

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

CLIFFORD B. WILLIAMS,
Petitioner

vs.

WENDY SUE WILLIAMS,
Respondent

: Domestic Relations
: Exceptions
:
:
:
:
: No. 99-20,452

OPINION AND ORDER

Before the Court are Respondent's exceptions to the Family Court Order of June 1, 1999, in which she was directed to pay spousal support to Petitioner. Argument on the exceptions was heard August 11, 1999.

It is noted that, according to the Order of June 1, 1999, Respondent did not appear at the Family Court Hearing by telephone, although she had been given the opportunity to do so, and did not provide any income information to the Family Court. The finding respecting her income was based upon Petitioner's testimony.

At the instant argument, Respondent contends that she assumed, although wrongly so, that since the child came to reside with her after the Petition for Child and Spousal Support was filed, no hearing would be held, and therefore did not attend by telephone or submit any income information. Petitioner presented to the Court at argument a document to support his testimony regarding Respondent's income, but that document indicates that such was a gross income rather than a net income. Petitioner has provided copies of her April and May, 1999 Leave and Earnings Statements and therefore her income will be

calculated based on those statements. Further, although Respondent indicates that her income no longer includes a basic allowance for housing of \$381.00 per month, that amount will nevertheless be considered as income to her since she is provided with the free housing on base, considered an employment benefit.

The Leave and Earnings Statements indicate a monthly net income of \$1,164.00, after consideration of taxes, and adding to such the basic allowance for housing of \$381.00, Respondent has a monthly net income of \$1,545.00.

Considering Respondent's monthly net income of \$1,545.00, and Petitioner's monthly net income of \$1,325.00, and applying Rule 1910.16-4(e),¹ Respondent has an obligation to pay spousal support to the Petitioner in the amount of \$88.00 per month.

The exceptions filed by Respondent regarding the finding that removal of the child was against Petitioner's wishes, and regarding the fact that she filed a Petition for Dissolution of Marriage in the Circuit Court of Johnson County, Missouri, are of no moment with respect to calculation of or entitlement to spousal support in this matter at this time.

¹The master erred in multiplying the difference between the parties' incomes by 30% rather than 40%, as the child involved in this matter is in the custody of the person obligated to pay spousal support.

ORDER

AND NOW, this Day of August, 1999, for the foregoing reasons, it is hereby ORDERED AND DIRECTED that the Order of June 1, 1999 be modified such that the spousal support payment shall be \$88.00 per month rather than \$112.50 per month.

As modified herein, the Order of June 1, 1999 shall continue in effect.

By The Court,

Dudley N. Anderson, Judge

cc: Family Court
Domestic Relations Office (Barbra Hall)
Cost Clerk
Clifford Williams
11 Ross St., Williamsport, PA 17701
Wendy Sue Williams
154 Ellsworth Lane, Whiteman AFB, Missouri 65305
Honorable Dudley N. Anderson
Judges
Gary L. Weber, Esq.