

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

PRF, : NO. 95-20,856
Petitioner :
 :
vs. : DOMESTIC RELATIONS SECTION
 : Exceptions
TWF, :
Respondent :

OPINION AND ORDER

Before the Court are Respondent's exceptions to the Family Court Order dated September 5, 2001, in which Respondent was directed to pay support to Petitioner for a limited period of time during which Petitioner had custody of the parties' unemancipated minor child, the hearing officer having found the child in Respondent's custody to have become emancipated. Argument on the exceptions was heard November 7, 2001.

In his exceptions, Respondent contends simply that the hearing officer erred in including in his income certain rental income attributable to a rental property owned by his wife.¹ Respondent contends that in a prior Order the rental property was determined to be his wife's separate property and the income therefrom was therefore determined to belong to her, and none of such was attributed to him. The Court agrees, as in the Order of September 1, 2000, the rental property was indeed determined to be his wife's separate property. The Court will therefore recalculate the support without that rental income included in his total income.

Considering Respondent's income of \$3,841.45 per month and Petitioner's income of \$2,674.17 per month, the guidelines suggest a payment for the support of one (1) minor child of

¹At argument, Respondent withdrew his exception to the hearing officer's finding that the child in his custody had become emancipated.

\$668.02 per month. Petitioner's share of the medical insurance is calculated at \$9.19 per month and her share of the dental insurance is calculated \$3.48 per month, for an overall obligation of \$655.35 per month owed from Respondent to Petitioner for the relevant period of time.

ORDER

AND NOW, this 8th day of November, 2001, for the foregoing reasons, the Order of September 5, 2001 is hereby modified to reflect that the support payable from May 30, 2001 through August 24, 2001 is \$655.35 per month. The percentage responsibility for excess unreimbursed medical expenses is also modified such that Respondent is responsible for 58.96% of such and Petitioner is responsible for 41.04% of such.

As modified herein, the Order of September 5, 2001 is hereby affirmed.

By the Court,

Dudley N. Anderson, Judge

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