

**IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA**

P MS, : NO. 99-20,196  
Petitioner :  
 : DOMESTIC RELATIONS SECTION  
vs. : Exceptions  
D JS, :  
Respondent :

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D J S, : NO. 99-20,861  
Plaintiff :  
 : CIVIL ACTION - Law  
vs. : In Divorce  
P MS, :  
Defendant :

OPINION AND ORDER

Before the Court are Mr. S's exceptions to the Family Court Order of June 2, 2000, in which Mr. S was directed to pay alimony pendente lite to Mrs. S. Argument on the exceptions was heard August 9, 2000. At the time of argument, Mr. S's counsel indicated that the transcript, which had been requested by Order dated June 22, 2000, but not yet prepared, would be necessary for resolution of the exceptions. That transcript was completed on October 11, 2000.

Mr. S contends the hearing officer should have deviated below the guidelines based on a comparison of the parties' standards of living. Mr. S argues that Mrs. S has a better standard of living, residing with her boyfriend with whom she shares expenses, than does he and thus his alimony

pendente lite should be lowered.<sup>1</sup> A review of the transcript indicates, however, that Mr. S presented evidence of expenses totaling \$800.00 per month, without considering expenses associated with a residence. He indicated an expense for automobile insurance but did not specify an amount. Even assuming the insurance would cost approximately \$40.00 per month, his total expenses not associated with a residence would be \$840.00. Mr. S's income has been found to be \$2,192.00 per month and he has been directed to pay alimony pendente lite of \$483.00 per month. He is thus left with \$829.00 per month with which to pay the expenses associated with a residence. The fact that he chooses to reside in a camper during the summer and a motel room during the winter cannot, in light of his available income, provide a basis for deviating below the guidelines.

The transcript also indicates that Mrs. S resides in her boyfriend's residence but contributes half of the expenses of the residence. She has a car payment as well as other expenses, to which her boyfriend does not contribute. Her income was found to be \$849.00 per month. Considering the parties' respective incomes and their respective living arrangements and expenses, the Court cannot conclude that the alimony pendente lite payment suggested by the guidelines is unduly burdensome to Mr. S, nor can the Court conclude it is not necessary for Mrs. S to defend the litigation.

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<sup>1</sup>Mr. S testified that during the summers he lives in a camper by the river and during the winters he lives in a motel.

ORDER

AND NOW, this 23<sup>rd</sup> day of October, 2000, for the foregoing reasons, Mr. S's exceptions to the Family Court Order of June 2, 2000 are hereby denied and that Order is hereby affirmed.

By the Court,

Dudley N. Anderson, Judge

cc: William Miele, Esq.  
John Pietrovito, Esq.  
Family Court  
Domestic Relations  
Gary Weber, Esq.  
Hon. Dudley N. Anderson