

Blair County Divorce Master System

Highlights of the System are as follows:

Divorce Complaint <u>Filed</u>	Rule 1920.12
Inventory and Appraisalment <u>Filed</u>	Rule 1920.33(a) (Attached) Form 1920.75 (Attached)
Motion for Appointment of Divorce Master <u>Filed</u> With \$750.00 Master Fee	Rule 1920.51 Form 1920.74 (Attached)
*NOTE – NO MASTER WILL BE APPOINTED UNTIL THE INVENTORY HAS BEEN FILED WITH THE PROTHONOTARY OFFICE	
<u>Order Entered</u> Appointing Divorce Master	Bottom of Form 1920.74
<u>Order Entered</u> setting date for Pre-trial with Master	See Order of Court (Attached)
Pretrial Statements <u>Filed</u> (Enforcement)	Rule 1920.33 (b) (Attached) Rule 1920.33 (c)(d)(e) (Attached)
Pretrial Hearing <u>Held</u> – Date set by Master for Evidentiary Hearing	
Evidentiary Hearing <u>Held</u>	
Report and Recommendation <u>Filed</u> by Master with notice given for right to file exceptions	Rule 1920.55-2 (a) (Attached)
<i>- If Exceptions are <u>Filed</u> within 10 days:</i>	
Oral Argument date set with Briefing Schedule	Rule 1920.55-2 (b)(c) (Attached)
Oral Argument hearing <u>Held</u> with Judge	Sample Letter (Attached)
<u>Final Decree Entered</u> by the Court	
<i>- If No Exceptions are <u>Filed</u>:</i>	
<u>Final Decree Entered</u> by the Court	Rule 1920.55 – 2 (d) Form 1920.76 (Attached)

Rule 1920.33 (a) ... Distribution of Property ...

- (a) Within ninety days after service of a pleading or petition containing a claim for determination and distribution of property under Section 3502 of the Divorce Code, **each party shall file an inventory** specifically describing all property owned or possessed at the time the action was commenced. The inventory shall set forth as of the date of the filing of the complaint:
- (1) a specific description of all marital property in which either or both have a legal or equitable interest individually or with any other person and the name of such other person; and
 - (2) a specific description of all property in which a spouse has a legal or equitable interest which is claimed to be excluded from marital property and the basis for such exclusion.

Note: Subdivision (c) of this rule provides sanction for failure to file an inventory as required by this subdivision.

An inventory filed within the ninety-day period may be incomplete where the party filing it does not know of all the property involved in the claim for equitable distribution. Consequently, the rule does not contemplate that a party be precluded from presenting testimony or offering evidence as to property omitted from the inventory. The omission may be supplied by the pre-trial statement required by subdivision (b).

IN THE COURT OF COMMON PLEAS OF BLAIR COUNTY, PENNSYLVANIA

_____ :
 Plaintiff :
 : _____ GN _____
 : DIVORCE ACTION
 :
 _____ :
 Defendant :

INVENTORY OF _____

(Plaintiff) (Defendant) files the following inventory of all property owned or possessed by either party at the time this action was commenced and all property transferred within the preceding three years.

(Plaintiff) (Defendant) verifies that the statements made in this inventory are true and correct. (Plaintiff) (Defendant) understands that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

_____ Date _____ (Plaintiff) (Defendant)

ASSETS OF THE PARTIES

(Plaintiff) (Defendant) marks on the list below those items applicable to the case at bar and itemizes the assets on the following pages.

- 1. Real Property
- 2. Motor vehicles
- 3. Stocks, bonds, securities and options
- 4. Certificates of deposit
- 5. Checking accounts, cash
- 6. Savings accounts, money market and savings certificates
- 7. Contents of safe deposit boxes
- 8. Trusts
- 9. Life insurance policies (indicate face value, cash surrender value and current beneficiaries)
- 10. Annuities
- 11. Gifts
- 12. Inheritances
- 13. Patents, copyrights, inventions, royalties
- 14. Personal property outside the home
- 15. Business (list all owners, including percentage of ownership and officer/director positions held by a party with company)
- 16. Employment termination benefits – severance pay, worker’s compensation claim/award

Rule 1920.75 Form of Inventory

- () 17. Profit sharing plans
- () 18. Pension plans (indicate employee contribution and date plan vests)
- () 19. Retirement plans, Individual Retirement Accounts
- () 20. Disability payments
- () 21. Litigation claims (matured and unmatured)
- () 22. Military/V.A. Benefits
- () 23. Education Benefits
- () 24. Debts due, including loans, mortgages held
- () 25. Household furnishings and personalty (include as a total category and attach itemized list if distribution of such assets is in dispute)
- () 26. Other _____

MARITAL PROPERTY

(Plaintiff) (Defendant) lists all property in which a spouse has a legal or equitable interest which is claimed to be excluded from marital property:

<u>Item Number</u>	<u>Description of Property</u>	<u>Names of all Owners</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

NON-MARITAL PROPERTY

(Plaintiff) (Defendant) lists all property in which a spouse has a legal or equitable interest which is claimed to be excluded from marital property:

<u>Item Number</u>	<u>Description of Property</u>	<u>Date of Transfer</u>	<u>Consideration</u>	<u>Person to Whom Transferred</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

LIABILITIES

<u>Item Number</u>	<u>Description of Property</u>	<u>Names of All Creditors</u>	<u>Names of All Debtors</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

IN THE COURT OF COMMON PLEAS OF BLAIR COUNTY, PENNSYLVANIA

 Plaintiff : No. _____ GN _____
 _____ : ACTION IN DIVORCE
 Defendant :

MOTION FOR APPOINTMENT OF DIVORCE MASTER

_____ (Plaintiff/Defendant), moves the court to appoint a Master with respect to the following claims:

- | | |
|--|---|
| <input type="checkbox"/> Divorce | <input type="checkbox"/> Distribution of Property |
| <input type="checkbox"/> Annulment | <input type="checkbox"/> Support |
| <input type="checkbox"/> Alimony | <input type="checkbox"/> Counsel Fees |
| <input type="checkbox"/> Alimony Pendente Lite | <input type="checkbox"/> Costs and Expenses |

And in support of the motion states:

- (1) Discover (is) (is not) complete as to the claim(s) for which the appointment of a master is requested.
- (2) The non-moving party (has) (has not) appeared in the action (personally) (by his/her attorney, _____, Esquire.
- (3) The statutory ground(s) for divorce (is) (are)

- (4) Delete the inapplicable paragraph(s):
 - (a) The action is not contested.
 - (b) An agreement has been reached with respect to the following claims:

- (c) The action is contested with respect to the following claims:
- (5) The action (involves) (does not involve) complex issues of law or fact.
- (6) The hearing is expected to take _____(hours) _____(days).
- (7) Additional Information, if any, relevant to the motion:

Date: _____

 Attorney for (Plaintiff) (Defendant)

ORDER APPOINTING DIVORCE MASTER

And NOW, this _____ day of _____, 20____, _____, Esquire is appointed Master with respect to the following claims:

BY THE COURT:
 _____ J.

Fee Paid _____

IN THE COURT OF COMMON PLEAS OF BLAIR COUNTY, PENNSYLVANIA

_____	:	NO.
Plaintiff	:	DIVORCE
vs.	:	
	:	
_____	:	
Defendant	:	

ORDER OF COURT

AND NOW, this ____ day of _____, 20____, upon motion of the **Plaintiff**, it is hereby ORDERED, DIRECTED AND DECREED as follows:

1. A Pretrial hearing on the economic claims of the parties is scheduled for _____, _____, 20____ at ____:____.M. before **Master Illissa Zimmerman, Esquire** in Conference Room 3-B, Blair County Courthouse, 423 Allegheny Street, Hollidaysburg, PA.
2. Each party shall file a **pre-trial statement** in accordance with Rule 1920.33(b) of the PA. Rules of Civil Procedure no later than _____.

BY THE COURT:

_____ J.

Counsel for Plaintiff:

Counsel for Defendant:

Rule 1920.33 (b) ... Distribution of Property ...

- (b) Within the time required by order of court or written directive of the Master or, if none, at least sixty days before the scheduled hearing on the claim for the determination and distribution of property, **each party shall file and serve upon the other party a pre-trial statement.** The pre-trial statement shall include the following matters, together with any additional information required by special order of the court:
- (1) a list of assets, which may be in chart form, specifying
 - (i) the marital assets, their value, the date of the valuation, whether any portion of the value is non-marital, and any liens or encumbrances thereon, and
 - (ii) the non-marital assets, their value, the date of the valuation, any liens or encumbrances thereon;
 - (2) the name and address of each expert whom the party intends to call at trial as a witness. A report of each expert witness listed shall be attached to the pre-trial statement. The report shall describe the witness's qualifications and experience and state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion;
 - (3) The name, address and a short summary of the testimony of each person, other than the party, whom the party intends to call at trial as a witness;
 - (4) a list of all of the exhibits which the party expects to offer in evidence, each containing an identifying mark. Any exhibits that do not exceed three pages shall be attached to the pre-trial statement, and any exhibits which exceed three pages shall be described;
 - (5) the party's gross income from all sources, each payroll deduction, and the party's net income, including the party's most recent state and federal income tax returns and pay stubs;
 - (6) if the party intends to offer any testimony as to his or her expenses, a current expense statement in the form required by the practice and procedure governing an action in support;
 - (7) the value of a pension or retirement benefits, the marital portion thereof, and the facts and documentation upon which the party relies to support the valuation;
 - (8) if there is a claim for counsel fees, the amount of fees to be charged, the basis for the charge and a detailed itemization of the services rendered;
 - (9) where there is a dispute, the description and value of any items of tangible personal property, the method of evaluating each item, and the evidence, including documentation, to be offered in support of the valuation;
 - (10) a list of marital debts including the amount of each debt as of the date of separation, the date on which the debt was initially incurred, the initial amount of the debt and its purpose, the amounts and dates of payments made since the date of separation, and the evidence that will be offered in support of the claim;
 - (11) a proposed resolution of the economic issues.

Rule 1920.33 (c),(d),(e) ... Enforcement.

- (c) If a party fails to file either an inventory as required by subdivision (a) or a pre-trial statement as required by subdivision (b), the court may make an appropriate order under Rule 4019 (c) governing sanctions.
- (d) (1) A party who fails to comply with a requirement of subdivision (b) of this rule shall, except upon good cause shown, be barred from offering any testimony or introducing any evidence in support of or in opposition to claims for the matters not covered therein.

(2) A party shall, except upon good cause shown, be barred from offering any testimony or introducing any evidence that is inconsistent with or which goes beyond the fair scope of the information set forth in the pre-trial statement.
- (e) An order distributing property under Section 3502 of the Divorce Code may be enforced as provided by the rules governing actions for support and divorce, and in the Divorce Code.

Rule 1920.55-2. Master's Report. Notice. Exceptions. Final Decree

- (a) After the conclusion of the hearing, the Master shall
 - (1) file the record and the report within
 - (i) twenty days in uncontested actions or,
 - (ii) thirty days after the receipt of the transcript by the master in contested actions, and
 - (2) immediately serve upon counsel for each party, or if unrepresented, upon the party, a copy of the report and recommendation and written notice of the right to file exceptions.
- (b) Within ten days of the mailing of the Master's report and recommendation, any party may file exceptions to the report or any part thereof, to rulings on objections to evidence, to statements or findings of fact, to conclusions of law, or to any other matter occurring during the hearing. Each exception shall set forth separate objection precisely and without discussion. Matters not covered by exceptions are deemed waived unless, prior to entry of the final decree, leave is granted to file exceptions raising those matters.
- (c) If exceptions are filed, any other party may file exceptions within ten days of the date of service of the original exceptions. The court shall hear argument on the exceptions raising those matters.
- (d) If no exceptions are filed, the court shall review the report, and if approved, shall enter a final decree. **
- (e) No Motion for Post-Trial Relief may be filed to the final decree.

Explanatory Comment – 1995

The proposed amendments create alternative procedures for appeal from the recommendation of a Master in divorce. Rule 1920.55-1 state that, if the court chooses to appoint a Master, the exceptions procedure set forth in proposed Rule 1920.55-2 will be used unless the court has, by local rule, adopted the alternative procedure of proposed Rule 1920.55-3.

**Blair County Court Policy provides that a briefing schedule will be issued by the Court Administrator's Office when Exceptions to the Divorce Master's Report and Recommendation have been filed.

(THIS PAGE NEEDS LETTERHEAD)

Date: _____

Subject: **Exceptions to Divorce Master's Report & Recommendation**

Case Caption: _____

Case Number: _____

The above-captioned matter has been scheduled with deadlines for briefs as follows:

Date: _____

Time: _____

Place: _____

Presiding: _____

The Court is requiring the following briefing schedule in this matter:

Supporting Brief by Attorney _____ DUE: _____

Response Brief by Attorney _____ DUE: _____

In the event a transcript is needed, the appropriate form must be filed with Court Administration.

Civil Processor

Sample Letter

IN THE COURT OF COMMON PLEAS OF BLAIR COUNTY, PENNSYLVANIA

_____	:	
Plaintiff	:	
	:	No. _____ GN _____
	:	Action in Divorce
_____	:	
Defendant	:	

DECREE

AND NOW, this _____ day of _____, 20____,

it is Ordered and Decreed that _____, Plaintiff, and

_____, Defendant, are divorced from the bonds of matrimony.

The court retains jurisdiction of any claims raised by the parties to this action for which a final order has not yet been entered.

Any existing spousal support order shall hereafter be deemed an order for alimony pendente lite if any economic claims remain pending.

BY THE COURT:

J.