail was sent to theDefendant at 2212 Timbercreek Trail, Flower Mound, Texas 75028 on May 1, 1992/ The Sender's receipt is attached hereto.
4. The Defendant received said registered mail on May 4, 1992. Said receipt card number 320 791 360 is attached hereto and signed by the Defendant, Larry David Bradford.

Bruce A. Barrett, Attorney for Plaintiff

June 5, 1992 Upon Praecipe of Plaintiff's Attorney, Bruce A.Barrett, to transmit record, case moved to Court.

June 30, 1992 Memorandum filed. The plaintiff filed a praecipe to transmit the record on June 5, 1992. The file is now being returned to the Prothonotary to be resubmitted by the Prothonotary after the plaintiff pays the outstanding custody mediator's costs which were charged to her sometime ago.
When the Prothonotary receives payment, in full, for all outstanding mediation costs, the Prothonotary shall return the file to the Court and the Court will enter a divorce decree.

BY ORDER OF COURT,
Gordon R. Miller, P.J.

June 30, 1992 Copy of Memorandum given to Atty. Barrett.

DIVORCE DECREE FILED

October 15, 1992 AND NOW, October 9, 1992, it is ordered and decreed that KATHRYN ANN BRADFORD, Plaintiff, and LARRY DAVID BRADFORD, defendant, are divorced from the bonds of matrimony.
The Court retains jurisdiction of any claims raised by the parties to this action for which a final order has not yet been entered and which has not been withdrawn by the party making the claim.

BY THE COURT,
Gordon R. Miller, P.J.

674
-b-

1990

Melinda Marie Kinney-Eggleston

vs.

David Eggleston

Record continued from page 103

of record

A.D. 1990 - 653

****

May 7, 1992 Complaint for Custody filed.

May 7, 1992 Order filed: AND NOW, May 5, 1992, after a review of this Protection from Abuse action and a complaint for custody filed by Judy A. Jourden, plaintiff, against, Karen Holly, defendant, it is ordered as follows:

1. Said complaint is filed in this action so that there will be a record of it.
2. No further action will be takenon said complaint, the matter will not be referred to a mediator and no consent order will be entered for the reasons set frth below.
3. This complaint is improper because (a) it purports to be an amicable cusotdy action in an abuse case and that is not permitted by the rules or the statute; (b) the natural father is a party to this abuse action and there is no indication as to whether or not he consents to the custody change or has been advised that the "complaint" has been filed (c) the mtoher of the child is not a par ty to the agreement; (d) the caption of the action has been changed without appropriate court order.
4. The Court believes, but will leave it to the ingenuity of counsel, that a new custody action must be brought before a court of competent jurisdiction naming interested parties and either obtaining their written consent or giving them proper notice ofthe filing of said complaint.

BY THE COURT,
Gordon R. Miller, J

May 13, 1992 Copy mailed to Atty. Bonavita

BARBARA Hoover

vs.

WILLIAM J. HOOVER

Record Continued from Page 419

of

AD 1990-969

****

Dec 21, 1990 Motion for Technical Correction and Order filed: AND NOW, this 21st day of December, 1990, upon consideration of the foregoing motion, the same is hereby granted and paragraph 15 of the temporary order previously entered in this case is hereby amended to read as follows:

15. Costs and fees of this Mediation, which are fixed at $317.00 are divided into halves. The father's half is assessed to him as costs in this case. The mother's half shall be assessed to Crawford County, the mediator having noted that she is represented by Nortwest Legal Services and is indigent. Payment shall be made to the Prothonotary of Crawford County.

In all other respects the aforesaid temporary order is hereby reafirmed.

By the Court,
Gordon R. Miller, J.

Dec 24, 1990 Copies of order put in Attys Mason, Sullivan and Pineo's boxes.

676-

1990

Shelly Marie Schley

vs.

William J. Schley

Record continued from page 245

of record
A.D. 1990 - 795

****

3. The parent having custody of the children at anytime shall notify the other parent as soon as possible in the event of injury to or illness of the children requiring medical treatment.

4. Neither of the parents shall take the children into any environment which might be commonly thought of as detrimental to their development or to the development of their characters or which would be commonly thought of as dangerous to their physical persons.

5. The parents are encouraged to discuss arrangements for physical custody of the children; and, even before the additional Mediation takes place, if the parties mutually agree to alternative arrangements to accommodate themselves and/or the children's schedules, themy may adjust the physical custody arrangements accordingly and are encouraged to do so by mutual consent and agreement. Barring such consent and agreement, the outlined visitation shall be the only visitation for the father until additional Mediation.

6. Each of the parents, the parents' girlfriends or boyfriends, all grandparents of the children, and other persons who regularly come in contact with the children in either parent's home shall teach the children involved in this case to develop and display that natural love and respect due a parent or from his or her children, and none of the people mentioned in this paragraph will do or say anything to blacken the character of the other parent in the eyes of the children.

7. The Court of Common Pleas of Crawford County, Pennsylvania, shall retain jurisdiction of this matter so long as either ofthe parents or any of the children resides in the Court's jurisdiction and for at least six months from the date of this Temporary Order.

8. The fee for Child Custody Mediator shall be paid 100% by the County of Crawford on behalf of the plaintiff mother and the defendant father.

9. This Order shall be a Temporary Order, but shall become a permanent Order unless exceptions are filed by either party within thirty days from the date of this Temporary Order or an additional Temporary Order is recommended and signed by the court after Mediation scheduled for Friday, February 9, 1991, before this Mediator.

BY THE COURT,
P. Richard Thomas, J

JAn. 2, 1991 Copies of order mailed to Victor Kinnunen and Bruce Smith and copy put in R. Charles Thomas' box.

Feb 22, 1991 Temporary Order of Court filed: AND NOW, this 21 day of February, 1991, after additional Mediation and upon recommendation of the Child Custody Mediator, it is hereby ordered and decreed that:

1. The natural parents of Matthew Schley, age three, born January 17, 1987, and Megan Schley, not one year old, born April 4, 1990, the parties to this action, shall share legal custody of the said minor children. Said joint legal custody being shared shall entitle both of the parents to equal access to any records relating to the children held by third parties, including, but not limited to, shcool and medical records and other like matters.

2. Primary physical custody of the children shall remain with the natural mother, Shelly Marie Schley. The father, William J. Schley, shall be granted temporary visitation and temporary custody of the children as follows:

a) On Saturday, February 23, 1991, the father shall have the right to take the children into his temporary custody from 4:00 p.m., prevailing time, until 12:00 noon, prevailing time, on Sunday, February 24, 1991. For the month of March, 1991, the father shall be entitled to have the children in his temporary physical custody on Saturday, March 9, 1991, and Saturday, March 23, 1991, during the same hours, extending through to the same return time on Sunday, the following day.

b) Beginning in the month of April, 1991, the father shall have the right to take the children into his temporary custody on the second and fourth weekends of each month from Friday at 4:00 p.m., prevailing time, through Sunday, at 5:00 p.m., prevailing time.

c) The father shall be responsibly for picking up and dropping off the children at the mother's residence.

d) During the summer of each year, beginning in 1991, the father shall be entitled to take the children into his temporary custody during the last three full weeks of June and last three full weeks of July. During those two three-week vacation periods, the children shall spend the second full weekend with the mother from 4:00 p.m., prevailing time, on Friday through 5:00 p.m., prevailing time, on Saturday.

e) The parents are encouraged to agree with regard to holiday visitation. Holiday visitation shall take priority over other scheduled visitation. In the event that the parents cannon agree as to holiday visitation, during off-numbered year, beginning in 1991, the mother shall have the children on Easter and the children's birthdays and the father shall the children on Memorial Day and Labor Day each year. These days shall begin at 9:00 a.m., prevailing time, and shall end at 7:00 p.m., prevailing time. These days shall be reversed in even-numbered years. The children shall spend Thanksgiving Day each year in the mother's home and the children shall spend the day following Thanksgiving Day each year in the father's home beginning in 1991. With regard to Christmas each year, the children shall be available to spend Christmas in the father's home from 2:00 p.m. prevailing time, until 7:30 P.M., prevailing time.

3. The parent having custody of the children at any time shall notify the other parent as soon as possible in the event of injury to or illness of the children requiring medical treatment.

4. Neither parent shall take the children into any environment which might be commonly thought of as detrimental to their development or to the development of their characters or which would be commonly thought of as dangerous to their physical persons.

5. The parents are encouraged to discuss arrangements for physical custody of the children; and, if the parties mutually agree to alternative arrangements to accommodate themselves and/or the children's schedules, they may adjust the physical custody arrangements accordingly and are encouraged to do so by mutual consent and agreement.

6. Each of the parents, the parents' paramours, all grandparents of the children, and all other persons who regularly come in contact with the children in either parent's home shall teach the children involved in this case to develop and express that natural love and respect due a parent from his or her children and none of the people mentioned in this paragraph will do or say anything to blacken the character of either parent in the eyes of the children.

7. The Court of Common Pleas of Crawford County, Pennsylvania, shall retain jurisdiction of this matter so long as either parent or either parent or either of the children reside in the Court's jurisdiction and for at least six months from the date of this Temporary Order.

BY THE COURT,
P. Richard Thomas, SJ.

Feb 27, 1991 Copies of order put in Atty Thomas box and Copies mailed to Attys. Kinnunen & Smith and to Plaintiff and Defendant.

Mar. 15, 1991 Motion For Hearing De Novo and Order filed. AND NOW, this 15th day of March, 1991 upon presentation and consideration of the within Motion a de novo hearing in this case is scheduled for the 1st day of May, 1991, at 9:00 o'clock a.m. in Court Room No. 1 or 2 of the Crawford County Court House, Meadville, Pennsylvania. A copy of this motion and order shall be served on opposing counsel by Mr. Thomas forthwith.

BY THE COURT,
Gordon R. Miller, J

Mar. 20, 1991 Copy of order mailed to Victor Kinnunen and copy put in r. Charles thomas' box.

Continued on Pg. 676a

1990

Continuation of AD 1990 - 795 (Schley vs. Schley)

May 1, 1991 Motion to continue Hearing and order ifled. ORDER: AND NOW, April 30,, 1991 on motion of counsel for defendant the within hearing is continued to the 20 day of June 1991 at 9:00 a.m. in C. R. No. 1 or 2 of the Crawofrd County Court House, Meadville, Pa.

For the court,
Imogene Yetman, Ct. Adm.

May 3, 1991 copies to V. Kinnunen, R. c. Thomas and Bruce SMith attys

June 19, 1991 Motion For Continuance and Order filed. And now, June 19, 1991 This hearing is continued until the 5th day of August, 1991 at 10:00 o'clock a.m. in Court Room No. 1 or 2 of the Crawford County Court House, Meadville, Pennsylvania.

P. Richard Thomas, S.J.

June 20, 1991 Copies of order to V. Kinnunen, R. C. Thomas and Bruce Smith

July 17, 1991 Affidavit of Service of Complaint In Divorce filed. R. CHARLES THOMAS, Esquire, being duly sworn acording to law, deposes and says that on August 27th, 1990, he sent a true and correct copy of the Complaint In Divorce, properly endorsed with the Notice To Defend, filed in the above action to the defendant, William J. Schley, at Defendant's last known address of R.D.#1 Box 136, Guys Mills, PA 16327, by Certified Mail No. P063 589 549, postage prepaid,, restricted delivery, return receipt requested and that attache dhereto is a duly executed return receipt card showing date of delivery as 8/31/90.

R. Charles Thomas

July 17, 1991 Affidavit of Consent of Defendant filed.

Juy 17, 1991 Affidavit of Consent of Plaintiff filed.

July 17, 1991 Upon praecipe of Plaintiff Attorney For Review Under §201(c) of the Divorce Code, this case moved to court.

July 19, 1991 **S T I P U L A T I O N A N D F I N A L D E C R E E F I L E D .**

AND NOW, tis 19th day of July, 1991, it is ordered and decreed that Shelly Marie Schley and William J. Schley are divorced from the bonds of matrimony. It is further ordered and decree as follows:

1. The Plaintiff is awarded cash in the amount of $5,023.39 representing Sixty percent (60%) of the balance in a certain escrow account being maintaine dby Victor J. Kinnunen, Esquire, pursuant to an Order of Court dated September 24, 1990.
2. The Defendant is awarded cash in the amount of $3,348.91 representing Forty percent (40%) of the balance in a certain escrow account being maintained by Victor J. Kinnunen, Esquire, pursuant to an Order of Court dated September 24, 1990.
3. All that certain piece or parcel of land situate in Randolph Township, Crawford County, Pennsylvania, and being more specifically described in a certain Deed of Thomas P. Sokal and Kenneth E. Nichols, a partnership, to William J. Schley, dated the 2nd day of January, 1991 and abeing duly recorded in the Office of the Recorder of Deeds of Crawford County, Pennsylvania in Record Book 112, page 424, is awarded to the P laintiff and the Defendant to be held by them as tenants in common and shall be sold by the Plaintiff and defendant at the fair market value thereof at public or private sale in an expeditous manner. The net proceeds from said sale shall be deposited in an interest bearing savings account in Pennbank for the use and benefit of the minor children of the Plaintiff and Defendant to-wit Matthew Schley, born January 17, 1987, and Megen Schley, born April 4, 1990. Said account shall be styled as follows: Shelly Marie Schedule and William J. Schley, parent and natural guardians of Matthew Schley and Megen Schley. The passbook for said favings account shall be placed with the Prothonotary of the Court of Common Pleas of Crawford County, Pennsylvania and shall remain there until such time as the said Megen Schley attains the age of twenty-one (21) years at which time said account shall be terminated and the principal balance together with all accured interest due thereon shall be distributed in equal shares to the said Matthew Schley and Megen Schley or the survivor thereof. In the meantime no withdrawals shall be made form said account without furthe rOrder of this Court.
4. The Plaintiff is awarded all tangible personal proper ty that she presently has in her possession at R.D.#5, Box 119, Titusville, Pennsylvania, which tangible personal proper ty was formerly locted at the marital residence at R.D.#1, Box 136, Guys Mills, Pennsylvania.
5. The Defendant is awarded all tangible personal property that he presently has in his possession at R.D. #1, Cambridge Springs, Pennsylvania, which tangible personal propery was formerly located inthe marital residence at R.D. #1 box 136, Guys Mills, Pennsylvania.

ALIMONY PENDENTE LITE, PERMANENT ALIMONY, ATTORNEYS FEES AND COSTS

6. The Plaintiff is awarded counel fees in the amount of $300.00 to be paid to the Plaintiff's counsel, R. Charles Thomas, Esquire, by the defendant within five (5) days after the entry of this Decree In Divorce.
7. The Plaintiff hereby waives her request for alimony pendente lite and costs as set forth in Count III of the Divorce Complaint and thus the Plaintiff's claim for alimony pendente lite and costs is denied.
8. The Plaintiff hereby waives her request for permanent alimony as set forth in Count IV of the Divorce Complaint and thus the Plaintiff's claim for permanent alimony is denied.

MISCELLANEOUS

9. The Plaintiff and defendant shall sign, execute and acknowledge any and all documents necessary to effectuate the sale of the real estate as described in Paragraph 3. of this Divorce Decree.
10. That neither the Plaintiff nor the Defendant shall make any further claims against the other party hereto except for the enforcement of the rights and responsibilities set forth in this Divorce Decree and except for the rights and responsibilities relative to the support and maintenance of the minor children born of the marriage of the Plaintiff and defendant.

BY THE COURT,
Gordon R. Miller, J

August 8, 1991 ORDER filed. ORDER: AND NOW, Aug. 5, 1991, this custody and Domestic Relations case comes before the Court for hearing. Prior to hearing, counsel for the parties ask for a chambers conference and it was disclosed to the Court that an allegation of sexual molestation involving minor child Matthew, age four, has recently surfaced regarding an incident that allegedly occurred during a recent visit with the father on or about the last weekend of July. The thrust of the allegation is that while Matthew was visiting his father, he and other children who were relatives of the father were berry picking and at some time it is alleged that minor twelve-year-old child Michael Messina committed some sexual acts with or in the presence of the child. The child reported the same upon return to his mother, but the father has no input because he was not present during the berry picking.

It is difficult at this stage of the proceedings for the Court or parents to ascertain the truth of the four-year-old's allegations, but both parties mutually agree that on any visitations minor child has with father, it shall be the responsibility of the father to be present at all times when the child is or is likely to come into contact with minor child Michael Messina. In the event the father is at work or is unable to be present while the child is in the home of his parents, the father assumes teh responsibliity and assures the Court that his mother or father will stand in his place to assure that there is no time when the minor child is alone or in an unsupervised relationahip with twelve-year-old Michael.

The parties mutually acknowledge that the existing Order regarding custody of the two minor children shall continue. However, both parties acknowledge to the Court that they have in the past and will likely in the future agree upon minor or major modifications of that visitation and custody Order.

BY ORDER OF THE COURT,
P. Richard Thomas, S.J.

August 9, 1991 copies in box for Atty. R. Charles Thomas and Atty. V. Kinnunen

Nov. 18, 1998 Petition for Contempt and Notice and Order to Appear Filed. Legal proceedings have been brought against you alleging you have wilfully disobeyed the orders of Court of February 21, 1991 and Augsut 5, 1991.
If you wish to defend against the claim set forth in the following pages you may but are not required to file in writing with the Court your defenses or objections.
Whether or not you file in writing with the court your defenses or objections you must appear in person in court on Wednesday December 9, 1998 at 10:30 AM in Courtroom #3 of the Crawford County Courthouse, Meadville, PA
IF YOU DO NOT APPEAR IN PERSON, THE COURT MAY ISSUE A WARRANT FOR YOUR ARREST.
If the Court finds you have wilfully failed to comply with its order, you may be found to be in contempt of court and committed to jail, fined or both.

CONTINUED ON PAGE 676 @A-1

676 B

1990

Patricia A. Hall

vs.

Barnard E. Hall

Reocrd continued from page 417
of
A.D. 1990 - 967

****

3. The parties shall share physical custody of the children on all holidays and birthdays. Subject to the children's wishes, Father shall have physical custody of Nicole and Mother shall have physical cutody of Adam for one month during the c hildren's summer vacation. The parties shall make arrangements for such summer vacation. The parties shall make arrangements for such summer visitations at least 30 days prior to the intended visitation.

4. The parents shall, by mutual consent and agreement, make arrangements for physical custody of the children on any dates not mentioned above. If the parties mutually agree to alternative arrangements to accommodate themselves and/or the chidlren's scheduled, they may adjust the physical custody arrangements accordingly.

1/10/93
1-29-93

Patricia A. Hall
Bernard E. Hall

By the Court,
Anthony J. Vardaro, J

Feb. 16, 1993 Copies of order to Atty's Brautigam and Irwin

676-A-1

1990

S30410

Shelly Marie Schley
n/k/a Shelly Marie Rabida
vs
William J. Schley

continued from page 676-A
of record
AD 1990-795

****

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator, Courthouse
Meadville,PA 16335
Telephone No: (814)333-7498

AMERICANS WITH DISABILITES ACT OF 1990 The Corut of common pleas of Crawford county is required by law to comply with the American with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled indificuals having business before the Court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend a scheduled conference or eharing.

By the court
Gordon R. Miller, J.

Date 11/17/98

December 11, 1998 Motion to Continue to A Date Certain and Order filed. and now, this 10th day of December 1998 the hearing now set for Wednesday December 10, 1998 at 10:30 AM is hereby continued to the date certain to the 28th day of January 1999, at 10 o'clock am in Courtroom #3 of the Crawford County Courthouse, Meadville, pA

By the Court Anthony J. Vardaro, J.

12/11/98 Faxed Gamble and Mailed Rabida

Jan. 22, 1999, Motion to Discontinue and order filed. ORDER: AND NOW, this 22 day of Jan. 1999, the hearing on the above petition for contempt is hereby discontinued and the said petition is hereby dismissed without prejudice.

BY THE COURT,
Gordon R. Miller, J.

1/22/99 faxed to gamble, to plff.

1990

Sandra L. Erickson

VS.

Dennis L. Erickson

RECORD CONTINUED FROM PAGE 137

OF

AD 1990 - 687

****

Jan. 28, 1991 Amendment to Consent Custody Order and AGREEMENT filed. AND NOW, this 28th day of January, 1991 the Court, in consideration of the following, does hereby enter the following as an Amendment to Consent Custody Ordr based on the terms of said Agreement:

AGREEMENT

THIS AGREEMENT, made and entered into this 28th day of January, 1991 by and between the parties Sandra L. ERickson, (hereinafter called "Mother") and Dennis L. Erickson, (hereinafter called "Father"), as follows:

WHEREAS, the parties hereto are husband and wife, having been married on June 14, 1980, in Linesville, Crawford Co., PA., the parties have separated; and

WHEREAS the parties hereto are the parents of three minor children: Joseph D. Erickson, born Oct. 9, 1982; Joshua Allen Erickson, born April 7, 1984; and Christina Mae Erickson, born March 18, 1985;

WHEREAS, on Aug. 1, 1990, this Court entered an Order regarding custody in accordance with the terms and provisions of a Consent Custody AGreement and Addendum entered into by and between the parties hereto on July 31, 1990; and

WHEREAS, the parties hereto desire to amend the Aug. 1, 1990 Order of the Court regarding the custody of the minor child, Joseph D. Erickson.

NOW, THEREFORE, in consideration of the premises and of the mutual promises and covenants and undertakings hereinafter set forth, the parteis hereto, each intending to be legally bound hereby, covenant and agree as follows:

1. The parteis agree that custody of the said minor child, Joseph D. Erickson, shall be shared legally between the parties, with Father having primary physical custody of said child.

2. It is the intent of the parteis that such transfer of custody shall be temporary in nature, to continue until the end of the 1990-91 school year, at which time it is the intent of the parties to reveiw the success of this modification and either make such custody transfer permanent in nature, reinstate the terms of the original Order, or, have an entirely new Order come into effect.

3. The parties acknowledge that the minor child is experiencing some learning problems in school and both agree to work together to effect testing of the child adn proper placement into an educational program with the school to assist the child in correcting such learning disability.

4. The remaining terms and provisions of the Aug. 1, 1990 Order of this Court shall remain unaffected.

5. It is acknowledge by Mother, that although Attorney John Brautigam is her attorney of record, she is proceeding with this Consent Order by and through herself.

WHEREFORE, the parties hereto request that the Court enter the above Amendment to Custody Consent Order, as a Consent Order, (a copy of the aforesaid Aug. 1, 1990 Order is attached hereto and made a part hereof by reference).

Sandra L. Erickson, Plaintiff
Dennis L. Erickson, Defendant

Brian J. Lindsay
Attorney for Defendant

BY THE COURT:
Gordon R. Miller, J.

Jan. 28, 1991 Copy of Order to Attys. John Brautigam, Brian Lindsay.

David A. Orr

vs.

Deanne J. Orr

Record continued from page 307

of record

A.D. 1990 - 857

****

July 10, 1991 Stipulation and consent To Entry of Custody Order and Order filed. AND NOW, this 10th day of July, 1991, upon presentation of the Stipulation and Consent of the parties, attached hereto, and after consideration of same, it is hereby ORDERED, DIRECTED AND DECREED that:

1. Primary physical custody of the parties' minor child, David J. Orr, shall be with mother, Deanne J. Orr. Legal custody of the child shall be shared between the parties.
2. The natural father, David A. Orr shall have custody of the aforementioned minor child for a two week period during the child's vacation from school each summer.
3. That natural father, agrees to permit the child to counsel with Kathy Berkey as requested by the sone, or as indicated by Kathy Berkey during the two week visitation period.
4. The natural father shall be responsible for transportation expenses in the exercise of his visitation rights,
5. Each par ty shal lteach said child to give to the other party that love and respect which id due a parent form his or her child.
6. Neither party shall use illegal drugs or be under the influence of alcohol at any time when siad party has the care and custody of the subject minor child.
7. Neither party shall do or say anything to blacken the character of the other in the child's estimation. Each pa rty shall treat th eother in a polite and respectful manner when in the child's presence and each pa r ty shall instruct his or her relatives and friends to do likewise and also not to disparage th eother par ty in the child's estimation.
8. The parties are free to make additional or alternative arrangements respecting the custodial and visitation periods and are strongly encouraged to do so if it were to be propert and convenient. Said arrangements shall be by mutual consent only, in the absence of which, this order shall govern.

BY THE COURT,
Gordon R. Miller, P.J.

July 10, 1991 Copies of order put in James Irwin and Mary Ann Kirkpatrick's box.

July 16, 1991 Affidavit of Consent of defendant filed.

July 24, 1991 Order filed: AND NOW, July 16, 1991, after informal hearing on the defendant's request for use and possession of an automobile, alimony pendente lite and counsel fee and after the agreement of the parties on most issues except the capacities of the parties, the amount of alimony pendente lite, the need for counsel fees and the amount of counsel fees, it is ordered as follows:

1. The defendant shall be permitted to use a 1989 Pontiac LeMans for two (2) weeks from this date. She shall return the car and leave the keys with her attorney whereupon the car and the keys shall be delivered to the plaintiff.
2. The plaintiff shall pay $300 to apply on the defendant's attorney's fees by making payament in the following manner, to-wit: the sum of $150 on or before July 31, 1991 and a similar amount on or before August 31, 1991 which said payments shall be made to James R. Irwin, Esquire, attorney for the defendant.
3. The plaintiff shall pay alimony pendente lite to the defendant in an amount of $367.00 per month for four (4) months commencing with the month of July 1991. The first payment should be made on or before July 31, 1991 and each subsequent payment of $367.00 shall be paid on or before the last day of each succeeding month. The payments shall be due for July, August, September and October of 1991.
4. This order is based upon the following findings and conclusions. the parties agree that this litigation should be concluded in the next three to four months. The Court finds that the plaintiff's earning capacity amounts to $2,600 net take home pay per month and the defendants's earning capacity amounts to $1,000 net take home pay per month.
5. By the agreement of the parties the Court considered child support in this proceeding even though child support was not raised. In fact the defendant, who has custody of one of the party's children, age 14, has already started a nonsupport proceeding in the Domestic Relations Division. The parties, by their own agreement, are ordered and directed to enter a nonsupport agreement in the Domestic Relations Section obligating the plaintiff to pay child support in the amount of $375.00 per month, payable in such installments as the parties agree and retroactive to the date of the filing of the support complaint. The agreement of the parties shall include an obligation on the part of the plaintiff to provide medical care insurance coverage for the defendant and her minor child and that the parties shall split all reasonably necessary medical, dental, prescription and optometric expenses, not covered by insurance, on the following baisis:

The plaintiff seventy (70%) and the defendant thirty (30%).

In all other respects the support agreement shall be in the standard agreement containing the standard languages.

6. Reserved to the Court and/or the Master are additional counsel fees and alimony pendente lite if the facts and circumstances justify additional awards.
7. In the event that the defendant also seeks spulsal support any hearing officer or the Court shall, in viewing such a request, take into account that the defendant is now being awarded alimony pendente lite for four months.

BY THE COURT,
Gordon R. Miller, P.J.

July 25, 1991 Copies of order put in Attys. Kirkpatrick and Irwin's boxes.

Dec 13, 1991 Inventory of Plaintiff filed.

Dec 13, 1991 Income and Expense Statement of David A. Orr filed.

Dec. 17, 1991 Motion for Appointment of Master in Divorce and Order Appointing Master filed. AND NOW, Dec. 20, 1991 David W. Pickens, Esq. is appointed master in respect to the following claims:

ALIMONY, EQUITABLE DISTRIBUTION, COUNSEL FEES, COSTS AND EXPENSES
Deposit required: By Plaintiff $500 By Defendant $200

BY THE COURT,
Gordon R. Miller, J.

Dec. 30, 1991 copies to Attys. D.pickens, M. Kirkpatrick and J. Irwin.

Continued on page 678A

David A. Orr

vs.

Deanne J. Orr

Record continued from page 678

of record

A.D. 1990 - 857

****

Feb. 12, 1992 Petition For Special Relief and Exclusive Possession of Marital Residence filed.

Feb. 12, 1992 Request For Hearing and Order filed. AND NOW, this 12 day of February, 1992 upon presentation and consideration of the foregoing Request for Hearing a hearing is scheduled with the Court of Common Pleas of Crawford County, Pennsylvania, on the 25 day of March, 1992 at 1:30 o'clock p.m., in Courtroom No. 1 or 2 of the Crawford County Courthouse, Meadville, Pennsylvania.

BY THE COURT,
Anthony J. Vardaro, J

Feb. 18, 1992 Copies of order put in box for atty's Irwin and Kirkpatrick

Feb. 12, 1992 Rule To Show Cause filed. AND NOW, this 12 day of February, 1992, upon consideration of the within Petition for Exclusive Possession of the Marital Residence, a Rule is grante dupon Plaintiff/Respondent, David A. Orr, to show cause why the relief requested in siad Petition should not be granted.
RULE RETURNABLE with hearing thereonon the 25 day of March, 1992, at 1:30 p.m. in Courtroom No. 1 or 2 of the Crawford County Courthouse, Meadville, Pennsylvania.

BY THE COURT,
Anthony J. Vardaro, J

Feb. 18, 1992 Copies of order put in box Atty's Irwin and Kirkpatrick

Feb. 19, 1992 MOTION TO RESCHEDULE and ORDER filed. ORDER: And, Now, Feb. 19, 1992, the hearing previously scheduled for March 25, 1992, is rescheduled for March 30, 1992, at 1:30 p.m. in courtroom No. 1 or 2 of the Crawford County Courthouse in Meadville, Pennsylvania. By the Court:
Anthony J. Vardaro, J.

Feb. 24, 1992 copy in box for M.A. Kirkpatrick, J. Irwin, H. White

Feb. 26, 1992, Notice of Withdrawal of Appearance of Harry Faber White filed.

Mar. 25, 1992 REASSIGNMENT OF HEARING DATE filed. March 25, 1992, hearing in the above matter heretofore set for March 30, 1992, is hereby reset for April 6, 1992, at 2:30 P.M., in Courtroom 1.

FOR THE COURT,
Imogene Yetman, Ct. Adm.

Mar. 27, 1992 copy in box for Kirkpatrick and Irwin

Apr. 7, 1992 Order filed. AND NOW, April 6, 1992, at the time fixed for hearing in this matter, the parties appeared with counsel and agreed that th eissues of alimony pendente lite, counsel fees, costs, expert fees and expenses would be continued generally to be rescheduled on motion of either party.

BY ORDER OF THE COURT,
Gordon R. Miller, J

Apr. 7, 1992 Copies distributed to Atty's Kirkpatrick and Irwin

Apr. 7, 1992 Order filed. AND NOW, April 6, 1992, at the time fixed for hearin gin this matter both parties appeared with counsel. They agreed that exclusive possession of marital property and the connected fifty (50) acres would be with the Defendant. They hotly contested the use and possession of a 1989 POntiac LeMans.
Accordingly, it is ORDERED as follows:
1. exclusive possession of the marital residence and the adjoining fifty (50) acres is hereby awarded to the Defendant until further Order of Court. She shall not remove or dispose of any of the items of personal property in an daround the residence until that personal proper ty is identified and appraised by an appraiser to be selected by the parties. That appraisal shall take place as soon as possible. Thereafter, the parties shall agree as to which tiems the Plaintiff may remove and take into his possession. He shall do that at a time agree dupon by the parties.
2. The Defendatn's petition for exclusive possession of a 1989 Pontiac LeMans is denied as the Court finds that the 1989 POntiac LeMans has heretofore been transferred by the Plaintiff to his mother. We do not now decide whether or not that was an arm's length transaction or whether or not that was done under circumstances which were proper with respect to equitable distribution or marital property.
3. No decision is now made with respect to counsel fees which the defendant has incurred on this petition. That issue shall remain open and shall be decided at a later point, probably when counsel fees are generally decided.

BY ORDER OF THE COURT,
Gordon R. Miller, J

Apr. 7, 1992 Copies distributed to Atty's Kirkpatrick & Irwin

April 15, 1992 ADDENDUM TO INVENTORY FILED.

May 4, 1992 Notice of Scheduled Pre-Hearing Conference andCertificate of Service Filed. I hereby certify that a copy of the Notice of Scheduled Pre-Hearing Conference was served upon the following, by first class, postage pre-paid, United States Mail, this 31st day of March, 1992.

Mary Ann Kirkpatrick, Esquire,
Attorney for Plaintiff
941 Federal Court
Meadville, PA 16335

James R. Irwin, Esquire
Attorney for Defendant
Shafer, Swick, Bailey, Irwin & Stack
360 Chestnut Street, Meadville, PA 16335

David W. Pickens, Esquire

May 13, 1992 CERTIFICATE OF SERVICE FILED. AND NOW, this 12th day of May, 1992, the undersigned hereby certifies that a copy of the Summary of Discussions and Action taken at Pre-Hearing Conference was served by First Class, United States Mail, postage prepaid addressed as follows:

Mary Ann Kirkpatrick, Esquire
Attorney for Plaintiff
941 FEderal Court
Meadville, PA 16335

James R. Irwin, ESquire
Attorney for Defendant
Shafer, Swick, BAiley, Irwin & Stack
360 Chestnut Street, Meadville, PA 16335

David W. Pickens, Esquire

June 9, 1992 Notice of Scheduled Master Hearing, filed.

July 24, 1992 Notice of Master Hearing scheduled for July 23, 1992 is continued generally.

Aug. 7, 1992, Petition for Contempt and Order filed. ORDER: August 7, 1992, hearing in the above matter set for Sept. 29, 1992 at 10:30 a.m. in C. R. No. 1 or 2.

FOR THE COURT, Imogene Yetman Ct. Adm.

Aug. 11, 1992, copies of order to Attys. M. Kirkpatrick, James Irwin and David Pickens.

Continued on Pg. 678B

678
B

1990

David A. Orr

vs.

Deanne J. Orr

Record continued from page 678A

of record

A.D. 1990 - 857

****

Sept. 29, 1992 Motion To Cancel Hearing and Order filed. And Now, September 28, 1992, hearing scheduled for September 29, 1992, is canceled.

for the Court,
Imogene Yetman, CA.

Oct. 5, 1992 Copies of order to atty's Kirkpatrick and Irwin

Oct. 29, 1992 NOTICE OF SCHEDULED MASTER HEARING, filed.

Oct. 29, 1992 SUMMARY OF DISCUSSIONS AND ACTION TAKEN AT THE SECOND PRE-HEARING CONFERENCE, filed.

Nov 6, 1992 Petition Reqesting Special Relief filed.

Nov. 6, 1992 Rule To Show Cause filed. AND NOW, this 30 day of October, 1992, upon consideration of the within Petition Requesting Special Relief, a Rule is granted upon Plaintiff, David A. Orr, to show cause why the relief requested in said Petition should not be granted.
RULE RETURNABLE, with hearing thereon on the 16 day of November, 1992, at 3:30 p.m. in Courtroom No. 1 or 2 or the Crawford County Courthouse, Meadville, Pennsylvania

BY THE COURT:
Gordon R. Miller,

Nov. 12, 1992 Copies of order to Atty's Irwin and Kirkpatrick

Nov. 20, 1992 Order filed. AND NOW, November 16, 1992, this matter is before the Court on the Defendant's Petition for Special relief concerning four head of cattle that are currently in the Defendant's possessionand apparently which she is unable or allegedly unable to feed.
The Court determines that the cattle shoul dbe sold as soon as possible by agreement of the parties. The same shall be done at the Meadville Livestock Auction with the Defendant to make arrangements for that sale to occur.
All funds received from the sale shall be placed in an escrow to be jointly titled between counsel for both parties and with the requirement of both signatures of counsel for both parties for removal of such funds.
This order shall be without prejudice to a Master's order or until a Court determination with respect to a proper allocation of and distribution of marital assets, if they are marital or nonmarital, and without a determination as to any credits that may be due to either party with respect to the maintenance or cost involved in acutioning these animals.

BY THE COURT,
Anthony J. Vardaro,

Nov. 23, 1992 Copies given to Atty. Kirkpatrick & Irwin

Nov. 30, 1992 Plaintiff's Pre-trial Statement, filed.

Jan. 11, 1993 NOtice of Filing Master's Report filed.

Jan. 11, 1993 Mater's Report and Recommendation Filed.

Jan. 11, 1993 Partial Transcript filed.

Jan. 26, 1993 Application For Master's Fee and ORDER filed. AND NOW, upon receipt and review of the Master's Petition for payment of fees filed January 22, 1993 and without objection of the parties who were notified of the presentation of the petition on that date, it is ordered as follows:
1. A Master's fee of $812.50 is approved and awarded to the Master basd upon 12.5 hours of time legitmately devoted to this case, as represented by the Master in his petition, a t $65.00 per hour.
2. The parties shall be responsible for the fee pursuant to the attached agreement and recommendation. That division, which the Court independently believes is appropriate, was recommended by the Master and neither party has noted an objection thereto.
3. The court reporter's fee of $191.50 shall also be paid by the parties pursuant to the attached agreement and recommendation.
4. The Plaintiff as deposited $500.00 with the Prothonotary and the Defendant has deposited $200.00 with the porthonotary with a balance remaining for the parties of $304.00.
5. Attorneys for the parties shall pay the balance remaining to the Master forthwith from proceeds of sale of cows which said attorneys are currently holding in escrow.
6. The Master is directed to pay the reporter's fee from the funds first paid him.

BY THE COURT:
Gordon R. Miller, J.

January 26, 1993

Jan. 27, 1993 Copy of Order to Atty's James Irwin and Mary Ann Kirkpatrick.

Jan. 28, 1993 Upon Praecipe of Attorney, Mary Ann Kirkpatric, Esquire for Review of Master's Recommendation, to transmit record, case moved to Court.

Feb. 5, 1993, DECREE AND ORDER filed. (FINAL DIVORCE ORDER)
AND NOW, February 5, 1993 the Master's report and recommendations are hereby approved by the court.
This Court, by virtue of the authority vested in bylaw, decrees that David A. Orr, plaintiff, and Deanne J. Orr, defendant, are hereby divorced from the bonds of matrimony, and all the duties, rights and claims accorded to either of the said parties at any time heretofore, in pursuance of said marriage, shall henceforth cease and determine, and the said parties shall severally be at liverty to marry again as if they had never been married.
And it is further ordered, adjudged and decreed that the Master's Report and Recommendation concerning division of marital property, alimony, counsel fees, costs, expenses, Master's fees and reporters' costs filed January 11, 1993 and attached to this decree and order as Exhibit 1 are hereby incorporated into this decree and order by reference thereto as fully as though the same were set forth herein at length.

BY ORDER OF COURT,
Gordon R. Miller, P.J.

May 25, 1993 Answer to Defendant's Contempt Petition, filed.

(Continued on Pg. 678c)

1990

David A. Orr

vs.

Deanne J. Orr

REcord continued from page 678 b
of
AD 1990 - 857

May 26, 1993, Petition for Contempt filed.

May 26, 1993, ORDER filed. AND NOW, this 25th day of May 1993, it is hereby ORDERED, ADJUDGED AND DECREED that a Rule to Show Cause is hereby entered upon respondent David A. Orr to show cause why he should not be held in contempt of court.

Said rule is returnable on the 28th dayof June 1993, in C. R. No. 1 or 2 of Crawford County Courthouse, Meadville, Pa. at 2:30 p.m.

BY THE COURT:
Gordon R. Miller, J.

June 1, 1993, copies of order to Attys. James R. Irwin, and M. Kirkpatrick.

Jun. 10, 1993 Contempt Petition and Order filed. And, Now, June 9, 1993, hearing onPlaintiff's Petition for Contempt is scheduled for June 28th, 1993, at 2:30 p.m. o'clock in courtroom number 1 or 2 of the Crawford County Courthouse in Meadville, Pennsylvania. Hearing to be held at the same time as hearing on Defendant's Petition for Contempt.

By the Court:
Anthony J,Vardaro, J.

Jun. 17, 1993 Copy of Order to Attys. Irwin & Kirkpatrick.

June 30, 1993 ORDER filed. AND NOW, June 28, 1993 this hearing is continued until Friday, August 6, 1993 at 1:30 p.m. in Courtroom No. 1 of the Crawford County Courthouse.

BY ORDER OF THE COURT,
Gordon R. Miller, P.J.

June 30, 1993 copies distributed to Kirkpatrick & Irwin

Oct.13, 1993 Motion to Withdraw Appearance and ORDER filed. AND NOW, this 11 day of October, 1993, upon presentation and consideration of the within Motion, Defendant's counsel, James R.Irwin, Esquire,is hereby authorized to withdraw his appearance on behalf of the Defendant in the above captioned case.

Gordon R. Miller, J.

10-20-93 Copy of Order to Attys.Irwin, Kirkpatrick, Fuller & Pickens, & Lindsay.

Oct. 15, 1993 Appearance of Peters, Lindsay, Lewis & Gaglotti by Brian Lindsay for Defendant,

678D

1990

Jane Sanner a/k/a Mary Jane Sanner
vs
Robert Edward Sanner

Record Continued from Page 221
Of
AD 1990 - 771

Feb. 4, 1991, Petition for Additional Attorney fees and Alimony Pendente Lite and Order filed. ORDER: AND NOW, this 4 day of Feb 1991 upon consideration of the attached petition, hearing is set for the 21 day of Feb. 1991 at 3:00 p.n. Courtroom No. 1 crawford County courthouse, Meadville, Pa. PER CURIAM,
P. Richard thomas, S.J.
1 copy (atty)

Feb. 5, 1991, copies of order to Attys. J. Mason and Eugene Brew.

Feb. 4, 1991, Petition to Require Compliance and to Declare Defendant in Contempt of Court and Order filed. ORDER: AND NOW, this 4 day of Feb. 1991 upon consideration of the attached petition, the court orders as follows:
1. The defendant is requested to show cause why he should not be held in contempt.
2. Hearing is set for the 21 day of Feb. 1991 at 3:00 p.m. Courtroom No. 1, Crawford County Courthouse, Meadville Pa.
PER CURIAM,
P.Richard Thomas, S. J.
1 copy (atty)

Feb. 5, 1991, copies of order to Attys. J. Mason and E. Brew.

Feb. 25, 1991 Motion To Continue Generally and Order filed. And now,February 21, 1991, granted. Continued generally.
P. Richard Thomas, S.J.

Feb. 28, 1991 Copies of order to Attys. J. Masonand Eugene Brew

June 26, 1991, Motion to Reschedule Hearing and Order filed. ORDER OF COURT: AND NOW, 6/26/91 Hearing Aug. 6, 1991 at 9:00 a.m. Ct. Rm. 1 or 2. P. Richard Thomas, s. J.
July 1, 1991, copies to J. Mason and E. Brew.

June 26, 1991, INcome and Expense Statement of plaintiff filed.

August 8, 1991 ORDER filed. ORDER: AND NOW, Aug. 6, 1991, at the time this matter is scheduled for further hearing, counsel and the parties advise the Court that they wish a continuance as the matter is in negotiations largely dependent upon the ability of the defendant to secure appropriate financing or refinancing to meet the prospective settlement agreement. ACCORDINGLY,this case is CONTINUED generally until October 1, 1991, at 1:30 p.m.
In the meantime, the parties agree that the Order previously entered September 27, 1990 shall remain in force and effect, with the following modifications:
To Paragraph 1 of said Order, the following will be added: The defendant husband shall continue to carry his wife under the existing hospitalization or health care policy and will not remove her from the policy until the divorce is final or he secures Court permission to do so. Additionally, the defendant husband shall be responsible for paying one-half (1/2) of uninsured medical and prescription expenses. The parties mutually agree that upon a billing to the wife for medical or prescription expenses not covered by the husband's policies, she shall make a copy of said bill and forward it to the husband and the husband will within twenty (20) days of the receipt of said bill, pay the wife one-half (1/2) of the amount not covered by his policies.
BY ORDER OF THE COURT,
P. Richard Thomas, S.J.

August 9, 1991 copy in box for Atty. J. Mason. Sent copy to Atty. Eugene J. Brew, Jr.

Oct. 25, 1991, Affidavit of Consent of plaintiff filed.

Oct. 25, 1991, Affidavit of Consent of defendant filed.

Oct. 25, 1991, Upon praecipe of plaintiff attorney for review under 201(c) of the divorce code, this case moved to court.

Nov. 1, 1991 **S T I P U L A T I O N A N D D E C R E E F I L E D .**

AND NOW, this 1st day of November, 1991, the court orders and decrees as follows:

1. **DIVORCE:** Upon consideration of the pleadings and affidavits filed in the above-captioned case, this court hereby grants an absolute divorce from the bonds of matirmony to the above-named parties, on the grounds that the marriage is irretrievabl broken and ninety(90) days have elapsed from the date of the filing of the complaint, and an affidavit has been filed by each of the parties, evidencing that each of the parties consents to the divorce pursuant to Section 201(c) of the pennsylvania Divorce Code.

2. **REAL ESTATE, FARM BUSINESS, MACHINERY AND LIVESTOCK:** The Plaintiff shall transfer all of her right, title and interest in and to the jointly onwed real estate, found at Crawford County Deed Book 457, Page 464, same being the property transferred to the parties hereto from Wilbur H. Hayes and Betty Hayes on July 9, 1971. Also to be transferred from Plaintiff to Defendant shall be all machinery, equipment, livestock, and existing balances in farm savings and checking accounts through Marine Bank (Edinboro branch), as well as accounts receiveable, and all farm income and proceeds of any sales of farm assets since date of separation of the parties. In exchange for said transfer, Defendant shal pay to Plaintiff the sum total of $75,000.00, which sums shall be without adverse capital gains consequence to the Plaintiff. Also in consideration of said transfer, Defendnt shall assume full repsonsibility for any debts, liabilities, municipal liens, taxes, or any other sum due or to beocme due in the future, in regard to said farming operation, while same has been jointly titled. The payment of said $75,000.00 shall be mad eform Defendant to Plaintiff, no later than October 15, 1991, at which time Plaintiff shalls ign either a quit claim deed or special warranty deed to be prepared by Defendant, and she shall have no obligation to sign or deliver said deed untilthe time of said closing when the sum of $75,000.00 shall be paid in full.

3. **IRA ACCOUNTS:** The parties hereto have acquired individual retirement accounts, now held at Marine Bank, prior to the time of their separation. However, individual retirement accounts in the name of the Defendant exceed in value, the account in the name of the Plaintiff. Said accounts and the interest accrued thereon are marital property under the Pennsylvania Divorce Code. Defendna thsall immediately provide to the Plaintiff a current balance statemeent on each IRA account in his name, and Plaintiff shall do the saume with any IRA account in her name.

At his earliest opportunity, Defendant shall transfer form his IRA accounts over to and into the Plaintiff's IRA account, a sum equal to one-half of the difference between the present balances of the parties total IRA's. Should the IRA administrator or deopsit institution require a certified divorce decree or other document to authorize such transfer, then the parties shall cooperate to the full extent necessary to facilitate said transfer of said IRA funds.

It is th eintention of this court that this decree, as it relates to said IRA accounts, shall be a qualified domestic relations order in accordance withthe Retirement Equity Act of 1984, and its amendments. Mary Jane Sanner's address is R.D.#2, P.O. Box 107, Cambridge Springs, Pennsylvania 16403; her birth date is November 1, 1943, and her social security number is 159-44-6678. Robert Edward SAnner's address is R.D. #2, Box 69, Edinboro, Pennsylvania 16412, his birth date is March 1, 1940; and his social security number is 163-34-6353. The parties were married March 18, 1961 and separated March, 1990. It is the intention of this court to equalize between Mary Jane Sanner and Robert Edward Sanner, the entire IRA assets existing at time of separation and all proceeds thereon, but equalizing present balances (assuming all such assets continue to exist undiminished by any unilateral action of either party).

Neither party shall cash in or transfer or diminish any IRA now held in his or her name. If such as occurred since seperation (or prior thereto without the knowledge and consent of the other party, then the Defendant shall forthwith transfer to the Plaintiff a check in an amount to be determined as follows: balance of Defendant's IRAs minus balance of Plaintiff's IRA divided by 2, same to be calculated as if no transfer, reductuions, nor depletions had occurred at the instance of eithere par ty, and to be calculated as if said IRAs had remained in place and had earned the actual rates of interest paid by said Marine Bank. If income tax and penalty or tax in the nature of a penalty become due as a result, that tax and penalty shall be the responsibility of the pa rty who withdrew said funds, and shall not act to reduce the amount Defendant

Jane Sanner a/k/a Mary Jane Sanner,

vs.

Robert Edward Sanner

Record continued from page 679

of record

A.D. 1990 - 771

owes to Plaintiff, or Plaintiff owes (or more specifically which is to be credited against amounts owed to her by the Defendant).

4. **MARQUETTE SAVINGS ACCOUNTY:** At the time the parties, separated, a savings acocunt existed in the name of the defendant alone, at Marquette Savings Association in Edinboro, pennsylvania, in the approximate amount of $7,093.09. Plaintiff relinquishes her interest in said account in favor of the Defendant, said relinquishment to take effect as of the time the transfer of payment is made in accordance with the above section of this decree, relating to the Marine bank IRAs.

5. **VEHICLES:**

A. Plaintiff shall retain the 1985 Chevrolet Celebrity automobile, which is debt free, and is presently jointly titled. Defendant shall make arrangements to transfer title to said vehicle into Plaintiff's name alone, with said transfer to take place within ten days of the date he signs the stipulation attached hereto.

B. Defendnat shall retain the 1990 Chevrolet Silverado pickup truck, purchased by him shortly after the parties's separation.

C. Defendant shall also retainthe 1978 Chevrolet pickup truck, titled to him alone.

D. The parties hereto agre etha tthe 1982 Chevrolet Camaro automobile titled to Defendant, alone, is to belong solely to their daughter, Suzanne Sanner, and that formal transfer to the title of said vehicle into her name shall be at such time as she shall request, said car being debt free.

6. **TANGIBLE PERSONAL PROPERTY:** All tangible personal property located at the farm shall belong to the defnednat, with the exception of the following items which shall be made available to Plaintiff in good condition, same to be made available to her to remove fromthe farm property, within ten days of the date defendant signs the Stipulation attached hereto; china set of dishes; two wash stands (one from Plaintiff's mother, one from dEfendant's brother, refinished by Plaintiff); sewing machine; bedroom dresser with mirror hutch; old oak desk; china cabinet; cannister set; wooden bedroom chair with red velvet seat; photograph albums (to be divided equally); rowing machine; antique lantern lampl ceder chest and contents as of the date the parties separeted; two-man saw ans scythe (in the greenhouse); clock previously belonging to Plaintiff's grandfather; certain selected flowering plants, bulbs and small trees planted by Plaintiff (not to be removed until appropriate season, at her choosing); circulating pump and waterfall for outdoor pond, some outdoor gold fish and water lily roots; her remaining clothing, personal items and some personal items of hers located in the attic; and the newer Sears freezer.

At Defendant's option, ne may substitute a bedroom dresser with mirror hutch, in place of the one now belonging to the parties, same to be equivalent in quality to the existing one, and to be chosen by the Plaintiff.

7. **ALIMONY PENDENTE LITE:** Defendant shall continue to pay $75.00 per week to Plaintiff as alimony pendente lite terminating with week of October 21, 1991, and he shall comply withthe September 29, 1990 and August 6, 1991 orders, through the week in which the divorce is granted (assuming no appeal is taken).

8. **ATTORNEY FEES AND COURT COSTS:** Plaintiff shall pay her own attorney fees and court costs in full, at such time as she received the lump sum paymented noted.

Either par ty shallhave the right to request attorney fees and court costs be imposed against the other pa rty for any breach of this decree, after same has been signed by the Judge .

9. **ALIMONY:** Plaintiff hereby waives her request for permanent alimony.

10. A separate agreement relating to the Defendant's obligations to the educational and support needs of the parties' daughter Suzanne Louise Sanner, has been negotiated as an integral part of the settlement of this case. The terms of said agreement are set forth separately in an "Agreement" to be signed by both parties and their said daughter simultaneously herewith. It is understood by the parties that the provisions of this decree represent financial concession on the part of the Plaintiff/Mother, which constitute full consideration for Defendant/father's assumption of obligations toward Suzanne Sanner under said "Agreement".

11. **WAIVER OF FILING OF DOCUMENTS:** Neither party hereto shall require the other pa rty hereto to file an inventory and appraisement as would otherwise have been required by the Pennsylvania Rules of Civil Procedure. Each par ty is aware of the debts and assets acquired during the marriage.

12. **WAIVER OF CLAIMS:** Neither party here to shall make any claim against the other par hereto, except for enforcement of the rights and responsibilities set forth in this decree.

BY THE COURT,
Robert L. Walker, J

Karen M. Gates

vs.

Wesley L. Morris

Record continued from page 157

Of
AD 1990 - 707

Feb. 15, 1991, Plaintiff's Income and Expense Statement filed.

May 3, 1991 Inventory and Appraisement of Wesley L. Morris filed.

July 22, 1991 Contempt Petition and Order filed. And Now, July 22nd, 1991, hearing on Plaintiff's Contempt Petition is scheduled for August 30, 1991 at 9:00 am. O'clock in Courtroom number 1 or 2 of the Crawford County Courthouse in Meadville, Pennsylvania.

By the Court,
Gordon R. Miller, J

July 22, 1991 Copies of order put in box for Atty. Kirkpatrick and Thomas

Aug. 19, 1991 AFFIDAVIT OF SERVICE, filed. James M. Tidd, being duly sworn according to law, deposes and sets forth as follows:

1. That he/she is a competent adult.
2. That on information furnished him/her, he/she served a certified copy of the subpoena duces teci in the above-matter upon Wesley L. Morris at 2:00 P.M., on Aug, 6, 1991, at Lord Corp., Cambridge Springs, Pa..
3. That costs incured for this service were as follows:
a. Service $30.00; b. Mileage $5.00; Total $35.00
4. Further Deponent Saith Not.

Aug. 30, 1991 Affidavit of Consent of Defendant filed.

Aug. 30, 1991 Motion to Cancel and ORDER filed. AND NOW, Aug. 30, 1991 motion allowed.

By the Court:
Gordon R. Miller, J.

Sept. 4, 1991 Copy of Order to Attys. Kirkpatrick and Thomas.

Aug. 21, 1992, Defendant's INcome and Expense Statement filed.

Aug. 27, 1992 Motion to Return Proceedings To Custody Mediator for the Purpose of Reviewing Existing Custody Order and ORDER filed. AND NOW, this 26 day of August, 1992, this matter is referred to William Pineo, esquire, for the purpose of reviewing the Custody Order heretofore entered in this case. The defendant shall deposit $150.00 with the Court Administrator before mediation is scheduled in this matter.

BY THE COURT,
Anthony J. Vardaro, J.

Aug. 31, 1992 Copy of Order to Attys. R. Charles Thomas, William Pineo and Mary Ann Kirkpatrick.

Nov. 4, 1992 PETITION TO TERMINATE AWARD OF ALIMONY PENDENTE LITE and ORDER, filed. ORDER: AND NOW, this 30th day of October, 1992, upon presentation and consideration of the within Petition a Rule is granted upon the Plaintiff to show cause why the relief requested in this Petition should not be granted.

Returnable for hearing on the 18th day of November, 1992, at 2:30 p.m. in Court Room 1, 2 or 3 Crawford County Court house, Meadville, Pennsylvania.

A copy of this Petition to be served upon Plaintiff's counsel by regular mail and on the Plaintiff by Certified Mail.

BY THE OCURT,
Gordon R. Miller, P.J.

Nov. 10, 1992 copy to M.A. Kirkpatrick, R.C. Thomas and sent certified to Plf.

Nov 6, 1992 ORDER filed. AND NOW, Nov. 4, 1992, because of scheduling conflict, the Court sua sponte hereby changes the date for the hearign on the petition to terminate alimony and other matters that were scheduled for Nov. 18, 1992 at 2:30 p.m. The hearing shall now be held on Friday, Nov. 20, 1992 at 9:30 a.m. in one of the courtrooms.

BY ORDER OF COURT
Gordon R. Miller, P.J.

NOv.6, 1992 copy to R. C. Thomas & M.A. Kirkpatrick

Nov. 16, 1992 Plaintiff's Answer to Defendant's Petition To Terminate Award of Alimony Pendente Lite filed.

Nov.16, 1992 Petition for Counsel Fees and Court Costs and Order filed. And Now, November 16, 1992, hearing on Plaintiff's Petition for Counsel Fees and Court Costs shall be held at 9:30 A.M. on Novembr 20, 1992, at the same time as the hearing on Defendant's Petition to Terminate Award of Alimony Pendente Lite.

For the Court:
Imogene Yetman, Ct. Adm.

Nov. 19, 1992 Copy of Order to Attys. Thomas & Kirkpatrick.

Nov. 20, 1992 Amended Petition for Counsel Fees and Court Costs, filed.

Nov. 24, 1992 Order filed. AND NOW, NOvember 20, 1992 at the time fixed for hearing on two matters, the Defendant's petition to terminate the award of alimony pendente lite and the Plaintiff's petition, then later amended petition for counsel fees and court costs, it is ORDERED as follows:

1. The Defendant's petition to terminate the award of alimony pendente lite is denied and the Defendant shall continue to pay $300 per month as alimony pendente lite until further order of Court. This shall take effect immediately and shall be reflected in his first weekly payment due November 27, 1992.
2. The Plaintiff's petition for counsel fees and court costs is approved in part. The Defendant is ORDERED and DIRECTED to pay an additional $500 to apply on the Plaintiff's counsel fees, which said payment shall be made to Mary Ann Kirkpatrick, Esq. no later than January 4, 1993.
3. Within 30 days after the Defendant or his counsel request it and/or in the Plaintiff's pretrial statement and/or before Plaintiff seeks any additional counsel fees, counsel for the Plaintiff shall submit to theDefendant or the master or the Court as the case may be a true, accurate and complete statement of fees and expenses rendered to the date the statement is submitted so that the Court, the master, and the Defendant can make certainthat the awards of counsel fees have in fact been legitimately earned and paid by the Defendant.
4. The Plaintiff shall within 30 days from this date submit a true and correct copy of her 1991 federal and state income tax returns and a statement from her employer showing her gross earnings, payroll deductions, and net earnings for all periods in 1992 up until the date the statement is furnished so that the Defendant and his counsel will have information and evidence concerning the Plaintiff's earnings, as her earnings are relevant to a number of economic issues in this case, including alimony, alimony pendente lite, counsel fees, and expenses. The Defendant shall also furnish the Plaintiff with a true and correct copy of his 1991 federal and state income tax returns within 30 days from this date.
5. Based upon the representations of counsel together with the state of the record this date and the amount of time that has passed since the divorce complaint was oriiinally filed, the Court ORDERS and DIRECTS one or both of the parties to file a motion for the appointment of a master within 60 days from this date so that this case may proceed in a more timely fashion and it may come to a conclusion within a reasonable period of time.

Continued of Record to Page 707

682

1990

Denise B. Calvin

VS.

Thomas E. Calvin

Record Continued from Page 555

OF

AD 1990 - 1105

****

Nov. 8, 1991 Answer to Petition for Extension of Protection From ABuse Order and New Matter filed.

Nov. 27, 1991 ORDER filed. AND NOW, Nov. 22, 1991, at the time set for hearing on extension of the protection from abuse order, the parties advise the Court they have amicably resolved the divorce action at 1991-31 and mutually agree there is no need for an extension of the protection from abuse order previously entered. Accordingly, this matter is now moot and no need for a Court order exists by agreement of the parties.

By Order Of The Court,
P. Richard Thomas, S. J.

Dec. 4, 1991 Copy of Order to Attys. Mary Ann Kirkpatrick, Kathleen Nelson and County Control.

HAROLD W. DELP, Administrator of the Estate of ZENOBIA D. DELP, Deceased and HAROLD W. DELP, individually

vs.

RANDY R. YOUNG, Defendant, LAURIE LINDSTROM, DR. WILLIAM D. SULLIVAN, DR. SCOTT H. BEDWELL and MEADVILLE MEDICAL CENTER, Add'l Deft

****

RECORD CONTINUED FROM PAGE 81

of

AD 1990-631

****

Feb 28, 1991 Order filed: AND NOW, February 25, 1991, the matter is before the Court on preliminary objections to a demurrer addressing the ad damnum clause of the Complaint to join additional defendants.

Counsel agree that with a simple amendment to said clause the necessity for a Court pre-trial ruling on the preliminary objections will be eliminated. Accordingly, all counsel agree that in the ad damnum of the Complaint to join additional defendant (page 19), the said clause will be amended as follows:

"WHEREFORE the Defendant, Randy R. Young, denys any and all liability and effects joinder of Dr. William D. Sulivan, Dr. Scott H. Bedwell and Meadville Medical Center, and avers that said Additional Defendants are soley liable to the Plaintiffs or are jointly and severally liable with this Defendant or are liable over to this Defendant for indemnity and/or contribution all to the extent permitted by applicable law."

The remainder of the clause shall be stricken.

No further service of the Complaint against the Additional Defendants will be necessary.

All Additional Defendants are allowed twenty (20) days to file an appropriate responsive pleading.

BY ORDER OF THE COURT,
P. Richard Thomas, S.J.

Feb 28, 1991 Copy put in Attys. Shafer, Spadafore and Fabian's boxes, Copy mailed to Attys. Gianola, Schaaf, Murphy & Quinn.

Mar. 18, 1991 Answer and New Matter To complaint To Join Additional Defendants filed.

Apr. 9, 1991 Answer and New Matter of Dr. Scott H. bedwell filed.

Apr. 9, 1991, Reply to New Matter of Laurie Sue Lindstrom filed.

Apr. 11, 1991 Reply of Additional Defendant Laurie Sue Lindstrom to New Matter of Additional Defendant Dr. Scott H. bedwell, Pursuant to Pa. R.C.P. 2252(d) filed.

April 16, 1991, Answer to Complaint to Join Additional Defendant and New Matter filed.

Apr. 16, 1991, Reply to New Matter of Laurie Sue Lindstrom filed.

Apr. 16, 1991, Reply to New Matter of Dr. Scott H. Bedwell filed.

Apr. 19, 1991 Motion For Sequence and Timing of Discovery Pursuant To Pennsylvania Rule of Civil Procedure 4007.3 filed.

Apr. 19, 1991 Order on Motion For Sequence and Timing of Discovery filed. AND NOW, this 19 day of April, 1991, upon consideration of the foregoing motion, said motion is granted.

It is further Ordered, Adjudged and decreed that all discovery in the above captioned matter will be concluded by the 13th day of September, 1991 so that this matter may appropriately be listed on the October Civil Trial List.

It is further Order, Adjudged and decreed that any party wishing to proceed with discovery after the above date may due so only upon a showing of good cause to this Honorable Court.

By the Court:
P. richard Thomas, S.J.

Apr. 26, 1991 Copies to all counsel of record.

Apr. 22, 1991, Reply of S cott H. Bedwell, M.D., to New Matter of William D. Sullivan, M.D. filed.

Apr. 23, 1991 Reply of Additional Defendant Laurie Sue Lindstrom to New Matter of Additional Defendant Dr. William D. Sullivan Pursuant to Pa. R.C.P. 2252(d) filed.

Apr. 24, 1991, Original defendant's Reply to All New Matter Pursuant to Rule 2252(d) Raised by the Additional Defendants filed.

April 26, 1991, Upon praecipe of attorneys for defendant Meadville Medical Center, writ to join additional defendants Diagnostic Medical Imaging, Inc. and Charles A. Young, M.D., as additional defendants, issued. (sheriff)

April 29, 1991 Reply of Scott H. Bedwill M.D. to New Matter of William D. Sullivan, M.D. filed.

May 8, 1991 Meadville Medical Center's Reply To New Matter of Dr. Scott H. Bedwell filed.

May 8, 1991 Meadville Medical Center's Reply To New Matter of Dr. William D. Sullivan filed.

May 8, 1991 Answer and New Matter To Complaint To Join Additional Defendants filed.

May 8, 1991 Meadville Medical Center's Reply To New Matter of Laurie Sue Lindstrom filed.

May 10, 1991 Notice of Service of Expert Interrogatories Directed to Dr. William D. Sullivan filed.

May 10, 1991 Notice of Service of Expert Interrogatories Directed to Laurie Sue Lindstrom filed.

May 10, 1991 Notice of Service of Expert Interrogatories Directed to Meadville Medical Center filed.

Continued on page 684.....

Harold W. Delp, Administrator
or The Estate of Zenobia D. Delp
Deceased and Harold W. Delp,
Individually
vs.
Randy R. Young
vs.
Laurie Sue Lindstrom,
Dr William D. Sullivan,
Dr Scott H. Bedwell and
Meadville Medical Center

****

Record Continued from Page 683

of

AD 1990-631

****

May 10, 1991 Notice of Service of Expert Interoggatories Directed to Harold W. Delp filed.

May 10, 1991 Notice of Service of Expert Interrogatories to Dr. Scott H. Bedwell filed.

May 10, 1991 Reply of Additional Defendant Laurie Sue Lindstrom to New Matter of Additional Defendant Meadville Medical Center filed.

May 20, 1991 Reply of Scott H. Bedwell, M.D., to New Matter of Meadville Medical Center, filed.

May 28, 1991, Upon praecipe of defendant Meadville Medical Center, writs to join the additional defendants Charles A. Young, M.D. and Diagnostic Medical Imaging, Inc., reissued.

June 28, 1991 Writ Return filed. SERVED Diagnostic Medical Imaging Inc., by handing to Charles A. Young, MD, at place of business, Meadville Medical Center, Liberty Street, Meadville, Crawford County, PA, on May 30, 1991 at 10:50 AM SERVED Charles A. Young, MD, personally at place of business, Meadville Medical Center, Liberty Street, Meadville, Crawford County, PA, on May 30, 1991, at 10:51 AM
So answers,

Robert M. Stevens, Deputy
Howard N. Stewart, Sheriff

Sept. 5, 1991, Reply of William D. Sullivan, M.D. to New Matter of Meadville Medical Center, filed.

Sept. 9, 1991, Motion To Extend Discovery to Allow Time for the Complaint to Join to be Filed Against the Additional Defendants Charles Young, M.D. and Diagnostice Imaging Services, Inc. and a Response Made Thereto so that Discovery can be Fairly Made, filed.

Sept. 11, 1991 Motion for Protective Order filed.

Sept. 11, 1991 Motion for Severance filed.

Sept. 18, 1991 Complaint Against Additional Defendants, Diagnostic Medical Imaging, INc. and Charles A. YOung MD filed.

Sept. 20, 1991 Order filed. AND NOW, September 11, 1991 this matter comes before motions court with counsel for most of the parties present, arguing a variety of different postulations of the Court. The case is not yet on the trial list, but it is prposed that it will be placed on the trial list within the next few days so that if could be tried in October. The Court does not believe it is expeditius to try any phase of this case at the October term and accordingly the case is continued generally to the February term.
The motion to extend discovery filed on behalf of the Defnedant Randy Young is granted and counsel for Randy Young is directed, before scheduling further depositions, to check with invovled counsel to ascertain appropriate dates and directs that all discovery by complainted by January 1, 1992.
Next, the Court is faced witha motion for a protective order filed on behalf of Dr. William Sullivan objecting to the scheduling of the depositions scheduled September 11, 12 and 13. In view ofthe above continuance order, no counsel objects to the continuance of the presently scheduled depositions which were to be held in the next few days.
Next, the Court is presented with a mtoin by Plaintiff Harold W. Delp, Administrator, for a severance of the case. The motion is denied without prejudice as the case develops further to re-present the same motion for court action.
Another unpled objection arises, presented by counsel for Meadville Medical Center, contending that the request to produce certain hospital personnel is overly broad and makes it difficult or impossible for Medical Center to attempt to produce witnesses and documents. Accordingly, counsel for Randy Young is directed to the best of his ability to narrow the focus of the hospital representatives that will be required to depose. In narrowing the focus, he shall attempt to delineate with some preciseness the exact records, x-rays, and laboratory reports and other details and attempt to advise Medical Center of the person or persons holding certain specific positions in the hospital that he needs to secure the information sought.
Counsel for Randy Young agrees tha ton or before October 11, 1991 he will advise all involved counsel the name of his expert who will testify and produce a copy of the written re port to aid the disvoery process. Counsel for Randy Young also agrees to supply, along with the expert's report, the expert's curriculum vitae.
Counsel on behalf of Laurie Lindstrom requests the Court for an order directing Medical Center to file its complaint joining additional defendant Dr. Charles Young and Diagnostic Medical Imaging, INc. within ten (10) days. Counsel agree and the same will be filed within that time limitation.

BY ORDER OF THE COURT,
P. Richard Thomas, S.J.

Sept. 20, 1991 Copies to all counsel of record.

Sept. 23, 1991, Appearance of Grigsby, Gaca & Davies, P.C., by Daniel P. Carroll, attorneys for Charles A. Young, M.D., and Diagnostic Medical Imaging, Inc. two of the defendants filed; case to be handled by Lynn E. Bell, Esq. Jury Trial Demanded.

Sept 27, 1991 Preliminary Objections to Additional Defendant Meadville Medical Center's Complaint to Join Additional Defendants, Diagnostic Medical Imaging, Inc. and Charles A. Young, M.D. filed.

Sept 27, 1991 Upon Praecipe of Attorney for Additional Defendants Charles A. Young, M.D. and Diagnostic Medical Imaging, Inc., this case is placed on the Argument List.

ON OCTOBER 1991 ARGUMENT LIST

Oct 15, 1991 Response of Additional Defendant Meadville Medical Center, to the Preliminary Objections of Additional Defendants, Diagnostic Medical Imaging, Inc., and Charles A. Young, M.D. filed.

Oct. 24, 1991, Re: Preliminary Objections - Reassignment of Argument Date filed. Oct. 24, 1991 argument in above matter heretofore set for Oct. 28, 1991 is hereby reset by the court for Dec. 10, 1991 at 1:30 p.m. before Sen. Judge p. Richard Thomas.
FOR THE COURT, Imogene Yetman Ct. ADm.
Oct. 28, 1991 copies to Attys. Millin, Spadafore Jr. D. Bloom Gary Fabian, w. Schaaf, J. D. Murphy, J. Quinn, Jr. Lynn Bell.

Nov. 13, 1991 Motion For Santions filed.

Continued on page 684-A -

HAROLD W. DELP al

vs.

Randy R. Young et al

Record continued from page 684

of record

A.D. 1990 - 631

****

Dec. 13, 1991 Order filed. AND NOW, December 10, 1991, it is contented by Dr. Young and diagnostic Medical Imaging that they were not timely joined as additional Defendants in this case. The matter is argued and the Court rules, with the voluminous pleadings, the peculiar procedural aspects of the case, and a reading of Rule 2253 requires the Court to find that the joinder was timely made within 60 days of a consent stipulation entered into by all parties february 25, 1991. This stipulation amended part of the ocmplaint and triggered the running of the 60-day period Rule prescribed by the above Rule. Accordingly, the preliminary objections is overruled.

Second before the Court is Dr. Young and Diagnostic Medical Imaging's demurrer to the complaint against the additional Defendants, stating that there was insufficient pleading to adequately advise the Defendant so ftheir wrongdoings in the case, and that mere reference to Paragraph 42 of Randy Young's complaint adgainst additional Defendants is an inadequate incorporation by reference to hold the Defendants in the case. The Court finds little weight to this argument, but as an additional clarifying procedure, we direct counsel for Meadville Medical Center to plead with more specificity their allegations of responsibility attributable to Dr. Young and Diagnostic Medical Imaging by precisely delineating the subparagraphs of the aforesaid Paragraph 42, which they believe apply to the additional Defendants they have joined. Said designation will be made within 10 days.

A further issue comes before the Court relating to the required expert medical report that was to be file dby Defendant randy Young on or before October 11, 1991. It seems the matter is 17 days late, and the Court at this time overlooks the delay.

Counsel for Dr. Sullivan raises the issue that the medical report, instead of being designated as a "final" medical report, is designated as a preliminary report, and that a careful reading of the same does not attribute any pa rticipation or fault to dr. Sullivan. Accordingly, Sullivan requests some ruling in the form of an order that would remove him from this litigation. The Court believes this motion to be premature. It appears that Dr. Sullivan's testimony will subsequenty be taken, and if counsel for Sullivan believes the deposition testimony combined withthe aforesaid medical report is insufficient to hold his complaint in the case, he may file a further appropriate motion to have Sullivan removed.

It was the original intention of the Court that the medical report received would be in the nature of a final report, and in view of the fact it was delayed in filing, the Cour tis not interested in permitting into evidence a further report that delineates new theories of liability agains tany person other than Dr. Sullivan. Accordingly, any further medical reports received by the expert for Dr. Young will not contain any new theories of liability against any other party with the exception of Sullivan, above noted. The Court will not be receptive to counsel for Randy Young asking to expend his legal theories of liability against Bedwell and Meadville Medical Center absent the disclouste of unknown evidence not available to the parties at this time.

By agreement of all counsel, discovery in this case is extende dto and will be completed by January 20, 1992. All counsel are advised that the two-week February civil trail list commences February 10, 1992, and the position of this case on the trial list regarding an exact date to start trial will await the call of the trial list.

BY ORDER OF THE COURT,
P. Richard Thomas, S.J.

Dec. 17, 1991 Copies of order to Atty's Jeffrey Millin , David Bloom, Gary Fabian, Will Schaaf, Douglas Murphy, John Quinn and Lynn Bell

Dec. 16, 1991 Amended Complaint AGainst Additional Defendants Charles A. Young and Diagnostic Medical Imaging, Inc. filed.

Jan. 3, 1992 CORRECTIVE AMENDED ORDER filed. AND NOW, Jan. 2, 1993, the Court amends page 3 of its Order of Dec. 10, 1991, to substitute "Randy" Young for "Dr." Young so as to read as follows:

"Accordingly, any further medical reports received by the expert for Randy Young will not contain any new theories of liability against any other party with the exception of Sullivan, above noted."

BY ORDER OF THE COURT,
P. Richard Thomas, S.J.

Jan. 9, 1992 copy in box for J. Millin & G. Fabian. Sent copy to D. Bloom, W. Schaaf, J. D. Murphy, J. Quinn, Jr. & L. Bell.

Jan. 3, 1992 Certificate of Readiness filed.

ON FEBRUARY 1992 CIVIL TRIAL LIST.

Jan. 23, 1992 Motion For Pretrail Conference and Order filed. AND NOW, this 23 day of January, 1992, upon consideration of the Plaintiffs' Motion for Pretrial Conference, said Motion is granted a a Pretrial Conference will be held on the 27 day of January, 1992, at 2:00 o'clock pm in Courtroom number 1 or 2 of the Crawford County Courthouse, before Senior Judge P. Richard Thomas.

BY THE COURT,
Gordon R. Miller, J

Jan. 23, 1992 Copies of this Order mailed to all attorneys by Court Administrator as well as notification by telephone this date.

Feb. 3, 1992 PRETRIAL CONFERENCE and ORDER filed. AND NOW, Jan. 27, 1992, a pretrial and settlement conference is held and the Court receives a variety of suggestions about the proper way to present this case to the jury. The Court initially felt bifurcation would be appropriate, but not has serious misgivings, particularly in view of some of the theories advanced by the parties and the Court's referral by counsel to certain cases for further study before making a decision in this area.

Counsel for Dr. Sullivan requests a continuance because recent depositions taken of Drs. Bedwell and Sullivan have not been totally transcribed and these transcripts are necessary for use by an expert witness to be procured by Dr. Sullivan.

Further complications have arisen because of the unavailability of trial counsel J. Douglas Murphy who is committed for the February Term to other counties.

This case is continued and will be scheduled for trial March 3, 1992 before the undersigned commencing at 9:00 a.m.

Record Continued on Page 684 (B).....

Harold W. Delp et al

VS.

Randy R. Young et al

Record Continued from Page 684 (A)

OF

AD 1990 - 631

****

An additional pretrial conference will be scheduled with all counsel for Feb. 26, 1992, at 1:30 p.m.

Counsel seem to be of the opinion that we should select a jury of twelve with four or five alternates, and seemingly have no strenuous objection to the Court limiting the number of challenges due to the multiplicity of parties in the case. The Court will review the Rules and issue within the next five (5) days a suggested Order on the number of challenges to be allocated to each party in order to select the primary twelve jury members and the number of challenges allocated to each party in selecting four or five alternates.

The Court will not require counsel to submit proposed questions to the jury panel, but if any counsel believe there are a few pertinent questions that might be overlooked by the Court, they may submit the same to the Court in writing no later than Feb. 10, 1992, at 9:00 a.m.

Counsel for the plaintiff have presented to the Court, with copies to opposing counsel, a Motion in Limine with relation to appropriate jury instruction on seat belt and the Court takes the matter under advisement and it will be further ruled upon at the pretrial conference.

Although the Court did not require pretrial narratives for the meeting today, some counsel have filed the same. If other counsel wish to file pretrial narratives, they are required to do so five (5) days before the Feb. 26, 1992 pretrial conference. All counsel intending to introduce exhibits at the time of trial will list the same on a single sheet of paper, with a description thereof, but without numbering the exhibit.

After dictating the above memorandum in the presence of counsel, the Court remembered it had failed to advise counsel that this Court has had a professional relationship with Drs. Bedwell and Sullivan. Dr. Bedwell performed a gall bladder operation on the Court's spouse in October of 1991 and Dr. Sullivan's advice was received in the spring of 1991 in relation to appropriate therapy to be administered to spouse following heart surgery. If any counsel believe this Court should be required to recuse himself because of these facts, they should make such request immediately.

By Order Of The Court,
P. Richard Thomas.

Feb. 5, 1992 Copies of this Order mailed to all attorneys of record.

Feb. 3, 1992 COURT ORDER ONJUROR CHALLENGES filed. AND NOW, Jan. 38, 1991, in view of the number of parties in their action, the relationship between the parties, and considering Rule 221 and the comments thereto, the Court establishes the following procedure to select a trial jury of 12 plus four alternates.

A primary panel of 30 murors will be called, and to select 12 jurors to hear the case, the parties are allocated peremptory challenges as follows:

Harold W. Delp, Administrator and Individually. 4
Randy R. Young 4
Laurie Sue Lindstrom 2
Dr. William D. Sullivan 2
Dr. Scott H. Bedwell 2
Meadville Medical Center 2
Charles A. Young, Individually and as Diagnostic Medical Imaging, Inc. 2

A separate panel of 11 potential alternate jurors will be selected and questioned with the primary panel, and upon completion of all primary panel challenges, each of the seven parties may exercise one alternate challenge to arrive at a group of four alternates to be seated.

On the first two rounds of striking jurors from the primary panel, Plaintiff Delp and Defendant Young will each strike two names, and the remaining parties shall each strike one.

BY ORDER OF THE COURT,
P. Richard Thomas, S.J.

Feb. 5, 1992 Mailed copies to all attorneys of record

Feb. 5, 1992 PLAINTIFFS' MOTION IN LIMINE filed.

Feb. 5, 1992 MOTION FOR CONTINUANCE ON BEHALF OF WILLIAM D. SULLIVAN, M.D. filed.

Feb 3, 1992 Answer of additional defendants filed.

Feb. 7, 1992 Defendant Meadville Medical Center's Proposed Voir Dire Questions filed.

Feb. 7, 1992 Proposed Voir Dire Of Defendant William D. Sullivan, M.D. filed.

Feb. 10, 1992 Defendant Meadville Medical Center's Motion For Summary Judgment filed.

Feb. 13, 1992, ORDER filed. AND NOW, Feb. 10, 1992, at the time the case is called for trial, and immediately before jury selection, counsel for orig. defendant Randy Young advised the court they have withdrawn their action against Laurie Sue Lindstrom as an additional defendant. Counsel for defendant Young further advised the court that there will be an admission by Young that he was totally responsible for the collision that occurred April 26, 1990.

Counsel agree that the thrust of this action by defendant Randy R. Young is a voluntary non suit, and shall be binding on Young, Lindstrom, and all other parties, and has been consented to by all parties.

BY ORDER OF THE COURT,
P. Richard Thomas, S.J.

Feb. 20, 1992, copies mailed to all counsel of record.

Feb. 26, 1992 Amended and Supplemental Pretrial Narrative Statement of Scott H. Bedwell, M.D., filed.

Mar. 2, 1992 MOTION FOR PROTECTIVE ORDER and ORDER filed. AND NOW, to wit, this 2nd day of March 1992, upon consideration of the Motion for Protective Order, and argument of counsel it is ORDERED, ADJUDGED AND DECREED that counsel for the original=defendant Randy R. Young is prohibited and precluded from taking the deposition for use at trial of his expert witness, David A. DeHart, M.D., at 8:00 a.m. Tuesday, March 3, 1992 at any other time which would delay the trial proceedings in this matter. The deposition may be scheduled after the close of procedings on Mar. 3, 1992.

Mar. 4, 1992 copies given to counsel by court clerk.

Gordon R. Miller, P.J.

Mar. 3, 1992 MOTION TO AMEND CAPTION and Order filed. ON THIS 3rd day of March, 1992, it is hereby requested that the names of the additional defendants, Charles A. Young, M .D. and Diagnostic Medical Imaging, Inc. are removed from the caption and the case against them is dismissed with prejudice.

BY THE COURT:
P. Richard Thomas, S.J.

Mar. 4, 1992 coies given to counsel by court clerk.

Mar 3, 1992 AUPPLEMENTAL ORDER filed. P. Richard Thomas, S.J. Mar. 2, 1992 Copies given to counsel.

And Now, March 5, 1992, Jury selected and sworn, February 10, 1992 at 10:12 A.M. as follows:

1. James McGinnis
2. Dennis Brenner
3. Richard Norr
4. Deborah Boyle
5. Rex Welker
6. Earl Eells
7. Mae Emerick
8. Gary Lee Rodgers
9. Douglas Gallagher
10. Lura Potts
11. John W. Vickers
12. Anna Mae Derby

Alt. Catherine J. Fielding
Alt. Carol Pangerc

RECORD CONTINUED ON PAGE 684 (C).....

1990

Harold W. Delp al

VS.

Randy R. Young et al

Record Continued from Page 684 (B)

OF

AD 1990 - 631

****

twelve good and lawful persons who upon their solemn oaths which they have taken and at least 10 of them say: We, the jurors empannelled in the above entitled case find: VERDICT DIRECTED - in favor of Plaintiff against Defendant Randy R. Young in the amount of $448,000.00. We find in favor of additional defendants Dr. William Sullivan, Dr. Scott Bedwell, Dr. Charles Young and Diagnostic Medical Imaging Inc.

James W. McGinnis, Foreman

Upon instruction of Judge P. Richard Thomas, All Exhibits returned to Counsel.

ORDER REGARDING SETTLEMENT FILED. --- Sealed and placed in the Safe.
March 9, 1992 Copy of Order to all Counsel.

March 25, 1992 Petition For Approval of Settlement, Discontinuance and Distribution of Minors' Claims filed.

March 25, 1992 ORDER filed. AND NOW, March 25, 1992, upon consideration of the Petition for Approval of Settlement, Discontinuance and Distribution of Minors' Claims, it is hereby ordered, adjudged and decreed as follows:

1. Upon payment to Harold W. Delp as Administrator of the Estate of Zenobia D. Delp of the sum of Four Hundred Forty-Eight Thousand ($448,000.00) Dollars, Harold W. Delp is hereby authorized to execute on behalf of himself, and on behalf of the Estate of Zenobia D. Delp and the minor beneficiaries thereof, a Release of all claims which they may have against the Defendnt, Randy R. Young, or any other entity or person for any and all claims arising out of the death of Zenobia D. Delp on April 27, 1990 as a result of the automobile accident which occurred on April 26, 1990; counsel for the Plaintiff, Harold W. Delp, is further authorized to mark the case at AD 1990 - 631 settled and discontinued of record.

2. Upon receipt of the aforesaid sum by Harold W. Delp, Administrator of the Estate of Zenobia D. Delp, Westfield Insurance Company and all Defendants are hereby released from any duty to see to the application of the proceeds, their responsibilities being completely fulfilled upon the payment of the aforesaid sum.

3. From the aforesaid sum of Four Hundred Forty-eight thousand ($448,000.00) Dollars, Harold W. Delp shall pay to the firm of Shafer, Swick, Bailey, Irwin & Stack, its attorneys fees of Sixty-Seven Thousand Two hundred Fifty ($67,250.00) Dollars and further pay to Shafer, Swick, Bailey, Irwin & Stack, the costs advanced in the sum of Seven Thousand Nine and 91/100 ($7,009.91) Dollars.

4. Harold W. Delp shall allocate the sum of Three Hundred Fifty Thousand ($350,000.00) Dollars to the Wrongful Death Action and the balance of Twenty-Three Thousand Seven Hundred Forty and 09/100 ($23,740.09) Dollars to the Survival Action.

5. Harold W. Delp, Administrator of the Estate of Zenobia D. Delp, shall distribute the Survival Action as set forth in Paragraph 11 of the Petition. The savings accounts in the names of Matthew Lindstrom, Nicola Delp, Sam Delp and Zenobia Delp shall be deposited with the Clerk of Courts of Crawford County, Pennsylvania, together with a copy of this Order, to be held until their 18th birthday unless earlier withdrawals are permitted by further Order of Court.

6. The Wrongful Death proceeds shall be distributed as set forth in Paragraph 12 of the Petition, with the exception that the first sentence of Subparagraph C thereof shall be amended to read as follows:

C. To Matthew Lindstrom $100.00 per month to be paid to Laurie Lindstrom Brawley, hsi sister, for use by her, after consultation and agreement of Matthew's foster parents, for his upkeep and care with any balance turned over to him by her on his eighteenth birthday.

7. Harold W. Delp, Administrator of the Estate of Zenobia D. Delp, shall file with the Court a full account of the disposition of the proceeds of the Wrongful Death Action on or before June 1, 1992.

PER CURIUM,
P. Richard Thomas, Senior Judge

March 25, 1992 Copy of Order to Attys. Paul Shafer, Jr., Jeffrey Millin, Will J. Schaaf, J. Douglas Murphy, Lynn E. Bell, Patrick J. Loughney.

Apr. 8, 1992 Upon praecipe of Plaintiff Attorney the above captioned matter is marked settled and discontinued of record.

David W.Kuhn
vs.
Laura E. Kuhn

CONTINUED FROM PAGE 123
of Record
A.D. 1990 - 673

June 18, 1992 Appearance of James R. Irwin for Plaintiff, filed.

June 18, 1992 Withdrawl of appearance of Thomas , Truax, Spadafore & Walker by Emil M. Spadafore for Plaintiff, filed.

June 19, 1992 PETITION FOR CONTEMPT UNDER PA RULE OF CIVIL PROCEDURE 1915.12, filed. 1 copy (atty)

June 19, 1992 ORDER filed. AND NOW, this 19th day of June,1992, it is hereby ORDERED, ADJUDGED AND DECREED that a Rule to Show Cause is hereby entered upon Respondent, Laura E. Kuhn, to show cause why she should not be held in contempt of Court.

Said Rule is returnable on the 15th day of July, 1992, in Courtroom No 1 or 2 of the Crawford County Courthouse, Meadville, Pennsylvania at 1:30 P.M.

Further it is ordered that the defendant shall fully and completely comply with the Order of November 14, 1990 in all respects from this moment on.

BY THE COURT:
Gordon R. Miller, P.J.
1 copy (atty)

June 19, 1992 PETITION TO MODIFY CUSTODY, filed 1 copy (atty)

June 19, 1992 ORDER filed. AND NOW, this 19th day of June, 1992, it is ordered that all parties in the above captioned case and their counsel shall appear for a hearing on the foregoing matter on the 15th day of July, 1992 at 1:30 p.m. in the Court of Common Pleas of Crawford County, Pennsylvania.

It is further ordered and decreed that pending final determination by the Court, the aforesaid minor children shall not be removed from the jurisdiction of the Court/or Venango County by either party hereunder, under possible punishment for Contempt of Court.

BY THE COURT:
Gordon R. Miller, P.J.
1 copy (atty)

June 29, 1992 AFFIDAVIT OF SERVICE, filed. I, Shawn Asbaugh, an adult individual, do hereby verify that I personally served a true and correct copy of the Petition for Contempt and Order settign a hearing date, along witha Petition to Modify Custody upon the Defendant, above named, at her residence at: 903 Arbur Circle, Franklin, Pa., on the 19th day of June, 1992, at approximately 6:00 p.m.

July 16, 1992 ORDER filed. AND NOW, July 15,1992, after a formal hearing on two petitions, a petition for contempt filed by the Plaintiff on June 19, 1992 and a petition to modify custody filed by the Plaintiff on June 19, 1992, the Court finds that although the Defendant may have had just cause in leaving the Plaintiff, she did not have just cuase for violating the custody Order as there were a number of avenues available to her to be safe and still respect and honor the custody Order and respect and honor a father's right to see h is children. Thus, the Court holds the Defendant in contempt of court for wilfully violating the custody Order of Nov. 14, 1990. The Court further finds that it is in the best interest and welfare of the child Megan to continue to reside with her mother as there has been no showing that a change in custody would better serve her interests, welfare and needs. Accordingly, it is ORDERED as follows:

1. The Defendant is adjudicated in contempt of court. In view of the fact that she is on Public Assistance the Court cannot require her to pay counsel fees to the Plaintiff for the attorney fees he has incurred. The Court further finds that we should not require the Defendant to work in view of the fact she is raising a six month old child. In order to compensate the Plaintiff for the Defendant's wilful violation of the Court Order, the Plaintiff shall have two weeks this summer where he shall have Megan in his sole custody. The first week shall be the week from July 31, 1992 at 3:00 p.m. until Aug. 10, 1992 at 8:00 p.m. The second week shall be from 3:00 p.m. on Aug. 21, 1992 until 8:00 p.m. on Aug. 31, 1992.

During those weeks the Plaintiff shall give the Defendant the opportunity to make two (2) telephone calls to her daughter Megan for at least ten minutes in duration at a time to be agreed upon by the parties since the Defendant does not have her own telephone.

2. If the Defendant fully and completely complies with this Order for the next twelve (12) months, the contempt will be dissolved and there will be no further proceedings with respect to contempt.

3. The custody Order of Nov. 14, 1990 shall remain in full force and effect without change except as herein modified.

4. The parties with the assistance of their attorneys shall (A) Agree upon an appropirate counselor to counsel the parties; and (B) Shall undergo counseling for appropriate periods of time as determined by the counselor in order to resolve conflicts between them insofar as their joint parenting, to assist them in dealing with each other generally and dealing with each other specifically with respect to promoting the best interests, welfare of the child and to largely assist them in dealing with parental conflicts.

If there is any cost, that cost shall be borne by the parties and not Crawford County.

5. The Court hereby forbids any arguing, bickering or fighting between the parties in the presence of the child. Dispute resolution shall occur outside of the presence and hearing of the child.

6. The parties shall keep each other advised at all times as to their current address and shall not hide their address or telephone number, if there is any, from the other.

7. The Defendant shall not move from the State of Pennsylvania under any circumstances without further leave of Court. The child shall not be taken outside of Pennsylvania except for brief periods of time and not on a permanent basis.

8. When custody is exchanged, the Defendant shall have the right to have a disinterested third party assist her if she believes she may be the subject of abuse or to witness the events that take place at the time custody is exchanged.

9. The Plaintiff shall not take the children outside of the State of Pennsylvania except on a temporary basis and he shall not move outside of the State of Pennsylvania under any circumstances without further leave of Court.

BY ORDER OF THE COURT,
Gordon R. Miller, P.J.

July 16, 1992 copies distributed.

Nov. 16, 1992 Emergency Mtoion For Return Of Child To Mother's Custody filed.

Dec.8, 1992 Order Filed. AND NOW, this 7th day of December, 1992, it is hereby ORDERED ADJUDGED AND DECREED that a Rule to Show Cause is hereby entered upon Defendant, Laura E. Kuhn, to show cause why she should not be held in contempt of court.

Said Rule is returnable on the 21 day of December, 1992, in Courtroom No 1 or 2 of the Crawford County Courthouse, Meadville, Pennsylvania at 9:30 o'clock A.M.

BY THE COURT:
Gordon R. Miller, J.

Dec. 15, 1992 Copy of Order to Attys. Irwin & Fuller.

Dec 21, 1992 MEMORANDUM AND ORDER filed. ORDER: AND NOW, Dec. 21, 1992, Laura E. Kuhn is adjudicated in wilful contempt for violation of the Order of July 15, 1992 and is strongly cautioned to comply with all existing Orders in the future.

Both children shall continue to be in the custody of the mother with visitations to continue as to both children as is ordered on behalf of Megan in the case at A.D. 1990 - 673.

CONTINUED ON PAGE 684E

DAVID W. KUHN
VS.
LAURA E. KUHN

CONTINUED FROM PAGE 684D
of Record
A.D. 1990 - 673

****

Notwithstanding any provision to the contrary in any Temporary Order prepared by the Custody Mediator, the father shall have custody of both children on Friday, Dec. 25, 1992 from 1:00 p.m. until the following Monday at 8:00 p.m. and shall continue to have visitations from Friday until Monday evening as provided in the original Order for Megan, which will be applicable to both children.

All other provisions not inconsistent herewith are continued in full force and effect. BY ORDER OF COURT,
Robert L. Walker, S.J.

Dec 24, 1992 copy to Irwin & Fuller

Dec. 31, 1992 Order filed. AND NOW, December , 1992, after mediation conference before John Fuller, and with the consent of the parties, IT IS ORDERED AND DECREED AS FOLLOWS, TO-WIT:

I. The parties and their children shall submit to an evaluation and counseling by Kathy Berkey of Psychological Associates. As soon as reasonably possible, Kathy Berkey shall submit a report to Custody Mediator, John Fuller, Esq., containing recommendations regarding custody and visitation. Copies of the report shall be furnished to James Irwin and Barbara Walton, attorneys for the parties. Costs of the evaluation and counseling shall be paid by the father, David W. Kuhn.

II. Pending receipt of the evaluation and a further mediation conference, IT IS ORDERED AND DECREED AS FOLLOWS TO-WIT:

a. Legal custody of Megan Kuhn and Hailey Kuhn shall be shared by their mother and father.

b. Physical custody of Megan Kuhn and Hailey Kuhn shall be shared as follows:

1. The father shall be entitled to custody of the chidlren each week from Friday at 3:00 p.m. until Monday at 8:00 p.m.

2. The mother shall be entitled to custody each week from 8:00 p.m. Monday evening until 3:00 p.m. Friday afternoon.

3. At Christmas of 1992 the mother shall be entitled to custody on Christmas Day until 1:00 p.m. and the father shall be entitled to custody thereafter in connection with his regular visitation schedule.

4. Transportation shall be as follows: The father shall pick the children up at 3:00 p.m. on Fridays at the mother's home in Greenville and shall drop the chidlren off on Monday evenings at 8:00 p.m. at the home of the grandmother, Norma Tracy, in Conneaut Lake. There shall be no angry exchanges between the parties in the presence of the children.

5. The mother shall not move or change her address without further court order.

6. Costs of the mediation conference shall be paid for by Crawford County.

Anthony J. Vardaro, J

Jan. 5, 1993 Copies of order to Kathy Berkey, and Atty's Irwin and Walton

March 12, 1993 Motion To Vacate and ORDER filed. AND NOW, March 12, 1993, after consideration of the within Motion to Vacate, IT IS HEREBY ORDERED AND DECREED AS FOLLOWS, TO-WIT: John Fuller, Esquire is hereby granted leave to withdraw as custody mediator of record for the Kuhn vs. Kuhn custody case and William Pineo is hereby appointed as mediator in his place.

Anthony J. Vardaro, Judge

March 16, 1993 Copy of Order to Attys. Wm. Pineo, Barbara Walton, James Irwin, and John Fuller.

Apr. 14, 1993 See Temporary Order at A.D. 1992 - 1119.

Sep. 20, 1993 Emergency Petition to Modify Custody and ORDER filed. AND NOW, this 20th day of September, a hearing in the above matter has been set for the 5th day of October, 1993 at 2:30 o'clock p.m. in Courtroom No.2 of the Crawford County Courthouse, Meadville, Pennsylvania 16335

It is further ordered and decreed that pending final determination by the Court, the aforesaid minor children shall be in the exclusive custody of their father.

Additionally, pending final determination by the Court, the aforesaid minor children shall remain in Warren County or Crawford County.

BY THE COURT:
Gordon R. Miller, J.

9-27-93 Copy of Order to Attys. Pineo, Walton,Irwin & Fuller.

Sep. 20, 1993 Petition for Contempt under Pa. Rule of Civil Procedure 1915.12 filed.

Sep. 20, 1993 Order filed. AND NOW, this 20th day of September, 1993, it is hereby ORDERED, ADJUDGED AND DECREED that a Rule to Show Cause is hereby entered upon Defendant, Laura E.kuhn, to show cause why she should not be held in contempt of Court.

Said Rule is returnable on the 5th day of October, 1993, in Courtroom No. 1 or 2 of the Crawford County Courthouse, Meadville,Pennsylvania at 2:30 o'clock p.m.

BY THE COURT:
GordonR. Miller, J.

9-27-93 Copy of Order to Attys. Pineo, Walton, Irwin& Fuller.

Sep. 27, 1993 See Petition for Contempt and Order and Petition to Modify Custody and Order filed at AD 1992 - 1119.

Sep. 29, 1993 Motion for Continuance and ORDER filed. AND NOW, this 29 day of September, 1993 upon presentation and consideration of the within Motion this hearing is rescheduled for the _____ day of October, 1993 at _____o'clock m. inCourtroom No. 1 or 2 of the Crawford County Courthouse, Meadville, Pennsylvania.
Motion decline. Hearing Judge may reconsider at time of Hearing.

BY THE COURT:
P. R. Thomas, S.J.

10-1-93 Copy of Order to Attys. Pineo, Walton Irwin & Fuller. See paper filed at AD 1992 -1119.

Oct. 5, 1993 Order filed. AND NOW, October 4, 1993, Laura Kuhn appeared in Motions Court asking for a continuance of the custody matter set for tomorrow, October 5th, indicating she needs more time to get an attorney. The attorney for David Kuhn did not object and, therefore, the hearing scheduled for October 5, 1993 is continued and shall be held on Monday, November 1, 1993 at 2:30 o'clock p.m. in Courtroom No. 1 or the Crwaford County Courthouse

BY ORDER OF THE COURT,
Gordon R. Miller, J

Oct. 5, 1993 Copies dist. to Walton & Irwin

Oct. 13, 1993 Motion For Leave To Terminate Representation and ORDER filed. AND NOW, October 11, 1993, Barbara J. Walton,Esq., is given leave of court to withdraw as attorney for Defendant, Laura E. Kuhn.

BY THE COURT:
Gordon R. Miller, J.

Oct. 20, 1993 Copy of Order to Attys. B. Walton and J. Irwin.

Oct. 25, 1993, Motion for Continuance filed.

Oct. 25, 1993, ORDER: AND NOW, this 25 day of October, 1993 upon presentation and consideration of the within Motion this hearing is rescheduled for the 8 day of Dec. 1993 at 1 oclock p.m. in C. R. No. 1 or 2 of the Crawford County courthouse, Meadville, Pa. BYTHE COURT
Anthony J. Vardaro, J.

Nov. 1, 1993, copies to Attys. James Irwin, Pineo and Ted Isoldi

Continued to Page 684 F

Kuhn vs Kuhn AD 1990-673 Continued from Page 684 E

Dec. 6, 1993 Answer to Petition for Contempt filed.

Dec. 10, 1993 ORDER filed. AND NOW, December 8, 1993 after the Court completed all of the contempt aspects of this case, but only a portion of the modification aspect of the case, the parties are not now prepared to proceed this date and the Court does not have enough time this date to complete this matter.

Accordingly, it is ORDERED as follows:

1. The contempt and modification portions of this case are hereby continued until Friday, January 28, 1994 at 9:30 o'clock a.m. in Courtroom No. 1 of the Crawford County Courthouse. The parties shall be prepared to fully and completely complete the case that day.

2. The Court will hold Mrs.Kuhn in contempt of the prior orders with respect to not having completed the parental evaluation timely and defers until the final hearing whether the Court will hold her in contempt for bringing a PFA action and sexual abuse allegations in Warren County.

In order to complete this aspect of the case, the Court orders Children & Yough Services of Warren County to furnish the initial report she made or to furnish a summary of the initial report she made in July of 1993, which prompted the CYS investigation in Warren County. WE know that JUdge Wolfe found these allegations to not support a PFA, and we know that apparently Warren County CYS found the allegations unfounded. In order to determine whether she abused the system, we need to know the nature of the complaint she made in the first place.

Counsel for the father shall furnish a true and dorrect copy of this order to the Warren County Children & YoughSServices within the next week. The report shall be forward to Mr. Irwin with a copy to Mr. Isoldi. The report may be brought to the hearing on January 28, 1994.

3. With respect to modification, the parties shall attempt to stipulate and agree on evidence that the Court may consider so that we may still proceed on an informal basis. Any written documents or written reports that either party wishes to present to the Court in written form without the live testimony of the witness, shall be exchanged by the parties no later than Monday, January 3, 1994. All stipulations as to testimony and facts shall be agreed upon by them. To the extent that there are no stipulations or agreements, then each side shall have between then and the time of the hearing to take depositions or to arrange to produce witnesses live for the final hearing.

4. In the meantime, the father shall continue to have primary physical custody of these tow minor children, withthe mother having the right to visit the children for two hours n Tuesday and two hours on Friday of each week, commencing with this week, December 10, 1993. Those visitations shall take place at the home of Lillian Morris, 709 Main STreet, Conneautville, Crawford County, Pennsylvania between the hours of 10:00 a.m. and noon. In the event that the mother cannot make a particular session, she should contact Mrs. Morris in writing or by phone and indicate that she will not be available so that Mrs. Morris will not be interrupted and can proceed with her own personal affairs. If Mrs. Kuhn does not arrive at the Morris home by 10:30 a.m. on any of these days, Mrs. Morris may consider that visitation to have been canceled and she shall be free to go about her regular daily activities. No additional time shall be substituted for any missed or 1st visitation periods.

Mrs. Kuhn shall not take the children from the home of Mrs. Morris. Mrs.Morris shall, however, give Mrs. Kuhn reasonable privacy so that she may spend uninterrupted and unmonitored or uncensored time with her children. If the parties can agree in writing as to other times for visitation, then they may oddur. These are the only times which the Court will order, and they must be followed religiously.

5. Mrs. Kuhn shall have the necessary evaluations done that were required by Judge Walker in his last order and as may be required by the order of April 14, 1993.

6. During these visitations, only Mrs. Kuhn shall be permitted to spend any lengthy time in the Morris home because there are other children in the Morris home and there should not be a crowd.

7. Mrs. Kuhn is ORDERED and DIRECTED to advise anyone who performs an evaluation on her this day forward that there have been prior evaluations and advise the evaluator as to the names and addresses of any persons who have previously evaluated her for her abilities as a parent.

BY ORDER OF THE COURT,
GordonnRE.Miller, P. J.

12-13-93 Copies dist. to Isoldi & Irwin. 12-16-93 Copy to Attys. Pineo & Fuller.

Feb. 1, 1994 Order filed. AND NOW, January 28, 1994 after formal hearings in which both parties present evidence and were represented by counsel, the Court now disposes of the father's emergency petition to modify filed September 20, 1993 and the father's petition for contempt filed the same date.

We find as a fact that while these two children were in the custody of the mother, they were seriously harmed and injured and that primary physical custody should now shift to the father. Furthermore, we continue to hold the mother in contempt of court for violaing the prior court orders. Punishing the mother is difficult because she has no income and has considerable psychological needs. We caution her to fully and completely abide by this court order within the next 12 months unless modified or amended. If she fails to do so, then the Court will have to impose sanctions because this is the third time the mother has been held in contempt of court orders andher problems and lack of financial wherewithal will no longer be a defense.

IT IS ORDERED AS FOLLOWS: 1. Primary legal and physical custody of Megan and Hailey Kuhn shall be with their father.

2. The parties shall share with each other any and all information each may have regarding the health, education, and major events in the life of the children. Health care, school, personal and other care providers are hereby authorized to release to either party any and all confidential information which they may have regarding either child.

3. The mother shall have the right to visit her children for at least 4 hours per week, which the court hereby sets at two hours on Tuesday and two hours on Friday of each week, between the hours of 3:00 o'clock p.m. and 5:00 o'clock p.m. Those visitations shall take place at thehome of Lillian Morris, 709 Main Street, Conneautville, PA. In the event that the mother cannot make a particular session, she shall contact Mrs. Morris at least 24 hours in advance and indicate that she will not be available so that (a) Mrs. Morris will not be interrupted and can proceed with her own personal affairs and (b) Mrs. Morris and the mother could work out an alternative two hours to be substituted for the vistiation that the mother cannot make. If the mother doe snot arrive at the Morris home by 3:30 on any day of a visiation, Mrs. Morris may consider that visitation to have been canceled and she shall be free to go about her regular daily activities and in this event, no additional or substituted time shall be given.

The Court hopes that the mother will exercise these visitaiton rights on Tuesday and Fridays and that she should only opt for substituted time for valid reasons, such as working, lack of transportation, poor health, etc. The mother shall not take the children from the home of Mrs. Morris. Mrs. Morris shall give the mother reasonable privacy so that the mother may spend uninterrupted and unmonitored time or uncontrolled time with her children. If the parties and Mrs. Morris can agree to any other times for visitation, such as longer periods of time, holiday visitation, birthday and mother's day visitations, then additional periods of visitation may occur with the consent of the parties and Mrs. Morris.

The mother shall have the right to take one other person with her during these visitations. If Mrs. Morris permits a greater number, then the mother may take a greater number, but Mrs. Morris is only obligated to permit one other person.

Transportion for these visits shall be paid for totally by the mother.

4. Each party shall teach the children to give theother party that love and respect that is due a parent form a child.

5. Neither party shall use or possess illegal drugs or controlled substances or be under the influence of alcoholic or intoxicating beverages or liquor when visiting or having custody of a child.

6. Neither party shall do or say anything to blacken the character of theother in a child's estimation. Each party shall treat the other in a polite and respectful manner when in the children's presence and each party shallinstruct his or her relatives to do likewise, and not to critically comment about the other parent in the presence of a child.

7. It is clear that the mother needs to undergo evaluations, counseling, treatment and therapy. It is also obvious that these parties need some intermediary to assist them in dealing with each other at an appropriate level in the best interest of the children and to attempt to resolve conflicts so that there effects can be focused on the best interest and upbringing of the children. The Court is not able to dictate exactly how all of this should take place, and believes that the providers of counseling an other relevent services are better qualified to do that. If any provider of service in these areas suggests or recommends to either parent that that parent undergo additional or different kinds of therapy, evaluations and treatment, then the parent to whom that suggestion is made shall do that.

CONTINUED ON PAGE 684 G

1990 TERM

see also
A.D. 1992-1119

8. Initially, we order:
A. The mother undergo a thorough psychiatric evaluation with Dr. Qureshi at the Meadville Medical Center and follow up on any recommendations or advice or treatment that he prescribes. If Dr. Qureshi prepares a written report, a copy of that report shall be furnished to counsel for the father and to the Court.
B. The mother shall continue her counseling with Audrey Smith which we believe, based upon the mother's representation, centers around matters of s elf esteem and choosing appropriate relationships as well as any other matters that Audrey Smith may be counseling her on, which would be matters that Audrey Smith believes the mother needs.
C. At some point, both parents should become involved with the center for families in change or some other similar entity to either be chosen by them or one of the counselors advising the mother to help assist the father and the mother in their interrelationships with each other on such matters as communications, conflict resolution, proper parenting, etc. In the event that the Center for Families in Change or some other entity recommends to the fther that he hsoul undergo counseling, he shall do that.
The purpose of all of this, as indicateed above, is to work on matters that bear on the fitness of the parties to be parents and to advance the best interest of the children, as well as to deal with each other.

BY ORDER OF THE COURT,
Gordon R. Miller, P.J.

Feb. 1, 1994 Copies dist. to Atty's Irwin and Isoldi

Jul. 25, 1994 Report, filed.

Dec. 29, 1995 Appearance of Thomas, Truax, Spadafore, Walker and Keenan by R. Charles Thomas, Atty. for defendant, filed.

Jan. 23, 1996 Petition For Further Mediation and Review of Custody Order and ORDER filed. AND NOW, this 23 day of January, 1996, upon presentation and consideration of the within Petition, it is ordered and decreed that this matter be returned to the Custody Mediator, John Fuller, Esq., for review and for consideration of the modification of the Order heretofore entered on Jan. 28, 1994.

BY THE COURT,
Anthony J. Vardaro, J.

Jan. 24, 1996 Order FAXED Attys. Thomas and Irwin.

May 10, 1996 Petition for Further Mediation and Review of Custody Order and ORDER filed. AND NOW, ,au 0. 1007. upon presentation and consideration of the foregoing Petition, it is ordered and decreed that this matter be returned to the Custody Mediator, John Fuller, Esq., for review and for consideration of the modification of the Order heretofore entered on January 28, 1994. Both parties must comply with Crawford County Civil Rule L1930. by attending and completing the seminar for separating parents within 45 days of this date.
BY THE COURT,
Gordon R. Miller

FAXED 5-10-96 Irwin.
Distributed Devore.

May 23, 1996 Affidavit of Service by Bernadette M. DeVore for Defendant filed. I, Bernadette M. DeVore, Esquire, after being duly sworn according to law, do depose and say that: I am the attorney of record for the above named Petitioner/Defendant, Laura E. Kugh; that I did on the 14th day of May, 1996, cause to be sent to the above named Respondent/Plaintiff, by Certified Mail, Addressee Only, Return Receipt Requested, a true and correct copy of the Petition for Further Mediation and Review of Custody Order filed at the above term and number; and that I did on the 20th day of May, 1996, receive a duly executed return receipt dated May 17, 1996.

Bernadette M. DeVore, Esquire
Attorney for Petitioner/Defendant

June 4, 1996 Certificate of completion of the Seminar for Separating Parents of Laura E. Armour, filed. (see original filed at A.D. 1992 - 1119)

Sept. 6, 1996 ORDER filed. AND NOW, September 5, 1996 after mediation conference before John Fuller, Esquire, IT IS ORDERED AND DECREED AS FOLLOWS, TO-WIT:
I. Legal custody of Megan Kuhn and Haley Kuhn shall be with their father, the plaintiff herein.
II. Physical custody of Megan Kuhn and Haley Kuhn shall be with their father, subject to the following conditions:
A. The mother shall be entitled to visit the children two (2) hours on Tuesday and two (2) hours on Friday each week between the hours of 3:00 o'clock p.m. and 5:00 o'clock p.m. Those visits shall initially take place at the home of Lillian Morris until another location can be found satisfactory to both mother and father. Father shall not be present during these visits. Mother and children may leave the home of Lillian Morris, or other intermediary, to go to the local park, or other appropriate places, but at all times shall keep the intermediary advised of their whereabouts.
B. Holidays shall be defined as Christmas, Easter and Thanksgiving. Custody of the children shall be shared on the aforesaid holidays and in the absence of an agreement to the contrary, the children shall be in the custody of the father on the aforesaid holidays until 1:00 o'clock p.m. and in the custody of the mother on the aforesiad holidays from 1:00 o'clock p.m. until 4:00 o'clock p.m.
Cost of the mediation conference will be divided as follows: One-half (½) mother; one-half (½) father. The Prothonotary of Crawford County is hereby directed to refund a portion of the deposit paid in advance by the Advance by the Defendant, less the cost of the custody order.
(FOR REMAINDER OF ORDER, PLEASE SEE FILE FOLDER)
Anthony J. Vardaro, J.

SEpt. 17, 1996 ORDER filed. AND NOW, September 16, 1996, the Court has received a series of documents entitled psychiatric evaluation of Laura Kuhn dated February 22, 1994, psychological evaluation of Laura E. Kuhn dated August 22, 1995 and a report filed by Ted Isoldi, Esquire.
It is hereby ordered and directed that the Prothonotary shall place these matters of record in a sealed envelope, properly identified, and the sealed envelope shall remain sealed and not be opened without further order of court authorizing the same.

BY THE COURT
Gordon R. Miller, P.J.

9-23-96 FAXED Walton & Irwin & MAILED Isoldi

Continued on Pg. 684h

1990 TERM

Continued from page 684g - Kuhn vs. Kuhn at AD 1990 - 673 (Also See AD. 1992-1119)

Nov. 19, 1996 Petition for contempt and Rule filed. RULE: AND NOW, Nov. 18 1996 upon presentation and consideration of the foregoing petition, a Rule is entered upon the plff. to show cause, if any he has, why the prayer ofthe dft. should not be granted.

This rule returnable on Tues. Dec. 10, 1996 at 9:15 a.m. Courthouse, Meadville, Pa.

BY THE COURT,
Gordon R. Miller, J.

11/20/96 faxed to DeVore, Irwin. (see paper filed at AD 1992 - 1119)

Dec. 10 1996, Motion to continue and order filed. ORDER: AND NOW, dec. 10, 1996 upon presentation and consideration of the motion, this matter is continued generally. Until such time as this matter isconcluded by an order of court, or by agreement of the parties, this matter may be rescheduled for hearing upon motion fo either party.

by the court,
anthony J. Vardaro, J.

12/10/96 faxed to DeVore and Irwin.

Dec. 20, 1996 Stipulation and Consent Order filed. AND NOW, December 19, 1996, in consideration of the attached Stipulation, it is hereby Ordered that the Defendant/Petitioner shall be entitled to an additional hour to her weekend visits, commencing witht he first weekend following the date of this order and running for four(4) consecutive weeks thereafter.

BY THE COURT:
Anthony J. Vardaro, J

12-20-96 Faxed DeVore & Irwin

Dec. 20, 1996 Motion To Withdraw Petition by Defendant and Order filed. AND NOW, Dec. 30, 1996, upon presentation and consideration of the foregoing Motion, the Petition for Contempt is withdrawn, having been satisfied by the Stipulation and Consent Order entered simultaneously herewith.

BY THE COURT:
Anthony J. Vardaro, J.

1-2-97 FAXED DeVore & Irwin

Jan 13, 1997 Praecipe to Attach Copy of Medical Report.
Original filed at A.D. 1992 - 1119

Jan. 22, 1997 Motion to Unseal by Plaintiff and Rule to Show Cause filed. AND NOW, this 20th day of January, 1997, upon consideration of the within Motion to Unseal, the Defendant is directed to show cause, if any, why the relief requested in said motion should not be granted.

Hearing fixed for Wednesday, February 26, 1997, at 9:00 a.m. o'clock, in Courtroom No. 1.
Gordon R. Miller, J.
1-23-97 FAXED DeVore & Irwin

March 5, 1997 ORDER filed. AND NOW, Feb. 26, 1997, the Plaintiff's motion to unseal is denied because the documents that are under seal are documents that counsel for the Plaintiff already has. Those documents consist of a psychological evaluation dated Aug. 22, 1995 and a two-page psychiatric evaluation by Dr. Qureshi dated Feb. 22, 1994.

At the hearing held this date, the Court unsealed the envelope and finds only those two documents along with our Court Order of Jan. 28, 1994. Since the Plaintiff already has those documents, the motion is denied and the Prothonotary shall place these two reports back in a sealed envelope with the same information and notation that is contained in the envelope which we unsealed.

This Order sealing those documents has no bearing on the use by the parties of this information or the admissibility or nonadmissibility of this information in any further proceeding.

BY ORDER OF THE COURT, P.J.

March 5, 1997 Order Distributed to Attys. DeVore and Irwin.

May 5, 1997 ORDER: AND NOW, May 2, 1997, after mediation conference before John Fuller, Esquire, IT IS ORDERED AND DECREED AS FOLLOWS, TO-WIT:

I. Legal custody of Megan Kuhn and Haley Kuhn shall be shared between the mother and the father, the plaintiff and defendant herein, that is, each parent shall be entitled to full access to school records, medical records and other important records and that each parent shall be entitled to take part fully in important decisions affectinga the children such as the education, medical treatment and religious instruction of the subject children.

II. Physical custody of Megan Kuhn and Haley Kuhn shall be with their father, subject to the following conditions:

IV. The fees and costs in this case which are set in the amount of $189.00 (3 hrs. X $60.00) and $9.00 court order filing fee are to be paid as follows:

A. The mother has deposited with the Prothonotary the requested $150.00 which shall be applied toward the fees and costs. She shall have refunded to her $55.50.

B. The father shall within thirty (30) days of the date of this order pay the Prothonotary $94.50 representing his share of the fees and costs.

Gordon R. Miller, P.J.

May 6, 1997 Faxed DeVore, Irwin & Fuller May 13, 1997 sent Plf & Dft
(FOR COMPLETE ORDER SEE PAPER FILED)

May 23, 1997 Request for Emergency Special Relief and ORDER filed. AND NOW, May 16, 1997, after review of the Motion presented by the Attorney for the Plaintiff, it is hereby ORDERED AND DECREED, this motion is denied. We will not supersede the temporary order based on the allegations in the Motion.

BY THE COURT,
Gordon R. Miller, J.

May 23, 1997 EXCEPTIONS TO MEDIATOR'S REPORT, RECOMMENDATIONS AND ORDER OF COURT filed. AND NOW, May 16, 1997, upon consideration of the Exceptions filed in the above matter, a hearing is set for Wed., Aug. 13, 1997, at 9:00, o'clock A.M., in Courtroom No. 2 of the Crawford Co. Courthouse, Meadville, PA 16335.

BY THE COURT,
Gordon R. Miller, J.

May 23, 1997 Order FAXED Attys. DeVore and Rowden.

June 27, 1997 Petition for Emergency Special Relief by Defendant and Rule to Show Cause filed. A Rule is entered upon the Respondent to show cause, if any he has, why Petitioner's prayer for contempt should not be granted.

THIS RULE IS RETURNABLE ON July 30, 1997 at 1:30 O'clock, P.M. in Courtroom No. 1 of the Crawford County Courthouse, Meadville, PA 16335.

Until further order of Court, state and local law enforcement agencies are directed to enforce the May 2, 1997 Order.

Father will give the mother visitation on July 4, 1997 from 7:00 p.m. to July 6, 1997 at 7:00 p.m.

BY THE COURT:
Gordon R. Miller, J.
6-27-97 FAXED Rowden, Irwin & DeVore

Continued Page 684-I

1990	DAVID W. KUHN VS. LAURA E. ARMOUR	CONTINUED FROM PAGE 684-H OF RECORD A. D. 1990 - 673

June 27, 1997 Rule to Show Cause filed. AND NOW, June 27, 1997, upon presentation and consideration of the foregoing Petition, a Rule is entered upon the Respondent to show cause, if any he has, why the prayer of the Petitioner should not be granted.

THIS RULE IS RETURNABLE ON Wednesday, July 30, 1997 at 1:30 o'clock P.M. in courtroom No. 1 of the Crawford County Courthouse, Diamond Park, Meadville, PA 16335

6-27-97 FAXED DeVore

July 30, 1997 Affidavit of Service filed. I,Bernadette M. DeVore, Esquire, after being duly sworn according to law, do depose and say that: I am the attorney of record for the above named PLaintiff; that I did on the 16th day of May, 1997, cause to be sent to the above named Plaintiff, by Certified Mail, Addressee ONly, Return Receipt Requested, a copy of the signed May 2, 1997 Order filed at the above term and number; and that I did on the 20th day of May, 1997, receive a duly executed return receipt dated May 17, 1997.

Bernadette M. DeVore

Aug. 1, 1997 Order filed. AND NOW, July 30, 1997, after a full formal hearing on the mother's Petition for Contempt we find that the father is in contempt of the May 2, 1997 Order on the following dates:

ON June 6, 1997. That is the date when the mother was to take the child to some counseling session. The father instead took the child to Dr. Choi. Since that was the date the mother was entitled to receive the child, the burden shifted to the father to explain that the visit to Dr. Choi was a necessity. That was never done.

On or about June 19, 1997, when the mother was to have thr third weekend of June.

ACCORDINGLY, It is ORDERED as follows:

1. The father shall fully and completely comply with all applicable Court Orders for the next 9 months. If he does so, the contempt proceedings will be automatically dissolved.
2. As punishment for contempt, the father shall pay to the mother's attorney the sum of $200 to represent a partial payment for the fee on the comtept action and the full fee for the Peittion for Special Relief. Said sum shall be paid to Ms. DeVore no later than September 2, 1997.
3. The father shall accord the mother another weekend from Friday at 3 o'clock p.m. to Sunday at 3 o'clock p.m. in the next two months at a time to be agreed upon by the parties as an additional period of visitation.
4. As to the other dates that the mother alleges the father violated the Orde,r which dates are set forth in the Complaint, we find in favor of the father. We are satisified that the father only violated the Order on two dates.

BY THE COURT,
Gordon R. Miller, J

8-1-97 Distributed DeVore and Rowden

Sept. 7, 1999 Petition to Modify Partial Custody/Visitation Order and Order filed. AND NOW, September 9, 1999, it is ordered and decreed that the parents in this matter shall satisfactorily complete the Seminar for Separating Parents in accordance with Crawford County Civil Rule L1930. Applications for the seminar may be obtained at the Center for Family Services, Inc. at 213 Center Street, Meadville, Pennsylvania 16335; the Prothonotary at the Crawford County Courthouse; or the Court Administrator at the Crawford County Courthouse.

Application for attendance at the seminar must be made by the plaintiff or petitioner within fifteen (15) days after the pleading or petition is filed; and by the defendant or respondent within fifteen (15) days after he or she is served with the pleading or petition.

THE SEMINAR MUST BE COMPLETED WITHIN FORTY-FIVE (45) DAYS AFTER APPLICATION. FAILURE TO ATTEND THE SEMINAR MAY RESULT IN SANCTIONS, INCLUDING CONTEMPT OF COURT, A DISMISSAL OF THE ACITON OR A DELAY IN THE PROCEEDINGS UNLESS ATTENDANCE IS WAIVED BY ORDER OF COURT.

If either party has any questions about this seminar he/she should consult an attorney or refer to the Crwaford County Civil Rules of Court that are available in the Prothonotary's Office and in the Crawford County Law Library or contact the Center for Family Services, Inc.

BY THE COURT:
Gordon R. Miller

You, David W. Kuhn, Respondent, have been sued in court to obtain custody, partial custody or visitation of the children Megan and Haley Kuhn.

You are ordered to appear in person at such time and place as will be determined by the Mediator: John Fuller, Esquire, for a mediation conference.

If you fail to appear as provided by this Order, an Order for custoyd, partial custody or visitation may be entered against you or the Court may issue a warrant for your arrest.

You are further ordered to bring with you the minor children as required by the Mediator.

YOU SHOULD TAKE THIS PAPER TO YOU LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET HELP.

Court Adminsitrator
Courthouse
Meadville, PA 16335
Telephone No: (814) 333-7498

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Crawford County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the Court Administrator's Office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the schedule conference or hearing.

BY THE COURT:
Gordon R. Miller, J

Date: 9/9/99

9/10/99 Faxed DeVore, Irwin & Fuller (See Paper Filed at AD 1992 - 1119)

Oct. 4, 1999, Appearance of Peters, Lindsay, Lewis and Hatheway, by BriaN J. Lindsay, attys. for plff. filed.

Oct. 7, 1999 Confidential Custody Conference Inquiry Form of Laura E. Armour filed. (See Paper Field at AD 1992-1119)

Oct. 7, 1999 Confidential Custody Conference Inquiry Form of David W. Kuhn filed. (See Paper Filed at AD 1992-1119).

684
-J-

James H. Anders

vs.

West Mead Township Zoning Hearing Board al

Record Continued from page 641

of

AD 1990 - 1191

Apr. 15, 1991, Response to Appellee's Brief Denying this Court Jurisdiction to Award Damages AT this Time and Demand That Court Costs, Including the Cost of the Transcript be Paid by Appellee filed. 3 copies (plff)

June 21, 1991 Motion to Resolve the Issue of Whether Appellant Merits a Special Exception filed.

June 28, 1991, ORDER: AND NOW, June 27, 1991 , upon receipt and review of the appellant's motion to assign this case to another judge and after review of the case with Judge Walker, said motion is denied. Judge Walker is currently working on this case and is physically and mentally capable of continuing to preside over the case.

BY THE COURT,
Gordon R. Miller, P.J.

June 28, 1991 copy mailed to plaintiff; copy put in box for Atty. Shaddinger.

July 18, 1991 Re: ORDER ON CONSOLIDATION and ORDER filed. AND NOW, July 15, 1991, the Motion to Consolidate is denied.

In view of the foregoing, the Court Administrator is directed to postpone scheduling argument on the case at AD 1991 - 292 involving the appeal on the Curative Amendment until the same may be specially set after the filing of an Order at AD 1990 - 1191 by Judge Robert L. Walker.

By Order Of The Court,
P. Richard Thomas, Senior Judge

July 18, 1991 Copy of Order to all counsel of record.

Aug. 23, 1991, MEMORANDUM and ORDER filed.

Aug. 23, 1991, copies of Memo and Order mailed to James Anders, and in box of Attys. Shaddinger and C. Swick.

ORDER: AND NOW, Aug. 15, 1991 the decision of the West Mead Zoning Board is reversed and appellant is granted a special exception. Appellant's request for damages and costs is denied.

BY THE COURT,
Robert L. Walker, S. J.

Aug. 27, 1991, Exception to the Order of Judge Walker dated August 15, 1991, concerning Fraud, filed.

Sept 11, 1991 ORDER CONFIRMING HEARING DATE filed. AND NOW, Sept 6, 1991 we enter this order to confirm the hearing date set for appellant's curative amendment appeal as Sept. 19, 1991, at 9:30 a.m. before the undersigned. Said hearing having been previously set by Judge P. Richard Thomas in an order dated Aug. 13, 1991. This hearing will also serve as a forum for the idsposition of appellant's exceptions to the fraud and costs portion of the Memorandum and Order at 1990- 1191, dated Aug. 15, 1991

BY THE COURT,
Robert L. Walker, S.J.

Sept. 11, 1991 copies to James Anders and A. Shaddinger Esq

Sept. 25, 1991 Memorandum and Order filed. AND NOW, September 25, 1991, that portion of the memorandum previously filed relating to the merits of the appellant's claim for damages because of fraud is hereby striken.

BY THE COURT,
Robert L. Walker, S.J.

Sept. 26, 1991 Copies to Alan Shaddinger and James Anders ~ Charles Swick

Rhonda L. First
vs.
Allen J. Brady

CONTINUED FROM PAGE 267
of Record
A. D. 1990 - 817

****

Apr. 3, 1992 PETITION TO SUSPEND VISITATION RIGHTS and RULE TO SHOW CAUSE filed. AND NOW, this 3rd day of April, 1992, upon presentation and consideration of the foregoing Petition, a Rule is entered upon the Respondent to show cause, if any he has, why the prayer of the Petitioner should not be granted.

THIS RULE IS RETURNABLE ON April 15, 1992, in Courtroom No 1 or 2 of the Crawford County Courthouse, Meadville, Pa. at 1;30 p.m.

Pending further Order of this Court, Respondent's visitations rights are temporarily suspended. BY THE COURT:
Anthony J. Vardaro, J.
2 copies (atty)

April 15, 1992 HEARING ON PLAINTIFF's PETITION TO SUSPEND VISITATION RIGHTS ORDER filed. AND NOW, April 15, 1992 this matter is before the Court on Plaintiff's Petition to Suspend Visitation Rights of the Defendant. The Court notes that at the time the petition was presented on April 3, 1992, the Court entered an Order temporarily suspending the visitation rights of t he defendant which resulted in him losing two of his visitations, and apparently, he had previously lost another one prior to the filing of the petition.

The parties appear with counsel, and after informal hearing, the Court enters the following Order:

1. The Order of September 21, 1990 will remain in full force and effect except that at this time there will be modifications with respect to the visitation of the father set forth in that Order.

2. More specifically, the visitations will occur as set forth in the Order except that the father will at no time have the minor child Summer Sunshine Brady in the same bed with him during visitations.

3. Initially, during all visitations with the father, there will be someone present who is at least twelve (12) years of age.

4. The defendant agrees that he shall go for a mental health evaluation as soon as possible and once that evaluation is completed, he will go to any mental health counseling that is recommended as a result of the evaluation. If no counseling is recommended, his obligation with regard to the same shall terminate. Any report which is generated as a result of that mental health evaluation shall be made available to counsel for both parties.

5. It is the Court's understanding that Children and Youth Services may still be doing an investigation with regard to this matter or possibly the investigation has been completed.

6. The Court will only impose the restrictions on visitations set forth above during any period of time the defendant is subject to mental health evaluation and counseling and during any period of time Children and Youth Services is investigating this matter or if they determine that the accusations are founded. If CYS terminates their investigation without taking action with regard to this matter and/or determines the allegations are unfounded and if the defendant has completed mental health counseling that is recommended as a result of a mental health evaluation, the restrictions set forth above shall automatically terminate and the Order of Serptember 21, 1990 as it was previously written shall remain in full force and effect.

7. In light of the fact that the defendant has been deprived of some of his visitation as a result of the Court's Order of April 3, 1992, the parties agree that he shall have extended visitation for the Easter weekend so that his visitation will commence on Thursday, April 16, 1992, at 6:00 p.m. and shall terminate at the regular time set forth in the original Order at 7:00 p.m. on Sunday, April 19, 1992.

8. Provided there are no changes in circumstance that would make the above inapplicable, there is no further need for hearing and this matter should be resolved with regard to the language set forth above in this Order.

BY ORDER OF THE COURT,
Anthony J. Vardaro, J.

April 15, 1992 copy distributed to Brian J. Lindsay, Esq. and Bruce A. Barrett, Esq.

Dec.11, 1992 Order filed. AND NOW, this 11 day of December, 1992, upon consideration of the foregoing Petition for Contempt, a hearing is set for the 22 day of December, 1992, at 9:00 o'clock A.M.

Imogene Yetman, Court Administrator

Dec. 15, 1992 Copy of Order to Attys. Lindsay and Barrett.

dec. 23, 1992 Order filed. AND NOW, December, 22, 1992, after hearing, the Court reserves any decision on the request to adjudicate the Plaintiff in contempt and makes no adjudication of contempt.

Since the Defendant has had no visits with Sommer since shortly after Thanksgiving, we will attempt to make some adjustment in connection therewith. The coming weekend beginning Friday, December 25, 1992 through Sunday, December 27th is a weekend that he normally would have visits. The Christmas holiday for 1992 is also a time when he would normally have visits. The Christmas holiday for 1992 is also a time when he would normally have a visit and that visit according to the or iginal Order would be form 9:00 o'clock a.m. until 7:00 o'clock p.m. Under the circumstances an adjustment will be made thereto and the Defendant shallhave the right to obtain custody of his daughter Sommer at 1:00 o'clock p.m. on December 25th and retain her custody until 6:00 o'clock p.m. on December 28th. Thereafter, visits shall be in accordance with the original Order of September 21, 1990.

Children ¢ Youth Services are currently completing an investigation into certain allegations and after that investigation is completed a further hearing will be held at the request of any party in interest if the parties or either of them desire some further modification of visitation privileges. It is suggested that during the visits the Defendant maintain a situation where no further allegations of impropriety, whether true or false, could be made in connection with Sommer.

BY ORDER OF THE COURT,
Robert L. Walker, S.J.

Dec. 29, 1992 Copies mailed to C & YS & given to Barrett, Fabian & Lindsay

Dec. 23, 1992 Order filed. AND NOW, December 22, 1992, the Court hereby ORDERs and DIRECTS that Nancy Wolfe of Crawford County Children & Youth Services appear and answer questions under oath relating to her investigation in this matter.

BY ORDER OF THE COURT,
Robert L. Walker, S.J.

Dec. 29, 1992 Copies given to CYS & Barrett & Lindsay

Robert A. Dick and Eleanore L. Dick, his wife

vs.

Proctor Silex, Inc. et al

Record Continued from page

Of

AD 1990 - 723

Feb. 10, 1992, Answer to Preliminary Objections of Additional Defendant filed.

on March 1992 Argument List

Mar. 4, 1992 Reply to New Matter, filed.

April 21, 1992 MEMORANDUM AND ORDER FILED. AND NOW, April 20, 1992, it is ordered as follows:
1. The preliminary objection of Elmwood Sensors, Inc. to strike the Complaint Against Additional Defendant is granted and said complaint is stricken.
2. This order is made without prejudice to the Defendant, Proctor Silex, to file a petition for leave of this Court to file its Complaint Against Additional Defendant upon a showing of cause why it was unable to file such a pleading within the 60 day period under Pa. R. Civ.P. 2253.

BY THE COURT:
Anthony J. Vardaro, J.

April 21, 1992 copy to John W. Beatty, Esq. and John M. Quinn, Jr., Esq.

May 11, 1992 Motion For Leave To Join Additional Defendant Nunc Pro Tunc filed.

May 11, 1992 Upon praecipe of Atty. Beatty the above matter is placed on the next available argument list.

1992 JUNE ARGUMENT LIST

June 5, 1992 REPLY OF ELMWOOD SENSORS, INC. TO MOTION FOR LEAVE TO JOIN ADDITIONAL DEFENDANT NUNC PRO TUNC, filed.

Aug. 27, 1992, MEMORANDUM AND ORDER filed. ORDER: AND NOW, August 27, 1992, upon consideration of defendant's motion to join additional defendant nunc pro tunc and after oral argument, the curt denies said motion.
BY THE COURT,
Anthony Vardaro, Judge
Aug. 27, 1992, copies mailed to Atty. Beaty, and Quinn.
Aug. 28, 1992, copies mailed to Attys. Carolla and Madigan.

Sept. 23, 1992 Notice of Appeal to Superior Corut of Pennsylvania from Memorandum and Order dated 4-20-92 and Memorandum and Order dated 8-27-92 filed.

Oct. 13, 1992 Superior Court Of Pennsylvania Official Docket #01598PGH92 filed.

Dec. 14, 1992 Certified from the Record of Superior Court of Pennsylvania: Dec. 9, 1992 - Praecipe for Discontinuance filed. APPEAL DISCONTINUED.

Jan. 15, 1993 Upon Praecipe of plaintiffs attorney the above-captioned action marked settled and discontinued.

686 B

1990

Sept 12, 1991 Notice of Superior Court Docketing No. 01542PGH91, filed.

Sept. 20, 1991 Upon praecipe of plaintiff attorney, the undersigned certifies that the debt secured by Judg. entered on Aug. 1, 1991 for the sum of $6,750 plus costs of suit and int. at 6% per annum from Aug. 21, 1990 at the above number has been fully paid or otherwise discharged and that upon the recording hereof, said judgment shall be and is hereby fully and forever satisfied and discharged of record.

Dec. 20, 1991 Opinion in Support of Order Denying Post Trial Relief filed.

Dec. 20, 1991 Copies mailed to defendants and put in Atty. Ferguson's box.

May 7, 1992 Certificate of Contents of Remanded Record And Notice of Remand under PA. Rules of Appellate Procedure 2571 and 2572 filed.

May 7, 1992 Order from Superior Court filed. AND NOW, March 24, 1992, the within appeal is DISMISSED for failure to file a brief.

PER CURIAM"

May 14, 1992 Copy of Order to Attys. Douglas Ferguson and M. Dan Mason.

1990

Eugene Duffy, t/a
Sousa Real Estate

VS.

Harry Tyrone Simpson Fink and
Dorothy Frances Fink, his wife

Record Continued from Page 373

OF

AD 1990 - 923

****

April 29, 1991 Motion For Post-Trial Relief filed.

April 29, 1991 ORDER filed. AND NOW, April 29, 1991, upon receipt and review of the attached motion for post trial relief filed by the defendants, an argument on said motion is hereby scheduled for the 24th day of June, 1991 at 1:30 o'clock p.m. in Courtroom No. 2 of the Crawford Co. Courthouse.

Within ten (10) days from the date of this order, the defendants shall make a formal request for a transcript of all or part of the trial proceedings and shall make satisfactory arrangements with the Court Reported for the payment and completion of that transcript, all as provided for in the Uniform Rules governing court reporting and transcripts, Rule 5000.1 of the Pennsylvania Rules of Judicial Administration.

In the event that the defendants do not have the entire trial proceedings transcribed they shall notify counsel for the plaintiff. In the event that counsel for the plaintiff desires additional portions of the trial to be transcribed he shall do so within five (5) days after he learns of the portions that the defendants are having transcribed and he shall make such requests and provide for the completion of said transcripts in accordance with the same rules of judicial administration.

The Court is not now requiring transcripts of any part or all of the trial but is merely giving the parties an opportunity to order part or all of the proceedings transcribed if they desire.

By The Court,
Gordon R. Miller, P.J.

April 29, 1991 Copy of Order placed in Attys. M. Dan Mason and Douglas Ferguson box.

May 17, 1991 Motion to Withdraw Appearance of M. Dan Mason filed.

May 17, 1991 ORDER filed. AND NOW, May 16, 1991, upon consideration of th foregoing petition M. Dan Mason, Esquire, is permitted to withdraw his appearance for the defendants after he has certified that he has given five (5) days written notice to the defendants about his intention to withdraw, which said certification shall set forth the date upon which said notice was given, all is required by Rule 5, Sec. 1 of the Crawford County Rules of Court.

Furthermore, M. Dan Mason, Esquire, shall furnish the defendants with a true and correct copy of his Motion to Withdraw and this Order.

By The Court,
Gordon R. Miller, P.J.

May 17, 1991 2 copies of Order given to Atty. M. Dan Mason, copy placed in Douglas Ferguson's box.

June 11, 1991 Affidavit of Service of Intention to Withdraw Appearance of M. Dan Mason, attorney for defendants, filed.

June 27, 1991 Order filed: AND NOW, June 21, 1991, on motion of the defendants who are awaiting the relevant portions of the transcript from the court reporter's the argument scheduled for June 24, 1991 is continued. The argument on the defendants' post trial motions shall be held on July 29, 1991 in Courtroom 2 of the Crawford County Courthouse.

BY THE COURT,
Gordon R. Miller, P.J.

July 1, 1991 Copies of order put in Atty. Ferguson's box and mailed to Defendants.

ON ARGUMENT LIST FOR JULY 1991

July 17, 1991 Order filed: AND NOW, July 15, 1991 after the court reporters have advised the Court that the defednats periodically change their requests for transcripts it is ordered as follows:

The defendants shall make no more changes in the transcripts they desire. The court reporters shall prepare and complete the transcripts that have been requested (subject to the uniform rules governing court reporting and transcripts (Pa. R.J.A. et seq., especially 5000.5 and 5000.6). The court reporter shall not honor any further requests for additional transcripts. The defendants' recent request to have the charge typed was made late and shall not be honored by the court reporters. The Rule of Civil Procedure and the Uniform Rules regarding court reporters clearly provide that post trial motions be resolved without a transcript unless a party makes a request for a transcript of portions of the trial at the time the post trial motions are filed and makes timely approptriate arrangements with the court reporters for payment of their fees. That time has long since passed in this case. The defendants shall make no further request for additional transcripts. The request for the charge was not made timely and the court reporters are excused from honoring that request.

BY THE COURT,
Gordon R. Miller, P.J.

July 19, 1991 Copies of order put in Aty Ferguson's box and copy mailed to Defendants.

July 19, 1991 Notice Of Lodging Of Transcript filed.

July 22, 1991 Transcript of Proceedings Motion For Compulsory Non-suit and Plaintiff Counsel's Closing To The Jury At Time Of Jury Trial filed.

July 22, 1991 Transcript Of Testimony Of Emil F. Coletta Taken at Time of Jury Trial filed.

JUly 29, 1991, ORDER filed. AND NOW, July 29, 1991 after oral argument the defendant's motion for post trial relief is denied.

The defendants are advised that they have thirty (30) days from this date to take an appeal if they wish to do so.

BY THE COURT,
Gordon R. Miller, P.J.

July 29, 1991, copies to D. Ferguson Esq. and M. Dan Mason, Esq.

Aug. 1, 1991, 10:40 A.M., AND NOW upon Praecipe of Plaintiff Attorney, Judgment is entered in favor of the Plaintiff and against the Defendants in the sum of Six Thousand seven hundred fifty and 00/100 plus costs of suit and interest at 6% per annum from Aug. 21, 1990. The Defendants' Post Trial Motions were dismissed by the court on July 30, 1991.

Debt $6,750.00
Interest at 6% per annum from 8/21/90
James F. Simmons, Pro.

F-83,43
Judgment entered Aug. 1, 1991
8-2-91 Notice of entry mailed to Defendants.

Aug. 28, 1991 Notice of Appeal of defendants to the Superior Court of Pennsylvania from Order entered inthis matter on the 29th day of July 1991, filed.

Aug. 28, 1991, Proof of Service filed.

Aug. 28, 1991, Order for Transcript filed.

Continued on Pg. 686B

Melinda S. Knapp

vs.

Richard W. Knapp, Jr.

Record continued from page 651

of record

A.D. 1990 - 1201

****

take place during th eone (1) week following the closing of school in the Spring, nor in the one (1) week prior to the beginning of school in the Fall.

D. Beginning in September of 1991, and from September through May each year, until this order has been changed by further order of Court, the children shall be in the physical custody of the mother, but the fathe rshall be entitled to visit and take the children into his custody every other weekend, beginning September 6, 1991 from 5:00 p.m. Friday afternoon until 5:00 p.m. Sunday afternoon.

E. Holidays shall be defined as Thanksgiving, Christmas and Easter. The parties shall share custody of the childrne on the aforesaid three holidays and unless agreed otherwise, the children shall be in the custoyd of their mother until 1:00 p.m. on each of the aforesaid three holidays an din the custody of the fathe rform 1:00 p.. until 7:00 p.m. on those three holidays.

F. Neither mother nor father shall say or do anything in an attempt to turn the children against th eohter parent, but on the other hand shall do everything in the power of each to foster a favorable and loving attitude on the part of the children towards both parents.

G. Neither mother nor father shall expose the children to any person or situation which may be harmful to the children's health or well being.

H. Both parents agree to inform the other immediatelyof any illness or injury regarding one or both of the chidlren and both parents agree to furnish the other with a current telephone number.

III. This order is a temporary order but shall become a permanent order unless exceptions thereto are filed by either party within thrity (30) days of the date hereof.

IV. Cost of the mediation conferenc eshall be paid by Crawford County.

Gordon R. Miller, J

May 31, 1991 Copies of order to Joan Mason, James Irwin and John Fuller

Feb. 17, 1998 Important Notice and Court Order filed. Out court records show that you are a party in the case listed above, but that nothing has been filed with the court in this case since 5/30/91 . We are required by the Pennsylvania Supreme Court to dismiss cases in which there has been "unreasonable delay". Your case appears to be inactive. Therefore, unless we hear form you in writing on or before April 24, 1998, we will automatically terminate and dismiss your case without further notice to you or your attorney.

If you do not object to this case being dismissed, you do not have to do anything. The case will be marked "dismissed with prejudice" in our records, and will be over forever.

I If you object to the case being dismissed, you must put your objections in writing and follow Crawford County Civil Local Rule L206, LJA 1901E and LJA1901F, explaining why there has been a delay in your case and why it is not unreasonable. These written objections must be filed in the Prothonotary's Office on or before April 24, 1998. You must also give or send a copy of any objections you file to the other party or his or her attorney, and certify that you have done so when you file your objections with the Prothonotary.

YOU MAY LOSE IMPORTANT RIGHTS IF YOUR CASE IS TERMINATED. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHER EYOU CAN GET LEGAL HELP.

Court Administrator
Second Floor-Crawford County Courthouse
Meadville, PA 16335
(814) 333-7498

By the Court,
Anthony J. Vardaro, J

Date: February 13, 1998

Feb. 13, 1998 Copies mailed by Court Administrator's Office

Feb. 19, 1998 Affidavit of Consent of Plaintiff filed.

Feb. 19, 1998 Waiver of Notice of Intention To Request entry of a Divorce Decree Under Section 3301 of the Divorce Code of Plaintiff filed.

Feb. 19, 1998 Affidavit of Consent of Defendant filed.

Feb. 19, 1998 Waiver of Notice of Intention to Request Entry of a Divorce Decree Under Section 3301(c) of the Divorce Code of defendant filed.

Feb. 23, 1998 Motion to Remove Count III and IV from the above captioned divorce action and Order filed. And No, February 20, 1998 granted.

Anthony J. Vardaro, J

2/23/98 Faxed J. Mason & Lindsay

March 10, 1998 Upon Praecipe of plaintiff attorney for Review Under 3301(c) of Divorce Code, this case moved to Court.

Mar. 25, 1998 **DIVORCE DECREE FILED.** AND NOW, March 25, 1998, it is ordered and decreed that MELINDA S. KNAPP, Plaintiff and RICHARD W. KNAPP, JR., Defendant, are divorced from the bonds of matrimony.

The Court retains jurisdiction of any claims raised by the parties to this action for which a final Order has not yet been entered.

BY THE COURT
Anthony J. Vardaro, J

March 21, 2008 See computer for further entries

1990

Howard E. Burkett, Jr.

vs.

Robert Adams and Clara Adams, his wife et al

RECORD CONTINUED FROM PAGE 301

of

AD 1990-851

****

Before me, the undersigned authority, personally appeared Steve Brandon, Deputy who being duly sworn according to law, deposes and says that on the 2nd day of April, 1991, at 1210 hrs he served Complaint against additional defendant filed at AD 1990-851, Crawford County, Pennsylvania, upon defendant Raymond Litz, at R.D.#2, Box 236, Erie County, Cambridge Springs, Pennsylvania
By making known the contents thereof to Junita Proper, adult in charge and handing to and leaving with her the certified copy of the Complaint received from Crawford Countyu.

Steve Brandon, Deputy Sheriff
Robert N. Michel, Sheriff

Apr 30, 1991 Sheriff's Return filed: SERVED Tina Litz by deputizing Sheriff of Erie County, Pa as per his Affidavit of Service attached. Served: April 2, 1991.

SERVED Raymond Litz by deputizing the Sheriff of Erie County, Pa as per his Affidavit of Service attached. Served: April 2, 1991.

So answers,

Howard N. Stewart, sheriff

Nov. 10, 1993 Upon Praecipe of Howard A. Hain, Esquire, Attorneys for Plaintiff, Howard Burkett, Jr., the above case settled and discontinued of record.

RONALD BALDWIN
VS.
KAREN S. BALDWIN

RECORD CONTINUED FROM PAGE 513
OF
AD 1990 - 1063

****

on the 24th day of July, 1991, at 2:00 o'clock P.M. at the Crawford County Court House, Meadville, Crawford County, PA.

Until further order of court the order of December 11, 1990 shall remain in affect. Service of this petition and order shall be made upon respondent forthwith.

IT IS FURTHER ORDERED that pending the above Hearing, that custody of the three (3) children, namely, AIR RANDA BALDWIN, JESSICA BALDWIN and REBECCA BALDWIN, shall be immediately returned to the Peitioner, RONALD BALDWIN.

IT IS FURTHER ORDERED that any Law Enforcement Agency shall enforce this Order, including the PA. State Police, Sheriffs of Crawford or Erie County, or Police of Corry, PA.

If you fail to appear as provided by this Order, an Order for custody, partial custody or visitation, may be entered against you, or the Court may issue a warrant for your arrest.

You shaould take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Crawford County Bar Association Service to Public
c/o Prothonotary
Crawford County Court House
Meadville, PA 16335
1 (814) 724-4636

By The Court:
Gordon R. Miller,
Judgem of said Court

DATED: July 10, 1991.

July 10, 1991 Copy (2) of Order given to Atty. J. David Ungerman.

July 19, 1991 Petition For Contempt of Court and Praecipe For MOdification of Custody and Order filed. A complaint has ben filed in the Court of Common Pleas of Crawford County, Pennsylvania, alleging that you, Ronald Baldwin, Respondent herein, are in contempt of Court converning custody of the following children: Air Randa Baldwin, age 9, born 7/24/81; Jessica Baldwin, age 8, born 7/13/82; Rebecca Baldwin, age 4, born 9/18/86.

A hearing will be held on 24th day of July, 1991 at 2:00 o'clock p.m. at the Court of Common Pleas, Crawford County, Pennsylvania.

It is further ORDERED that you bring the children, if you fail to appear as provided by this order or to bring the Children, and order for CONTEMPT, CUSTODY, PARTIAL CUSTODY OR VISITIATION, may be entered against you or the court may issue a warrant for your arrest.

Service shall be effectuated by First Class Mail, Certified Mail, in the alternative the Crawford County Sheriff's Department shall be directed to serve a certified copy of this Complaint and Order upon the defendant or his attorney.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Crawford County Bar Association
Service to Public
c/o Prothonotary
Crawford County Court House
Meadville, Pennsylvania 16335
1-(814)-724-1040

BY THE COURT
Gordon R. Miller, J

date: July 19, 1991.

July 19, 1991 2 copies Atty. Brode

July 26, 1991 Order filed: AND NOW, July 24, 1991 after a formal hearing on cross petitions for contempt filed by each of the parties, the Court finds that the Plaintiff has violated the custody order without legal cause and therefore the Court holds the Plaintiff in contempt of Court. The Court further finds that the Defendant did not violate the custody order, does not find her in contempt of Court, and dismisses the Plaintiff's petition for contempt.

The Defendant has also filed a "precipe" for modification of custody and the Court expects that consideration of the modification will take place in the normal manner as provided by the local rules and therefore the Court is not now willing to make a large scale modification of the prior order. We leave that up to further proceedings before a custody mediator and/or the Court.

However, we now make some changes in the prior order in view of the fact that we've held the Plaintiff in contempt.

Therefore, it is ordered as follows:

1. The order of December 11, 1990 remains in full force and effect except as hereinafter modified.

2. As punishment for the Plaintiff's contempt, the Defendant shall have the right to have the children in her custody from Saturday, July 20, 1991 to Saturday, August 17, 1991 at 5:00 p.m. During that period of time, the Plaintiff shall have the right to take his children into his custody and visit with them from 8:00 p.m. on Friday, August 2, 1991 and returning the children to the home of the mother no later than 5:00 p.m. on Sunday, August 4, 1991.

3. By agreement of the Plaintiff, once the children are returned to the primary physical custody of the father, the mother's weekend visitations shall be extended as follows:

The mother shall have visitations for three wekends per month; i.e., the first, third, and fourth weekends of the month starting with the weekend of August 24, 1991. The weekend visitations shall commence at 8:00 p.m. on Friday evening terminate at 5:00 on the following Sunday evening. In view of the fact that the children will be returning to their father on August 17, 1991, which is the third weekend in August, the mother shall not have visitation rights on that weekend, but this new weekend visitation schedule shall begin on the fourth weekend of August, 1991; that is, at 8:00 p.m. on Friday, August 23, 1991.

4. The mother shall at all times notify the father of any change of address or telephone number. Until the mother notifies the father of such change, the father can assume that the mother will be living at 219½ Spring Street, Corry, Pennsylvania and can be contacted at (814) 664-4929.

5. The father remains obligated to provide transportation for his children to and from the visitations. He shall make every reasonable effort to be on time. In no event shall he deliver the children later that 30 minutes after the scheduled delivery. He shall pick up the children on time. If he is more than 60 minutes late to pick up the children, the mother then has the right to refuse that pick-up and she may allow a pick-up at any time convenient to her with the following 24 hours.

The Defendant's request for modification is granted and the matter is referred back to Bruce Smith to consider modification proceedings. The first issue Mr. Smith shall deal with is whether or not the Defendant is entitled to modification in the first instance.

BY ORDER OF THE COURT,
Gordon R. Miller, P.J.

July 26, 1991 Copies of order mailed to Atty. Ungerman and put in Atty. Brode's box. and copy mailed to Atty. Smith.

Sept. 10, 1991, Upon praecipe of plaintiff attorney J. David Ungerman, Esq., appearance withdrawn; and appearance of Culbertson, Weiss, Schetroma and Schug, by John B. Brautigam, filed.

Sept 19, 1991 Temporary Order of Court filed: AND NOW, this 18th day of September, 1991, after additional Mediation and upon recommendation of the Child Custody Mediatio, it is hereby ordered and decreed that:

1. The natural parents of Air Randa Baldwin, age ten, born June 24, 1981, Jessica Baldwin, age nine, born July 13, 1982, and Rebecca Baldwin, age four, born September 18, 1986, the parties to this action, shall share legal custody of the said minor children. Said joint legal custody being

Continued on page 690A.....

RONALD BALDWIN

VS.

KAREN S. BALDWIN
vs
Losi Baldwin

Record Continued from Page 690

of

AD 1990-1063

****

shared shall entitle both of the parents to equal access to any records relating to the children held by a third party, including, but not limited to, school and medical records, and shall also entitle both parents to equal input with regard to the educational and religious upbringing of the children, as well as to elective surgery.

2. Physical custody of the children shall remain with the natural father, and his wife, Amy. Regular visitation and temporary custody of the children shall be granted to the defendant, Karen S. Baldwin. Physical custody of the children for the defendant mother shall be as follows:

a. The children shall be made available to visit in the mother's home on the first, third, and fourth weekends of each month, beginning with the month of September, 1991. Weekend visitation shall commence at 8:00 p.m., prevailing time, on Friday, and terminate at 5:00 p.m., prevailing time, on the following Sunday.

b. Beginning with the summer of 1992, the mother shall have the right to take the children into her temporary custody immediately after their dismissal from school in June until the end of the month, and shall also have the right take the children into her temporary custody for the entire month of August. The father shall have custody of the children for the entire month of July each year beginning in 1992.

c. Holiday visitation shall take priority over other scheduled visitation. The parties are encouraged to agree as to holiday visitation; however, in the event that they cannot, during odd-numbered years, beginning in 1992, the mother shall have the children on Easter and the 4th of July and the father shall have the children on Memorial Day and Labor Day. These days shall begin at 9:00 a.m., prevailing time, and end at 7:00 p.m. prevailing time. These days shall be reversed in even-numbered years. The children shall spend Thanksgiving Day each year in the father's home and the day following Thanksgiving in the mother's home beginning in 1991. With regard to Christmas each year, beginning in 1991, the children shall be available to spend Christmas Day in the Mother's home from 2:00 p.m., prevailing time, until 7:30 p.m. prevailing time.

d. The father shall drop off and pick up the children at the mother's residence. Anytime the mother is not present at the residence she has indicated to the father for a scheduled transfer of custody, that visitation shall be considered waived and shall not occur unless satisfactory prior arrangements have been made with the father. The mother shall supply her correct address and telephone number (if she has one) to the father from time to time prior to scheduled tranfers of custody.

3. The parent having custody of the children at anytime shall notify the other parent as soon as possible in the event of injury or illness of the children requiring medical treatment.

4. Neither parent shall take the children into any environment which might be commonly thought of as detrimental to their development or to the development of their characters or which would be commonly thought of as dangerous to their physical persons.

5. The parents are encouraged to discuss arrangments for physical custody fo the children; and, if the parties mutually agree to alternative arrangements to accommodate themselves and/or the children's schedules, they may adjust the physical custody arrangements accordingly and are encouraged to do so by mutual consent and agreement.

6. Each of the parents shall teach the children involved in this case to develop and express that natural love and respect due a parent from his or her children or stepchildren, and neither of the parents will do or say anything to blacken the character of the other parent in the eyes of the children. This admonition shall extend to any stepparent of the children.

7. This order shall not prejudice the right of either party to request further mediation if there are changed circumstances in the lives of the parties or the children or in the event that the best interest of the children would be served by further mediation.

8. The Court of Common Pleas of Crawford County, Pennsylvania, shall retain jurisdiction of this matter so long as either of the parents or on the children resides in the Court's jurisdiction and for at least six months from the date of this Temporary Order.

9. The fee for Child Custody Mediation shall be paid 50% by the father and 50% by the County of Crawford on behalf of the mother.

10. This Orde shall be a Temporary Oder, but shall become a permanent Order unless exceptions are filed by either party within thirty days from the date of this Temporary Order.

BY THE COURT,
Gordon R. Miller, President Judge

Sept 20, 1991 Copies of order mailed to Plaintiff and Atty. Smith, and copy put in Atty. Brautigam and Brode's boxes.

July 17, 1992 Petition for Modification of Custody and Special Relief and Order filed. AND NOW, July 17th, 1992, this matter is referred back to Bruce Smith, Esq., child custody mediator, for review.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator
Crawford County Courthouse
Meadville, Pennsylvania 16335
(814) 336-1151, ext. 298

BY THE COURT,
Gordon R. Miller, J

1 copy (atty); 1 copy (mediator)

July 27, 1992 Proof of Service filed. I hereby certify that a copy of the foregoing Order and Custody Petition was served on Respondent's attorney John B. Brautigam, Esq. bv hand at 911 Diamond Square, Meadville, PA 16335, on July 27, 1992.

Date: July 27, 1992

R.Christopher Brode, Esq.

Aug. 27, 1992 TEMPORARY ORDER OF COURT, filed. AND NOW, this 26th day of August, 1992, after additional Mediation and upon recommendation of the Child Custody Mediator, it is hereby ordered and decreed that:

1. The Temporary Order of Court dated Sept. 18, 1991, shall continue in full force and effect without modification, except as indicated in paragraph 2. below.

2. Each parent will continue to have a message telephone number for the other parent and will keep each other advised of any changes in his/her "message telephone number." At this time, the father's message telephone number is (814) 827-9238 and the mother's message telephone number is (814) 664-8761.

3. The fee for the Child Custody Mediator shall be paid 75% by the plaintiff father and the 25% by the County of Crawford on behalf of the defendant mother.

4. This Order shall be a Temporary Order, but shall become a permanent Order unless exceptions are filed by either party within thirty days from the date of this Temporary Order.

BY THE COURT:
Anthony J. Vardaro, J.

Aug 28, 1992 copy to J. Brautigam, C. Brode, B. Smith, Plf. & Dft.

Sept. 17, 1992 Motion for Hearing De Novo on behalf of Defendant filed.

Dec.7, 1992 Petition of Grandparent for Partial Custody and Order filed. AND NOW, this 7th day of December, 1992, upon Motion of Joinder by Lois Baldwin, Grandmother, IT IS HEREBY ORDERED that LOIS BALDWIN be joined as a party in this matter.

Gordon R. Miller, J.

Dec. 7, 1992 Copy of Order to Attys. Brautigam, Brode & Walton.

Dec. 7, 1992 Proof of Service filed. I, Howard Morrison,hereby certify that a copy of the foregoing subpoena was served upon Amy Baldwin at R.D.#4,Box 229-J, Titusville, PA 16354, by personally placing the subpoena in herhand on December 4, 1992.

Howard Morrison, Paraglegal

Dec. 7, 1992 Proof of Service filed. I , Howard Morrison, hereby certify that a copy of the foregoing subpoena was served upon Eunice Haines at 707 W. Spring Street, Titusville, PA 16354, by personally placing the subpoena in her hand on December 4, 1992.

Howard Morrison, Paraglegal

Oct. 22, 1993 Proof of Service of Subpoena service on Louise Baldwin filed.

CONTINUED TO PAGE 690 b

Ronald Baldwin

vs.

Karen S. Baldwin

Record continued from page 690 -a-

of record

A.D. 1990 - 10633

****

Dec. 14, 1992 Motion for Additional Party Petition for Grandparent Custody and Visitation and Order filed. AND NOW, this 7th day of December, 1992, upon Motion of Joinder by Lois Baldwin, grandmother, This matter was filed late. The Court will answer it at the hearing on December 8, 1992.

Gordon R. Miller, J

Dec. 17, 1992 Copies of order to Atty's Brautigam, Brode and Walton

Dec. 14, 1992 Order filed. AND NOW, December 9, 1992 the letter that was presented to the Court during the in camera hearing with some of the daughters of the parties shall become a part of the record but shall not be shared or reviewed by any of the parties without further order of Court. The Prothonotary shall receive said letter, place it in a sealed envelope with an appropriate notation as to the c aption of the case and the following: The letter written to the Court by one of the children in this case on December 8, 1992 shall remain confidential and this envelope shall not be opened without further order of Court although it may be opended by the Superior Court or any other appellate court on direct appeal.

BY ORDER OF COURT,
Gordon R. Miller, P.J.

Dec. 17, 1992 Coies of order to Atty's Brautigam, Brode and Walton

Dec. 14, 1992 Memorandum and Order Filed. AND NOW, December 9, 1992, after a full hearing it is ordered as follows:

1. The natural parents of Air Randa Baldwin, age ten, born June 24, 1981, Jessica Baldwin, age nine, born July 13, 1982 and Rebecca Baldwin, age four, born September 18, 1986, the parties to this action, shall share legal custody of the said minor children. Said joint legal custody being shared shall entitle both of the parents to equal access to any records relating to the children held by a third party, including, but not limited to, school and medical records, and shall also entitle both prents to equal input with regard to the educational and religious upbringing of the children, as well as to elective surgery.

2. Each parent will continue to have a message telephone number for the other parent and will keep each other advised of any changes in his/her "message telephone number." At this time, the father's message telephone number is (814) 827-9238 and the mother's message telephone number is (814) 664-8761.

3.The temporary order of court of September 18, 1991 shall remain in full force and effect without change or modification until 12:00 o'clock noon on Monday, December 28, 1992 if the defendant (mother) obtains a suitable (as hereinafter defined) residence for herslef and her five minor daughters. If the mother does not find a suitable residence for herself and her five minor daughters then the temporary order of September 18, 1991 shall continue as a final order and shall remain in full force and effect until subsequently modified in an appropriate proceeding.

4. In the event that the mother obtains a suitable residence (as herein defined) then effective at 12:00 o'clock noon on December 28, 1992 physical custody of the children shall be with their mother. Regular visitation and temporary custody of the children is granted to the plaintiff (father) as follows:

a. Father shall take the children into his custody on the first, third and fourth weekends of each month beginning with the month of January, 1993. Weekend visitations shall commence at 8:00 o'clock p.m. prevailing time on Friday and terminate at 5:00 o'clock p.m. previailing time on Sunday.

b. Beginning with the summe of 1993, the father shall have the right to take the children into his temporary custody immediately after their dismissal from school in June until the end of the month, and shall also have the right to take children into his temporary custody for the entire month of August or until the third day before school starts whichever occurs first. The mother shall have custody of the childrenfor the entire month of July each year.

c. Holiday visitation shall take priority over other scheduled visitation. The parties are encouraged to agree as to holiday visitation; however, in the event that they cannot, during odd-numbered years, beginning in 1992, the mother shall have the children on Memorial Day and Labor Day. These days shall beging at 9;)0 a.m., prevailing time, and end at 7:00 p.m., prevailing time. These days shall be reversed in eve-numbered years. The children shall spend Thanksgiving Day each year in the mother's home and the day following Thanksgiving in the father's home beginning in 1993. The parties shall alternate Christmas vacations. In odd numbered years beginning in 1993 the children shall be with their mother on Christmas Day and their father for the day after Christmas beginning at 9:00 o'clock a.m.and ending at 8:00 o'clock p.m. on December 26th. In even numbered years the children shall be with their father on Christmas Day from 10:00 o'clock a.m.until 10:00 o'clock p.m.

d. The father shall provide all transportation until June 1, 1993. Thereafter the parties shall share transportation expenses with the parent receiving the children having the responsiblity to pick them up. The father shall appear for a scheduled visitation on time. If he does not appear within thirty minutes of the appointed time or if he does not send a responsible person over the age of twenty-one in his place within thirty minutes of the appointed time the mother and children amy consider that particular visitation cancelled, unless the mother has already agreed to an extension of time. No substituted time shall be provided to replace cancelled time. For this purpose before the mother is required to turn the children over to someone other than the father, the father shall have notified the mother in advance of the identity of the person he has selected to pick the children up. The Court trusts that the father will not abuse this privilege. He is given the opportunity to send a responsible person over twenty-one years of age in the event that he cannot make the pick up or delivery because he is reasonably and necessarily at work.

5. The parent having custody of the children at anytime shallnotify the other parent as soon as possible in the event of injury or illness of the children requiring medical treatment.

6. Neither parent shall take the children into any environment which is detrimental to their development or to the development of their characters or which would be dangerous to their physical persons, or which would adversely affect their health, safety, morals and welfare.

7. The parents are encouraged to discuss arrangments for physical custody of the children; and, if the parties mutually agree to alternative arrangements to accomodate themselves and/or the children's schedules, they may adjust the physical custody arrangements accordingly and are encouraged to do so by mutual consent and agreement.

8.Each of the parents shall teach the children involved in this case to develop and express that natural love and respect due a parent from his or her children or stepchildren, and neither of the parents will do or say anything to blacken the character of the other parent in the eyes of the children. This admonition shall extend to any stepparent of the children.

9. The Court of Common Pleas of Crawford County, Pennsylvania, shall retain jurisdiction of this matter so long as either of the parents or one of the children resides in the Court's jurisdiction and for at least six months from the date of this Order.

10. When the children are in the custody of either party said party shall not permit any unrelated person of the opposite sex over age eighteen to sleep in the same residence nor to be present between the hours of 11:00 o'clock p.m. and 9:00 o'clock a.m.

11. In order for the mother to obtain primary physical custody of the children under this Order at 12:00 o'clock noon on December 28, 1992, she must have a suitable residence to adequately house her and her five children. For this purpose a suitable residence is defined as follows: said residence shall be within the boundaries of a city or borough and

Continued of Record to Page 690 C

Ronald Baldwin
vs.
Karen S. Baldwin

Record Continued from Page 690 -b-
of record
A.D. 1990 - 1063

****

within reasonable walking distance to a grocery store or market. It shall have a properly operating bathroom which shall include a sink, commode and tub or shower. There shall be at least three bedrooms. Each child under this order shall sleep in the same bedroom and any bedroom where three children sleep shall contain at least two hundred square feet of floor area, not including closets. Once the defendant obtains the residence that she proposes to use she shall notify her attorney and her attorney shall give all the details to the plaintiff's attorney. The plaintiff shall have forty-eight hours to indicate whether or not said premises meets the terms and condition of this order. If he believes it does he shall notify the defendant and the defendant shall be permitted to take custody on December 28, 1992 at 12:00 o'clock noon. If there is a dispute as to whether or not the residence is suitable as defined herein, one or both parties shall file a motion with the Court Administrator scheduling a hearing where the Court may hear testimony and receive evidence on whether or not said residence meets the terms and conditions of this order.

12. Lois Baldwin shall be given reasonable periods of time to see and visit her grandchildren. The parties represented to the Court that they would be able to work that out with Lois Baldwin. The Court directs that that period of time be taken out of the time the custodial parent has allotted to him or her, depending upon which parent is custodial parent after December 28, 1992. A custodial parent who has one weekend per month with his or her daughters shall not be required to give any of that time to Lois Baldwin unless he or she agrees.

BY ORDER OF COURT
Gordon R. Miller, P.J.

Dec. 14, 1992 Copies given to Attys. Brautigam, Brode & Walton.

Aug. 6, 1993, Contempt of Custody, Modification and REquest for Special Relief pursuant to Pa. RCP 1915.12, filed.

Aug.6, 1993, RULE TO SHOW CAUSE filed. AND NOW, Aug. 4, 1993, upon presentation and consideration of the foregoing Petition a rule is entered upon the plaintiff/Respondent Ronald Baldwin to show cause, if any he has, why the prayer of the Defendant/Petitioner for special relief and the imposition of sanctions for contempt should not be granted.

Additionally, at the time said rule is returnable, the court will address the issue of custody modification.

S aid rule is returnable for hearing and argument on the 7 day of Oct. 1993, at 1:30 p.m. in C. R. No. 1 or 2 of Courthouse, Meadville, Pa.

Pending said hearing, the parties shall continue to follow the current order regarding custody which is in effect except that for the month of August 1993 rather than the children spending an entire month with the plaintiff/respondent they will spend two one week periods the first beginning on Aug. 6, 1993 at 8:00 p.m. and ending on Aug. 13, 1993 at 8:00 p.m. and the second beginning on Aug. 20, 1993, at 8:00 p.m. and ending on Aug. 27, 1993 at 8:00 p.m.

BY THE COURT:
Anthony J. Vardaro, J.

Aug.6, 1993, copies distributed to Attys. Brode and Brautigam.

Aug. 18, 1993 Answer to Petition and Counter-Petition for Contempt filed.

Sept. 27, 1993 Motion for Continuance of Rule to Show Cause, Contempt Of Custody Modification and Order filed. AND NOW, this 22nd day of September, 1993, upon consideration of the foregoing Motion to Continue, said Motion is granted and the hearing is scheduled for October 29, 1993, at 9:15, a.m. in Courtroom No. 1 of the Crawford County Courthouse, Meadville, PA.

FOR THE COURT,
Ann A. Walker, C.A.

Oct. 5, 1993 Copies of order to Atty's Brode and Brautigam

Nov. 3, 1993 ORDER filed. AND NOW,October 29, 1993, this case is continued until Monday, November 29, 1993 at 9:30 o'clock a.m. in Courtroom No.1 of the Crawford County Courthouse.

In the meantime, the father's visitations shall be limited to daytime visitations only, that is his weekend visitations shall occur on t he dates indicated and set forth in the Order of December 9, 1992; however, they shall occur between 10:00 o'clock a.m. and 7:00 o'clock p.m. each Saturday and Sunday with no overnight visitations from over SAturday night to Sunday morning. Transporation for these visitations shall be split by the party with the party receiving the children being responsible for providing transportation.

BY ORDER OF THE COURT,
Gordon R. Miller, P.J.

Nov. 3, 1993 Copies dist.to Attys. Brautigam & Brode.

Nov. 3, 1993 ORDER filed. AND NOW, November 1, 1993, the hearing in this case is rescheduled. It shall be held on Thursday, December 2, 1993 at 9:30 o'clock a.m. in Courtroom No. 1 of the Crawford County Courthouse.

BY ORDER OF COURT
Gordon R. Miller, P.J.

Nov. 3, 1993 Copies dist.to Atty's Brautigam & Brode

Dec. 7, 1993 ORDER filed. **AND NOW, December 2, 1993,** after a lengthy but unfinished hearing, the parties, through their attorneys, have reached an agreement to resolve all pending matters.

Based on that agreement, it is ORDERED as follows:

1. The Order of December 9, 1992 shall remain in full force and effect, except as modified by this Order.
2. Paragraph 4(a) of the Order of December 9, 1992 is hereby deleted and the following substitued in its place:

4(a). The father shall have the right to visit his children and take them into his custody on the first, third and fourth weekends of each month. For the months December, 1993, January, 1994, and February, 1994, those visitations shall take place on Saturday from 10:00 o'clock a.m. until the following Sunday at 10:00 o'clock a.m. Unless the counselors hereinafter refereed to state in writing that expanded visitation should not occur, or unless the parties agree otherwise, or unless the Court modifies this provision, the weekend visitations starting with the month of March, 1994, shall commence at 8:00 o'clock p.m., prevailing local time, on Friday evening, and terminate at 5:00 p.m., prevailing local time, on the following Sunday evening.

3. It appears that the fat her may have a temper, may not permit his children to bring personal belongings to his home and take them back to their home at the time they visit with him, may not spend enough time with his children, may argue and bicker with his wife in the presence of the children, and it further appears that there may be arguing and bickering between the parties in this case during ransfers of the custody of the children, and the mother has not fully kep the father advised as to serious medical matters involving the children (particularly, the issue dealing with TB testing) and the Court orders and directs that the parties and the children shall undergo appropriate family counseling at the Corry Counseling Service. Since the Court is not a professionalcounselor, we cannot tell the counselors what to do. We believe, however, that there should be appropriate evaluation of the parties and the children, along with appropriate counseling, therapy and threatment so as to cause this family to function appropriately as a family. They must learn to deal with each other in an appropriate manner and at a level that is in the best interest of the children. They must learn appropriate conflict resolution, control of temper, appropriate things to do with children while the children are in their custody, et cetera. This would involve general family preservation and family improvement counseling.

4. The father shall contact the Corry Counseling Service within seven (7) days to arrange a time when he can meet to be evaluated. That evaluation shall commence and family counseling shall commence within 30 days from this date and the parties shall undergo regular counseling as is established and recommended for them by the Corry Counseling SErvices without fail. Counseling shall continue for at least six (6) months uness the Corry Counseling Service states in writing

Continued to page 690 D

Baldwin vs. Baldwin AD 1990 - 1063 Continued from Page 690 C

to the parties, with copies to counsel, that counseling is no longer necessary, either because it has accomplished all that the counseling was inteded to accomplish or because it is not accomplishing anything and should not go forward. The point is that the duration of counseling within the next 6 months is left to the discretion of the Corry Counseling Service.

Obviously if the father believes that the evaluation made of him by the Corry Counseling Service is not accurate or appropriate, he has a right to seek evaluation from other parties, which he may use as evidence in further proceedings as to whether or not he should have undergone the counseling or whether or not regular overnight weekend visitations should resume. This does not give the father the right to substitute the Corry Counseling Service with another counseling service, but does give the father the right to disagree with any conclusions that the Corry Counseling Service makes.

5. The cross contempt petitions presently pending are DISMISSED.

6. The Court will not tell either parent how to discipline their children so long as the discipline is appropriate and with restraint and does not involve unde physical punishment or undue harm to the children. The Court also will not tell either parent what sort of chores the children should do, but the Court will prohibit labor that is heavy or prolonged, given the ages and strengths of the children.

BY THE COURT,
Gordon R. Miller, P. J.

Dec. 7, 1993 Copies dist. to Attys. Brautigam & Brode

Dec. 10, 1993 Petition to Proceed in Forma Pauperis Pursuant to Pa. R.C.P. 240 and ORDER filed. AND NOW, December 9, 1993, upon consideration of the petition filed by the plaintiff in this action, and supported by an affidavit attached thereto, all being pursuant to Pa.R.C.P. 240, the plaintiff is granted leave to proceed in forma pauperis at this time as to costs and expenses from this date into the future. However any costs and expenses which the plaintiff has incurred in this action to date shall remain due and payable since at the time those costs and expenses were incurred the plaintiff (1) was not indigent and (2) was not given leave to proceed in forma pauperis. This order is not a nunc pro tunc order but is prospective only.

The plaintiff is directed to inform the Prothonotary's office or the Court of any improvement in his financial circumstance that would permit him to pay the costs incurred i this action and shall be responsible for doing so upon an improvement of financial condition.

The plaintiff continues to owe $247.27 by virtue of prior orders. He shall pay that amount within sixty (60) days from this date. Upon failure to make payment the Prothonotary may bring an appropriate motion before the Court to hold the plaintiff in contempt for failure to pay costs in said amount.

BY ORDER OF COURT
Gordon R. Miller,P. J.

Dec. 16, 1993 Copy of Order to Attys. Brautigam & Brode, Walton & Smith

Jun. 28, 1994 Petition for Leave to Withdraw Appearance, filed.

Jun. 28, 1994 Order Allowing Withdrawal of Counsel filed. And Now, this 28 day of June, 1994, upon consideration of the Petition of Plaintiff's Counsel for Leave to Withdraw, it is hereby Ordered that said petition is granted and that petitioners,John B.Brautigam, Esquire, and Culbertson, Weiss, Schetroma and Schug,P.C. be permitted to withdraw, and are hereby withdrawn as counsel of record for the plaintiff in the above matter.

By The Court:
Anthony J. Vardaro,J.

6-28-94 Faxed to Attys. Brautigam & Brode.

Feb. 16, 1996 Petition for Contempt and NOTICE AND ORDER TO APPEAR Filed.

Legal proceedings have been brought against you alleging you have wilfully disobeyed an order of court for partial custody & visitation.

If you wish to defend against the claim set forth in the following pages, you may but are not required to file in writing with the court your defenses or objections.

Whether or not you file in wiring withthe court your defenses or objections, you must appear in person in court on March 5,1996, at 9:15 A.M., in Courtromm 1, 2 or 3, Crawford County Courthouse,Meadville,Pennsylvania.

IF YOU DO NOT APPEAR IN PERSON, THE COURT MAY ISSUE A WARRANT FOR YOUR ARREST.

If the Court finds that you have wilfully failed to comply with its order of partial custody & visitation, you may be found to be in contempt of court and committed to jail, fined, or both.

BY THE COURT:
Anthony J.Vardaro,J.

Date: 2-15-96
2-20-96 Faxed Brode & Lindsay

Feb. 27, 1996 Contempt of Court and Modification and NOTICE AND ORDER TO APPEAR filed. Legal Proceedings have been brought against you alleging you have wilfully disobeyed an order of court for (custody) (partial custoy) (visitation).

If you wish to defend against the claim set forth in the following pages, you may but are not required to file in writing with the court your defenses or objections.

Whether or not you file in writing with the court you defenses or objections, you must appear in person in court on March 5, 1996, at 9:15 A.M., in Courtroom 1, 2 or 3, Crawford County Courthouse, Meadville,Pennsylvania, as to contempt only. Modification will not be considered as Rule L1930 has not been followed.

Date: 2-26-96

BY THE COURT:
Gordon R.Miller,J.

2-28-96 Faxed to Brode & Lindsay

Mar. 6, 1996 Motion to Continue and ORDER filed. And Now, this 5 day of March, 1996, upon consideration of the within Motion, it is hereby ordered that the above-captioned case, shceduled for the 5th day of March at 9:15 a.m. in Courtroom No. 1, 2 or 3 at the Crawford County Courthouse be continued generally,to be reset on motion of either party.

By the Court:
P. Richard Thomas, S.J.

3-6-96 Faxed Brode, Walton & Lindsay

Mar. 8, 1996 Motion to Withdraw Appearance and ORDER filed. AND NOW, this 6th day of March, 1996, upon presentation and consideration of the within Motion Plaintiff's counsel,Brian J. LIndsay, Eskquire, is hereby authorized to withdraw his apperance on behalf of the Plaintiff in the above captioned case.

BY THE COURT
Gordon R. Miller,J.

3-8-96 Faxed Lindsay. 3-14-96 Copy Brode &Walton

March 15, 1996 ORDER filed.

SEE PAGE 690 (E).....

Mar. 25, 1996 Order filed: AND NOW, March 7 , 1996 , upon consideration of the petition filed by the plaintiff in this action, and supported by an affidavit attached thereto, all being pursuant to Pa. R.C.P. 240, the plaintiff is granted leave to proceed in forma pauperis at this time.

The plaintiff is directed to inform the Prothonotary's office or the Court of any improvement in his/her financial circumstance that would permit him/her to pay the costs incurred in this action and shall be responsible for doing so upon an improvement of financial condition.

BY THE COURT:
Gordon R. Miller, J.

March 27, 1996 Order FAXED Attys. Brode, Walton, given Nelson, Sheriff; mailed Pltf.

AND NOW, this 7th day of March , 19 96 , the Court having appointed a custody mediator in this action for custody, and/or partial custody and/or visitation of a minor child or children it is ordered and directed as follows:

1. The plaintiff/defendant is allowed to proceed without payment of court costs reserving to the Court the right to impose costs at a later time.

2. The Prothonotary is ordered and directed to deliver a true and correct copy of this Order and any complaint or petition filed at the time this Order was entered and any required notice, with appropriate numbers of copies, to the Sheriff of Crawford County for service upon the plaintiff/defendant.

3. The plaintiff/defendant is ordered and directed to immediately go to the Sheriff's Office to give the Sheriff written instructions on when and where the plaintiff/defendant may be served.

4. The Sheriff of Crawford County is ordered and directed to serve a true and correct copy of the complaint or petition and order upon the plaintiff/defendant and make an appropriate return of service as required by the law. The Sheriff shall indicate the cost of service which said cost shall be paid by Crawford County and which said cost may be taxed as record costs and imposed as costs by the Court.

BY ORDER OF COURT
Gordon R. Miller, J.

March 27, 1996 Order FAXED Attys. Brode, Walton, given Nelson, Sheriff; mailed Pltf.

March 25, 1996, Order:

You, Karen S. Baldwin , have been sued in Court to modify ~~obtain~~ custody of Airanda, Jessica, Rebecca.
You are ORDERED to appear in person at such time and place as will be determined by the Mediator, Kathleen Nelson for a mediation conference.

If you fail to appear as provided by this Order, an Order for custody, partial custody or visitation may be entered against you or the Court may issue a warrant for your arrest.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE, IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator
Courthouse
Meadville, PA 16335
(814) 333-7498

Date: 3/7/96 Gordon R. Miller, J.

March 27, 1996 Order FAXED Attys. Brode, Walton, given Nelson, Sheriff; mailed Pltf.

March 15, 1996 ORDER filed. AND NOW, March 14, 1996, after receipt and review of a plaintiff's petition for modification of a custody or visitation order, plaintiff's petition to proceed informa pauperis and plaintiff's affidavit in support of his petition to proceed informa pauperis the Court granted the petition to proceed informa pauperis and appointed a custody mediator.

However, this case will proceed no further and the custody mediator shall not schedule nor hold any hearings until the plaintiff files an amended petition for modification that is in compliance with Crawford Co. Civil Rule L1915.15 and L1930.

Since compliance with those rules will require the plaintiff to file an amended petition with an additional order attached thereto the Court will review this matter again before the mediator will proceed further. In that manner the mediator will receive information from the Court that she may proceed.

BY THE COURT
Gordon R. Miller, P.J.

March 27, 1996 Order FAXED Attys. Brode, Walton, given Nelson, Sheriff; mailed pltf.

May 1, 1996, Petition for contempt of Court and Custody Modification and Notice and Order to Appear filed.
ORDER: Legal Proceedings have been brought against you alleging you have wilfully disobeyed an order of court for custody.

If you wish to defend against claim you may but are not required to file in writing your defenses orobjections.
You must appear in person in court on Wed. June 5, 1996 at 9:00 a.m. C. R. No. 1 or 2, Courthouse, Meadville Pa.
Date: 4/30/96 For the Court, Ann Walker, Ct. Adm.
5/2/96 faxed to Legal Servcies and Walton.

Cont on Pg. 690F

F

690

F

1990-F

KAREN BLADWIN
VS.
RONALD L. BALDWIN

CONTINUED FROM PAGE 690-E
of RECORD
A.D. 1990 - 1063

May 8, 1996 CERTIFICATE OF COMPLETION of separating parents seminar, filed.

May 15, 1996 Sheriff's Return filed. Served, Karen Baldwin by deputizing the Sheriff of Erie County, Affidavit of service attached. Was served on April 23, 1996.
So Answers,
Robert M. Stevens, Sheriff

June 6, 1996, ORDER filed. Contempt Proceeding Dismissed. (see back up file copy for visitation schedule)
6/6/96 Dist. to Brode, 6/12/96 mailed to plff, copy to Walton.

June 24, 1996 Request for Leave to Withdraw and ORDER filed. AND NOW, this 24 day of June, 1996, upon presentation and consideration of the within Motion Defendant's counsel, R. Christopher Brode, Esquire, is hereby authorized to withdraw his appearance on behalf of the defendant in the above captioned case. If the Defendant wishes to have counsel she may contact NW Legal Services to determine if she is eligible for other counsel.
BY THE COURT
Anthony J. Vardaro, J.
6-24-96 FAXED Brode

Sept. 18, 1996, ORDER filed. AND NOW, Sept 18, 1996, counselling Services center, Inc. at Corry, Pa. sent 2 letters to the undersigned judge dated Mar. 24, 1994 and Apr. 5, 1994 regarding Ronald L. Baldwin and this cust. case.
It is hereby ordered and directed that said letter shall be filed in this case with the Prothonotary and places in a sealed envelope marked: "This envelop contains reports from Counselling Services Center, Inc. at Corry, Pa. dated Mar. 24, 1994 and Apr. 5, 1994 regarding this case. By order of court said letters were placed in a sealed envelope and the eveilope may not be unsealed or opened without further order of court."
by the court,
Gordon R. Miller, P.J.
9/19/96 faxed to Walton. (above mentioned envelope placed in safe in Prothonotarys office)

Dec. 6, 1996 Certificate of Completion of Seminar for Separating Parents by Plaintiff filed.

Sept 18, 1997 In Forma Pauperis - For Modification of Custody in a Mediation Hearing and Order: AND NOW, Sept 17, 1997, upon consideration of the petition filed by the Plaintiff in this action, and supported by an affidavit attached thereto, all being pursuant to Pa. R.C.P. 240, the Plaintiff is granted leave to proceed in forma pauperis at this time.
Gordon R. Miller, P.J.
(FOR COMPLETE ORDER SEE PAPER FILED)
Sept 18, 1997 Dist Walton, Brode & Plf
Oct 7, 1997 Faxed B. Smith

Oct 7, 1997 Petition for Modification of a Custody Order and a Complaint in Divorce being filed herewith which avers that there are children of the marriage under the age of 18 years. It is ORDERED and DECREED that the parties shall comply with Crawford County Civil Rule L1930 and shall attend and complete the Seminar for Separating Parents.
Application must be made by the Plaintiff within fifteen (15) days after he/she filed the Complaitn in this action; and the application must be made by the Defendant within fifteen (15) days after he/she was served with the Complaint.
Each party is required to complete the seminar within forty-five (45) days after he/she makes application.
Orders: ORDER: AND NOW, this 9 day of October, 1997
Anthony J. Vardaro, J.
Oct 10, 1997 Faxed Walton & Nelson
AND
ORDER: You, Karen S. Baldwin, Defendant
have been sued in Court to obtain custody, partial custody or visitation of: Jessica, Rebecca and Air Randa Baldwin.
You are ORDERED to appear in person at such time and place as will be determined by the Child Custody Mediator Kathleen Nelson, Esw., for a mediation conference. The Mediator shall send you a notice of the hearing by mail to the address listed on the complaitn or petition that has been filed recently.
Date: 10-9-97
Anthony J. Vardaro, J.
Oct 10, 10-97 Faxed Walton & Nelson
Oct 27, 1997 sent copy of both orders to Plf.

Dec 17, 1997 ORDER: AND NOW, December, 16, 1997, after Mediation and upon the recommendation of the Child Custody Mediator, it is Ordered and Decreed as follows:
1. Legal custody of the subject minor children, Air Randa Baldwin, Jessica Baldwin and Rebecca Baldwin, shall be shared by the Father and Mother, the parties to this action, with each parent entitled to full access to any records relating to the children held by a third party including, but not limited to school records and medical records and each parent shall have equal input regarding important decisions effecting the children such as education, religious instruction and medical treatment.
2. Air Randa Baldwin shall continue to reside in Modesto California, with her husband and her paternal grandmother, Lois Baldwin, where she has resided since June, 1996.
3. Physical custody of Jessica Baldwin shall be with her Father. Visitation between Jessica and her Mother shall take place upon the agreement of the parents and the child. Mother and Jessica are encouraged to visit with each other and to otherwise work to repair their relationship.
4. Physical custody of Rebecca Baldwin shall be with her Mother, subject to Father's visitaion a sfollws: (see paper filed).
5. through 9. (see paper filed)
10. The cost of the mediation conference shall be borne by Crawford County as Father was granted leave to proceed in forma pauperis by this Cour ton September 17, 1997, and the mother is unemployed.
11. (see paper filed)
Anthony J. Vardaro, J.
Dec 22, 1997 Faxed Brode & B. Smith, dist Walton & sent Plf. & Dft

Feb. 24, 1998 Request for DeNovo Custody Hearing filed.

Feb. 24, 1998 Order Setting De NOvo Hearing filed. AND NOW, February 24, 1998, upon considerationof Plaintiff's Request For DeNovo Hearing in the above cstudoy action, the same is set for Thursday, April 2, 1998 at 9:00 a.m., C.R. 1, Crawford County courthouse, Meadville, PA 16335.
FOR THE COURT,
Ann A. Walker, .C.A.

2-24-98 Faxed Maurer & Keenan

Apr. 6, 1998 Memorandum and Order filed. AND NOW, April 3, 1998, the temporary order of December 16, 1997 is affirmed in all respects.
BY THE COURT, Gordon R. Miller, J
Apr. 6, 1998 Distributed to Keenan & Maurer

Continued on page 690 "G"

G-
690

S31761

Karen Baldwin
vs.
Ronald L. Baldwin

Record continued from page 690 F
of record
AD 1990 - 1063

****

July 6, 1999 Petition For Special Relief In Custody and Order filed. AND NOW, this 2 day of July, 1999, upon consideration ofthe Petition For Skpecial Relief In Custody filed by Ronald L. Baldwin, Sr., it is hereby ordered as follows:

1. Paragraph four and its subparagraphs as set forth in the Order of December 16, 1997, are hereby modified to reflect that physical custody of Rebecca Baldwin shall be with her father, with visitations between Rebecca Baldwin and her mother as agreed to between the parents and the child.

The above paragraph supersedes any contradictory language relative to custody and visitation of Rebecca Baldwin as set forth in the Order of December 16, 1997, or in the prior Order of December 9, 1992, which addresses a holiday visitation schedule.

BY THE COURT,
Anthony J. Vardaro, J

July 6, 1999 Faxed Keenan & Legal Services

July 23, 2003 - See Computer for further entries.

H

690

Jody A. Kinney

VS.

Robert L. Kinney

Record Continued from Page 257

of

AD 1990-807

****

13. In the event that the mother decides not to move to Texas, as contemplated at mediation, the parties may seek an immediate review of this order to make the necessary changes. Either party may request a review of this Order two years from date hereof to make any adjustments.

14. Costs and fees of this Mediation, which are fixed at $177.00 are divided equally between the parties with a share of each being assessed to him or her as costs in this case. Payment shall be made to the Prothonotary of Crawford County.

15. Either party may move the Court for a hearing de novo for thirty (30) days from date hereof. If neither party so moves, this Order shall be considered permanent.

By the Court,
P. Richard Thomas, S.J.

June 21, 1991 Copies of order put in Attys. Pineo, Mason, and Irwin's boxes and copy mailed to Atty Kingston and Plaintiff and Defendant.

June 17, 1992 COMPLAINT FOR CUSTODY and ORDER, filed. ORDER: AND NOW, to-wit, this 16th day of June, 1992, in consideration of the foregoing Complaint for Custody, it is hereby ordered, adjudged and decreed that William Pineo, shall be appointed as mediator to hear and rule on the issue prayed for by the Plaintiff at a hearing to be later scheduled by said mediator.

By the Court:
Anthony J. Vardaro, J.

June 17, 1992 - 1 copy (Med) 1 copy (atty)

June 30, 1992 Return of Service filed. Personally appeared before me, a Notary Public, in and for said County and State, John C. Folga, who being duly sworn according to law, deposes and says that he served JODY A. KINNEY on June 27, 1992 at approximately 9:05 A.M. upon the Defendant herein and made known to her the contents thereof at R.D.#3, Brownhill Road, Union City, PA 16438 and deponent further states that he knew the person to be the Defendant herein by her own admission, s.s. #194-58-7914, further sayeth not.

June 29, 1992 John C. Folga

August 18, 1992 TEMPORARY ORDER filed. AND NOW, this 17 day of August, 1992, after Mediation in the above referenced matter and upon the recommendations of the Child Custody Mediator,

IT IS HEREBY ORDERED AND DECREED THAT:

1. The parties shall share legal and physical custody of the subject minor children.

2. The parties shall share with each other any and all information which each may have regarding the health, education, and the major events in the life of the subject minor children. Health care, school personnel, and other care providers are hereby authorized to release to either party any and all confidential information which they may have regarding the subject minor children.

3a. The year shall be divided into three periods of physical custody. The first shall begin at 5:00 p.m. on Aug. 15, and end at 5:00 p.m. on December 15; the second shall begin at 5:00 p.m. on December 15 and end at 5:00 p.m. of April 15; the third shall begin at 5:00 p.m. of April 15 and end at 5:00 p.m. of Aug. 15. The mother shall have primary physicl custody of the period beginning Aug. 15, 1992 and the parties shall thereafter alternate the periods of physical custody so defined.

b. The parent not having primary physical custody shall have the right of visitation and temporary physical custody each weekend, except for the first full weekend of each month, from Friday at 6:00 p.m. through Sunday at 7:00 p.m. A full weekend is defined as a weekend in which Friday and Saturday occur within the same month.

c. The subject minor children shall have the right to telephone the parent not having physical custody at reasonable times and for reasonable and for reasonable lengths of time and such conversations will not be unreasonably monitored by the parent having physical custody.

4. Holiday visitation shall be arranged as follwos:

a. Christmas: There shall be two Christmas visitation periods, the first beginning Christmas Eve and 5:00 p.m. and ending Christmas Day at 1:00 p.m. and ending Dec. 26 at 1:00 p.m. For Christmas 1992, the father shall have temporary physical custody for the first period and the mother, the second, and the parties shall thereafter alternate the periods.

b. There shall be two Thanksgiving holiday visitation periods, the first beginning on the Wednesday preceding Thanksgiving at the close of school and ending Thanksgiving Day at 3:00 p.m. and the second beginning on Thanksgiving Day at 3:00 p.m. and ending on the Friday after Thanksgiving at noon. For Thanksgiving 1992, the mother shall have visitation and temporary physical custody for the first period and the father, the second, and the parties shall thereafter alternate.

c. There shall be two Easter visitation periods, the first beginning on Holy Saturday at 6:00 p.m. and ending on Easter Sunday at 1:00 p.m. and the second beginning on Easter Sunday at 1:00 p.m. and ending Easter Sunday at 6:00 p.m. For Easter 1993, the father shall have temporary physical custody and visitation for the first period and the mother, the second, and the parties shall thereafter alternate.

d. The other holidays to be observed are New Years Day, Memorial Day, Independence Day, Labor Day, and Halloween. Holiday visitation shall be between the hours of 9:00 a.m. and 8:00 p.m.,except for Independence Day, when the holiday visitation shall be extended to 11:00 p.m. so that the children may watch the fireworks, and also except for Halloween when the holiday visitation shall begin after school, if shcool is in session, or at 9:00 a.m. if not. The father shall have visitation and temporary physical custody for Labor Day, 1992, and the parties shall thereafter alternate the holiday periods.

e. The children shall spend Father's Day with their father from 9:00 a.m. to 7:00 p.m., and Mother's Day with their mother, during the same hours.

f. The provisions of this paragraph shall take precedence over the other provisions of this order relating to the custodial or visitation periods.

5. Should it be necessary for either party to cancel or modify the visitations as set out in this Order or as previously arranged, the party seeking cancellation or modification shall notify the other party as soon as he or she knows o the necessity which impels the cancellation or modification. Said modifications or cancellations shall not be proposed except for good reasons. Should a cancellation or modification be necessary, the parties shall attempt at once to arrange for alternative visits or to make alternative arrangements.

6. The parties shall split responsibility for transportation with the party receiving the children in teh exercise of his or her rights picking up the children at the home of the other.

7. Each party shall teach said children to give to the other party that love and respect which is due a parent from his or her children.

8. Neither party shall use illegal drugs or be under the influence of alcohol at any time when said party has the care and custody of the subject minor children. The parties are cautioned that recent medical research has indicated that tobacco smoke is injurious to the health of growing children. Therefore, neither party shall smoke tobacco or permit others to do so in a closed automobile in which the children are being transported or in the bedroom of the children.

9. Any person transporting the children shall make sure that the seat belts or other restraints are used in accordance with the law of PA.

RECORD CONTINUED ON PAGE 701.....

LINDA L. REESE

vs.

KENNETH DAUN REESE

Record continued from page 191

of record

A.D. 1990 - 741

****

Sept. 6, 1991 Petition For Contempt For Failure To Comply With A Custody/Visitation Order Dated September 12, 1990 and Order filed. AND NOW, this 6th day of September, 1991, upon presentation of the within petition, a Rule is here by granted upon the defendant, LInda L. Reese, to show cause, if any, why she should not be held in contempt of Court.

RULE RETURNABLE the 4th day of October, 1991 at 9:30 a.m. in Courtroom number 1 or 2 of the Crawford County Court House, Meadville, PA.

BY THE COURT,
Gordon R. Miller, J

Sept. 10, 1991 Copies of order put in box for Atty's Irwin and Kulwicki

Oct. 9, 1991 Motion to Continue and Order filed. ORDER: AND NOW, oct. 4, 1991 continued generally and to be reset on motion of either party.

BY THE COURT,
Gordon R. Miller, J.

Oct. 10, 1991 copies of order to Attys. Irwin and Kulwicki.

Aug. 1, 1994 Upon Praecipe of James R. Irwin, Esquire, withdrawal of appearance for Linda L.Reese, Plaintiff filed and Praecipe for Appearance of Barbara J. Walton, Esquire,attorney for Plaintiff, filed.

Aug. 2, 1994 Petition to Modify Custody and NOTICE AND ORDER TO APPEAR filed. YOU, Kenneth D.Reese, have been sued in Court to obtain custody of Kenneth Reese,Jr.

You are ORDERED to appear in person at such time and place as will be determined by the Mediator John Fuller for a mediation conference.

If youfail to appear as provided by this Order, an Order for custody, partial custody or visitation may be entered against you or the Court may issue a warrant for your arrest.

Until the time of the above hearing neither party shall remove the children from the state of Pennsylvania.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE, IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU AN GET LEGAL HELP.

Date: 8/1/94

BY THE COURT:
Gordon R. Miller, J.

8-2-94 Faxed to Atty. Kulwicki, given to Attys. Walton & Fuller.

Aug. 10, 1994, Affidavit of Service filed. And now, Aug. 9, 1994 comes Barbara J. Walton, and avers:

1. A true and correct ocpy of the Motion to Appoint a Custody Mediator and Petition to Modify Custody was mailed to the dft. via cert. mail, ret. rec. on Aug. 5, 1994.

2. That the dft. signed the ret. card on Aug. 8, 1994 and in accordance with Pa. R.C.P. 412, service of the complaint was made as is evidenced by the US Postal Ser. Ret. rec. No. Z070383652 attached hereto.

Barbara J. Walton, Esq.

Sep. 6, 1994 ORDER filed. AND NOW, August 31, 1994 after mediation conference before John Fuller, Esquire,IT IS ORDERED AND DECREED AS FOLLOWS, TO-WIT:

I. Legal cust ody of Kenneth Reese,Jr. shall be shared between the mother and the father, the plaintiff and defendant herein, that is, each parent shall be entitled to full access to school records, medical records and other important records and that each parent shall be entitled to take part fully in important decisions affecting the child such as the education, medical treatment and religious instruction of the subject child.

II. Physical custody of Kenneth Reese,Jr. shall be shared between his parents under the following conditions:

A. The father shall be entitled to take the child into his custody every week from 12:00 o'clock noon on Friday to 5;00 o'clock p.m. on Monday, beginning September 2, 1994.

B. The mother shall be entitled to take the child into her custody every week from 5:00 o'clock p.m. on Monday to 12:00 o'clock noon on Friday, beginning August 29, 1994.

C. Holidays shall be defined as Christmas, Easter and Thanksgiving. Custody of the child shall be shared on the aforesaid holidays and in the absence of an agreement to the contrary, the child shall be in the custody of the mother on the aforesaid holidays until 1:00 o'clock p.m. and in the custody of the father on the aforesaid holidays from 1:00 o'clock p.m. until 8:00 o'clock p.m.

D. Transportation of the child on custody exchanges shall be shared between t he parties with custody to be exchanged at the corner of the Hartstown Road and Route 285 or other mutually agreeable place. There shall be no arguments or angry exchanges between the parties during custody transfers.

E. Neither mother nor father shall say or do anything in an attempt to turn the child against the ot her parent, but on the other hand shall do everything in the power of each to foster a favorable and loving attitude on the part of the child towards both parents.

F. Neither mother nor father shall expose the child to any person or situation which may be harmful to the child's health or well being.

G. Both parents agree to inform the other immediately of any illness or injury regarding the child and both parents agree to furnish the other with a current telephone number.

I. The child shall be enrolled in the Linesville Head Start Program.

III. This order is a temporary order but shall become a permanent order unless exceptions thereto are filed by either party within ten (10) days of the date hereof.

IV. Cost of the mediation conference will be divided as follows: One-half (½) father and one-half (½) mother. The Prothonotary of Crawford County is hereby directed to refund a portion of the deposit paid in advance by the Plaintiff, less the cost of the custody order.

Gordon R. Miller, Judge

9-6-94 Faxed to Attys. Walton, Keenan & Fuller

Sep. 13, 1994 Request for Hearing De Novo and ORDER filed. AND NOW, this 15th day of September, 1994, upon consideration of Defendant's Request for de novo custody hearing is granted. This matter will be heard on the 10th day of October, 1994, at 9:15 A.M. in Courtroom No. 3.

By the Court:
Gordon R. Miller, J.

9-13-94 Faxed to Attys. Keenan & Walton.

Continued on page 692A

Linda L. Reese

vs.

Kenneth Reese

Record continued from page 692

of record

A.D. 1990 - 741

****

Oct. 13, 1994 Custody Order filed. AND NOW, October 11, 1994, after hearing we enter the following order.

1. Legal custody of Kenneth Reese, Jr. shall be shared between the mother and father to the end that each parent shall be entitled to full access to school records, medical records and any other important records involving the child and that each parent shall be entitled to take part fully in important decisions affecting the child's best interests such as his education, medical treatment, religious instruction and special programs benefiting the child.

2. Physical custody of the child Kenneth Reese, Jr. shall be shared between the parents in accord with the following conditions; the mother shall have physical custody of the child from Sunday at 7:00 o'clock p.m. until the following Friday until two hours after kindergarten or school as terminated for the day.

3. Except for weekends noted hereafter the father shall have custody of the child commencing every Friday two hours after kindergarten or school is out until Sunday at 7:00 o'clock p.m.

4. When the child is not in kindergarten or school the same custodial hours shall remain in force and effect.

5. On one weekend per month instead of surrendering the child on Friday, the mother may retain the child for a weekend visit until 7:00 o'clock p.m. Sunday. Unless otherwise agreed upon by the parents the mother's weekend shall be the weekend of the first Friday of each calendar month.

6. During kindergarten or school summer vacation period the best interest of the child will be served by periods of prolonged visits with each parent. Accordingly in June, July and August of each year the fther may select a one week period in June, a two week period in July and a one week periodin August, when the child will be in his exclusive custody. Unless the parties mutually agree otherwise the seven and fourteen day weekly periods shall commence on the second Saturday of each month at 9:00 o'clock a.m. and conclude on Sundays at 7:00 o'clock p.m.

7. The father shall notify the mother of his choices of summer visits each calendar year by May 15th and if no notice is received the visits shall commence on the dates heretofore set by the Court.

8. Likewise the mother shall have extended visits with the child during June, July and August and after the father has made his selection or in the event he follows the schedule established by the Court, the mother may select a one week period of exclusive custody so as not to interfere with the father's visits in the months of June, July and August beginning on a Saturday and terminating on a Sunday at the hours aforesaid.

9. The Court believes holidays should be shared between the parents with the holidays defined as Christmas, Easter and Thanskgiving and the Court urges the parents to arrange amicably satisfactory visits for the child with each parent on the saforesaid holidays. In the event the parents cannot agree the child shall be in the custody of the mother on each of the aforesaid holiays between the hours of 9:00 o'clock a.m. and 2:00 o'clock p.m. and in the custody of the father between the hours of 2:00 o'clock p.m. and 8:00 o'clock p.m.

10. Each parent may arrange to have another qualified adult person pick up and return the child for the various weekly and vacation visits and unless the parties mutually agree otherwise, the exchange of the child shall take place at the corner of the Hartstown Road and Route 285. There shall be no out bursts, derogatory remarks or angry exchanges between the parents during custody transfers and the releasing parent shall notify the accepting parent of any problems the child had while in their custody, any medications that must be given periodically and any other special needs that must be accorded the child.

11. Neither party shall say or do anything in an attempt to turn the child against th eother parent but will do everything to foster a favorable and loving attitude of the child toward both parents.

12. Both parents agree to inform the other immediately of any illness or injury affecting the child and the progress or lack thereof in the child's schooling as reported by the school.

13. Unless the parties agree otherwise the child's kindergarten and schooling educationshall be carried out in the Linesville School District.

BY THE COURT,
P. Richard Thomas, S.J.

Oct. 13, 1994 Copies dist. to Keenan and Walton

692
-B-

1990

1990

Sorce, Incorporated

VS.

Advanced Wave Form Science Inc., Trading and Doing Business as Pro Systems

Record Continued from Page 571

OF

AD 1990 - 1121

****

Sept. 30, 1991 ORDER filed. The plaintiff in this action secured a default judgment against the defendant and is attempting through the discovery process to locate assts of the defendant to satisfy his judgment. By Order dated April 29, 1991, we ordered the defendant to file complete answers to interrogatories and the defendant failed to do so. By subsequent Order dated July 10, 1991, we gave the defendant, acting through its president Adolph Santorine, Jr., twenty days to purge himself of contempt by filing appropriate answers to the interrogatories.

We are now faced with a new motion requesting the Court to enforce its July 10, 1991, Order because the defendant has again failed to file answers to interrogatories as required by the two prior court orders. We note that in this Court's Orer dated July 10, 1991, we imposed, but suspended a one (1) to three (3) month jail term upon the President of said company, namely one Adolph Santorine, Jr.

WE now direct the Prothonotary to issue a bench warrant to the Sheriff of Crawford County for the arrest of Adolph Santorine, Jr., and the Sheriff is directed to apprehend the defendant and confine him in the Crawford County Jail for a period of one (1) to three (3) months as required by our Order of July 10, 1991. Once he is incarcerated, the Sheriff's Dept. shall notify the Court and the Court will schedule a hearing to impose further sanctions for wilful and deliberate non-compliance with its prior Orders.

Dated: Sept. 24, 1991

By Order Of The Court,
P. Richard Thomas, Senior Judge

Sept. 30, 1991 Copy of Order mailed to Atty. Terry Heeter. Warrant issued given to Sheriff.
Oct. 2, 1991 Copy of Order mailed to Atty. Richard Kooman, II.

694

1990

Frank Nader

vs.

G. Arden Hughes, Coroner, duly elected for Crawford County

Record Continued From Page 281

Record of

A.D. 1990 - 831

****

Dec. 20, 1990 ASSIGNMENT OF ARGUMENT DATE, filed. And now, Dec. 20, 1991, argument on the above matter is set for Jan. 30, 1992, at 1:30 PM, in Courtroom 1, before Gordon R. Miller, P.J. FOR THE COURT,
Imogene Yetman, Court Administrator

Jan. 3, 1992 copies in box for D. Lewis, B. Lindsay & J. Spataro

On February 1992 Trial List

Jan. 24, 1992 Plaintiff's Response To Defendants' Motion For Summary Judgment filed.

Jan. 30, 1992 Oral Depositions of John M. Dawson, Esq. and G. Arden Hughes filed.

Jan. 30, 1992 Motion For Recusal filed.

Feb. 3, 1992 ORDER filed. AND NOW, Jan. 30, 1992, after consideration of the Plaintiff's motion for recusal, said motion is DENIED as this Court believes that it is wholly free, disinterested, impartial and independent, has no interest, bias, prejudice or relationship in this case that there should be no appearance of impropriety.

Therefore, we deny the Plaintiff's motion leaving the Plaintiff with the opportunity to file similar motions in the future if he so desires.

By Order Of The Court,
Gordon R. Miller, P.J.

Feb. 6, 1992 Copy of Order to Attys. Donald Lewis, John Spataro.

FEb. 25, 1992, Motion to Dismiss Defendants Motion for summary Judgment, or in the alternative, For Continuance of Hearing on Defendant's Motion for Summary Judgment and Order filed.
ORDER: AND NOW, this 30 day of Sept. 1991 upon consideration of the foregoing Motion, a hearing is hereby scheduled for : 1:30 Mon. Sept. 30, 1991.

BY ORDER OF COURT,
Gordon R. Miller, J.

Feb. 25, 1992, MEMORANDUM AND ORDER SUR DEFENDANT'S MOTION FOR SUMMARY JUDGMENT filed.
ORDER: AND NOW, Feb. 24, 1992, the defendant's motion for summary judgment is denied. This matter shall be tried in the April, 1992 term of civil jury trials.

BY THE COURT,
Gordon R. Miller, p.J.

Feb. 25, 1992, copies given to attys. of record.

Feb. 28, 1992 Motion For Continuance and Order filed. AND NOW, this 28 day of February, 1992, upon consideration of the within Motion this case is continued to the October, 1992 Term of Civil Court. BY THE COURT, Anthony J. Vardaro, 3/2/92 Copies to Atty's Spataro and Lewis

1992 APRIL TRIAL LIST

1992 October Trial List

Sept. 24, 1992 Motion to Dirct Specific Discovery and Order filed. AND NOW, September 22, 1992, upon presentation and consideration of the foregoing Motion,the Defendant Arden Hughes is directed to provide any and all necessary consents for the purpose of delivering the autopsy slides of Mark Nader from the custody of Allegheny County Coroner's Office to Dr. Cyril H.Wecht. Plaintiff's Counsel is directed to return the slides to the Allegheny County Coroner's Office upon completion of Dr. Wecht's review, reserving the right to duplicate slides, if necessary, at Plaintiff's expense.

In addition, the Pennsylvania State Police are directed to comply with discovery requests by providing a copy of the police report relative to the investigation of the death of Mark Nader.

BY THE COURT:
Gordon R. Miller, J.

Sept. 25, 1992 Copy of the Order to Attys. Lewis, Lindsay and Spataro.

Sept. 25, 1992, Motion for the Setting of Date Certain for Trial and Order filed.
ORDER: AND NOW, this 23rd day of Sept. 1992, upon consideration of the within Motion, the Jury Trial in this case is scheduled for the 12th day of Oct. 1992, in Courtroom 7, Crawford County Courthouse, Meadville, Pa.

BY THE COURT,
Gordon R. Miller, J.

Sept. 28, 1992, copies of order to Attys. Lewis, Lindsay and Spataro.

Sept. 29, 1992 Order filed. AND NOW, September 28, 1992, at the call of the trial list cousel for the Plaintiff move to continue the case in order to receive and analyze additional discovery, which said motion the Defendant did not oppose. Therefore, this case is continued to the February, 1993 trial term. There shall be no further continuances beyond that. Any further requests for ocntinuances shall be accompanied by written consents of the party requesting the continuance.

BY ORDER OF THE COURT,
Gordon R. Miller, J

Oct. 2, 1992 Copies of order put in box for Atty's Lewis and Spataro

Nov. 6, 1992 Motion to Withdraw Appearance and Order filed. AND NOW, this 4th day of November, 1992 upon presentation and consideration of the foregoing motion, counsel of record, Brian J. Lindsay,Esquire, is hereby granted leave to withdraw.

BY THE COURT:
Gordon R. Miller, J.

Nov. 6, 1992 Copy of Order to Attys. Lewis, Lindsay, Spataro.

1993 February Trial List

Jan. 22, 1993 Motion For Sanctions and ORDER filed. AND NOW, this 22 day of January, 1993, upon consideration of the within Motion, a hearing is scheduled for the 1st day of February, 1993, in Court Room 1, Crawford Co. Courthouse, Meadville, PA at 9:30 a.m.

BY THE COURT:
Gordon R. Miller, J.

Jan. 22, 1993 Copy of Order to Attys. Lewis, Spataro and Lindsay.

Continued to Page 694 - A

Frank Nader
vs
G. Arden Hughes,Coroner, duly
elected for Crawford County

Continued from Page 694
of record

AD 1990 - 831

****

✓ Feb. 2, 1993 Memorandum and order filed. AND NOW, February 1, 1993 in accordance with the attached memorandum it is ordered as follows:

1. James Fisher and Daniel L. Barber shall be permitted to testify at trial but their testimony shall be limited solely to the substance of the facts and opinions that are contained in the affidavits previously filed and, in the case of Barber, his report that was attached to the plaintiff's second set of answers to defendnt's interrogatories.

2. Counsel for the defendant shall review the Wecht letter of October 15, 1992 and advise the Court at the pretrial conference on February 4, 1993 of exactly how the defendant is prejudiced if Dr. Wecht testifies at trial. Failing that and provided the Court does not issue additional sanctions Dr. Wecht shall be permitted to testify at trial but his testimony shall be limited to the substance of the facts and opinions that are contained in the first six pages of his letter of October 15, 1992.

BY ORDER OF COURT
Gordon R. Miller, P. J.

Feb. 2, 1993 Copies given to Lewis & Spataro.

✓ Feb. 2, 1993 Order filed. AND NOW, February 1, 1993, the Court schedules a pretrial conference for February 4, 1993 at 9:00 o'clock a.m. in Courtroom No. 1 of the Crawford County Courthouse.

BY ORDER OF COURT
Gordon R. Miller, P. J.

Feb.2, 1993 Copies given to Cousnel by Ct.

✓ Feb 11, 1993 OMNIBUS MOTION IN LIMINE, filed.

✓ Feb. 16, 1993 Memorandum of Law, filed.

✓ Feb. 17, 1993 Motion For Summery Judgment - Lack Of Standing filed.

✓ Mar. 31, 1993 Memorandum and Order filed. AND NOW, March 31, 1993, this action is dismissed and judgment entered in favor of the defnedant as the Court finds the plaintiff does not have standing to bring this action.

BY ORDER OF COURT,
Gordon R. Miller, J

Mar. 31, 1993 Copies distributed by the Court.

✓ Apr. 16, 1993 Notice of Appeal of Frank Nader, Plaintiff above named, by and through his attorney, Donald E. Lewis, Esquire, hereby appeals to the Superior Court of Pennsylvania from the Order Entered in this matter on March 31, 1993, filed. Order for Transcript and Certificate of Service filed.

✓ Apr. 23, 1993 Transcript of Colloquy Takenat Time Scheduled for Jury Trial filed.

✓ Apr. 26, 1993, Notice of Appeal Docketing at No. 00635PGH93 filed.

June 11, 1993, ORDER OF COURT CERTIFIED FROM THE SUPERIOR COURT OF PA. filed. ORDER OF COURT: The above captioned appeal from an order denying a complaint for writ of mandamus to a county coroner is transferred sua sponte to Commonwealth Court. 42 Pa. C.S. 762 (a) (4).
Date: June 9, 1993 Per Curiam,

Jun. 6, 1994 ORDER filed. AND NOW,this 2nd day of June, 1994, the order of the Court of Common Pleas of Crawford County, Pennsylvania dated March31, 1993 is affirmed.

Silvestri Silvestri, Senior Judge

6-9-94 Copy to Atty. Lewis

Aug. 5, 1994 Opinion and ORDER filed. AND NOW, this 2nd day of June, 1994, the order of the Court of Common Pleas of Crawford County, Pennsylvania dated March 31, 1993 is affirmed.

Silvestrie Silvestri, Senior Judge

8-10-94 Copies to Atty. Lewis & Spataro

Aug. 5, 1994 Certificate of Contents of Remanded Record and Notice of Remand Under Pennsylvania Rules of Appellate Procedure 2571 and 2572 (e) filed.

694 B

1990

	Joanne M.Smith vs. Duane L. Smith Claims	CONTINUED FROM PAGE 141 of Record A. D. 1990 - 691	

Aug. 30, 1993 Motion to Withdraw and Order, filed. ORDER And now, August 30, 1993, Upon presentation of the within Motion, an Order is entered authorizing and directign the Plaintiff to withdraw her claim for alimony pendente lite, counsel fees and costs and equitable distribution, as filed in connection with the above captioned divorce action.

Gordon R. Miller, P.J.

Aug. 31, 1993 copy to R. Charles Thomas, B. Lindsay, C. Youngs, E. Malc

Esther M. Young

vs.

William M. Young

Record Continued from Page 196

OF

AD 1990 - 746

****

Jan. 22, 1992 Motion To Vacate Custody Mediator and ORDER filed. AND NOW, Jan. 22, 1992, after consideration of the within motion, IT IS HEREBY ORDERED AND DECREED that the appointment of John Fuller as Custody Mediator in the above action is vacated.

William Pineo, Esquire is hereby appointed Custody Mediator.

Gordon R. Miller, Judge

Jan. 23, 1992 Copy of Order to Attys. Ann Gamble, John Fuller, Bruce Barrett, William Pineo.

Mar. 13, 1992, TEMPORARY ORDER filed. AND NOW, this 10th day of Mar. 1992, after mediation in the above matter, and upon recommendations of the child Custody Mediator,

IT IS HEREBY ORDERED AND DECREED THAT:

1. The stipulation and order entered Oct. 23, 1990, regarding the legal and physical custody of the subject minor children is affirmed in all respects.

2. costs and fees of this mediation, which are fixed at $152.00 are divided equally between the parties with a share of each being assessed to him or her as costs in this case. Payment shall be made to the Prothonotary of Crawford county.

3. Either party may move the court for a hearing de novo for thirty (30) days from date hereof. If neither party so moves, this order shall be considered permanent.

By the Court,
Gordon R. Miller, J.

Mar. 17, 1992, copies to W. Pineo, A. Gamble and Bruce Barrett ESqs.

Mary J. Deeter, Adm. of the Est of Ronald E. Deeter dec. et al

vs.

Albert E. Vroman, II

Record Continued from page 467

of

AD 1990 - 1017

Feb. 5, 1992, PRE-TRIAL ORDER filed. (Gordon R. MIller, J)
Feb. 5, 1992, copies of above order mailed to attys of record by Kim, Judge's sec.

Feb. 10, 1992 Petition For Severance of Issues filed.

Feb. 10, 1992 Motion In Limine filed.

Feb. 10, 1992 Certificate of Service of Defendant's Supplemental Pre Trial Narrative Statement, Proposed Voir Dire, and Petition for Severance of Issues filed.

Feb. 10, 1992 Defendant's Reply to Plaintiffs' First Motion In Limine filed.

Feb. 14, 1992 Plaintiffs' Requested Points for Charge filed.

Feb. 14, 1992 Defendant's Points For Charge filed.

Feb. 14, 1992 ORDER filed. AND NOW, February 10, 1992, the Defendant's motion for severance and bifurcation is DENIED.

By Order Of The Court,
Gordon R. Miller, P.J.

Feb. 20, 1992 Copy of Order mailed to Attys. James G. Gordon, Peter J. Mansmann, John W. McCandless.

Feb. 14, 1992 Plaintiffs' Motions In Limine filed.

Feb. 14, 1992 Transcript of Defendant's Offer of Proof Made in Chambers Prior to Commencement of Trial filed.

Feb. 14, 1992 EXHIBITS filed.

Feb. 14, 1992 AND NOW, Feb. 14, 1992 at 2:42 P.M., Jury selected and sworn as follows: Juror No. 1 - Janet R. Stetson; Juror No. 2 - Lois L. Imes; Juror No. 3 - Rose Alice Russell; Juror No. 4 - John Hilla; Juror No. 5 - Arthur Gehly; Juror No. 6 - Beverly White; Juror No. 7 - Rodney C. Choffel; Juror No. 8 - Margaret Skeens; Juror No. 9 - Oliver E. Pelley; Juror No. 10 - Cynthia Liepins; Juror No. 11 - Carva J. Black; Juror No. 12 - Charles Authier, twelve good and lawful persons who upon their solemn oath which they have taken and at least 10 of them say Feb. 14, 1992 at 2:42 P.M. they find the defendant, Albert E. Vroman, II was not negligent.

Arthur H. Gehly,
Jury Foreman

AND NOW,
Mar. 30, 1992 Upon præcipe of Defendant attorney judgment on Defendant verdict is hereby entered of record.

Judgement entered - 3-30-92
D - 115, 145
W - 213, 299

JUDGMENT
Barbara H. King, Pro.

1990

Jeffrey K. Millin

Richard A. Herman, Jr.

William Mitchell

vs.

Mark S. Harvey, Jr. and
Virginia Harvey

Record continued from page 565

of
AD 1990 - 1115

****

April 15, 1992 ASSIGNMENT OF ARGUMENT DATE Filed. April 10, 1992: The Court Administrator having been directed by the Court to schedule an argument date in the above matter, hereby sets argument for April 27, 1992, at 10:00 A.M. , in Courtroom 2.
FOR THE COURT,
Imogene Yetman, Court Administrator

Apr. 27, 1992 Deposition of John P. Dubowski filed.

Apr. 27, 1992 Deposition of Mark S. Harvey filed.

April 21, 1992 copy distributed to: Atty. Paul D. Shafer, Jr. and Atty. Richard A. Hernan, Jr.

Apr. 27, 1992 Deposition of William Mitchell, filed.

Apr. 30, 1992 Deposition of Sandra Mitchell, filed.

Apr. 30, 1992 Deposition of Virginia Harvey, filed.

Apr. 30, 1992 Deposition of Mark S. Harvey, filed.

May 1, 1992 Order filed. AND NOW, April 28, 1992, Defendant's motion for summary judgment is denied and Defendant's motion for judgment on the pleadings is denied.
Pursuant to the order of March 30, 1992 entered by Judge Gordon R. Miller and in light of the fact that the June 1992 term of Court is now entirely devoted to criminal cases, a jury will be selected in this case during that term of Court with this case to be tried sometime shortly after that term of Court.
BY THE COURT:
Anthony J. Vardaro, J.

Apr. 29, 1992 Gave Imogene copy. May 1, 1992 other copies distributed.

June 3, 1992 ASSIGNMENT OF PRETRIAL CONFERENCE DATE AND JURY TRIAL DATE, filed. Pretrial Conference in above case is set for Monday, June 22, 1992, at 8:00 a.m., before Gordon r. Miller, P.J.
Jury selection and trial is set for Thursday, June 25, 1992, at 9:00 a.m., in Courtroom 1.
Pretrial Narratives shall be filed on or before June 22, 1992.
FOR THE COURT,
Imogene Yetman, Crt. Adm.

June 3, 1992 copies in box for J. Millin and copies mailed to R. Herman

June 8, 1992 MOTION FOR CONTINUANCE and ORDER. ORDER: AND NOW, this 8th day of June, 1992, upon consideration of Plaintiff's Motion ofr Continuance, and defense counsel's consent to same, this case is hereby continued until the next term of Court.
BY THE COURT:
Anthony J. Vardaro, J.

June 15, 1992 copy in box for J. Millin, mailed copy toR. Hernan

Sept. 23, 1992 Motion For A Continuance and ORDER filed. AND NOW, to-wit, this 21st day of Sept., 1992, upon the foregoing Motion for a Continuance, IT IS ORDERED that the captioned case is continued to the next trial term for civil jury trials so long as the Plaintiff doesn't object. No further continuances shall be allowed.

BY THE COURT,
Gordon R. Miller, J.

Sept. 24, 1992 Copy of Order to Attys. Jeffrey Millin and Richard Herman.

1993 February Trial List

January 21, 1993 Plaintiff's Pretrial Narrative filed.

Feb. 4, 1993 Pre-Trial Order filed. (See paper filed)

Mar. 2, 1993 Upon Praecipe of Plaintiff Attorney the above case marked settled and discontinued of record.

Brian E. Antill
vs.
Machele A. Antill

Record Continued from Page 16
of A.D.1990 - 566

****

The Thanksgiving visitation shall commence two (2) hours after school is recessed for the Thanksgiving holiday and shall terminate on Sunday following Thanksgiving at 6:00 o'clock p.m.

The Christmas visitation period shall commence two (2) hours after the children are recessed from school for the Christmas holiday and shall terminate at 6:00 o'clock p.m. on the day before school reconvenes at the close of Christmas recess.

The Easter holiday visitation shall commence two (2) hours after school is recessed for the Easter holiday and terminate at 6:00 o'clock p.m. on Easter Sunday.

For the Thanksgiving visitation in 1992, all three children shall be with the Plaintiff, their father, for the visitation periold defined above. The father shall have Thanksgiving visitations in even numbered years and the mother shall have Thanksgiving visitations in odd numbered years.

The Easter, 1993 visitation period as defined above, all three children shall be with their mother for the period defined above. In odd numbered years the mother shall have the children for Easter visitation and in even numbered years the father shall have the children for Easter visitation.

The Christmas visitation defined above shall be split in half or as nearly equal as possible. The children shall be with one of their parents for each half. For the first half of the Christmas, 1992 visitation as defined above, all three children shall be with their mother, the Defendant. For the second half of the Christmas, 1992 visitation period as defined above, the children shall be with their father, the Plaintiff.

Therefore, in even numbered years the first half of the Christmas visitation shall be with the mother and the second half with the father. In odd numbered years, the first half of the Christmas visitation shall be with the father and the second half with the mother.

6. The summer visitations starting with the school vacation for 1992, all three children shall be with the Plaintiff, their father, for the last three (3) weeks in June and the first three (3) weeks in August. The first three (3) weeks in August shall begin with the first Saturday that occurs in August. The last three (3) weeks in June shall be described as the week where the last Saturday in June appears. For all other summer school vacation periods, all three (3) children shall be with the Defendant, their mother.

7 . Transportation for the children for periods of visitation as outlines above shall be borne by the party receiving the children.

8. Holiday visitations shall take priority over weekend visitations. Vacation visitations shall take priority over weekend visitations.

9. In the event that either party is unable to exercise a visitation period, he or she shall give at least twenty-four (24) hours oral or written notice to the other party so that the other party may make appropriate plans or changes in plans. Any party who does not appear for a visitation pickup within one (1) hours after the scheduled time shall forfeit that visitation and no other time shall be substituted therefor unless the other party agrees.

10. If either party moves he or she will advise the other of his or her new address and phone number within seven (7) days after moving.

11. A non-custodial party shall have the right to spend up to three (3) hours visiting a child on the child's birthday providing that parent give at least three (3) days notice to the custodial parent.

12. Neither party shall do or say anything to blacken the character of the other. Neither party shall do anything or permit the doing of anything that would adversely affect the health, safety, morals and welfare of these children.

13. At any time when a child is in the custody of either parent, any child comes down with any sickness, injury or illness, the parent having custody or visitation shall immediately notify the other and they shall cooperate with each other regarding health care for the children.

BY ORDER OF THE COURT,
Gordon R. Miller, P.J.

May 7, 1992 copy of order to: R. Christopher Brode, Esq. ; Ann H.Gamble, Esq.

Bernard Wagner, et al
vs.
Farmers Mutual Fire Ins., et al

CONTINUED FROM PAGE 129
of Record
A.D. 1990 - 679

****

May 27, 1992 CERTIFICATION OF SERVICE, filed. I certify that a copy of the Federal Income Tax Returns for tax year 1989 for Defendants have been served this 27th day of May, 1992 upon Joanne Budde, Esquire by First Class, U.S. Mail, postage prepaid. Biran J. Lindsay

May 27, 1992 CERTIFICATE OF SERVICE, filed. I certify that a copy of the Federal Income Tax Returns for tax years 1980 through 1987 for Defendants have been served this 22nd day of May, 1992 upon Joanne Budde, Esquire by First Class, U.S. Mail, postage prepaid. Brian J. Lindsay

Feb. 23, 1993 Notice of Service of Interrogatories and Requests for Production to Plaintiffs (Second Set) filed.

May 16, 1994 Motion to Withdraw and ORDER filed. AND NOW, this 16 day of May, 1994 upon consideration of the Motion to Withdraw the same is hereby granted and Brian J. LIndsay, Esquire my withdraw as counsel of record for the Plaintiffs herein.

BY THE COURT:
Anthony J.Vardaro, J.

5-16-94 Faxed copy to Budde, gave 2 copies to Lindsay.

Jun. 1, 1994 Amended Answer, New Matter and Counterclaim, filed.

June 1, 1994 Defendant's Motion For Leave To Amend Answer and New Matter and Order filed. AND NOW, this 1st day of June, 1994, it is hereby ORDERED and DECREED that defendants mtoion for leave to amend its answer and new matter is GRANTED.

BY THE COURT:
Gordon R. Miller, J

June 1, 1994 Faxed Lindsay and Budde

Jun. 7, 1994 Appearance of Halliday & Halliday by Michael Halliday,Esquire for Patricia A.Wagner, Plaintiff, filed.

Jun. 7, 1994 ORDER filed. AND NOW, June 3, 1994, upon presentation of the within motion, A Rule to Show Cause is hereby entered and directed to Brian J. Lindsay, Esquire, to show cause, if any he has, why the prior Order should not be vacated and he be obligated to continue to represent the plaintiffs.

Said Rule to Show Cause is returnable for hearing and/or argument at 3:30 o'clock p.m. on Friday, June 10, 1994 in Courtroom No. 1 or 2 of the Crawford County Courthouse.

BY THE COURT,
Gordon R. Miller, P. J.

6-7-94 given Lindsay. 6-8-94 Faxed to Atty. Budde

June 13, 1994 Order filed. AND NOW, June 10, 1994, after a formal hearing on the record, the Order previously entered permitting Brian J. Lindsay to withdraw as counsel for the Plaintiffs is AFFIRMED. We believe that Mr. Lindsay is faced with mixed signals from various partners partners in Wagnercrest Farms believed to be a partnership which makes his representation difficult if not impossible; that the partners may not be cooperating with each other; and that there are matters addressed in Rule 1. 16 of the Rules of Professional Conduct where Mr. Lindsay has represented to the Court that as a professional matter he cannot continue to be involved inthis case.

We make no decision on the merits of that. We take no position on whether or not that is true. We re following the comment that basically provides where a lawyer makes that representation the Court can accept it with respect to termiantion of representation only.

The Plaintiff/Plaintiffs are granted sixty (60) additional days from this date to file a rresponsive pleading to the Amended Answer, New Matter and Counterclaim filed June 1, 1994 by the Defendants in this case.

BY ORDER OF THE COURT,
Gorodn R. Miller, J

June 13, 1994 Faxed Budde, given Lindsay, mailed Wagners

Aug. 11, 1994 Reply to New Matter of Patricia Wagner filed.

Aug. 12, 1994 Answers and New Counterclaim and Amended Complaint of Bernard Wagner and David Wagner filed.

Aug. 15, 1994, Motion for Entry of Default Judgment on Counterclaim and Order filed. ORDER: AND NOW, this 15th day of august, 1994, said motion is denied.

BY THE COURT
Gordon R. Miller, J.

Aug. 17, 1994, copies to Lindsay, Budde and mailed to Wagners.

Aug. 29, 1994 Preliminary Objections filed.

Aug. 29, 1994 Upon Praecipe of Joanna K.Budde, Esquire, the above captioned matter is placed on the next available Argument List.

ON OCTOBER, 1994 ARGUMENT LIST

Sep. 29, 1994 Appearance of Jorden and White by William T.Jorden, Esq. and George R.Gray, Esq. for Bernard Wagner, Patricia Wagner and David Wagner, individually and doing business as Wagner Crest Farms, Plaintiffs, filed.

Oct. 26, 1994 Order filed. ANDNOW, October 25, 1994, the defendants' preliminary objections in the nature of a demurrer to the "Amending Complaint" filed by the plaintiffs onAugust 12, 1994 is granted and the amending complaint is dismissed.

This Order hasno effect on the plaintiffs' "Answers to New Matter" and Answer to Counterclaim, which were both filed inthe same document and at the same time that the "Amending Complaint" was filed.

If necessary we will file a memorandum explaining this order. We essentially adopt the argument contained in the defendant's brief. The plaintiffs' claim for defamation or slander are absolutely privileged. Greenberg v. Aetna Insurance Company, 421 Pa. 511, 235 A.2d 576 (1967), cert. denied 392 U.S. 907, 88 S.Ct. 2063, 20 L.Ed. 2d 1366 (1968) Claims for emotional distress cannot be awarded under these circumstances. The "Amending Complaint" was filed in contrary to Pa.R.C.P. 1033.

BY THE COURT,
Gordon R. Miller, J

10-26-94 Copies dist. to Jorden & Budde

Feb 26, 1996 Upon praecipe of plaintiff attorney all claims and causes of action which were, or culd have been asserted in this action having been settled, adjusted and compromised, this action is hereby discontinued of record.

700

1990

DEBORAH LEHMAN
VS.
LEO F. DUGAN, Jr.

Continued of record from Page 139

A.D. 1990 - 689

****

May 29, 1992 Motion to Withdraw Appearance and Order filed. AND NOW, this 29th day of May, 1992, upon presentation and consideration of the within Motion, Defendant's Counsel, James R. Irwin, Esquire, is hereby authorized to withdraw his appearance on behalf of the Defendant in the above captioned case.

Gordon R. Miller, J.

May 29, 1992 Copy of the Order to: Joan D. Mason, Esq. James Irwin, Esq. and William Pineo, Esq.

In Error ~~July 29, 1992 Appearance of Barbara J. Walton for Plaintiff, filed.~~

JODY A. KINNEY
VS.
ROBERT L. KINNEY

RECORD CONTINUED FROM PAGE 691
OF
AD 1990 - 807

****

10. Neither party shall do or say anything to blacken the character of the other in the children's estimation. Each party shall treat the other in a polite and respectful manner when in the children's presence and each party shall instruct his or her relatives and friends to do likewise and also not to disparage the other party in the children's estimation.

11. The parties are free to make additional or alternative arrangements respecting the custodial and visitation periods and are strongly encouraged to do so if that would be proper and convenient. Said arrangements shall be by mutual consent only, in the absence of which this Order shall govern.

12. Costs and fees of this Mediation, which are fixed at $227.00, are divided equally between the parties. The mother's share is assessed to Crawford County and the father's share is assessed to him as costs in this case. Payment shall be made to the Prothonotary of Crawford County.

13. The deposit required for the appointment of the custody mediator was made by the father. The mediator has noted for the court that neither party has paid his or her share of the costs of the previous mediation. The deposit shall therefore be applied against the father's cost for this mediation and then against his share of teh costs for the previous mediation. He shall remain liable for any deficiency. The mother remains liable for her share of the costs for the previous mediation.

14. Either party may move the Court for a hearing de novo for thirty (30) days from date hereof. If neither party so moves, this Order shall be considered permanent.

By the Court,
Anthony J. Vardaro, J.

Aug. 19, 1992 Copy of Order to Attys. Wm. Pineo, Wm. Scarpitti, R. Christopher Brode, plaintiff, defendant.

Feb. 17, 1998 Important Notice and Court Order filed. Out court records show that you are a party in the case listed above, but that nothing has been filed with the court in this case since 8/18/92 . We are required by the Pennsylvania Supreme Court to dismiss cases in which there has been "unreasonable delay". Your case appears to be inactive. Therefore, unless we hear form you in writing on or before April 24, 1998, we will automatically terminate and dismiss your case without further notice to you or your attorney.

If you do not object to this case being dismissed, you do not have to do anything. The case will be marked "dismissed with prejudice" in our records, and will be over forever.

I If you object to the case being dismissed, you must put your objections in writing and follow Crawford County Civil Local Rule L206, LJA 1901E and LJA1901F, explaining why there has been a delay in your case and why it is not unreasonable. These written objections must be filed in the Prothonotary's Office on or before April 24, 1998. You must also give or send a copy of any objections you file to the other party or his or her attorney, and certify that you have done so when you file your objections with the Prothonotary.

YOU MAY LOSE IMPORTANT RIGHTS IF YOUR CASE IS TERMINATED. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHER EYOU CAN GET LEGAL HELP.

Court Administrator
Second Floor-Crawford County Courthouse
Meadville, PA 16335
(814) 333-7498

By the Court,
Anthony J. Vardaro, J

Date: February 13, 1998
Feb. 13, 1998 Copies mailed by Court Administrator's Office

May 6, 1998 Order filed. AND NOW, this fourth day of May, 1998, written notice of the Court's intent to terminate the cases listed below having been given to the parties or their counsel of record, and further notice having been given to counsel and parties by publication of a "Notice of Intent to Terminate Cases" printed in the Crawford County Legal Journal on April 15, 1998, and no objection thereto haing been received by the Court from either party in the cases listed below, **all and each of the 245 cases listed below are hereby terminated and dismissed with prejudice.** A copy of this order shall be filed at each of the docket numbers listed below, but copies need not be given to or served upon the parties or their attorneys. Cases may be reinstated only in accordance with Crawford County Rule LJA 1901.

By the Court:
Gordon R. Miller, P.J.

(See original filed at A.D. 1997 - 702)

Bernard C. Tobin

vs.

Carole A. Tobin

Record continued from page No. 1

of

AD 1990 -- 551

Aug. 21, 1992, ORDER filed. ORDER: AND NOW, Aug. 21, 1992, the plaintiff in this matter appears in Motion Court with the attached letter which essentially appears to be a request for a contempt hearing insofar as he has not visited with his children as required by theexisting court order.

Upon inquiry by the court he advises the court that he has notified the defendant of his intention to present this motion as required by the local rules and while the latter is not verified the court in Motion court has the plaintiff swear that the averments are true and correct.

Accordingly, the court will set a hearing to determine whether the defendant is in contempt of the previous custody order in this matter.

Said hearing is set for Oct. 8, 1992 AT 1:30 p.m. in c. r. No. 1 or 2 of the Crawford Countycourthouse.

Plaintiff shall receive a copy of this order at his address at R. d. #1, Gravel Run Rd. cambridge Springs, Pa. and the Prothonotary shall send a copy to the dft. at her last known address and to any counsel of record for the defendant as well as any counsel of record for the plaintiff.

BY THE COURT,
Anthony J. Vardaro, J.

Aug. 21, 1992, copies mailed to parties and Atty. ferguson by Ct. Adm. and copy put in box of G. Gray, Esq. by Pro.

Oct. 13, 1992 Order filed. AND NOW, october 8, 1992, this matter is before the Court on a request to hold the Defendant in contempt filed by the Plaintiff.

The Plaintiff appears without counsel and the defendant appears with counsel, and the matter proceeds informally. The Court hears input from both parties as well as form Trisha, the 14 year old child involved in this case.

There is no question that the parties have not followed the order of July 30, 1992, and that the Court to modify the order. Essentially what has happened is that both children have reached their teen or near-teen years and havae dictated t to the defendant mother what they wish to do and she has let them do that.

Consequently, the Court finds that she is in violation ofthe order but declines to hold her in contempt because the Court doe snot believe her actions are totally willful on her part. She is, however, cautioned that the Court expects complaince with the terms of a temporary order we will enter pending further mediation in this matter.

accordingly, the order of July 30, 1990 is affirmed pending further mediation in all respects that it is not inconsistent with this order.

The Court will, however, pending further mediation, set up the following visitation schedule with respect to the minor daughters.

The minor daughter Trisha shall remain in the primary custody of mother/ddefendant and father/Plaintiff shall have vistiation, pending further mediation, with Trisha for at least 2 Sundays each month beginning at noon and ending at 6:00 p.m. The parties shall cooperate in arranging those Sundays.

The minor daughter Christina shall remain in father's custody pending further mediation with defendant mother to have two weekends per month with Crhistina, with a weekend to begin at 6:00 p.m. on Friday until 6:00 p.m. on Sunday, this again being until fruther mediation can be had.

It is obvious that the Plaintiff has lost much visitation to which he is entitled, including the entire summer of 1992 and this order is without prejudice to the mediator to take that into consideration in any way he deems it appropriate, and the mediator is further advised that this temporary visitation order with respect to both chidlren is just that, and is not intended to influence his ultimate decision.

This matter is referred back to John Fuller, child custody mediator, for a mediation as soon as possible but not until each party has deposited $75.00 with the Court Administrator and each shall make such deposit on or before October 15, 1992 so that this matter may proceed.

The parties shall make every effort pending further mediation to require that the children comply with the terms of this order.

BY ORDER OF THE COURT,
Anthony J. Vardaro, J

Oct. 13, 1992 Copies to Pltf., Atty's Keenan, Ferguson, Fuller & Gray

Jan. 20, 1993 ORDER filed. AND NOW, Jan. 18, 1993 after mediation conference before John Fuller, Esq., IT IS ORDERED AND DECREED AS FOLLOWS, TO-WIT:

I. Legal custody of Tricia M. Tobin and Christina K. Tobin shall be shared between the mother and the father, the plaintiff and defendant herein, that is, each parent shall be entitled to full access to school records, medical records and other important records and that each parent shall be entitled to take part fully in importatn decisions affecting the child such as the education, medical treatment and religious instruction of the subject child.

II. Physical custody of Tricia M. Tobin shall bw with her mother, subject to the following condition: The father shall be entitled to visit and take the child into his custody every other weekend from 6:00 p.m. on Friday to 6:00 p.m. on Sunday, beginning February 5, 1993.

III. Physical custody of Christine K. Tobin shall be with her father, subject to the following condition. The mother shall be entitled to visit and take the child into her custody every other weekend from 6:00 p.m. Friday to 6:00 p.m. Sunday, beginning January 29, 1993.

IV. A. Holidays shall be defined as Christmas, Easter and Thanksgiving. Custody of the children shall be shared on the aforesaid holidays and in the absence of an agreement to the contrary, the children shall be in the custody of the father on the aforesaid holidays until 1:00 p.m. and in the custody of the mother on the aforesaid holidays from 1:00 p.m. until 8:00 p.m.

B. Beginning with the Summer of 1993, both children shall be in the custody of the mother for the month of June and in the custody of the father for the month of July. Tricia shall be in the custody of her mother and Christina shall be in the custody of her mother and Christina shall be in the custody of her father for the month of August. There shall be no week end visits during June, July and August.

C. Transportation of the children on weekends, holidays and Summer visits shall be equally divided between the parents.

D. Neither mother nor father shall may or do anything in an attempt to turn the children against the other parent, but on the other hand shall do everything in the power of each to foster a favorable and loving attitude on the part of the children towards both parents.

E. Neither mother nor father shall expose the children to any person or situation which may be harmful to the children's health or well being.

F. Both parents agree to inform the other immediately of any illness or injury regarding the child and both parents agree to furnish the other with a current telephone number.

V. This order is a temporary order but shall become a permanent order unless exceptions thereto are filed by either party within 30 days of the date hereof.

VI. Cost of the mediation conference shall be equally divided between the parties. Gordon R. Miller, P.J.

Jan. 22, 1993 copy to G. Gray, J. Fuller, Plf. & Dft.

Continued on page 702A.

Bernard C. Tobin

vs.

CAROLE A. Tobin

Record continued from page 702

of record

A.D. 1990 - 551

****

June 23, 1993 Motion To Appoint Custody Mediator filed.

June 23, 1993 Memorandum and Order filed. AND NOW, June 23, 1993,upon motion of the Defendant, this matter is referred back to John Fuller, Esquire,f or mediation with respect to the request of the Defendant for modification of the existing custody order.
The Defendant shall be responsible for appropriate service of the Plaintiff.

BY THE COURT:
Anthony J. Vardaro, J

June 29, 1993 Copies of order to Atty's Keenan and Fuller

Aug. 3, 1993 ORDER filed. AND NOW, August 2, 1993 after mediation conference before John Fuller, IT IS ORDERED AND DECREED AS FOLLOWS, TO-WIT:

I. Legal custody of Tricia M. Tobin and Christina K. Tobin shall be shared between the mother and the father, the plaintiff and defendant herein, that is, each parent shall be entitled to full access to school records, medical records and other important records and that each parent shall be entitled to take part fully in important decisions affecting the children such as the education, medical treatment and religious instruction of the subject children.

II. Physical custody of Tricia M. Tobin and Christina K. Tobin shall be with their mother, subject to the following conditions:

A. The father shall be entitled to visit and take the children into his custody one (1) weekend a month from 9:00 a.m. on Saturday to 7:00 p.m. on Sunday, beginning September 18, 1993. Unless other wise agreed by the parties. Visits shall begin the third Saturday of each month.

B. Holidays shall be defined as Christmas, Easter, and Thanksgiving. Custody of the children shall be shared/alternated on the aforesaid holidays and in the absence of an agreement to the contrary, the children shall b ein the custody of the mother on the aforesaid holidays until 1:00 p.m. and in the custody of the father on the aforesaid holidays from 1:00 p.m. until 7:00 p.m. In addition, the children shall be in the custody of their father for a one (1) week period during their Christmas vacation from school.

C. Beginning with the Summer of 1994, Tricia shall be in the custody of her father for a period of three (3) weeks and Christina shall be in the custody of her father for six (6) weeks. The father shall give the mother at least thirty (30) days notice of the dates of the Summer visit. The father's 1993 Summer visit with Christina shall be the last two (2) weeks of August.

D. Transportation of the children on weekends, holidays and Summer visits shall be equally divided with the parent receiving custody providing transportation. (I.E. Father shall pick the girls up Saturday morning and Mother shall pick the girls up Sunday evening.)

E. Neither mother nor father shall say or do anything in an attempt to turn the children against the other parent, but on the other hand shall do everything in the power of each to foster a favorable and loving attitude on the part of the children towards both parents.

F. Neither mother nor father shall expose the children to any person or situation which may be harmful to the children's health or well being.

G. Both parents agree to inform the other immediately of any illness or injury regarding the children and both parents agree to furnish the other with a current telephone number.

III. This order is a temporary order but shall become a permanent order unless exceptions thereto are filed by either party within thirty (30) days of the date hereof.

IV. Cost of the mediation conference shall be paid by Crawford County. The Prothonotary of Crawford County is hereby directed to refund the deposit paid in advance, less the cost of the custody order.

Anthony J. Vardaro, J.

Aug. 5, 1993 copy to G. Keenan, D. Ferguson, J. Fuller, Dft. Plt.

Aug. 30, 1993 Appearance of Elizabeth A. Smith, Esquire for Plaintiff Bernard C. Tobin, filed.

Aug. 30, 1993 Exceptions to Mediator's Report, filed.

702
B

CHARLES WATTERS, II

vs.

PAMELA R. WATTERS

RECORD CONTINUED FROM PAGE 567

OF

AD 1990 - 1117

****

Sept. 26, 1997 Certificate of Service filed.

October 2, 1997 ORDER filed. AND NOW, Sept. 30, 1997 it is ordered as follows: The plaintiff's motion to dismiss economic counts is granted. The defendant's counterclaim consisting of three counts is hereby dismissed.

BY THE COURT
Gordon R. Miller, P.J.

DIVORCE DECREE FILED

Oct. 2, 1997 AND NOW, Sept. 30, 1997, it is ordered and decreed that CHARLES D. WATTERS, II, plaintiff, and PAMELA R. WATTERS, defendant, are divorced from the bonds of matrimony.

The Court retains jurisdiction of any claims raised by the parties to this action for which a final order has not yet been entered and which has not been withdrawn by the party making the claim.

BY THE COURT,
Gordon R. Miller, P.J.

1990 TERM

DEBORAH LEHMAN
vs.
LEO F. DUGAN, JR.

RECORD CONTINUED FROM PAGE
OF
AD 1990 - 697

****

7. WAIVER OF FILING OF DOCUMENTS:

Neither party hereto shall require the other party hereto to file an inventory and appraisement as would otherwise have been requried by the PA. Rules of Civil Procedure. Each party is aware of the debts and assets acquired during the marraige. Defendant has been represented by legal counsel of his choosing until May, 1992, and has chosen to represent himself since that time. Defendant represents to the court that he has carefully read and considered the provisions of this decree, and that he is in full agreement with the same, believing it to be a fair resolution of the economic issues raised in the context of this divorce action.

8. WAIVER OF CLAIMS:

Neither party hereto shall make any claim against the other party hereto, except for enforcement of the rights and responsibilities set forth in this decree.

BY THE COURT,
Anthony J. Vardaro, J.

704

1990 TERM

ALSO SEE EQUITY 1990 - 16

915	TITLE-CO., INC. VS. LIGHTHOUSE COVE OWNERS' ASSOCIATION AND HERBERT E. FORSE	CONTINUED FROM PAGE 365, BOOK 2 OF RECORD A. D. 1990 - 915

****

July 1, 1997 Order of Court Granting the Entry of Judgments of Non-Pros in favor of Defendants and against Plaintiff filed. AND NOW, to-wit, this 1st day of July, 1997, upon considering of: (1) the Petition filed by Defendants Lighthouse Cover Owners Association, Herbert E. Forse, George W. Morris, and John Paul Duffy for the issuance of a rule to show cause why Judgments of Non-Pros should not gbe entered against Plaintiff Title-Co., Inc., in the above state actions at No. EQ1990-16 (At Equity) and No. AD 1990-915 (At Law); (2) the Order of Court entered on April 2, 1997, granting the requested rule upon the Plaintiff; (3) the service of that Order upon counsel for the Plaintiff; (4) the failue of the Plaintiff to file an answer to the Petition; (5) the failure of the Plaintiff or counsel for the Plaintiff to appear in Court on the date and at the time set for argument concerning the Petition; (6) the uncontested facts stated by the Defendants in the Petition; and (7) the legal principles cited to the Court by the Defendants in their Brief in support of their Petition, the court finding that the Plaintiff has failed to diligently proceed with reasonable promptitude in the prosecution of the subject actions, that there is no compelling reason why the Plaintiff has delayed the prosecution of the subject action, and that the Defendants are entitled to the relief they were requested--IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Judgments of Non-Pros be and the same hereby are granted and entered in favor of all the Defendants and against the Plaintiff, Title-Co., Inc., in the actions in this Court at No. EQ. 1990-16 (At Equity) and No. AD 1990-915 (At Law).

BY THE COURT:
Gordon R. Miller, J.

SATELLITE MUSIC NETWORK, INC.

VS.

ARTHUR W. CERVI, INDIVIDUALLY AND AS A PARTNER t/d/b/a RADIO STATION WVCC, A POSSIBLE PARTNERSHIP

RECORD CONTINUED FROM PAGE 602

OF

AD 1990 - 1152

****

A petition to open a default judgmetn is an appeal to the equitable powers of the court and must be granted where the court finds that three factors are met: 1) whether the party seeking to open judgment has shown a meritorious defense; 2) whether the default was excusable; and 3) whether the petition to open has been promptly filed. Queen City Elec. Supply v. Soltis Elec. Co.. 491 Pa. 354, 421 A.2d 174, 177 (1980).

The Defendants claim that they have a meritorious defense because 1) the modification of the programming agreement reduced the amount owed under the contract but that reduction is not reflected in the default judgment; 2) the interest rate computed in the default judgment is contrary to the agreement; 3) the attorney's fees are exorbitant.

The Defendants claim their default is excusable because the Plaintiff's action in acquiescence of the modification were detrimentally relied upon.

The Defendants also claim that the requirement of prompt filing of the petition has been met based upon the equitable circumstances that exist - citing Queen City Elec. Supply, 421 A.2d at 177.

We initially note that the Defendants have requested that this Court open or strike the judgment. "A motion to strike a judgment is in the nature of a demurrer directed to defects in the record. Such a motion will not be granted unless a fatal defect in the judgment appears on the face of the record. If the record is self-sustaining, the motion to strike must be denied." Edlis v. County of Allegheny, 89 Pa. Commw. 209, 492 A.2d 455, 456 (1985); Malakoff v. Zambar, Inc., 446 Pa. 503, 288 A.2d 819 (1972). The Defendants have alleged no defects in the record.

With respect to the motion to open judgment, the crux of Defendants' allegations that they have a meritorious defense is not directed toward liability sa much as it is directed toward damages. "If appellant entered judgment for more than was owing, appellees' remedy was to have the judgment opened." Peerless F.S. CO. v. Lipschutz, 101 Pa. Super. 568, 571 (1930); Keystone Home improvement Co. vs. Campomizzi, 29 Northumberland L.J. 144 (1957).

We find that Defendants' allegation that the contract was modified and that the amount of the default judgment does not reflect the reduced liability of the modification is a meritorious claim.

Additionally, we find tht Defendants' excuse for the default judgment was reasonable in so much as the alleged modification of the agreement created a new monthly liability arising out of the same agreement which is and was being sued upon. Therefore, the Plaintiff's action in acquiescing to the modification was contrary to any intention to accelerate the full amount of the liability. This inconsistency in the Plaintiff's action is reasonable justification for the delay in the Defendants' actions.

With respect to the issue of promptness, we find that requirement to be satisfied based upon the circumstances involved. The Plaintiff's continued acceptance of reduced payments based upon the very contract under which it had obtained the default judgment was enough to lure the Defendants into a false belief that a mutually acceptable arrangement for the fees due had been reached.

In addition, we do not believe that equity would be achieved by allowing the Plaintiff to recover the full amount of the pre-determined contract fees in addition to still receiving the modified monthly fees under the same agreement. Where equitable circumstances exist, a default judgmetn may be opened regardless of the time that may have elapsed between entry of the judgment and the filing of the motion to open. Queen City Elec. Supply, supra, at 421 A.2d 177.

We hereby open the default judgment with respect to the Count I issue of damages as to monthly fees and reasonableness of attorney's fees only.

A judgment which is entered in an excessive amount should be opened only as to the excess. Standard PA Prac. 2d Vol. 12 §17:43 p. 66 citing Walker v. Oakley, 347 Pa. 405, 32 A.2d 563 (1947); Nissenbaum v. Farley, 380 Pa. 257, 110 A.2d 230 (1955) [If a petition asserts a defense only to a portion of the judgment debt, the judgment should be opened only to the extent necessary to protect defendant on his claim and should be continued in full force and effect as to the balance.]

Regarding the judgment with respect to Count II and with respect to the interest charges, we do not believe that the Defendants have shown a mertorious defense and the judgment with respect to that issue shall remain in full force and effect.

Accordingly, we enter the following Order: AND NOW, Sept. 22, 1992, the judgmetn entered in this matter is continued in full force and effect except that the judgmetn with respect to Count I is opened with respect to the issue of damages as to monthly fees and reasonableness of attorney's fees only consistent with the Memorandum attached to this Order.

BY THE COURT:
Anthony J. Vardaro, J.

Sept. 22, 1992 Copy of Order and Memorandum mailed to Attys. Nicholas Krawec, David Lingenfelter and copy put in Atty. Christopher Youngs box.

Sep. 28, 1993 Stipulation of the Parties for Settlement and For the Entry of Judgment Upon Filing Affidavit of Default and ORDER OF COURT filed. AND NOW, to wit, this 27th day of Sept ember, 1993, it is hereby ORDERED, ADJUDGED, and DECREED that pursuant to theStipulation of the Parties for Settlement, the Prothonotary shall ent er Judgment upon Praecipe of the Plaintiff accompanied by an Affidavit of Default Judgment in the amount specified therein.

BY THE COURT:
Gordon R. Miller, J.

10-5-93 Copy of Order to Attys. Krawec, Lingenfelter and Atty. Youngs.

May 18, 1995 And Now, upon praecipe of plaintiff attorney judgment is hereby entered in favor of the plaintiff and in the amount of $51,960.67 on Count I of the complaint and $8,402.41 on Count II of the Complaint for a total of Sixty Thousand Three Hundred Sixty-three and 08/100.

Entered May 18, 1995 Debt: $60,363.08
C - 14 JUDGMENT
R - 186 Barbara H. King, Pro.

June 29, 1999 Praecipe for Satisfaction filed. Upon Praecipe of Bernstein Bernstein Krawec & Wymard, P.C. by Nicholas D. Krawec Esq. Attorney for Plaintiff the above captioned judgment is marked Satisfied.

706

1990

	JODY A. KINNEY VS. ROBERT L. KINNEY	CONTINUED FROM PAGE 247 Bk 2 of Record A. D. 1990 - 797

Jan 9, 1997 ORDER: AND NOW, Jan 9, 1997, at the contempt hearign held in this case, the defendant did not appear. The Prothonotary sent notice by regular mail.

ACCORDINGLY, it is ORDERED as follows:

1. The hearign in this case is continued to 1:30 on Thursday, March 6, 1997, in Courtroom No. 1.

2. The Prothonotary shall send a true and correct copy of the contempt Petition, original notice and Order to Appear and this Order to the defendant at the defendant's last know address by regular mail, and by Certified Mail, Return Receipt Requested.

3. If the Prothonotary believes that service has not been effected on the defendant, the Prothonotary shall determine whether she shall serve all of the required documents on the defendant by personal service by utilizing the Sheriff or a Constable.

Gordon R. Miller, P.J.

Feb 12, 1997 Mailed Dft.

Karen M. Gates
vs.
Wesley L. Morris

Continued of Record from Page 681
of
AD 1990 - 707

****

6. For the benefit of the parties and since there was not a record of the proceedings, the Court has entered these economic awards based upon the following findings of fact. The Court finds that the Plaintiff earns approximately $628.33 net take home pay per month, receives alimony pendente lite in the amount of $300 per month and support in the amount of $550 for the minor children who live with her, and therefore has total monthly receipts approximating $1478.33. We find that her monthly expenses approximate $1385.50, as follows:

Rent	$ 250.00
Lot Rent	82.00
Property Insurance	58.00
Electric	45.00
Phone	50.00
Food	322.50
Clothing	95.00
Car payment	258.00
Insurance	30.00
Gas and Maintenance on Vehicle	75.00
Entertainment	120.00
TOTAL:	$1,385.50

The Court finds that the Defendant's earnings approximate $2300 net take home pay per month and that his expenses approximate $2193 per month as follows:

Car payment	$ 313.00
Food	200.00
Clothing	100.00
Entertainment	100.00
Home maintenance	100.00
Automobile fuel	100.00
Automobile repairs	100.00
Automobile insurance	75.00
Home Heating	70.00
Electric	40.00
Telephone	25.00
Real Estate taxes	90.00
Special needs	10.00
Home Insurance	20.00
SUBTOTAL:	$1,343.00
Child Support	550.00
Alimony Pendente Lite	300.00
TOTAL	$2,193.00

7. This order shall not preclude a master or the Court in the future entering additional amounts or refusing to enter additional amounts for alimony pendente lite, counsel fees, and expenses when all of the issues between the parties are finally litigated and all matters looked at at once.

BY ORDER OF THE COURT,
Gordon R. Miller, P. J.

Nov. 24, 1992 Copies given to Attys. Kirkpatrick, Thomas & Dom. Rel.

Dec. 11, 1992 Answer to Defendant's "Motion" to Modify Child Custody filed.

Dec 31, 1992 TEMPORARY ORDER filed. AND NOW, this 31 day of December, 1992, after Mediation in the above referenced matter and upon the recommendations of the Child Custody Mediator.

IT IS HEREBY ORDERED AND DECREED THAT:

1. The parties shall share legal and physical custody of the subject minor children, Jeremy, Todd, and Rodney.

2. The parties shall share with each other any and all information which each may have regarding the health, education, and the major events in the life of the subject minor children. Health care, school personnel, and other care providers are hereby authorized to release to either party any and all confidential information which they may have regarding the subject minor children.

3a. The mother shall have primary physical custody of Jeremy and Todd. The parties shall share primary physical custody of Rodney. Rodney shall reside with his father on alternate weeks beginning Sunday at 6:00 p.m. and ending the following Sunday at 6:00 p.m. The first week spent with the father shall begin at 6:00 p.m. Sunday, Jan. 3, 1993. All children shall spend the second and fourth Sundays of each month from 9:00 a.m. to 6:00 p.m. with their father. All of the children will also spend one ten-day period each summer with their father to coincide, if possible, with a vacation period from the father's employment. The parties shall meet during the month of May each year to determine which ten-day period shall be spent with the father and to work out the vacation schedule. Parties and children shall take their obligations respecting the custodial rights and duties seriously and shall not cancel or evade responsibilities imposed hereby unless for reasons as compelling as those which would excuse absences from school.

b. The subject minor children shall have the right to telephone the parent not having physical custody at reasonable times and for reasonable lengths of time and such conversations will not be unreasonably monitored by the parent having physical custody.

4. Holiday visitation shall be arranged as follows:

a. Christmas: The children shall spend the afternoon of each Christmas with their father between the hours of 1:00 p.m. and 7:00 p.m.

b. The provisions of this paragraph shall take precedence over the other provisions of this order relating to the custodial or visitation periods.

5. Should it be necessary for either party to cancel or modify the visitations as set out in this Order or as previously arranged, the party seekign cancellation or modification shall notify the other party as soon as he or she knows of the necessity which impels the cancellation or modification. Said modifications or cancellations shall not b e proposed except for reasons as compelling as those which would justify an excused absence from school. Should a cancellation or modification be necessary, the parties shall attempt at once to arrange for alternative visits or to make alternative arrangements.

6. The parties shall split responsibility for transportation with the party receiving the children in the exercise of his or her rights picking up the children at the home of the other.

7. Each party shall teach said children to give to the other party that love and respect which is due a parent from his or her children.

8. Neither party shall use illegal drugs or be under the influence of alcohol at any time when said party has the care and custody of the subject minor children. The parties are cautioned that recent medical research has indicated that tobacco smoke is injurious to the health of growing childrne. Therefore, neither party shall smoke tobacco or permit others to do so in a closed automobile in which the children are being transported or in the bedroom of the children.

Continued on Page 708

KAREN M. GATES
VS.
WESLEY L. MORRIS

CONTINUED FROM PAGE 707
of Record
A. D. 1990 - 707

****

9. Any person transporting the children shall make sure that the seat belts or other restraints are used in accordance with the law of Pennsylvania.

10. Neither party shall do or say anything to blacken the character of the other in the children's estimation. Each party shall treat the other in apolite and respectful manner when in the children's presence and each party shal instruct his or her relatives and friends to do likewise and also not to disparage the other party in the childrne's estimation.

11. Neither party shall discriminate unreasonably between the children in the matter of gifts.

12. The parties are free to make additional or alternative arrangements respecting the custodial and visitation periods and are strongly encouraged to do so if that would be proper and convenient. Said arrangements shall be by mutual consent only, in the absence of which this Order shall govern.

13. Costs and fees of this Mediation, which are fixed at $202.00, are divided equally between the parties witha share of each being assessed to him or her as costs in this case. Payment shall be made to the Prothonotary of Crawford County.

14. The deposit required for the appointment of the custody mediator was made by the father. The deposit shall first be applied against the father's share of costs and the remainder shall be disbursed to him.

15. Either party may move the Court for a hearing de novo for 30 days from date hereof. If neither party so moves, this Order shll be considered permanent.

By the Court,
Anthony J. Vardaro, J.

Jan. 7, 1993 copy to W. Pineo, M.A. Kirkpatrick, R.C. Thomas, Plf. & Dft.

Jan. 29, 1993 Motion For Appointment of Master and Order filed. AND NOW, February 1, 1993, James R. Irwin, Esquire is appointed Master in respect to the following claim: Divorce, Alimony, Alimony Pendente Lite, Equitable Distribution, Counsel Fees and Costs And Exepsnes:

Deposit Required: By Plaintiff $500. by Defendant $750.

If not filed already the parties are ordered to file their pretrial statements within thirty (30) days form this date.

Per Curiam,
Gordon R. Miller, J

Feb. 4, 1993 Copies of order to Atty's Kirkpatrick, Thomas and Irwin

Mar. 31, 1993, Plaintiff's Petition Requesting the Use of Marital Assets for Master's Fees, Counsel Fees and Costs and Order filed. ORDER: AND NOW, Mar. 31, 1993, hearing on Plaintt's Petition Requesting the Use of Marital Assets for Master's Fees, Counsel Fees and Costs is scheduled for April 7, 1993 at 3:30 p.m. in Court room 1 or 2 of the Crawford County Courthouse, Meadville, Pa.

**By the Court,
Gordon R. Miller, J.**

Apr. 2, 1993, copies of order to Attys. Kirkpatrick, Thomas and Irwin.

Apr. 13, 1993 ORDER FILED. AND NOW, April 7, 1993, after a formal hearing on the Plaintiff's Petition Requesting the Use of Marital Assets for Master's Fees, Counsel Fees and Costs, it is ORDERED as follows:

1. The plaintiff's request for Master's fees and costs is DENIED, reserving unto the Master and the Court the right to address and award counsel fees and costs. No award will be made now in response to this particular petition.

2. The parties are ORDERED and DIRECTED to pay the deposits that were ordered to be made at the time the Master was appointed and they shall make those deposits no later than May 7, 1993.

3. They are ORDERED and DIRECTED to look to marital assets to make the deposits unless they are each able to come up with their respective deposits in cash. The Court orders them, if they do not come up with cash, to determine the best plan for using marital assets that causes the least financial damage or costs to either of them or both of them. They shall either, 1) jointly borrow money using their home or other marital assets as equity or collateral if a lending institution requires that; or 2) borrow against the IRA in the name of the defendant or the Lord Savings Plan in the name of the defendant; or 3) withdraw the funds from the IRA in the name of the defendant or the Lord Savings Plan in the name of the defendant.

4. The Master and the Court can ultimately determine and allocate the obligation to pay Master's fees, costs and expenses when all of the matters that will be considered in this case are decided at once. This Order is simply made to generate cash to make the deposit required at the time the Master was appointed.

BY ORDER OF THE COURT,
Gordon R. Miller, P. J.

April 13, 1993 Copies dist. to Master, Attys. Kirkpatrick and Thomas

Jun. 10, 1993 Contempt Petition and Order filed. AND now, June 10, 1993, hearing on Plaintiff's Contempt Petition is scheduled for June 29, 1993, at 3:00 p.m. o'clock in courtroom number 1 or 2 of the Crawford County Courthouse in Meadville, Pennsylvania.

For the Court:
Ann A. Walker, Court Administrator

June 15, 1993 Copy of Order to Attys. Kirkpatrick, Thomas & Irwin.

June 15, 1993 Notice of Pre-Trial Conference, filed.

Jul. 6, 1993 ORDER filed. AND NOW, June 29, 1993, shortly before the time of hearing scheduled on a contempt petition, the undersigned Court is advised the matter is amicably resolved. It is the Court's understanding that the hearing is discontinued, and that counsel for one or both of the parties will be presenting to the Court a proposed Order effectuating the parties' settlement.

BY ORDER OF THE COURT,
P. Richard Thomas, S.J.

7-6-93 Copies dist.to Kirkpatrick & Thomas. 7-9-93 Copy to Atty. Pineo. 7-15-93 Copy of Order to Atty. Irwin.

July 7, 1993, PRE-TRIAL REPORT of Master filed.

July 16, 1993 Notice To Produce filed.

Aug. 24, 1993 Motion to Withdraw claim for Permanent Alimony and Order Filed. And Now, August 23, 1993, the within motion is allowed.

By the Court:
Anthony J. Vardaro, J.

Aug. 27, 1993 Copy of Order to Attys. Kirkpatrick, Thomas & Irwin & Pineo

Aug. 27, 1993 Motion for Sanctions and ORDER filed. And Now, August 20, 1993,hearing on Plaintiff's Motion for Sanctions is scheduled for September 2, 1993, at 10:30 A.M. o'clock in court room 1 of the Crawford County Courthouse, Meadville, Pennsylvania.

For the Court:
Ann A. Walker, Court Adminstrator

Aug. 30, 1993 Copies to Attys. Kirkpatrick, Thomas & Irwin & Pineo.

Sept. 8, 1993, Up-Dated Inventory and Proposed distribution filed.

Sept. 8, 1993, Defendants Pre-Trial Narrati ve filed.

Continued of Record to Page 708 A

Karen M.Gates
vs
Wesley L.Morris

Continued fromPage 708
of Record
A.D. 1990 - 707

****

Sep. 13, 1993 Motion to cancel hearing for Sanctions and ORDER filed. And, Now, September10, 1993, the within Motion is allowed.

Anthony J. Vardaro, J.

9-20-93 Copy of Order to Attys. Kirkpatrick & Thomas,Pineo & Irwin.

Sep. 13, 1993 Master's Hearing filed.

Sep. 23, 1993 Petition for Master and Stenographic Fees and ORDER filed. AND NOW, this 21st day ofSeptember, 1993 the Prothonotary is directed to issues a check in the amountof $224.80 to James R. Irwin, Esq., representing $150.00 for Master Fees and$74.80 for stenographic fees in the above matter.

BY THE COURT:
Gordon R. Miller,

9-23-93 Gave Copy to Master w/check. Copy of Order toAttys. Kirkpatrick, Thomas & Pineo.

Sept. 29, 1993 Upon praecipe of plaintiff attorney to transmit records, case move to Court.

DIVORCE DECREE FILED

Oct. 8, 1993 And, Now, Oct. 6, 1993, it is ordered and decreed that KAREN M. GATES, plaintiff, and WESLEY L. MORRIS, defendant, are divorced from the bonds of matrimony. The Court retains jurisdiction of any claims raised by the parties to this action for which a final order has not yet been entered.

It is further ordered that the provisions of the parties' Stipulation (transcript attached) are incorporated herein and enforceable hereunder.

By the Court:
Gordon R. Miller, J.

Dec. 6, 1993 Motion for Return of Balance of Security Deposit and ORDER filed. AND NOW, this 6 day of December, 1993, upon presentation and consideration of the within Motion, the Prothonotary is hereby authorized and directed to refund to the Defendant in this case, Wesley L. Morris, the sum of $975.20 representing the balance of the security deposit heretofore lodged in the above entitled case for Master's Fees and costs, less any Prothonotary costs that are due.

BY THE COURT,
Anthony J. Vardaro, J.

12-10-93 Copy of Order to Attys. Kikrpatrick, Thomas & Pineo

Aug. 29, 1994 Motion To Permit Minor Child to Remain In School District and ORDER filed. AND NOW, this 29 day of August, 1994, upon consideration of Defendant's Motion to permit the minor child, after interviewing child, Motion is denied without prejuidice to mediatior to do whatever he deems appropriate after mediation.

By the Court:
Anthony J. Vardaro, J.

Aug. 29, 1994 Order FAXED to Attys. Keenan and Kirkpatrick.

Sep. 13, 1994 Motion to Refer to Mediation and ORDER filed. AND NOW, this 13th day of September, 1994, upon consideration of Defendant's Motion to refer to mediation, said Motion is granted. This matter shall be referred back to William Pineo, Esquire for further mediation.

By the Court:
Gordon R. Miller, J.

914-94 Faxed to Attys. Keenan, Pineo & Kirkpatrick

Dec. 6, 1994 TEMPORARY ORDER filed. AND NOW, this 5 day of December, 1994, after Mediation in the above referenced matter and upon the recommendations fo the Child Custody Mediator,

IT IS HEREBY ORDERED AND DECREED THAT:

1. Custody of the subject minor children, Jeremy, Todd, and Rodney is awarded to their mother, Karen M. Gates.

2. The parties shall share with each other any and all information which each may have regarding the health, education, and major events in the life of the subject minor children. Health care, school personnel, and other care providers are hereby authorized to release to either party any and all confidential information which they may have regarding the subject minor children.

3.a. The mother shall have primary physical custody of all of the children. The father shall have temporary physical custody of Rodney only from 6 P.M. of the day after Rodney's school shall have closed for the Summer vacation until 6 P.M. of the day preceding the reopening of school. The party not having physical custody shall have the right of visitation and temporary physical custody each weekend, except for the last full weekend of each month, from Friday at 6 P.M. through Sunday at 6 P.M. During the father's Summer custodial period, the mother shall have the right to designate a period of two weeks during which time she shall have temporary physical custody and during which time no visitation needs to be accorded to the father. The father will have the right to designate a two week period each Summer during which no visitation needs to be accorded the mother. The parties shall work out the Summer visitation schedule by May 31st of each year.

b. The parent not having physical custody shall have the right to telephone the children for reasonable times and for reasonable lengths of time and such conversations will not be unreasonably monitored by the parent having physical custody.

c. The father shall have visitation with the children, Jeremy and Todd, at such times as the parties can reasonably arrange.

4.a. The father shall have visitation with the children each Christmas from 1 P.M. to 7 P.M.

b. Visitation on the other holidays shall be as arranged between the parties.

c. The provisions of this paragraph shall take precedence over the other provisions of this Order relating to the custodial or visitation periods.

5. Should it be necessary for either party to cancel or modify the visitations as set out in this Order or as previously arranged, the party seeking cancellation or modification shall notify the other party as soon as he or she knows of the necessity which impels the cancellation or modification. Said modifications or cancellations shall not be proposed except for good reasons. Should a cancellation or modification be necessary, the parties shall attempt at once to arrange for alternative visits or to make alternative arrangements.

6. The parties shall split responsibility for transportation with the party receiving the child in the exercise of his or her rights picking up the child at the home of the other.

7. Each party shall teach said children to give to the other party that love and respect which is due a parent from his or her children.

8. Neither party shall use illegal drugs or be under the influence of alcohol at any time when said party has the care and custody of the subject minor child. The parties are cautioned that medical research has indicated that tobacco smoke is injurious to the health of growing children. Therefore, neither party shall smoke tobacco or permit others to do so in the same room as the child, in a closed automobile in which the child is being transported, or in the bedroom of the child.

RECORD CONTINUED ON PAGE 712.....

The Township of Vernon
vs.
Dennis R. and Connie Turlij

CONTINUED FROM PAGE 442
of Record
A. D. 1990 - 992

****

Oct. 26, 1993 Memorandum And Order, filed. ORDER: AND NOW, October 25, 1993, the defendants' preliminary objections are sustained for the reasons set forth in the attached memorandum.

BY ORDER OF COURT
Gordon R. Miller, P.J.

Oct. 26, 1993 copies of mem & order dist to Thomas & watts by Court.

James R. Irwin

Keith E. DAvenport
vs.
Cynthia O.Davenport

Continued from Page 376
of record
AD 1990 - 926

****

Mar. 31, 1993 Petition to Modify Custody and Notice and Order to Appear filed. You, Cynthia O.Davenport, have been sued in Court to obtain custody of Sabrina Savenport and Kyle Davenport.

You are ORDERED to appear in person at such time and place as will be determined by the Mediator Bruce Smith,Esq. for a mediation conference.

If you fail to appear as provided by this Order, an Order for custody, partial custody or visitation may be entered against you or the Court may issue a warrant for your arrest.

Gordon R. Miller, J.

ORDER. AND NOW, this 31 day of March, 1993, it is ordered that all parties in the above captioned case and their counsel shall appear for a mediation conference before Mediator Bruce Smith,Esquire, at a time to be set by the Mediator in the Crawford County Courthouse with the Child Custody Mediator as required by Rule 31 (e) of the Court of Common Pleas of Crawford County, Pennsylvania.

It is further ordered and decreed that pending final detrmination by the Court, the aforesaid monor children shall not be removed from the jurisdiction of the Court by either party hereunder, under possible punishment for Contempt of Court.

BY THE COURT:
Gordon R. Miller, J.

Apr. 6, 1993 Copy of Order to Attys. Irwin and Smith and to Defendant.

May 4, 1993 TEMPORARY ORDER OF COURT, filed. AND NOW, this 3rd day of May, 1993, after Mediation and upon recommendation of the Child Custody Mediator, it is hereby ordered and decreed that:

1. The natural parents of Sabrina Davenport, age twelve, born July 13, 1980, and Kyle Davenport, age seven, born Aug. 5, 1985, the parties to this action, shall continue to share legal custody of the said minor children.

2. Until the plaintiff father, Keith E. Davenport, and stepmother, Wanda Davenport, leave the Centerville area, approximately June 12, 1993, to attempt to establish a residence and a new way of life in the Colorado Springs, Colorado, area, the provisions of the Order of this court dated Oct. 1, 1990, will remain in full force and effect. Thereafter, from the time when the father and stepmother leave the Centerville area until Tuesday, Aug. 17, 1993, when the de novo hearing will be held before the court, the children shall be in the primary physical care and custody of the defendant mother, Cynthia O. Muir, with the full consent and on the recommendation of the plaintiff father. During the summer of 1993 when the children are in the primary physical custody of the mother, the father shall be permitted to call the children as often as possible, up to twice a week, in order to maintain contact with the children. The plaintiff father is encouraged to share, by way of letter and otherwise, with the defendant mother information about his relocation to Colorado, his obtaining employment and housing, and any information he cares to share regarding the school the children might be attending.

3. The purpose of the Aug. 17, 1993, hearing will be to determine whether or not the plaintiff father can meet the standards and tests now provided by Pennsylvania Law to allow him to remain the primary custodial parent and to remove the children from Pennsylvania to the state of Colorado for, at least, the school year. If that is permitted, arrangements will have to be made at the hearing for visitation for the defendant mother. If the mother is awarded primary physical custody at the hearing, visitation arrangemetns for the plaintiff father will have to be provided.

Provisions in paragraphs 8. through 12. of the Order of October 1, 1990, shall remain in full force and effect.

4. This case is set for hearing before the court in a de novo hearing on Tuesday, Aug. 17, 1993, beginning at 9:30 a.m., prevailing time, unless removed by the substitution of a stipulated custody order agreed to by the parties and counsel prior to the hearing date.

5. This Order shall not prejudice the right of either party to request further Mediation if there are changed circumstances in the lives of the parties or the children or in the event that the best interests of the children would be served by further Mediation.

6. The Court of Common PLeas of Crawford County, Pennsylvania, shall retain jurisdiction of this matter so long as either of the parents or one of the children resides in the Court's jurisdiction and for at least six months from the date of this Temporary Order.

7. The fee for Child Custody Mediation shall be paid by the County of Crawford on behalf of both the Plaintiff father and the defendant mother because both are currently indigent.

8. This Order shall be a Temporary Order, but shall remain in full force and effect until Aug. 17, 1993, at which time there shall be a de novo hearing unless it is earlier modified by a stipulated consent order signed by counsel, the parties, and the court.

BY THE COURT:
Gordon R. Miller

May 6, 1993 copy to J. Irwin, R. Felton, B. Smith, PLf. & Dft.

Aug. 18, 1993 ORDER filed. AND NOW, August 17, 1993 this matter is before the Court for a Review Hearing concerning custody as prescribed in a Temporary Order entered aftermediation on May 3rd, 1993.

Both parties appear with counsel, and they have agreed to this Consent Order with respect to the two minor children, Sabrina Davenport and Kyle Davenport.

1. The parties shall share legal custody of the minor children.

2. At this time primary custody of both children, by agreemeht of the parties, shall be transferred from the father to the mother.

3. The father shall have partial physical custody with respect to both minor children every weekend during the school year from 5:00 p.m. Friday through 7:00 p.m. Sunday, with the exception of the second week end of each month. The second weekend shall be defined as that weekend in which the second Saturday of the month falls dduring that calendar month.

4. During the summer months, father and mother shall alternate physical custody of both children on a weekly basis. Father shall receive custody of the children at 7:00 p.m. on the first Sunday after the last day of the school year and his first week shall continue until the following Sunday at 7:00 p.m. thereafter. Mother's first week of summer custody shall begin at that time and the parties shall continue to alternate throughout the summer from Sunday to Sunday at 7:00 p.m.

5. The Labor Day holiday, Memorial Day holiday and the 4th of July Holiday shall be designated as the minor holidays to be alternated between the parties. The father shall have the Labor Day for 1993, and the holidays shall be thereafter alternated. Labor Day and Memorial holidays shall begin at 8:00 a.m. and end at 8:00 p.m., and the 4th of July holiday shall begin at 8:00 a.m. and end at 11:00 p.m.

6. Thanksgiving, Christmas and Easter shall be designated as major holidays and shall be handled as follows:

A. For Thanksgiving the father shall have the children in his custody from 8:00 a.m. on Thanksgiving Day until 2:00 p.m. on Thanksgiving Day. The children shall then be in mother's custody from 2:00 p.m. on Thanksgiving Day until 5:00 p.m. on the following Saturday. The children shall then be transferred back to the custody of the father from 5:00 p.m. on that Saturday until 7:00 p.m. on the Monday following Thanksgiving, at which time they shall be returned to the mother.

CONTINUED ON PAGE 710

KEITH E. DAVENPORT
VS.
CYNTHIA O. DAVENPORT

CONTINUED FROM PAGE 709
of Record
A. D. 1990 - 926

B. For the Christmas holiday the father shall have partial custody of the children beginning at 9:00 a.m. on December 24th and continuing through Christmas Day at 2:00 p.m. At 2:00 p.m. on Christmas Day mother shall receive custody of both children and shall retain custody until December 28th at 5:00 p.m. and remain in father's custody through January 1st at 7:00 p.m.

C. With respect to the Easter holiday, the father shall have custody beginning at 9:00 a.m. on Good Friday and continuing through 2:00 p.m. on Easter Sunday, at which time the children shall be returned to mother.

7. With respect to Mother'd Day the children shall both be with mother, and with respect to Father's Day the children shall bothe be with father. The times for both Mother's Day and Father's Day shall be 8:00 p.m. through 7:00 p.m. with the appropriate parent.

8. With respect to the childrens' birthdays the Mother shall have the child who is celebrating his or her birthday from 8:00 a.m. to 2:00 p.m. on that day, and the father shall have the child in his custody from 2:00 p.m. until 8:00 p.m. on that day, at which time the child will be returned to mother's custody.

With respect to the birthdays, the custody period during which the child celebrating the birthday is with the respective parent shall also be a period of custody for the other child, it being the intention of the parties that both children be together at both locations for the celebration of each other's birthday.

All holidays, whether they be major, minor, or the personal holidays indicated above, shall take precedence over any other visitation schedule set forth int his Order.

With respect to the transportation for the various periods of temporary custody, the party receiving custody of the children shall provide the transportation and pick up the children at the other party's residence or such other place as may be designated and agreed to by the parties at all times.

9. Each party shall teach the children to give to the other party that love and respect which is due a parent from his or her children.

10. Neither party shall use illegal drugs or be under the influence of alcohol at any time when said party has the care and custody of the minor children.

11. Any person transporting the children shall make sure that seat belts or other appropriate restraints are used in accordance with the law of the Commonwealth of Pennsylvania.

12. Neither party shall do or say anything to blacken the character of the other party in the childrens' estimation. Each party shall treat the other in a polite and respectful manner when int he childrens' presence, and each party shall instruct his or her relatives and friends to do likewise and also not to disparage the other party in the childrens' estimation.

13. The parties are free to make additional or alternative arrangements with respect to the custodial visitation periods, and are strongly encouraged to do so if it were to be appropriate and convenient. Said arrangements shall be by mutual consent only, int he absence of which, this order shall contine.

14. Except in emergency situations each party shall give the other at least 24 hours notification when he or she will not be executing a scheduled perido of temporary custody.

All previous Orders entered are hereby rescinded and this is the current Order by agreement of the parties that shall be in full force and effect as of this day and thereafter until it shall be modified at any time in the future.

BY ORDER OF THE COURT,
Anthony J. Vardaro, J.

Aug. 18, 1993 copies dist. to Irwin, Felton & Smith

Aug. 27, 1993 Motion For Return of Custody Mediation Fees and Order filed. AND NOW, this 26 day of August, 1993 the Prothonotary of Crawford County is ordered to refund Keith E. Davenport, Plaintiff, inthe abovecaptioned custody action, the amount of $150.00 for unused custody mediation fees.

BY THE COURT,
Anthony J. Vardaro, J

Aug. 31, 1993 Copies of order to Atty's Felton, Irwin and Smith

1990 TERM

John Willmarth
vs.
David L. Johns and Nancy L. Johns, individually, jointly, and t/a,d/b/a Conneautville Hardware

Continued from Page 423 (Vol. 2) of Record
AD 1990 - 973

****

✓ Jan. 28, 1994 Motion to Amend Complaint and ORDER filed. AND NOW, this 24th day of January, 1994, upon consideration of the foregoing motion it is hereby ordered:

a) Motion is hereby granted.

or

b) Hearing on the above scheduled motion is set for the 1st day of February, 1994 immediately following the call of the February Civil Trial List (set to Commence at 9:00 A.M.), in Courtroom 1.

By the court
Gordon R. Miller, Judge

Jan. 31, 1994 Copy of Order to Attys. Allen, Pickens, Weiss & Brautigam

✓ Feb. 2, 1994 ORDER filed. And now, this 1st day of February, 1994, following the call of the February Civil Trial List, pretrial conferences are hereby scheduled in the following cases on the following dates at the times set forth below:

Caption & Number (Abbreviated)	Pretial Conference, DAte and Time
Willmarth v. JOhns, et al AD 1990-973	Tues., Feb. 8, 1994, 9:00 A.M.

To the extent possible,pretrial conferences will be held before the judge who it is anticipated will try the case (subject to change). Counsel are directed to report any change in the status of any case to the Court Administrator at the earliest possible time.

BY THE COURT,
Gordon R. Miller, P. J.

2-2-94 Copies to all counsel of record and unrepresented parties.

✓ Feb. 9, 1994 Amended Complaint,filed.

✓ Feb 9, 1994, Answer and New Matter to Amended Complaint filed.

✓ Feb. 10, 1994 Reply to Answer and New Matter to Amended Complaint, filed.

✓ Feb.8, 1994 Memorandum and Order filed. AND NOW, February 8, 1994, for the reasons set forth in the attached memorandum, the plaintiff's motion for leave to amend his complaint is hereby granted.

BY ORDER OF COURT
Gordon R. Miller, P. J.

Feb. 11, 1994 Copy of Order to Attys. Allen, Pickens,Weiss & Brautigam

✓ Feb. 11, 1994 @ 4:04 p.m.,PRE-TRIAL ORDER filed. Anthony J. Vardaro, Judge

✓ Feb. 11, 1994 @ 4:04 p.m., ORDER filed. (rulings for trial) Anthony J. Vardaro, Judge

✓ Feb. 11, 1994 Responses to Legal issues raised in the parties' Pre-Trial Narratives and objections to items proposed in Defendant's Pre-Trial Narrative, filed.

Feb. 14, 1994 Verification of Reply to Answer and New Matter of Amended Complaint, filed.

Feb. 14, 1994 Verification of Amended Complaint, filed.

Feb. 16, 1994 ORDER filed. At the conclusion of the direct testimony of expert witness Frank Yohe,M.D.offered by the Plaintiff, defense counsel made a motion to strike testimony on the basis that it did not meet the degree of certainty required by expert testimony. We denied the motion and, after cross-examination of the witness was read to the jury, the Defendant once again made the motion that all of Dr.Yohe's testimony be stricken.

Having considered this matter and having read through the entire deposition, we are satisfied that despite the fact that in no one place he clearly says so, the witness in giving the opinions he gave did so within a reasonable degree of medical certainty. It is, however, clear that while he gave an opinion that the Plaintiff's depression was caused by the Plaintiff's chronic pain and inability to work status he never gave an opinion that the chronic pain and inability to work was caused by the October 12, 1988 incident in question.

We are going to deny the motion to strike,however, because it is clear that the testimony of Dr. Petrella establishes that the incident of October 12, 1988 caused the Plaintiff's pain and resulting inablity to work and therefore we believe Dr.Hohe's testimony is proper with respect to his opinion that the chronic pain and inablity to work caused the Plaintiff's depression.

Dr. Yohe's testimony is certainly only admissible for that purpose and in closing argument defense counsel can certainly feel free to argue to the jury that Dr. Yohe never himself, in expressing his opinion, established a causal connection between the October 12, 1988 incident and the Plaintiff's depression.

We note in entering this order that the more proper way for this to have been done would have been for Plaintiff's counsel to present Dr. Yohe with a hypothetical question in which he was to assume, based on Dr. Petrella's testimony, that there was a causal connection between the pain and the inability to work and the incident of October 12, 1988 so that Dr. Yohe could have then expressed an opinion as to whether based on that information he felt the depression was connected to the October 12, 1988 incident.

Nonetheless, as we have indicated, we will deny the Defendant's motion to strike Dr. Yohe's testimony with the understanding that his testimony was for the limited purpose set forth above.

BY THE COURT:
Anthony J. Vardaro,J.

2-17-94 Copy of Order to Attys. Pickens, Allen & Weiss & Brautigam

Feb. 17, 1994 Deposition of W. Keith Petrella, D.O., filed.

Feb. 17, 1994 Deposition of Frank Yohe, M.D., filed.

Feb. 17, 1994 Deposition of Mark R. Foster, M. D. filed.

Feb. 18, 1994 Request for Pre-trial Conference filed.

Feb. 18, 1994 Defendants' Points for Charge filed.

Feb. 18, 1994 Requested Points for Charge, filed.

Feb. 18, 1994 Stipulation of Parties on Authenticity, filed.

Feb. 17, 1994 ORDER filed. AND NOW,February 17, 1994, Defendant's motion for a compulsory non-suit pursuant to Pa. R.C.P. 230.1 is denied.

The Court notes that in doing so we have considered each of the Defendant's arguments and we have performed the "duty analysis" required by Howell v. Clyde, 620 A.2d 1107 (1993) and in doing so we cannot find as a matter of law that the

Continued to Page 711 A

711 A

1990 TERM

John Willmarth
vs
David L. Johnson individually and
t/a/d/b/a Conneautville Hardware

Continued from Page 711
of Record

AD 1990 - 973

****

Plaintiff assumed the risk of injury.

BY THE COURT:
Anthony J. Vardaro, J.

2-17-94 Copies delivered by Court.

Feb. 17, 1994 ORDER filed. AND NOW, FEbruary 17, 1994, Defendant's motion to exclude the testimony of Dr. Petrella and/or Dr. Foster as being inconsistent with one another is denied.

BY THE COURT:
Anthony J. Vardaro, J.

2-17-94 Copies delivered by Court.

Feb. 18, 1994 Exhibits filed.

MaR. 8, 1994, UPon praecipe of plaintiff attorney, the above captioned case is hereby marked settled and discontinued of record.

1990 TERM

KAREN M. GATES

VS.

WESLEY L. MORRIS

RECORD CONTINUED FROM PAGE 708 (a)

OF

AD. 1990 - 707

****

9. Neither party shall do or say anything to blacken the character of the other in the child's estimation. Each party shall treat the other in a polite and respectful manner when in the child's presence and each party shall instruct his or her relatives and friends to do likewise and also not to disparage the other party in the child's estimation.

10. The parties are free to make additional or alternative arrangements respecting the custodial and visitation periods and are strongly encouraged to do so if that would be proper and convenient. Said arrangements shall be by mutual consent only, in the absence of which this Order shall govern.

11. Costs and fees of this Mediation, which are fixed at $202.00, are divided equally between the parties with a share of each being assessed to him or her as costs in this case.

12. The deposit required for the appointment of the Custody Mediator was made by the father. Teh deposit shall first be applied against the father's share of costs and the remainder, if any, shall be remitted to him. The mother shall pay her share of costs and fees to the Prothonotary of Crawford Co. within thirty (30) days fo the date of this Order.

13. Either party may move the Court for a hearing de novo within ten (10) days from date hereof. If neither party so moves, this Order shall be considered permanent.

By the Court,
Anthony J. Vardaro, J.

Dec. 15, 1994 Order FAXED to Attys. Pineo, Keenan and Kirkpatrick; copies mailed Plf. & Defdt.

Jan. 12, 1995 Motion To Withdraw Request for Hearing De Novo and ORDER filed. AND NOW, this 10th day of January, 1995, upon consideration of Defendant's Motion to withdraw Request for De Novo Hearing, said Motion is hereby granted and Defendant's Request for hearing is hereby withdrawn.

BY THE COURT:
Gordon R. Miller, J.

Jan. 12, 1995 Order FAXED Attys. Keenan and Kirkpatrick.

713

1990 TERM

~~KAREN BALDWIN~~
VS
RONALD L BALDWIN

IN ERROR

CONTINUED FROM PAGE 513
OF RECORD
A.D. 1990-1063

May 8, 1996 CERTIFICATE OF COMPLETION of separating parents seminar, filed.

S31761

Gary L. Householder
vs
Clara K. Householder

continued from page 160 book 2
of record
Ad 1990 - 710

****

June 25, 1999 Certificate of Servcie Filed. I certify that a true and correct copy of the Order dated June 16, 1999 was mailed to the following on June 24, 1999 by first class mail

Gary Householder
c/o Judy Ennis Meadville Forging Co
15309 Baldwin St Ext
Meadville, PA 16335

Mary Ann Kirkpatrick, Esq.
941 Federal Court
Meadville, PA 16335

Christopher J. Youngs.

AS OF MAY 31, 2000 - ANY FUTURE FILINGS INVOLVING THIS CASE MAY NOW BE FOUND ON THE COMPUTER