

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

DEBORAH A. (LINN) THOMAS, :
 Plaintiff : **No. 91-21,700**
 :
 :
 vs. :
 :
 :
HEISTER H. LINN, JR., : **Petition for Contempt**
 Defendant :

ORDER

AND NOW, this ____ day of March, 1999, after a hearing held January 25, 1999 and a review of the plaintiff's Petition for Contempt of Court¹ and the exhibits submitted by the parties, it is ORDERED and DIRECTED as follows:

The Court finds the defendant, Heister H. Linn, Jr. in contempt of the Court's support order of January 30, 1998 which incorporated the Court's order of July 29, 1996. These orders required the defendant to be responsible for a blanket mortgage, \$1000 of which was considered as support. The defendant has failed to make the mortgage payments as ordered. The plaintiff presented evidence through cross-examination of the defendant that he has continued to make substantial payments to Bruce Thatcher, Edward Van Allen, Nautilus and mortgage holder of his residence as well as making significant contributions toward tuition payments to Hobarth College for an emancipated child, despite filing for bankruptcy. Based on this evidence, the Court finds that the defendant had the ability to pay the support portion of the mortgage and he willfully failed to do so.

The Court finds that the defendant owes the plaintiff the sum of \$19,000. The

¹This Order is in reference to the Petition for Contempt of Court filed on or about March 24, 1998.

Court's sentence for this contempt is that the defendant serve three (3) months incarceration at the Lycoming County Prison; however, this sentence is suspended upon the condition that the defendant make the following payments to the plaintiff: \$4,000 on or before April 1, 1999; \$3,000 on or before May 1, 1999; \$3,000 on or before June 1, 1999; \$3,000 on or before July 1, 1999; \$3,000 on or before August 1, 1999; and \$3,000 on or before September 1, 1999. If the defendant fails to comply with this payment schedule, a bench warrant may be issued for enforcement of the prison sentence.

In addition, the Court awards the plaintiff attorney fees in the amount of \$3,046.² The defendant shall pay the plaintiff's attorney this sum on or before October 1, 1999.

By The Court,

Kenneth D. Brown

cc: Joy Reynolds McCoy, Esquire
Thomas James, Esquire
Family Court
Warden

²The attorney fee figure is based on plaintiff's exhibit P1, which reflects the above amount. Plaintiff was compelled to litigate her right to enforce the order in bankruptcy court to assure the order was not subject to the automatic stay provisions of the Bankruptcy Code.