

Case Name	Date of Report	Notes	Master
Lindenmuth v. Lindenmuth 2014-CV-1819-DV	03-19-2015	Parties appeared before the master on Wife's request for a divorce decree pursuant to §3301(d) Husband contested entry of the divorce decree alleging that the marriage was not irretrievably broken and because a divorce was contrary to his religious beliefs. Wife's testimony evidenced that after Husband's first adulterous affair, she agreed to provide him with the opportunity to change and regain her trust. Instead he had another adulterous affair and broke her trust for good and beyond repair no matter if the parties participate in counseling or not. Accordingly, recommending counseling in accordance with 23 Pa.C.S.A §3301(d)(2) in this matter would be futile since there is no reasonable prospect of reconciliation and Wife proved that the marriage is irretrievably broken. Moreover, the master recommended the entry of a divorce decree over Husband's religious objection in accordance with <i>Wikoski v. Wikoski</i> , 513 A.2d 986, 355 Pa.Super. 409 (1986).	Cindy S. Conley
Coles v. Coles 2011-CV-3152-DV	04-01-2015	Wife filed a divorce complaint in 2011 raising §§3301(c) and (d) divorce and equitable distribution. Husband was properly served with the complaint. In 2012, Wife's counsel withdrew her appearance and Wife became a Self-Represented litigant. In 2014, Husband filed his §3301(d) affidavit and Wife failed to file a counter-affidavit so grounds for divorce were established. In 2015, Husband appointed the master to address the equitable distribution claim. A hearing was scheduled to occur on March 31, 2015 and notice of the hearing was served on Wife by U.S. Mail, First Class at her last known address and was returned by the post office to the master. The hearing was held as scheduled and only Husband appeared. The master determined that Wife was properly served with the hearing notice. As a self-represented litigant, it was incumbent upon Wife to keep the court and opposing counsel apprised of her address for service. In accordance with Pa.R.C.P. 440, Service to Wife was complete upon mailing of the notice to her at her last known address. See also <i>Sklar v. Harleysville Ins. Co.</i> , 587 A.2d 1386 (Pa. 1991). The master saw no reason to disturb the de facto equitable distribution that occurred at the date of separation.	Cindy S. Conley
Welter v. Welter 2013-CV-7715-DC	05-12-2015	The Court referred Wife's Motion for Contempt to the master for a hearing on May 6, 2015. The hearing was held as scheduled. Husband failed to appear. Wife appeared with her attorney. The master determined that because Wife was requesting that Husband comply with the Court's previous order, she was requesting Husband be found in civil and not criminal contempt. <i>Diamond v. Diamond</i> , 792 A.2d 597 (Pa.Super. 2009). The master also determined that Wife	

		<p>established, by a preponderance of the evidence, that Husband should be found in civil contempt of the Court's January 13, 2014 Order and, in order to coerce Husband into complying, he should be directed to comply with the Order, reimburse Wife for her time and efforts expended in undertaking tasks that were Husband's obligation under the Order, and reimburse her for the reasonable attorney's fees she incurred in the contempt action.</p>	
<p>Desiderio v. Desiderio, 2012-CV-7325-DV</p>	<p>07-23-2015</p>	<p>The master was appointed to address equitable distribution only. The length of the marriage was just shy of three years. On the date of marriage, Husband had assets valued at \$153,146.37 and on the date of separation, Husband had assets valued at \$194,571.32. However, during the marriage, marital funds were commingled with non-marital funds to the extent that the master was unable to trace Husband's separate funds. Given that the parties together grossed a total of about \$187,129 in income during their marriage, it would be illogical to find that the primary source of Husband's separately titled assets at the date of separation was marital funds. In <i>Winters</i>, the lower court, while finding an entire commingled stock account to be marital property, provided the husband with a credit in equitable distribution equal to the premarital value of his stock account. In upholding the lower court, the Superior Court stated "[i]t appears to be the most equitable means of resolving an insolvable accounting matter." <i>Winters</i>, 512 A.2d at 1216. In order to resolve the insolvable accounting matter in this case the master, in accordance with <i>Winters</i>, calculated the marital property component of the assets in Husband's separate name, by simply subtracting the value of his premarital assets from the value of the assets in his name at the end of the marriage. Moreover, given that marital income was used during the marriage to sustain Husband's separate assets, the master found it equitable to recommend that Wife receive 60% of the marital estate.</p>	