

Originally prepared by David F. Tamanini, Esq.

Updated by Lindsay Gingrich Maclay, Esq. with special thanks to legal intern, Kacy Catalano

**CUMULATIVE INDEX OF DIVORCE MASTER REPORTS**  
**DAUPHIN COUNTY COURT OF COMMON PLEAS**

August 1, 2013

| Case Name  | Index Date | Notes  | Special Master            |
|--|------------|--|---------------------------|
| Booher, v. Booher<br>Doc # 4036CV2002DV<br>Date: 2005    | 5-4-05     | Equitable distribution: equal division recommended, non-marital prop, Alimony: recommended against award. No exception filed.  | Daniel Stern, Esq.        |
| Kessler, v. Kessler<br>Doc # 1906CV2002DV<br>Date: 2005  | 5-10-05    | Exceptions filed on failure to award alimony, house major asset to wife. Marital property, non-marital property, counsel fees and expenses. Wife's income; social security, husband's income: social security and a small pension, APL, counsel fees and expenses.                               | Charles E. Friedman, Esq. |
| Smith, v. Shuler-Smith<br>Doc# 110CV2004DV<br>Date: 2005 | 5-10-05    | Equitable distribution – SB95 applied/ competing experts/ residential and commercial properties; pensions; increase/ decrease of non-marital property. Counsel fees: recommended against award – alleged obdurate and vexatious conduct. Exceptions filed by Plaintiff – assigned to J. Turgeon. | Daniel Stern, Esq.        |
| Wooding, v. Wooding<br>Doc# 688CV2004DV<br>Date: 2005    | 5-24-05    | Division of property, alimony, APL, counsel fees and expenses, military pension.   | Charles E. Friedman, Esq. |
| Zalek, v. Zalek<br>Doc# 2003CV0299DV<br>Date: 3/25/05    | 5-20-05    | Division of property; competing expert opinions on real estate evaluations, Demarco analysis of pensions; credit for real estate rental value, <u>Tremback</u> : denial of alimony, APL, counsel fees and expenses.  | George W. Porter, Esq.    |
| Zalek, v. Zalek<br>Doc# 56395 S 2000<br>Date: 2005       | 8-11-05    | Equitable Distribution (valuation and tax consequences); alimony. Exceptions filed.  | Daniel Stern, Esq.        |
| Barnes, v. Barnes<br>Doc# 2005-CV-1274<br>Date: 2005     | 8-23-05    | §3301(d) contested on date of separation and disputed reconciliation equitable division—no evidence, no inventory filed.   | Charles E. Friedman, Esq. |
| Scott, v. Scott  | 8-23-05    | §3301(d), equitable distribution   | Charles E. Friedman, Esq. |

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| Doc# 2004-CV-820-DV<br>Date: 2005                                 |            | factors, rental income, 60-40 division of assets and debts, alimony indefinite factors, alimony pendente lite, counsel fees and expenses award  |                           |
| Rhoads, v. Rhoads<br>Doc. #4427 S 2001 DV<br>Date: 5-05           | 12/01/05   | 24-yr marriage, disparity of income, employment benefits, the length of the marriage, the stand of living of the marriage, contribution of spouse as homemaker, 9 years alimony at fixed amount awarded equal to Wife's age attainment 59 ½.              | George W. Porter, Esq.    |
| England, v. England<br>Doc. #2003-CV-2148<br>Date: 10-31-05       | 12/01/05   | Complex property issues, marital assets, premarital assets increase and decrease, omission of valuation of real estate, unequal distribution, alimony   | George W. Porter, Esq.    |
| Dettinger, v. Carper<br>Doc. #2607 CV 2005<br>Date: 2005          | 12/01/05   | Annulment – following Court of Common Pleas denial of original compliant indicating that annulment and divorce are two separate forms of dissolution and moving party needed to elect which remedy he was pursuing. Upon refiling, annulment recommended. | Daniel Stern, Esq.        |
| Pague, v. Pague<br>Doc. #5551-CV-2001-DV<br>Date: 2005            | 1/09/06    | 3301(d), 50-50 asset division long term marriage, discussion in opposing real estate appraisals, conclusion of effect of 2005 amendments to Divorce Code regarding costs of sale of assets. (Court dismissed cross exceptions filed.)                     | Charles E. Friedman, Esq. |
| Zulli, v. Zulli<br>Doc. #1515-CV-2005-DV<br>Date: November 2005   | 1/09/06    | 3301(d) Separation issues, debt complications to property divisions, directed schedule for sale of marital residence  | Charles E. Friedman, Esq. |
| Kaminski, v. Kaminski<br>Doc. #3365-CV-2004-DV<br>Date: 1/23/2006 | 1/25/06    | 3301(a)(1) Desertion without reasonable cause for a period of one year or more. Contested. Plaintiff sought divorce based on indignities and failed in burden of proof. Defendant established desertion as basis for divorce.                             | Charles E. Friedman, Esq. |

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| Owolafe, v. Owolafe<br>Doc. #4831-CV-2005<br>Date: 2006              | 1/25/06    | Annulment based upon complaint and affidavits of existing other marriage of time of this marriage.  | Daniel Stern, Esq.        |
| Eppinger, v. Eppinger<br>Doc. #2005-CV-2451-DV<br>Date: 2006         | 1/25/06    | 3301(c), (d) couple separated since 1992, 50-50 asset division, fair rental value denied, 50% of wife' counsel fees and appraisal expense awarded.  | Daniel Stern, Esq.        |
| Gentry, v. Gentry<br>Doc. #2005-CV-1351-DV<br>Date: 2006             | 1/25/06    | Contested 3301(d) issues of irretrievable breakdown, waiver of economic claims by defendant   | Daniel Stern, Esq.        |
| Lady v. Lady<br>Doc. #4381-CV-2002-DV<br>Date : 2006                 | 3/21/06    | Post separation debts of Wife incurred with jointly owned credit cards, paid by Husband post separation with non-marital funds. References to legal authorities, denial of relief to Husband. Discussion of reasons for denial of 60-40 equitable distribution in favor of 50-50. Discussion of denial of alimony. Denial after seven years of spousal support payments.  | Daniel Stern, Esq.        |
| Gilmer v. Gilmer<br>Doc. #2219-CV-2002-DV<br>Date: February 16, 2006 | 3/21/06    | Original and Amended Master Reports, 25-yr. marriage, alimony four years subject to appeal and time limit related to ongoing spousal support. Also age and health of payor. Likely inheritance of payee. Discussion of fair rental value of marital home, dissipation of marital asset. Non-marital property. Original exceptions not decided in Gilmer – case remanded to Master. Exceptions renewed and new exceptions filed to Amended Report. | Charles E. Friedman, Esq. |
| Simons v. Simons<br>Doc #2610 CV 2003 DV<br>Date :2006               | 03/29/06   | Large earning capacity disparity, 56-48% ED, alimony for close to 8 years after hearing, partial counsel fees awarded to wife, no speculation on earning capacity in absence of expert testimony.   | Charles E. Friedman, Esq. |
| Lockhart v. Lockhart<br>Doc #1138 CV 2002 DV<br>Date: 2006           | 05/30/06   | Pension Evaluation, 50-50 equitable distribution, 16-yr. marriage, alimony at different   | Daniel Stern, Esq.        |

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|   |            | amounts depending on the disposition of Wife's marital interest in Husband's pension. Applicable pension value coverture fraction predetermined by actuary. Limited attorney fees awarded based on actual need and payor's ability to pay.                       |                           |
| Lilley v. Lilley<br>Doc #2005-CV-3652-DV<br>Date: 2006                | 5/30/06    | Interim Partial (23 Pa. C.S.A §3502(f), Equitable distribution, premarital agreement. Denied.  | Frank Sluzis, Esq.        |
| Talton, III v. Talton<br>Doc #2296-CV-2005-DV<br>Date: July 10, 2006  | 7/25/06    | Conclusion of Law: The parties entered into a binding oral agreement regarding distribution of marital property.   | Charles E. Friedman, Esq. |
| Heisey v. Heisey<br>Doc #4834-S-1999<br>Annulment<br>Date: June 2006  | 7/25/06    | Annulment action: Failure to prove inducement into marriage by fraud.  | Charles E. Friedman, Esq. |
| Whipple, Jr. v. Whipple<br>Doc #4947-CV-2005-DV<br>Date: June 8, 2006 | 7/25/06    | Failure to establish two-year separation.  | Charles E. Friedman, Esq. |
| Wagner v. Wagner<br>Doc #5548-DV-2004<br>Date: 2006                   | 10/19/06   | Alimony awarded indefinitely, 27-year marriage, equitable distribution.  | Daniel Stern, Esq.        |
| Boner v. Boner<br>Doc. #344-CV-2005<br>Date: 2006                     | 10/19/06   | 40 plus year marriage, equitable distribution, denial of alimony, late request for alimony, counsel fees denied.   | Daniel Stern, Esq.        |
| Boggan v. Boggan<br>Doc. #2003-CV-3426 DV<br>Date: November 2006      | 01/19/07   | Equitable Distribution—disputed valuations, expert testimony, liquidation of asset by auction, conversion of marital asset in one name compared with partition, various types of credits, fair rental value, stipulations lack of testimony or expenses of sale. | Richard B. Druby, Esq.    |
| Showell v. Showell<br>Doc. #2001-CV-5448-DV<br>Date: 2006             | 01/19/07   | Living together post divorce complaint, date of separation, equitable distribution—50/50, debt distribution and party in possession of asset, omnibus QDRO language in proposed order.   | Frank C. Sluzis, Esq.     |
| Getz v. Getz<br>Doc. #2004 CV 4798-DV<br>Date: January 2007           | 01/19/07   | Earning capacity—vocational expert; relocation of business—  | Daniel Stern, Esq.        |

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|  |            | experts; business valuation—no experts; business line of credit value at separation; business value at separation; home equity loan value at date of separation. Property distribution—scheme which least interferes with child custodian obligations is preferred, debt allocation—one party satisfying debt otherwise allocable to other party via refinance (including some post-separation debt of husband, payable to him rather than creditor), right of first refusal on real estate. Alimony—equitable reimbursement, indefinite time awarded, counsel fees, no award per legal standard. Joint Exhibit 1 included, Exceptions filed. |                           |
| Meyer v. Meyer<br>Doc. #2004-CV-2781-DV<br>Date: April 10, 2007  | 04/10/07   | 3301(c) Divorce granted. D/O/M: 12/4/81 D/O/S: 6/5/04. 22.5 year marriage. Equitable distribution 56/44 in favor of wife. Alimony for 3 years and no counsel fees awarded.  | Richard B. Druby, Esq.    |
| Rider v. Rider<br>Doc. #2005-CV-4164-DV<br>Date: 2007            | 08/28/07   | 3301(d) Divorce granted. Discussion and findings relied upon.   | Daniel Stern, Esq.        |
| Dupree v. Guy<br>Doc. #3541-CV-2006-DV<br>Date: 2007             | 08/28/07   | 3301(d) Divorce Action. No Answer filed. Denial of economic claims – failure to appear at hearing – failure to file Income and Expense Statement, Inventory or Pre-Trial Statement.   | Daniel Stern, Esq.        |
| Miller v. Miller<br>Doc. #5420-CV-2004-DV<br>Date: June 27, 2007 | 08/28/07   | 3301(c) stipulation on marital property values, review of relevant factors for distribution – expert testimony on health, work and earning capacity, use of APL to compensate for interim period before QDRO takes effect. Pension in pay status at time of hearing. Denial of alimony with case law review where one party in retirement pay status and higher   | Charles E. Friedman, Esq. |

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|  |            | earning capacity asserted.   |                           |
| Lowendi v. Lowendi<br>Doc. #2006 CV 4147-DV<br>Date: 2007        | 08/28/07   | 3301(a)(6) Defendant failed to appear at hearing. Indignities.   | Daniel Stern, Esq.        |
| Nabie v. Thullah<br>Doc. #3056-CV-2005-DV<br>Date: July 18, 2007 | 08/28/07   | 3301(d), Stipulations to marital property, non-marital property and marital debt. Award of all marital property to Wife, except two credit union accounts and an automobile. All marital debt is responsibility of Wife, although most of it incurred by Wife post-separation and is not marital. Counter statement of date of separation. Denial of attorney fees to Husband. | Charles E. Friedman, Esq. |
| Radle v. Radle<br>Doc. #2002 CV 538-DV<br>Date: 2007             | 08/28/07   | 3301(c), E.D. – Pension by QDRO 50% each. Alimony denied.  | Frank C. Sluzis, Esq.     |
| Crum v. Crum<br>Doc. #2004-CV-5005-DV<br>Date: 2007              | 12/26/07   | 3301(c). 60-40 division of equity in real estate. 50-50 division of balance. Necessity of documentation. Alimony granted. Discussion of case law and factors. Counsel fees granted.  | Daniel Stern, Esq.        |
| Metro v. Metro<br>Doc. #2004-DV-5230-DV<br>Date: 2007            | 12/26/07   | 3301(c). 3-½ yr. marriage. 75%-25% distribution of assets in favor of Husband and same percentage of division of potential debt against Wife. Dissipation of marital assets and Husband's non-marital assets committed by Wife.  | Frank C. Sluzis, Esq.     |
| Mobis v. Mobis<br>Doc. #2007-CV-8221-DV<br>Date: 2007            | 12/26/07   | 3301(a)(6). Plaintiff only witness on Indignities. Divorce recommended.  | Daniel Stern, Esq.        |
| Beck v. Beck<br>Doc. #2003-CV-1588-DV<br>Date: 2007              | 12/26/07   | 3301(d). Distribution of assets by Stipulation; alimony claim - 13-year marriage.  | Daniel Stern, Esq.        |
| Pepperman v. Pepperman<br>Doc. #2006-CV-674-DV<br>Date: 2007     | 12/26/07   | 3301(c). 22-yr. marriage. Credits claimed, alimony claimed, equitable distribution in unequal amounts. Alimony denied, counsel fees denied.  | Daniel Stern, Esq.        |
| Worman v. Worman<br>Doc. #5544-CV-2001<br>Date: 2007             | 12/26/07   | 3301(c). Date of separation 6+ yrs. earlier. Parties born in 1938. Post-separation debt payments, rental value claim on marital home   | Daniel Stern, Esq.        |

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|   |            | denied; post-separation improvements to marital home claimed.   |                        |
| Williams v. Williams<br>Doc. #2003-CV-1792-DV<br>Date: 2008   | 05/19/08   | 3301(c). Marital gift of jointly titling solely owned pre-marital real estate. Cost of sale of real estate not applied. Dispute on Wife's proposed retirement date for valuation purposes. Credibility issues. 59/41 percent distribution.  | Richard B. Druby, Esq. |
| Podskalny v. Podskalny<br>Doc. #2005-CV-1813-DC<br>Date: 2008 | 05/19/08   | 3301(c). Disputed date of separation, presumption and shifting burden of proof. Earning capacity – use of expert testimony. Stipulation of value needs to be explicit regarding costs of sale. Unusual distribution of assets, 61/39 percent. Alimony issue of earning capacity and fault. Decreasing yearly amount awarded. "Equitable Reimbursement" considered in alimony award. Waiver of claim for fees, costs and expenses.   | Daniel Stern, Esq.     |
| Rockmaker v. Rockmaker<br>Doc. #2005-CV-3121-DV<br>Date: 2008 | 05/19/08   | 3301(c). Decrease in value of non-marital property. Expert valuations of business relating to value and gift tax consequences. Loss of value of non-marital assets. Lack of expert testimony on fact issue. Unilateral volunteering marital debt for college not divisible. Unilateral volunteering marital asset for college not proper use of marital funds. Division of tax liability for IRS treatment of debt forgiveness. Dispute on amount and duration of alimony and need for expert testimony. Sharing of expert fees. Denial of attorney fees award. | Daniel Stern, Esq.     |
| Sener v. Sener<br>Doc. #2005-CV-933-DC<br>Date: 2008          | 05/19/08   | 3301(d). Negative marital estate after 2-year marriage. Waiver of debt claim raised for the first time at hearing; issue raised: impact of loss of equity in non-marital asset. Abandonment of issue on account of failure to file authorities and  | Daniel Stern, Esq.     |

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|   |            | failure of proof. Denial of attorney fee award.   |                        |
| Magaro v. Schell-Magaro<br>Doc. #2006-CV-1749-DV<br>Date: June 13, 2008 | 06/13/08   | 3301(c)(d) D/O/M: 5/23/92 D/O/S: 11/23/05. Wife did not attend the hearings or offer testimony. Court awarded ED of 50/50 for case and 65/35 for the proceeds from the house in favor of husband with an award of 2,000 attorney fees to husband, because that amount was incurred due to wife's conduct. | Richard B. Druby, Esq. |
| Guckavan v. Guckavan<br>Doc. #2006-CV-3128-DV<br>Date: Aug. 26, 2008    | 08/26/08   | 3301(a)(d) D/O/M: 8/27/94 D/O/S: 3/18/05. Husband did not attend the hearings or offer testimony. Husband has a substance abuse problem. There are four children from marriage. Court awarded ED of 70/30 in favor of wife with no alimony due to husband's failure to pay child support.                 | Richard B. Druby, Esq. |
| Stalter v. Stalter<br>Doc. #2007-CV-03354-DV<br>Date: 2008              | 12/12/08   | Uncontested 3301(a) Indignities, 44-year marriage, disabled Wife, incarcerated Husband, practically no income for alimony. Marital home to Wife for liquidation, and Wife keeps her pension; to Husband his \$100/mo. pension.  | Daniel Stern, Esq.     |
| Snyder v. Reed<br>Doc. #2007-CV-10482-DV<br>Date: 2008                  | 12/12/08   | Divorce 3301(a)(5) grounds of imprisonment of 2 years or more. No other related claims.   | Daniel Stern, Esq.     |
| Rosario v. Valdes<br>Doc. #2007-CV-13246-DV<br>Date: 2008               | 12/12/08   | 3301(a)(6) Indignities. No related claims.  | Daniel Stern, Esq.     |
| Ongeri v. Ongeri<br>Doc. #2005-CV-5417-DV<br>Date: 2008                 | 12/12/08   | 3301(d) divorce. Both parties <i>pro se</i> . Partial marital settlement agreement pre-hearing. Unauthorized, unconsented transfer of marital assets, gift to 3 <sup>rd</sup> parties. Need for credible evidence.  | Daniel Stern, Esq.     |
| Dowling v. Dowling<br>Doc. #2006-CV-3365-DV<br>Date: 2008               | 12/12/08   | 3301(d) divorce. Income determination for yearly variations, expert needed for fair rental value of home. Expert's opposing vocational and real estate reports,   | Daniel Stern, Esq.     |



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|  |            | valuing law partnership, valuation problems for business property and need for expert tax effect testimony, calculating mixed marital and pre-marital financial account. Bonus as asset vs. income, alimony, counsel fees.   |                           |
| Travis v. Travis<br>Doc. #442-CV-2007-DV<br>Date: 2008     | 12/12/08   | 3301(d). Interpretation of written Separation Agreement relating to support, maintenance and counsel fees, evidentiary issues – parole evidence, alimony, evidence issue on attorney fees claim, E.D. – approving draft stipulations without evidence submitted. Award of equal division of marital Army pension with reservation to permit Wife to petition court of proper jurisdiction for reserved interest.   | Charles E. Friedman, Esq. |
| Gingrich v. Gingrich<br>Doc. #444-CV-2004-DV<br>Date: 2008 | 12/12/08   | 3301(c). Agreement by parties entered into the record after more than one hour in conference with Special Master. After dispute over Agreement and hearing before Bratton, J., matter referred back to Special Master for hearing, testimony by original counsel as witness; intentional dissipation of assets as closure of going concern, importance of listing issues in Pre-trial Statement or Inventory, charge against Wife in possession of marital home and receiving support plus mortgage differential for failing to pay for taxes and mortgage (costs of saving property from mortgage foreclosure and tax sale). Failure to provide evidence of non-marital portion of IRA and determination as marital, failure to provide stipulated account information grounds for Special Master determination that asset cannot be valued. Counsel fees denied. | Charles E. Friedman, Esq. |

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| Covert v. Covert<br>Doc. #10705-CV-2007-DV<br>Date: 2008         | 12/12/08   | 3301(d). Prisoner defendant, writ of <i>habeas corpus</i> , telephone testimony.  | Charles E. Friedman, Esq. |
| Jacobs v. Jacobs<br>Doc. #2007-CV-6608<br>Date: Jan. 23, 2009    | 01/23/09   | Annulment under 3304(a)(1). D/O/M: May 16, 2005, but husband was already married on Feb 14, 1982 and was never divorced or had an annulment. Annulment was granted and the marriage license is void.  | Richard B. Druby, Esq.    |
| Schwartz-Mackey v. Mackey<br>Doc. #5270-CV-2005-DV<br>Date: 2009 | 4/06/09    | E.D.: Marital personal injury proceeds and convoluted marital asset acquisition and contribution. Creative 50-50 net distribution. Disregard of cost of sale of real estate if refinancing of mortgage for title to one spouse and cash to contribute to 50-50 E.D.                   | Charles E. Friedman, Esq. |
| Chatters v. Chatters<br>Doc. #2004-CV-2240-DV<br>Date: 2009      | 4/06/09    | Date of separation. Party's opinion of value accepted. One party's dissipation of assets related to drug use. Greater earning capacity of one negated by same party's shorter remaining work lifetime and opposite party's greater work lifetime.                                     | Daniel Stern, Esq.        |
| Shaeffer v. Benadier<br>Doc. #2469-CV-2004-DV<br>Date: 2009      | 4/06/09    | Post-bifurcation E.D. hearing. Dismissed for failure of both parties to present admissible evidence of value.   | Charles E. Friedman, Esq. |
| McCormick v. Ortega<br>Doc. #3014-CV-2008-DV<br>Date: 2009       | 4/06/09    | 3301(d). E.D. – Increase in value of non-marital automobile; no evidence of value when gifted, at time of separation, or at time of hearing. Contested testimony of contribution by one spouse to restoration of non-marital property value not established. Denial of requested E.D. | Charles E. Friedman, Esq. |
| Greenawalt v. Greenawalt<br>Doc. #2007-CV-10746-DV<br>Date: 2009 | 4/06/09    | Husband's premarital home deeded to H. and W. Husband's premarital home deeded to H. and W. Disproportionate contribution issue with unequal division of home's value 60-40. Failure to   | Daniel Stern, Esq.        |

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|  |            | show future costs of sale. Wedding and engagement ring treatment for marital value in E.D. rejected.  |                           |
| Niravkumar v. Rawlings<br>Doc. #5261-CV-2008-DV<br>Date: 2008            | 04/06/09   | Annulment denied, lack of evidence.   | Charles E. Friedman, Esq. |
| Evans v. Evans<br>Doc. #2003-CV-3092-DC<br>Report Date: 11/25/2009       | 11/25/09   | DOM: 5/25/85. H: DOB 10/17/62, unemployed software consultant. W: DOB 6/28/64, teacher. Recommended 3301(d) divorce. Proportional valuation of interest of increased value of 401(k) when post-separation contributions made to the 401(k) account in absence of explanation of each party's position on the issue. Increased value of cash value of life insurance post-separation not recognized, based on H's testimony and W's failure to suggest acceptable method of determining. Statutory factors discussed and judicial notice of economic conditions affecting employability of H. Refusal to assume H. will return to similar paying job. 50-50 division of assets. Valuation of life insurance and pension (post-separation increased value); creative calculation of post-separation interest income. Husband unemployed with high-paying earning capacity. Judicial notice of economic conditions. 30 days to Husband to select which retirement assets to subject to QDRO. | Daniel Stern, Esq.        |
| Williams v. Williams<br>(Amended)<br>Doc. #2003-CV-1792-DV<br>Date: 2009 | 12/29/09   | Remand from Common Pleas of 2007 Masters Reports. Debt value as of date of separation used.   | Richard B. Druby, Esq.    |
| Stout v. Stout<br>Doc. #2007-CV-01873-DV<br>Date: 2009                   | 12/29/09   | Debts exceeded liquid asset values. Wife granted marital home use for up to 4 years before sale or refinance, after which Husband's name removed from deed and Wife entitled to proceeds or responsible for deficiency. Partial attorney fees awarded.  | Richard B. Druby, Esq.    |
| Gray v. Gray<br>Doc. #2006-CV-3569-DV<br>Date: 2009                      | 12/29/09   | Award of unequal percentages of various items of marital property. Alimony for set duration.  | Richard B. Druby, Esq.    |
| Duttera v. Duttera<br>Doc. #2833-CV-2000-DV<br>Date: 2009                | 12/29/09   | Property Division: Parties stipulated to identity, value of marital property, except marital home and personal property, and debt. Real estate  |                           |

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|  |            | appraisal issues and use of expert testimony. 54% to Wife; 46% to Husband.. Main factor in equitable division was large disparity of earnings, earning capacity and the economic circumstances of the parties. Alimony denied. Partial counsel fees awarded to Wife.  |                           |
| Everett v. Everett<br>Doc. #17109-CV-2008-DV<br>Date: 2009             | 12/29/09   | Divorce under §3301(a)(5) on conviction of a crime and imprisonment. No discussion.   | Charles E. Friedman, Esq. |
| Wagner v. Wagner<br>Doc. #2007-CV-6596-DV<br>Date: May 24, 2010        | 05/24/10   | Divorce granted under 3301(c). D/O/M: 5/1/87. D/O/S: 7/1/07. Proceeds from Marital Residence are 60/40 in favor of wife. Remaining marital property is 55/45 in favor of wife. Alimony is granted to wife of \$800/month for 60 months. Counsel fees of \$3,500 are awarded to wife.                                      | Charles E. Friedman, Esq. |
| Dragovan v. Dragovan<br>Doc. #2010-CV-9728-DV<br>Date: January 28,2011 | 01/28/11   | Divorce granted under 3301(d). D/O/M: 6/4/88. D/O/S: 5/31/94. Husband did not appear at hearing. Marital home is awarded to Wife. Counsel fees awarded to wife for the fees and costs already incurred.   | Daniel Stern, Esq.        |
| Farr v. Farr<br>Doc. #2008-CV-956-DV<br>Date: March 10, 2011           | 03/10/11   | Divorce under 3301(c) D/O/M: 2/14/93 D/O/S: 8/17/07. 2 minor children from marriage. In dispute is Coin collection and value of home. Marital estate is more debts than assets. ED is 54/46 with wife getting the 54% of debt. No alimony or counsel fees were awarded.   | Richard B. Druby, Esq.    |
| Fesen v. Fesen<br>Doc. #2008-CV-03504-DC<br>Date: April 26, 2011       | 04/26/11   | Divorce under 3301(c)(d) and wife filed pursuant to 3301(a)(6). D/O/M: 4/27/91. D/O/S: 3/26/08. 2 children from marriage. In dispute is the ED of the house, since wife wants to sell once daughter turns 18. ED is 57/43 in favor of wife with alimony to wife of 600/month for two years. No counsel fees were awarded. | Richard B. Druby, Esq.    |
| Martin v. Lawson<br>Doc. #2007-CV-1884-DV<br>Date: April 28, 2011      | 04/28/11   | Divorce under 3301(c). D/O/M: 6/9/06. D/O/S: 2/1/07. No children. Signed a prenup. Husband is on social security and has income from one rental property. Only dispute is distribution of credit card debt. Wife is found solely responsible for the debt.  | Richard B. Druby, Esq.    |
| Bigelow v. Bigelow<br>Doc. #2006-CV-2557-DV<br>Date: May 3, 2011       | 05/03/11   | Divorce under 3301(d). D/O/M: 1/9/93. D/O/S: 5/10/06. 2 minors. Not many assets. Wife did not attend court in time to give testimony. 60/40   | Daniel Stern, Esq.        |

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|  |            | in favor of wife.  |                        |
| Szabo v. Szabo<br>Doc. #2010-CV-2041-DV<br>Date: May 13, 2011                  | 05/13/11   | Divorce under 3301(d). D/O/M: 11/12/83. D/O/S: 1/3/09. Husband did not attend the hearings. 50/50 ED.  | Daniel Stern, Esq.     |
| Cray v. Cray<br>Doc. #2006 CV 3957 DV<br>Report Date: 6/10/2009                | 5/31/11    | 3301(c) W's DOB 1967; H's DOB 1959. W's income \$30,000/yr.; H's earnings \$70,000/yr. 3 minor children. H suffers from depression. Assets in dispute: Jeep motor vehicle and Commonwealth pension. Impact of Bankruptcy planning on alleged loss of value of marital home claim. Expectation of inheritance of \$27,000. Alimony of \$500/mo. for 8 years. Slightly higher than current support on account of emancipation of one child within 4 years and other factors. Discussion of denial of counsel fees. | Richard B. Druby, Esq. |
| Walker v. Walker<br>Doc. #2008-CV-13404-DV<br>Report Date: 6/11/2009           | 5/31/11    | 3301(d) and 3301(a)(6) Divorce on grounds of Indignities. Testimony only of Plaintiff. Divorce recommended.  | Daniel Stern, Esq.     |
| Welker v. Canaway<br>Doc. #2008-CV-12379-DV<br>Report Date: 6/24/2009          | 5/31/11    | 3301(d) divorce recommended on testimony of Plaintiff.   | Daniel Stern, Esq.     |
| Smith v. Smith<br>Doc. #2007-CV-11695-DV<br>Report Date: 7/13/2009             | 5/31/11    | 6-year marriage. 3301(d) divorce recommended. E.D: Little assets. Debt divided equally, except taxes on mobile home land during the time of W's possession of it. 1 year of alimony granted. Equitable reimbursement.  | Daniel Stern, Esq.     |
| Della Loggia v. Della Loggia<br>Doc. #2008-CV-6061-DC<br>Report Date: 8/1/2009 | 5/31/11    | 4-month marriage. 3301(d) divorce recommended. Referenced court order denying Deft's request for marriage counseling. Lack of evidence to show increase in value of marital and non-marital real estate of H. Alimony recommended denial, but equitable reimbursement of \$1,000 granted. Counsel fees recommended denial.   | Daniel Stern, Esq.     |
| Verdelli v. Verdelli<br>Doc. #2007-CV-5189-DV<br>Report Date: 8/6/2009         | 5/31/11    | 3301(c) and 3301(d) Counter-Affidavit and testimony by Deft. claiming no irretrievable breakdown. 3301(d) divorce recommended.   | Daniel Stern, Esq.     |
| Novosel v. Novosel<br>Doc. #2007-CV-7866-DC<br>Report Date: 10/21/2009         | 5/31/11    | Distinction by Master between value and increase in value (equity), neither of which is in §401(e)(1) and (e)(3), and market value. Issue of use of marital funds to pay debt on W's separate property. Denied H. a share of the asset on account of lack of   | Daniel Stern, Esq.     |

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|  |            | <p>evidence of increase in market value. Value of H's 401(k) set at value on date of separation. Engagement ring not marital under <u>Durbin v. Durbin</u>, 122 Dauph. Co. Rptr. 259 (2005). H's failure to pay mortgage as agreed during his possession of the marital home treated as a diminution of the value of the house. 65%-35% favoring W. Division of assets based upon finding that most significant factors were the income and earning capacity disparities between the parties, and the lack of future opportunities to acquire capital assets and income by one party. (Custodianship of two minors mentioned as additional reason for the percentage division of assets.) Overall - rather small estate. All debts to be paid by H. Alimony not recommended for reason stated in this 6-year marriage. Counsel fees – standard is actual need constrained by ability to pay. Excessive time devoted to discovery in a small case. \$1,500. awarded to W.</p> |                        |
| Hykes v. Hykes<br>Doc. #2006 CV 3419 DV<br>Report Date: 11/17/2009 | 5/31/11    | <p>DOM 9/4/76, W: DOB 1/19/57, employed as warehouse worker \$11.74/hr. H: DOB 4/8/58, employed as assembler at \$11.75/hr. DOM 9/4/76. 3301(c). DOS 5/2005. W. in treatment for Gulf War Syndrome which does not affect her ability to work, and is retired from the military after 21-½ years. of service with eligibility for pay status at age 62. Issue: Whether spouse remaining in marital home depreciated value credit for 1/2 of post-separation mortgage payments. No credit given to W. for post-separation voluntary health insurance payments. Fair rental value of marital home claimed by W. denied for lack of evidence. W. explained she expected a less than large inheritance from her father in the near future. Virtual 50-50 division of assets including 50% of W's military pension although H. testified that he had no interest in it. Credits awarded to H also. Two vehicles of W never valued.</p>   | Richard B. Druby, Esq. |

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| Poet v. Poet<br>Doc. #2006 CV 3620 DV<br>Report Date: 1/20/2010  | 5/31/11    | 3301(c) DOM 12/8/89, DO Sep. 10/1/06. 1 child age 16. W's DOB 7/15/57, banquet server at Hershey Lodge, 20 hrs./wk., \$26,434/yr. H's DOB 6/3/54, general supply specialist at Mech. Navy Depot, \$57,173/yr. Issues: W. credit claimed for mortgage principal reduction and cross-claims for fair rental credits. Complicating issue, agreement to apply mortgage payment toward larger child and spousal support order. W. granted equivalence of unpaid difference between Support Order less mortgage payment by each party. Parties both lived in separate units under same mortgage; cross rental values awarded. All E.D. factors discussed. Unequal division of assets: 60.5% to W. and 39.5% to H. Marital Pension will go into pay status within 12 months. Alimony awarded for 12 months. APL calculation used. Denial of counsel fees fees. | Richard B. Druby, Esq. |
| Laster v. Butt<br>Doc. #2009 CV 4097 DV<br>Report Date: 2/11/2010                                      | 5/31/11    | DOM 7/1/2003. §3301(d) contested. Discussion of case law and statute. Party objecting failed to appear. Testimony taken. Divorce recommended under §3301(d).  | Richard B. Druby, Esq. |
| Sally A. Williams v. David H. Williams<br>Doc. #2005 CV 3657 DV<br>(Amended)<br>Report Date: 2/15/2010 | 5/31/11    | Post Exceptions (Amended report of earlier report of 11/21/2007). Issues: Remand solely to: 1. determine the amount of liens or encumbrances upon the real estate as of the date of separation which would reduce the net value at the time of marriage and the amount of the mortgage outstanding as of the date of separation; and 2. recalculation of home equity loan as marital. Method of determining credit to Wife of post-separation debt in absence of new testimony. Payment for QDRO's necessary to be in same ratio as overall equitable distribution 56/44 W.   | Richard B. Druby, Esq. |
| Buck v. Brady<br>Doc. #2007-CV-4980-DV<br>Report Date: 3/12/2010                                       | 5/31/11    | DOM 8/4/90. DO Sep. 4/10/2007. 3301(c) H: age 46, had been working as a woodworker 20 hrs/wk. at \$10.00/hr. W: age 59, is enrolled in Bachelor Degree program in Legal Studies at California University of Pa., expecting degree in 2012. Disputed   | Richard B. Druby, Esq. |

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| Case Name   | Index Date     | Notes   | Special Master            |
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|   |                | <p>Issues: Whether W. is entitled to equitable reimbursement with regard to the alleged damage to the Green Street property. W. sought equitable reimbursement based upon an allegation that H. was responsible for dissipating the value of the Green Street property, which is her pre-marital asset. <u>See</u> 23 P.C.S.A. §3301(a). The cost of repairs to be considered. The Master assessed \$52,260 as H.'s responsibility for the cost of repairs. Equitable reimbursement denied, but granted a 60/40 distribution to W.. Failure to present vocational evidence. Master used Support Appeal Hearing finding to determine earning capacity of H. Alimony awarded for 4 years. Master noted that W. will have degree and may be eligible for Social Security benefits (possibly judicial notice of same?).</p>   |                           |
| <p>Baily v. Baily<br/>Doc. # 2004-CV-1527-DC<br/>Report Date: 3/24/2010</p> | <p>5/31/11</p> | <p>3301(c), Equitable Distribution, business valuation, 28-year marriage. H: DOB 7/6/51, cardiologist. W: DOB 1/6/55, homemaker. High-conflict divorce. Competing expert witnesses on value of H's medical practice, "Double Dip Rule" excluding income used for calculation of support allegation should not be utilized in the valuation of the business from which the income was derived was discussed and found not applicable. W's education, work history and circumstances. Vocational testimony on W's earning capacity, also discussion of a Separation Agreement earlier entered into by the parties and found valid. A prior Court Order was used by the master, who distributed assets 50-50. Issue of <i>res judicata</i> raised to defend earning capacity finding in spousal support proceeding rejected by Master. Denial of costs of sale or tax consequences of sale of real estate being used to reduce value of the asset on account of no stipulation of same and absence of evidence or at minimum request for judicial notice of tax rates or conventional commissions (fn. 3).</p> | <p>Daniel Stern, Esq.</p> |



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|  |            | Alimony awarded for set period in decreasing amounts, but health insurance costs for coverage of W. to continue until she reaches age 65 or becomes Medicare eligible. Discussion of case law. Counsel fees and costs: 50% of counsel fees awarded. Discussion of role of E.D. and alimony award impact. Equal division of expert fees of business valuation expert of W. See Court Decision below on Exceptions filed.  |                        |
| Baily v. Baily Amended Doc. # 2004-CV-1527-DV Opinion Date: 2/2011   | 5/31/11    | The Special Master's Statement and Resolution of Disputed Issues are instated in part and modified in part. Court awards 1/2 of expenses paid by H. on the mortgage, property taxes, insurance, and home equity credit used to finance W's new home to be credited to H. first from net proceeds of sale of marital home. Court removes obligation of H. to pay for health insurance for W. until she reaches age 65 or receives Medicare. Court clarifies law on rights of modification of alimony under 23 Pa.C.S. §3701(e). | Judge L. Clark         |
| Cicero v. Cicero Doc. #2008-CV-15538-DV Report Date: 6/9/2010        | 5/31/11    | DOM 8/10/1985. DO Sep. 8/10/2000. Issues: Contest on 2-year separation. H. alleges DOS of 8/10/2000. Cohabitation continued, joint tax returns until 2008, vehicle purchased in joint names, maintained a prior joint bank account. Citation to case law. Determination by Master of a DOS less than 2 years prior to the date of the Master's report.   | Richard B. Druby, Esq. |
| Steele v. Steele Doc. #2010-CV-00095-DV Report Date: 8/4/2010        | 5/31/11    | Issues: Determination of entitlement to 3301(a)(5) grounds of imprisonment for aggravated assault.   | Richard B. Druby, Esq. |
| Colon v. Colon Doc. #2009-CV-5349-DV Report Date: 8/26/2010          | 5/31/11    | 3301(d) Issue Irretrievable breakdown. Defendant asked for counseling. Master concluded insufficient evidence of a reasonable prospect of reconciliation and counseling denied. Case law referenced. Defendant was incarcerated. Defendant testified via telephone.  | Richard B. Druby, Esq. |
| Kurlander v. Kurlander Doc. #2007-CV-9622-DV Report Date: 10/20/2010 | 5/31/11    | 12-year plus marriage, 1 child age 13. H's DOB 8/21/64, W's DOB 7/22/66. H. owns business (50%). 3301(c), Primary factual issues: valuation of business, and earning capacity for  | Daniel Stern, Esq.     |

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|  |            | <p>alimony purposes. Expert witnesses for both parties both used "income approach" but differed in conclusions of value.</p> <p>Vocational experts: differing opinions by each expert. High-conflict divorce as demonstrated by testimony and discussion of facts. Fair Rental Value: single expert on rental value (both spouses moved out at different dates). Attorney Fees: attorney testimony. A marital credit card debt not disclosed by W. to H. was assessed against W. 100%. Resolution: accounting for cash conversion of tax-deferred retirement accounts after tax and penalty, marital debt school loans, H's claim for mortgage credit in excess of fair rental value while he lived in the house and loss of value of cashed 401(k) on account of dilatory action. 50-50 E.D. recommended after review of statutory factors. Attorney fees discussion over 4 pages in length. Alimony recommended by taking into account factors including 3 years of spousal support. Subsequent Amended Report attached clarifying 50-50 division of assets.</p> |                        |
| Lenker v. Lenker<br>Doc. #2008 CV 15756 DV<br>Report Date: 11/8/2010 | 5/31/11    | Recommended 3301(d) divorce. Deft. H. failed to appear. Master divided assets and debts after reference to the statutory factors for E.D.  | Richard B. Druby, Esq. |
| Paich v. Paich<br>Doc. #2007 DV 9023 DV<br>Report Date: 10/14/2010   | 5/31/11    | Issues: Dispute in valuing TIAA/CREF accounts which were allegedly originally premarital. Full discussion of §3501 of the Code definitions of marital property. 12-year marriage. Allocation of TIAA/CREF accounts which were partially premarital and partially marital by subtracting premarital value from total values and allocating in E.D. Reference to case law. Fair rental value of the marital home denied on lack of credible evidence as to value of the credit sought for one-half value of payment of marital debt by W. Effective 54% approximate division of assets to W. after taking into account credits owed to W. and assets transferable to H. Case on Exceptions: Denied by Court. Case on Appeal: Pending at the Pennsylvania Superior Court.   | Richard B. Druby, Esq. |

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| Deiter v. Deiter<br>Doc. #2010-CV-5196-DV<br>Date: June 14,<br>2011/August 2011 | 06/14/11   | Divorce granted under 3301(a)(5).<br>D/O/M: 11/26/01. D/O/S: 11/28/09.<br>3301(a)(5) is "Been sentenced to imprisonment for a term of two or more years upon conviction of having committed a crime." 3 minor children. Husband is incarcerated for 9-20 years.  | Charles E. Friedman, Esq. |
| Hicks v. Porter<br>Doc. #2009-CV-14649-DV<br>Date: June 15, 2011                | 06/15/11   | Divorce granted under 3301(d).<br>D/O/M: 3/6/07. D/O/S: 12/2007.<br>Husband's economic claims dismissed for failure to provide documents and failure to appear at the hearing.   | Charles E. Friedman, Esq. |
| Adams v. Adams<br>Doc. #2010-CV-2041-DV<br>Date: July 18, 2011                  | 07/18/11   | Divorce granted under 3301(d).<br>D/O/M: 4/1/05. D/O/S: 12/2006. 1 minor child. Husband is incarcerated and was physically abusive to Wife. Divorce granted and no economic relief to Husband due to his failure to submit any documents.  | Daniel Stern, Esq.        |
| Orwan v. Orwan<br>Doc. #2008-CV-17009-DV<br>Date: August 15, 2011               | 08/15/11   | Divorce granted under 3301(c).<br>D/O/M: 6/10/1989. D/O/S: 1/1/08. 1 minor child with Down's Syndrome. 50/50 ED and Wife must pay Husband alimony for 5 months in the amount of \$382/month. No counsel fees were awarded.   | Daniel Stern, Esq.        |
| Bonheur v. Bonheur<br>Doc. #2010-CV-3109-DV<br>Date: September 2011             | 09/2011    | Divorce granted under 3301(a)(6).<br>D/O/M: 9/28/90. D/O/S: Summer of 2010. 3301(a)(6) states "Offered such indignities to the innocent and injured spouse as to render that spouse's condition intolerable and life burdensome." Wife did not attend hearing and Husband fired counsel at the hearing and continued pro se.   | Charles E. Friedman, Esq. |
| Fallon v. Core<br>Doc. #2008-CV-13020-DV<br>Date: October 24, 2011              | 10/24/11   | Divorce granted under 3301(d).<br>D/O/M: 9/9/89. D/O/S: 10/17/07. 1 minor child. 64.5/35.5 ED in favor of wife with indefinite alimony granted and counsel fees of \$1,100 granted for the intentional delay by husband.   | Daniel Stern, Esq.        |
| Sewell v. Sewell<br>Doc. #3990-CV-2010-DV<br>Report date: 11/2010               | 10/31/11   | 3301(c). Approximately 10-year marriage. Equitable distribution of debts unequally. Marital home ordered to be sold and if not sole in 90 days, public sale. 60-40 favoring H., who contributed significant funds toward acquisition and improvements to the marital home. Alimony awarded for less than 1.5 years at \$1,000./mo. Each spouse owned pre-marital real estate. H. owned premarital IRA that has decreased in value. Claim for fair rental value of marital home denied. | Charles E. Friedman, Esq. |

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| Saley v. Saley<br>Doc. #3283-CV-2010-DV<br>Report date: 3/31/2011    | 10/31/11   | Annulment recommended on account of marriage while H. was still married to another.  | Charles E. Friedman, Esq. |
| Comoss v. Comoss<br>Doc. #2006 CV 1875 DV<br>Report date: 12/13/2010 | 10/31/11   | 3301(c). DOM 4/14/1984. W's DOB 8/12/61; employed at \$65,000/yr. (post-hearing submission by W. that she'd lost her job).<br>H's DOB 8/23/61; unemployed on account of mental health issues and physical issues. H. receiving SS Disability. H's failure to mitigate health issues. Judicial notice of current economic times affecting job prospects. 2 minor children receiving SS Disability from Father's status.<br>E.D. to W. \$63,955.98.<br>E.D. to H. \$95,933.97.<br>Alimony to H. not recommended. | Richard B. Druby, Esq.    |
| Brown v. Brown<br>Doc. #2010-CV-3844-DV<br>Report date: 12/22/2010   | 10/31/11   | Divorce 3301(d). DOM 9/8/84.<br>W. age 48. H. failed to appear at hearing, being unemployed, but marital assets existed. Master recommended a division of assets and sale of marital home.   | Richard B. Druby, Esq.    |
| Barber v. Barber<br>Doc. #2006 CV 3581 DV<br>Report date: 12/22/2010 | 10/31/11   | 3301(c).<br>DOM 5/25/91; DO Sep. 8/14/06.<br>1 child age 14.<br>W., age 44, is a medical assistant at \$14.40/hr. plus part-time job at \$9.75/hr.<br>H., age 44, works at UPS@ \$21./hr.<br>Case was reappointment of Master after dispute over resolution of a failed refinance of the marital home under a valid Property Settlement Agreement. Master recommended sale of home and division of proceeds as previously agreed by the parties.   | Richard B. Druby, Esq.    |
| Basham v. Basham<br>Doc. #2009-CV-11675-DV<br>Date: November 9, 2011 | 11/09/11   | Divorce under 3301(c). D/O/M: 8/3/86. D/O/S: 4/15/08. Husband cheated on wife and history of wife being violent. 55/45 ED in favor of wife. Alimony granted to wife of \$890/month and counsel fees of \$2,500 granted to wife.  | Daniel Stern, Esq.        |
| Pesta v. Pesta<br>Doc. #2004-CV-934-DC<br>Date: November 18, 2011    | 11/18/11   | Divorce granted under 3301(c). D/O/M: 5/29/99. D/O/S: 5/18/08. 1 minor child. Wife filed Ch. 13 Bankruptcy. Dispute is over the value of assets, and retirement ages of the parties. Counsel fees are granted to wife for \$8,000 due to husband   | Charles E. Friedman, Esq. |

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|  |            | prolonging litigation. In regards to ED, if debt figures are reduced which is the court's intent, then wife gets a higher share of assets.  |                           |
| Boop v. Boop<br>Doc. #2007-CV-12517-DV<br>Date: November 30, 2011          | 11/30/11   | Divorce granted under 3301(c). D/O/M: 5/9/92. D/O/S: 10/1/07. Minor twin children. Dispute is the family business profitability and disposition, potential dissipation by husband, and current value of the marital assets. 60/40 ED in favor of wife. No alimony or counsel fees granted.  | Richard B. Druby, Esq.    |
| Hillegass v. Hillegass<br>Doc. #2009-CV-1066-DC<br>Date: December 22, 2011 | 12/22/11   | Divorce under 3301(c). D/O/M: 5/27/89. D/O/S: 1/14/09. 1 minor child and 2 adult children, 1 with Down's Syndrome. Wife has a history of mental illness preventing her from working. Court refuses to "double dip" between APL and ED. 50/50 ED with slight disproportion in favor of wife. Credit due to husband should be applied to satisfy wife's counsel fees claim along with \$5,000 from husband. Alimony is granted to wife of \$300/month until wife becomes eligible to receive social security retirement benefits. | Daniel Stern, Esq.        |
| Huzvar v. Huzvar<br>Doc. #2011-CV-6282-DV<br>Date: December 29, 2011       | 12/29/11   | Divorce granted under 3301(d). D/O/M: 6/20/88. D/O/S: 8/2003. Wife did not participate. Funds in escrow from sale of marital home awarded to husband and the marital asset daycare is awarded to wife.  | Charles E. Friedman, Esq. |
| Pagano v. Pagano<br>Doc. #2009-CV-14002-DV<br>Date: December 2011          | 12/2011    | Divorce granted under 3301(c). D/O/M: 10/19/74. D/O/S: 1/9/09. Wife has stage 4 cancer. Husband describes himself as a sex addict and admits to having had many extramarital relationships. Wife's claim for alimony is denied and wife abandoned her counsel fees claim. ED is about a 53.6/46.4 in favor of wife.   | Charles E. Friedman, Esq. |

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| Bortner v. Bortner<br>Doc. #2009-CV-4092-DV<br>Report date: 4/5/2010 | 12/30/11   | <p>DOM 11/28/97; DO Sep. 2/10/06.<br/>No children. Both parties have significant income from their professions. W. paid toward satisfying a premarital financial obligation of H. H's assertions of cash amount in control of W. rejected without adequate support on the record. Case law cited that party with exclusive control over an asset has the burden of establishing its nature and content. <u>Aletto v. Aletto</u> 371 Pa.Super 230, 237 (1988). 50-50 division of marital property less reimbursement to W. for her contribution toward H's premarital obligation and less cash for insurance check intended for H. but cashed by W.</p> <p>Case on appeal by Exceptions. Memorandum Opinion 1/3/2011. Court granted motion to supplement the record, citing case law. Granted Exception of H. remanding to Master to re-determine the marital component of certain account values. Reversed recommendation of W. receiving money for contribution to H's premarital obligation as H. had compensated W. for that payment. Reversed recommendation of Master that awarded W. funds from H's share of proceeds of sale of home, since most of H's assets remaining were illiquid retirement accounts. Therefore awarding the sums to W. via rollover from H's retirement funds (also noting the tax consequences of proceeds of home sale vs. taxable retirement accounts.</p> <p>Amended Order of Court of Jan. 20, 2011, granting motion to supplement the record, remanding to the Divorce Master and granting and denying other Exceptions of the parties.</p> | Daniel Stern, Esq. |

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|---|------------|--|--------------------|
| Grace v. Grace<br>Doc. #2008-CV-04394-DV<br>Report date: 4/5/2010     | 12/30/11   | 3301(c).<br>DOM 8/12/95; DO Sep. 2006-2007.<br>3 minor children.<br>Opposing real estate appraisals.<br>W. earns \$37,000/yr. 75%-25%<br>unequal credit card division in favor of<br>W. based on marital and non-marital<br>use. H. earns approx. \$70,000/yr.<br>Most important factor was disparity of<br>earnings and earning capacity.<br>60-40 distribution of assets.<br>Equalization by refinance of marital<br>home by W. within 90 days or sale<br>and appropriate division of proceeds.<br>Master incorporated costs of sale and<br>taxes in valuation he adopted.   | Daniel Stern, Esq. |
| Straw v. Straw<br>Doc. #2008-CV-2046-DV<br>Report date: 8/18/2010     | 12/30/11   | 3301(c). DOM 9/2/90; DO Sep.<br>2/11/08. 1 minor child.<br>Joint marital estate \$324,000.<br>Claim for counsel fees of \$17,336<br>unpaid, and \$5,200 fees and costs<br>recommended. 50-50 equitable<br>division of assets and debts. Also<br>refinance of W's real estate share to<br>provide H. w/ funds to get marital<br>home free and clear. Master noted no<br>evidence provided of potential tax<br>consequences except for 10% penalty<br>on cashing out her share of H's<br>401(k). Therefore, other tax<br>consequences not considered.<br>Attorney fees denied.<br>Citation to <u>Gates v. Gates</u> , 933 A.2d<br>102 Pa.Super (2007). | Daniel Stern, Esq. |
| Stanton v., Stanton<br>Doc. #2007-CV-12714-DV<br>Report date: 11/5/10 | 12/30/11   | 3301(c).<br>H's DOB 11/14/1985, works as safety<br>manager.<br>W's DOB 12/25/1946, unemployed;<br>healthwise W. has COPD and ill<br>health, also gets Social Security<br>retirement of \$708/mo.<br>DOM 5/5/1984; DO Sep. disputed, but<br>dated H. moved out used: 7/29/2002.<br>Debt responsibility to H. partly based<br>on W's inability to pay debt.<br>Alimony: ;limited rehabilitative alimony<br>at \$600. per month.<br>Counsel fees: \$1,500 awarded to W.   | Daniel Stern, Esq. |

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| Trostle v. Trostle<br>Doc. #2007-CV-3099-DV<br>Report date: 12/8/10         | 12/30/11   | 3301(c).<br>DOM 3/12/1988; DO Sep. 3/29/2007.<br>Important example of analysis of factors used in State Police pensions and counter analyses by two witnesses.<br>Limited evidence to single E.D. question not resolved by the parties: H's pension. Two experts.<br>H. disabled PA state policeman with pension plus "disability supplement." Disability supplement excluded from marital property by law. Issue: which life expectancy table to use for valuation purposes. Issue: value of W's survivor benefit.  | Daniel Stern, Esq. |
| Blake v. Blake<br>Doc. #2000-CV-586-DV<br>Report date: 2/28/11              | 12/30/11   | 29-year marriage.<br>Most significant factors used were disparity of current earnings and earning potential, the duration of the marriage, H's role as breadwinner and W's role as homemaker and unpaid employee.<br>Master footnotes on compromising effect of parties' failure to provide evidence to support and identify marital debts and payments on debts post-separation.<br>50-50 division of assets plus alimony. Case law affecting alimony reviewed. Use of doctrine of "equitable reimbursement." Award of alimony of \$1,000/month. for a term not to exceed 10 years. | Daniel Stern, Esq. |
| Otero v. Otero<br>Doc. #2009-CV-10024-DV<br>Date: January 4, 2012           | 01/04/12   | Divorce under 3301(c). D/O/M: 4/24/02. D/O/S: 10/15/08. 2 minor children, 1 is autistic and asthmatic. There is evidence that leads the court to believe that wife was having an affair prior to separation. 50/50 ED regarding assets and greater than 50% of the debt goes to husband. Alimony and counsel fee requests by wife denied.  | Daniel Stern, Esq. |
| Webster v. Webster<br>Doc. #2010-CV-12265-DV<br>Date: January 27, 2012      | 1/27/12    | Divorce denied. "Presently no legal basis to enter a decree in divorce"  | Daniel Stern, Esq. |
| Hicks v. Harrington-Hicks<br>Doc. #2009-CV-09619-DC<br>Date: March 12, 2012 | 03/12/12   | Divorce granted under 3301(d). D/O/M: 8/10/08. D/O/S: 8/3/09. 1 minor child. Short marriage so only distribution of debt. Husband's request for counsel fees denied.   | Daniel Stern, Esq. |



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| Wilson v. Wilson<br>Doc. #2011-CV-5963-DV<br>Date: April 30, 2012       | 04/30/12   | Divorce granted under 3301(d).<br>D/O/M: 12/15/84. D/O/S: 6/13/09.<br>Dispute over husband's inheritance of a home with his brothers and a contract relinquishing wife's rights concerning the property. Court found wife had no rights to the property and found a 50/50 ED.  | Daniel Stern, Esq. |
| DeJean v. DeJean<br>Doc. #2010-CV-1414-DV<br>Date: May 11, 2012         | 05/11/12   | Divorce granted under 3301(d).<br>D/O/M: 10/3/86. D/O/S: 12/1/01.<br>Facts lead to wife having an affair. Sole issue at ED is husband's military pension. Court granted 50/50 ED and \$3,500 in counsel fees granted to wife.  | Daniel Stern, Esq. |
| Brooks v. Baker-Brooks<br>Doc. #2008-CV-04665-DV<br>Date: June 29, 2012 | 06/29/12   | Divorce granted under 3301(d).<br>D/O/M: 7/16/05. D/O/S: 10/2006.<br>Only issue is small items decided upon and then the marital home, which has little to no equity. Marital home is to be transferred to wife. If she cannot carry the mortgage they must sell the home. If the selling of the home results in a profit, it is to be split 50/50. If there is a deficiency, then the husband is to pay 25% and wife is to pay 75%. | Daniel Stern, Esq. |
| Wilson Supplemental<br>Doc. #2011-CV-5963-DV<br>Date: July 11, 2012     | 07/11/12   | Amended Recommended Distribution for the previous report and ratifying previous report decisions.  | Daniel Stern, Esq. |
| Ponnett v. Ponnett<br>Doc. #2010-CV-14793-DV<br>Date: July 27, 2012     | 07/27/12   | Divorce granted under 3301(a)(6).<br>D/O/M: 4/22/02. D/O/S: 9/4/10. 1 minor child. Husband did not show at hearing or submit documents so only issue is Wife's entitlement to a fault divorce. Husband physically assaulted wife and has hit wife previously. Wife filed and obtained a PFA against Husband. Court believed wife and entered the divorce.  | Daniel Stern, Esq. |
| Titus v. Titus<br>Doc. #2003-CV-3663-DV<br>Date: September 21, 2012     | 09/21/12   | Divorce granted under 3301(c).<br>D/O/M: 7/18/87. D/O/S: 9/21/05.<br>Separation was caused when husband found out the oldest child was not his. Wife waived her alimony claim. Husband has a workers comp settlement which is found to be marital property because the cause of action accrued during the marriage. 50/50 ED.  | Daniel Stern, Esq. |

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| Berry v. Berry<br>Doc. #2008-CV-6931-DV<br>Date: October 10, 2012    | 10/10/12   | Divorce under 3301(d). D/O/M: 2/16/01. D/O/S: 12/31/05. 3 minor children and wife has 1 daughter. Husband has primary physical custody of all 4 children and currently resides in the marital home with the children. There is not much, if any, equity in the home and no real assets. Court assigns all assets including home to husband, and all marital assets in wife's possession to wife. Wife did not attend the hearing. | Daniel Stern, Esq. |
| Joynes v. Joynes<br>Doc. #2010-CV-4619-DV<br>Date: October 24, 2012  | 10/24/12   | Divorce granted under 3301(c). D/O/M: 9/14/88. D/O/S: 7/7/09. Assets are home and retirement plan. 50/50 ED and Alimony is granted to wife of \$1,895/month for 25 months and then \$1,695/month indefinitely afterward. Counsel fees are calculated into the alimony award.  | Daniel Stern, Esq. |
| Barber v. Barber<br>Doc. #2010-CV-14169-DV<br>Date: October 31, 2012 | 10/31/12   | Divorce granted under 3301(d). D/O/M: 9/8/97. D/O/S: 4/8/07. 1 minor child. Assets are assigned to the person whose name is on the title. Alimony and Counsel fee claims are waived, and even if they were not waived, wife would not be eligible.  | Daniel Stern, Esq. |
| Bell v. Bell<br>Doc. #2012-CV-10377-DV<br>Date: March 18, 2013       | 03/18/13   | Annulment granted under 3304. D/O/M: 7/2/11. Husband had an existing marriage from 7/20/90.   | Daniel Stern, Esq. |
| Vail v. Vail<br>Doc. #2009-CV-8981-DC<br>Date: April 24, 2013        | 04/24/13   | Divorce granted under 3301(c). D/O/M: 5/1/87. D/O/S: 4/30/08. 50/50 ED. Husband's request for counsel fees denied.  | Daniel Stern, Esq. |
| Buxton v. Buxton<br>Doc. #2012-CV-5297-DV<br>Date: July 8, 2013      | 07/08/13   | Divorce granted under 3301(c). D/O/M: 9/5/81. D/O/S: 4/21/12. 50/50 ED. APL award to wife of a total of \$2,941 for varied monthly amounts. Wife's counsel fee and alimony claims both denied due to the relative financial standings between the parties.  | Daniel Stern, Esq. |

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| Bekri v. Lambaitil<br>Doc. #2011-CV-10816-DV<br>Date: July 10, 2013  | 07/10/13   | Divorce granted under 3301(a)(3).<br>D/O/M: 10/14/11. D/O/S: 11/11/11.<br>Husband did not attend the hearing.<br>Shortly after marriage Husband became aggressive, forceful, and threatened to kill wife if she left.<br>3301(a)(3) is "By cruel and barbarous treatment, endangered the life or health of the injured and innocent spouse." Court found wife to be an injured and innocent spouse. | Daniel Stern, Esq. |
| Gilbert-King v. King<br>Doc. #2006-CV-1013-DV<br>Date: July 15, 2013 | 07/15/13   | Divorce granted under 3301(d).<br>D/O/M: 9/21/91. D/O/S: 11/15/98. ED is sole issue, and the actual distribution of the property depends upon whether the husband decides to reside in the house or sell the house.<br>Husband's alimony claim is waived and even if it was able to be made, he has no entitlement to alimony.  | Daniel Stern, Esq. |