

00-555-CD
MARK E. DITTY -vs- RACHELLE L. DITTY

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
Docket No. 00- -CD

MARK E. DITTY,
Plaintiff

-VS-

RACHELLE L. DITTY,
Defendant

COMPLAINT IN DIVORCE

FILED
37 P.M.

12:37 PM
11/20/00 pd. fee

William A. Shaw
Probationary
4 Oct 10 Att.

Law Office

DWIGHT L. KOERBER, JR.
ATTORNEY AT LAW
110 NORTH SECOND STREET
P. O. BOX 1320
CLEARFIELD, PENNSYLVANIA 16830

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

MARK E. DITTY,
Plaintiff

-vs-

RACHELLE L. DITTY,
Defendant

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Docket No. 00-55-CD
IN DIVORCE

Type of Pleading:
COMPLAINT IN DIVORCE
Under §3301(c) or in the
alternative §3301(d) of
the Divorce Code

Filed on behalf of:
PLAINTIFF, Mark E. Ditty

THERE IS ONE MINOR
CHILD BORN TO THIS
MARRIAGE, to wit:
Markie Rae Ditty
d/o/b 08/18/94

Counsel of record for
this party:

Dwight L. Koerber, Jr.,
Esquire
PA I.D. No. 16332

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

FILED

MAY 11 2000

**William A. Shaw
Prothonotary**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

MARK A. DITTY,
Plaintiff

-vs-

RACHELLE L. DITTY,
Defendant

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Docket No. 00-

-CD

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ORDER OF COURT

You, RACHELLE L. DITTY, respondent, have been sued in court to obtain custody, partial custody or visitation of the children: Markie Rae Ditty, d.o.b. August 18, 1994.

You are ordered to appear in person the 2nd day of June, 2000, at 10:30 A.M. for a Custody Conference. Please report to the Court Administrator's Office, 2nd Floor, Clearfield County Courthouse, Clearfield, PA. You will be directed as to where the conference will be held.

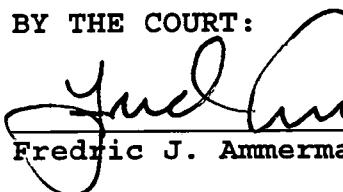
If you fail to appear as provided by this order, an order for custody, partial custody or visitation may be entered against you or the court may issue a warrant for your arrest.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

DAVID S. MEHOLICK, COURT ADMINISTRATOR
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830
(814) 765-2641 Ext. 5982

DATE: 5/15/00

BY THE COURT:


Fredric J. Ammerman, Judge

FILED

May 15 2000

William A. Shaw
Prothonotary

FILE NUMBER
0132914cc
D. H. A. SHAW
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ATTY
Koenig

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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MARK E. DITTY,
Plaintiff

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-vs-

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Docket No. 00-
IN DIVORCE

-CD

RACHELLE L. DITTY,
Defendant

*

COMPLAINT IN DIVORCE

COMES NOW, Mark E. Ditty, by and through his attorney, Dwight L. Koerber, Esquire, and files the within Complaint in Divorce against Rachelle L. Ditty, seeking a child custody order and a divorce, pursuant to the provisions of Section 3301(c), or in the alternative, Section 3301(d) of the Divorce Code. In support therefore, plaintiff respectfully avers and shows as follows:

1. Plaintiff is Mark E. Ditty, who resides at R. R. 1, Box 306E, Frenchville, Clearfield County, PA 16836.

2. Defendant is Rachelle L. Ditty, who resided at R. R. 1, Box 306E, Frenchville, PA 16836 until May 8, 2000, at which time she left the marital domicile for a destination not specifically revealed. It is anticipated that her location is in Jacksonville, Florida. It is believed she can be reached c/o Larry McAllister, 3007 St. Johns Bluff Road, Jacksonville, FL 32246, or through mail forwarding to the address of R. R. 1, Box 306E, Frenchville, PA

16836.

3. The parties hereunto are husband and wife, having been married on February 12, 1995.

4. The place of the marriage was in Clearfield County, Pennsylvania, before the district justice in the Borough of Clearfield.

5. Born to the marriage is one child, who is named Markie Rae Ditty, d/o/b August 18, 1994.

6. Plaintiff and defendant are *sui juris* and both have been bona fide residents of the Commonwealth of Pennsylvania for more than six months immediately preceding the filing of the complaint.

7. Neither party has served in the United States Armed Forces.

8. Both plaintiff and defendant are American citizens.

9. Plaintiff has been advised of the availability of marital counseling in accordance with Rules 1920.12(a)(8) and 1920.71.

10. Through this complaint, defendant is advised of the availability of marriage counseling.

11. It is plaintiff's belief that neither of the parties wishes to pursue marriage counseling at this time.

**COUNT I
DIVORCE**

The prior paragraphs of this complaint are incorporated herein

by reference as though set forth in full.

12. Plaintiff hereby states that there has been an irretrievable breakdown of the marriage between the parties, so as to warrant the entry of a no fault divorce under Section 3301(c) of the Divorce Code.

13. The parties will file affidavits of consent after ninety days indicating their willingness to have a decree in divorce entered.

14. In the alternative, plaintiff alleges that there is an irretrievable breakdown of the marriage within the definition of §3301(d) of the Divorce Code, and states that he will pursue such a divorce if a divorce is not available under §3301(c).

15. For purposes of measuring the period of time that the parties have been separate and apart, plaintiff hereby states that the parties have been separate and apart, as measured by the Divorce Code, from May 8, 2000, and continuing thereafter.

16. There have been no prior actions for divorce instituted by the parties in this or any other jurisdiction.

WHEREFORE, plaintiff requests Your Honorable Court to enter a decree in divorce, and that other relief be granted to the plaintiff, as requested and as appropriate under the circumstances.

COUNT II
CUSTODY

The prior paragraphs of this complaint are incorporated herein by reference as though set forth in full.

17. Plaintiff seeks physical and legal custody of the said minor child, and submits that the best interests and well-being of the child warrant granting such custody to him.

18. From the time of her birth, the said child has resided with both parties, up until the time that defendant left the marital domicile on May 8, 2000. It should be noted that for an approximately nine days prior to the time of her departure from the marital domicile, defendant had traveled to Jacksonville, FL, and did not take the said child with her.

19. Since the time of her birth, the child has also resided with a stepsister named Cassey Rozyle, such child being 10 years old. The said child has accompanied defendant to her new location, presumably Florida, where she will be in close proximity to her natural father.

20. The locations at which the parties have resided during the past five years are as follows:

1. R. R. 1, Box 306E
Frenchville, PA 16836 - for past 2 years
2. P. O. Box 188
Hyde, PA 16843 - approximate 3 years prior
to above address

21. It is plaintiff's position that the best interests and

well-being of the said child are met through having him remain as the primary custodial parent, and having him maintain legal custody as well, for the following reasons:

(a) Plaintiff has a close, warm and endearing relationship with the child.

(b) Plaintiff has had a stable and ongoing work environment in the Frenchville area and is able to provide for the physical, as well as emotional and psychological, needs of the child.

(c) Plaintiff has substantial and extensive family in the Frenchville area and would continue to have the child maintain roots in that area.

(d) The child is involved in the Clearfield Area School District as a kindergarten student, attending classes at Girard Elementary School. It is submitted that the relationships and stable environment that now exists would be continued by having plaintiff continue to have primary custody of the child.

(e) Plaintiff has dedicated his primary attention, energies and resources to meeting the best interests and needs of the said child.

(f) Throughout the rearing of the said child, both parties have acknowledged that the child is essentially a "daddy's girl", which is a recognition of the close bond between plaintiff and his daughter.

22. In further support of his request that an Order be entered giving him primary custody, plaintiff is attaching hereto as Appendix A a copy of a proposal presented by defendant, dated May 8, 2000, which acknowledged that he would continue to be the

primary custodial parent of the said child, Markie R. Ditty.

23. It is plaintiff's position that there is a need for continuing contact and interaction between the said child and her mother, but plaintiff is unwilling to have a custodial arrangement that has frequent shifts and a lack of stability to the place where the said child resides. It is hoped that a suitable visitation arrangement can be achieved with defendant.

24. The amount of visitation and degree of time that plaintiff would be agreeable to, involving the child spending time with her mother, is dependent upon the specifics of where the defendant is residing, who else is residing there, and the overall general circumstances. Plaintiff is not agreeable to any prolonged period of separation between him and the child.

WHEREFORE, plaintiff prays that an Order be entered, granting primary physical and legal custody of the minor child, Markie Rae Ditty, d.o.b. 8/18/94, to him.

**COUNT III
EQUITABLE DISTRIBUTION AND ALLOCATION OF DEBTS**

The prior paragraphs of this complaint are incorporated herein by reference as though set forth in full.

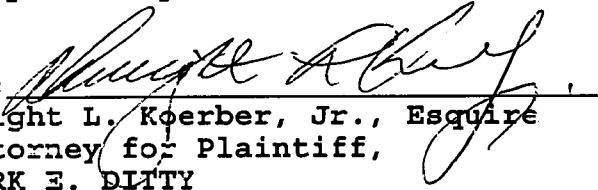
25. During the time of the marriage between the parties, certain assets have been acquired and certain liabilities have been incurred.

26. Plaintiff seeks equitable distribution of marital assets and equitable allocation of marital debts.

27. If possible, the parties will seek to enter into an agreement whereby they would equitably divide assets and liabilities, and if so, such agreement would be presented to this Honorable Court for approval and enforcement.

WHEREFORE, plaintiff prays that equitable distribution of marital assets and equitable allocation of marital debts be awarded.

Respectfully submitted,

By: 
Dwight L. Koerber, Jr., Esquire
Attorney for Plaintiff,
MARK E. DITTY

APPENDIX A

Attached hereto is a copy of the statement which was signed on May 8, 2000 by defendant.

What Mark gets in separation

1. Markie Rae During the school year.
2. House and ground along with payment of 185.00 a month
3. Lawn mower
4. car and jeep
5. Fingerhut and Maple street and payment of total of 45.00 a month
6. Any Property that Rachelle would leave when she left.
7. All utility Bills in his name to maintain the home.

We both agree to the terms of this oral agreement
Mark Eugene Ditty

Rachelle Lynn Ditty

5/8/00

Signed on 1/1

What Shelly gets in separation

1. The new van along with the payment of 300.00 a month
2. Auto insurance of 175.00 every 6 months
3. Markie Rae all summer long and for 3 weeks in the winter.
4. decorations from inside the home and sentimental things that only mean things to her.
5. the lawnmower Payment of 50.00 a month payed to her mother
6. Pay Mark 10.00 a month toward the Commercial credit that we owe. It is 20.00 a month
7. he agrees that at any time in the future Markie would choose to live with her mother then he would allow her to do so.

MARK E. DITTY

RACHEL E. DITTY


5/8/00

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PRAECLPTE TO DISCONTINUE

1/3 00/04

*Law Office
of
Dwight L. Koerber, Jr.*

DWIGHT L. KOERBER, JR.
ATTORNEY-AT-LAW
110 NORTH SECOND STREET
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Type of pleading:
PRAECIPE TO DISCONTINUE

Filed on behalf of:
PLAINTIFF, Mark A. Ditty

Counsel of record for
this party:

Dwight L. Koerber, Jr.,
Esquire
PA I.D. No. 16332

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FILED

JUN 28 2000

William A. Shaw
Prothonotary