

00-683-CD  
INTERNAL REVENUE SERVICE -vs- HENRY T. ZURGABLE

**Notice of Federal Tax Lien**

District

PENNSYLVANIA

Serial Number

230059747

For Optional Use by Recording Office

As provided by section 6321, 6322, and 6323 of the Internal Revenue Code, we are giving a notice that taxes (including interest and penalties) have been assessed against the following-named taxpayer. We have made a demand for payment of this liability, but it remains unpaid. Therefore, there is a lien in favor of the United States on all property and rights to property belonging to this taxpayer for the amount of these taxes, and additional penalties, interest, and costs that may accrue.

Name of Taxpayer HENRY T ZURGABLE<sup>44</sup>

Residence 12715 MERCERSBURG RD  
GREENCASTLE, PA 17225-9613

**IMPORTANT RELEASE INFORMATION:** For each assessment listed below, unless notice of the lien is refiled by the date given in column (e), this notice shall, on the day following such date, operate as a certificate of release as defined in IRC 6325(a).

Kind of Tax (a)	Tax Period Ending (b)	Identifying Number (c)	Date of Assessment (d)	Last Day for Refiling (e)	Unpaid Balance of Assessment (f)
1040	12/31/1993	214-36-1395	09/16/1996	10/16/2006	12853.70
1040	12/31/1994	214-36-1395	09/16/1996	10/16/2006	23530.08
1040	12/31/1995	214-36-1395	09/23/1996	10/23/2006	30402.33
1040	12/31/1996	214-36-1395	11/17/1997	12/17/2007	32937.42
1040	12/31/1997	214-36-1395	06/01/1998	07/01/2008	26104.18

Place of Filing

Clearfield Prothonotary  
Clearfield County  
Clearfield, PA 16830

Total \$ 125827.71

This notice was prepared and signed at PITTSTURGH, PA, on this,

the 26th day of May, 2000.

Signature

for L. DUBONICKY *Paula G. Wilson*

Title

Revenue Officer 23-01-1917

(NOTE: Certificate of officer authorized by law to take acknowledgment is not essential to the validity of Notice of Federal Tax Lien  
Rev. Rul. 71-466, 1971 - 2 C.B. 409)

## Certificate of Release of Federal Tax Lien

Area:  
SMALL BUSINESS/SELF EMPLOYED AREA #2  
Lien Unit Phone: (800) 913-6050

Serial Number

230059747

For Use by Recording Office

I certify that the following-named taxpayer, under the requirements of section 6325 (a) of the Internal Revenue Code has satisfied the taxes listed below and all statutory additions. Therefore, the lien provided by Code section 6321 for these taxes and additions has been released. The proper officer in the office where the notice of internal revenue tax lien was filed on June 08  
2000, is authorized to note the books to show the release of this lien for these taxes and additions.

Name of Taxpayer  
HENRY T ZURGABLE

Residence 12715 MERCERSBURG RD  
GREENCASTLE, PA 17225-9613

COURT RECORDING INFORMATION:  
Liber Page UCC No. Serial No.  
n/a n/a n/a 00-683-CD

FILED  
M 13 01/01 NO CC  
NOV 09 2006 (GK)

William A. Shaw  
Prothonotary/Clerk of Courts

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*****					

Place of Filing Clearfield Prothonotary Clearfield County Clearfield, PA 16830	Total \$ 125827.71
---	--------------------

This notice was prepared and signed at Philadelphia, PA, on this,

the 29th day of October, 2006.

Signature <u>R. A. Mitchell</u>	Title Director, Campus Compliance Operations
---------------------------------	--

(NOTE: Certificate of officer authorized by law to take acknowledgments is not essential to the validity of Certificate of Release of Federal Tax lien Rev. Rul. 71-466, 1971 - 2 C.B. 409)

00-2684-CD  
ARTIANNE BROCIUS -vs- KENNETH J. SELVAGE  
(02-815-CD CONSOLIDATED  
(WITH THIS ACTION PER  
COURT ORDER OF 6/6/02)  
FUTURE FILLINGS TO  
(02-815-CD)

Date: 02/10/2005  
Time: 12:37 PM  
Page 1 of 1

**Clearfield County Court of Common Pleas**

ROA Report  
Case: 2000-00684-CD

User: BANDERSON

Current Judge: Fredric Joseph Ammerman

Arianne Brociousvs.Kenneth John Selvage

**Custody**

Date	Custody	Judge
06/08/2000	New Case Filed. Please refer to docket book entries prior to November 2000.	No Judge
06/19/2000	ORDER, NOW, this 19th day of June, 2000 being the date set for custody conference, both parties having appeared. By the Court s/FJA,J 2 cc to Plff 2 cc to Def	Fredric Joseph Ammerman <i>X</i>
06/01/2001	Motion For Appointment of Counsel. filed by s/Kenneth J. Selvage no cc Proof of Service	No Judge <i>X</i>
06/08/2001	ORDER and RULE FOR Written Response, NOW this 7th Day of June 2001, it is the ORDER of this Court that the Motion for Appointment of Counsel be and is hereby DENIED. It is the ORDER of this Court that a RULE is hereby issued upon Plaintiff to show cause why said Motion should not be granted. BY THE COURT, s/FJA, J. 2 CC to Atty Naddeo. 1 Cert. to Deft. mailed on 7-28-01	Fredric Joseph Ammerman <i>X</i>
06/26/2001	Answer to Petition, Filed by s/James A. Naddeo, Esq. 1 cc atty Naddeo	Fredric Joseph Ammerman <i>X</i>
07/05/2001	Response to Answer, filed by s/Kenneth J. Selvage No CC	Fredric Joseph Ammerman <i>X</i>
07/19/2001	Supplemental Brief In Support of Motion for Contempt, filed by Defendant No Cert. Copies.	Fredric Joseph Ammerman <i>X</i>
07/25/2001	ORDER, NOW, this 23rd day of July, 2001, re: Hearing set for 23rd day of August, 2001 at 9:00 a.m. by the Court, s/FJA,J. 1 cc Dave c/a, 2 atty Naddeo, and 1 Def. Selvage	Fredric Joseph Ammerman <i>X</i>
08/29/2001	ORDER, NOW, this 23rd day of Aug. 2001, re: Visitation w/minor child. by the Court, s/FJA,J. 2 cc Atty Naddeo, Def. K. Selvage	Fredric Joseph Ammerman <i>X</i>
02/11/2002	Motion To Amend Visitation Order. Filed by s/Kenneth J. Selvage Proof of Service 1 cc Defendant Selvage 'Houtzdale'	Fredric Joseph Ammerman <i>X</i>
02/15/2002	ORDER, NOW, this 13th day of February 2002, re: Court's Order of August 23, 2001, is amended. by the Court, s/FJA,J. 2 cc to Defendant, 2 cc to Atty Naddeo	Fredric Joseph Ammerman <i>X</i>
02/22/2002	Motion/Letter for Consideration, filed by s/Kenneth John Selvage, Pro Se No CC	Fredric Joseph Ammerman <i>X</i>
02/28/2002	ORDER, NOW, this 22nd day of February, 2002, re: Defendant's request for court-appointed counsel and for the appointment of an investigator be and are hereby DENIED. by the Court, s/FJA,J. 2 cc Atty Naddeo and Defendant	Fredric Joseph Ammerman <i>X</i>
06/07/2002	Court Order from Case # 2002-815-CD Ordering all future filings will be to the caption 2002-815-CD listing Jodie L. Soult as Plaintiff.	Fredric Joseph Ammerman <i>X</i>

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

¶ ARIANNE BROCIUS, :  
Plaintiff/Petitioner :  
v. : No. 00 - 684 - CD  
: :  
¶ KENNETH J SELVAGE, :  
Defendant/Respondent :  
:

\*  
\* Type of Pleading:  
\*  
\* PETITION FOR CUSTODY  
\*  
\* Filed on behalf of:  
\*  
\* PLAINTIFF/PETITIONER  
\*  
\* Counsel of Record for  
this party:  
\*  
\*  
\* James A. Naddeo, Esq.  
\* Pa I.D. 06820  
\*  
\* 211 1/2 E. Locust Street  
\* P.O. Box 552  
\* Clearfield, PA 16830  
\* (814) 765-1601  
\*

**FILED**

JUN 08 2000

William A. Shaw  
Prothonotary

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

ARIANNE BROCIUS, :  
Plaintiff/Petitioner :  
: :  
v. : No. 00 - - CD  
: :  
KENNETH J. SELVAGE, :  
Defendant/Respondent :  
:

ORDER OF COURT

You, Kenneth J. Selvage, Defendant/Respondent, have been sued in Court to obtain custody of the following child: Zaine Elizabeth Brocius

You are ordered to appear in person on the 10<sup>th</sup> day of July, 2000, at 1:30 P.m. for a custody conference. Please report to the Court Administrator's Office, 2nd Floor, Clearfield County Courthouse, Clearfield, Pennsylvania 16830. 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 A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator  
Clearfield County Courthouse  
Clearfield, PA 16830  
(814) 765-2641 Ext. 88-89

Jacki - this was  
scheduled by letter  
because court will be  
held at the jail.  
Thanks! m-

BY THE COURT:

\_\_\_\_\_  
Judge

10:00  
Monday 6/19 at county  
jail  
cc: Sam  
att.

AMERICAN WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Clearfield County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the court. You must attend the scheduled conference or hearing.

Date: \_\_\_\_\_ District Court Administrator

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

ARIANNE BROCIUS, :  
Plaintiff/Petitioner :  
:   
v. : No. 00 - - CD  
:   
KENNETH J. SELVAGE, :  
Defendant/Respondent :

PETITION FOR CUSTODY

NOW COMES the Plaintiff/Petition, Arianne Brocious, and by her attorney, James A. Naddeo, Esquire, sets forth the following:

1. That the Plaintiff/Petitioner is Arianne Brocious, an adult individual, who currently resides at 100 Fourth Avenue, Curwensville, Pennsylvania, 16833.

2. That the Defendant/Respondent is Kenneth J. Selvage, an adult individual, who currently resides at SCI Frackville, 1111 Altmont Boulevard, Frackville, Pennsylvania, 17931.

3. That the Plaintiff/Petitioner seeks custody of the following child:

Zaine Elizabeth Brocious  
100 Fourth Avenue  
Curwensville, PA 16833

Age - 8 Months  
October 7, 1999

That the child was born out of wedlock.

That the child is presently in the custody of Arianne Brocious, who reside at 100 Fourth Avenue, Curwensville, Pennsylvania 16833.

That during the past five (5) years, the child has resided with the following persons and at the following addresses:

Arianne Brocious  
100 Fourth Avenue  
Curwensville, PA 16833

Birth to Present

That the mother of the child is Arianne Brocious, currently residing at 100 Fourth Avenue, Curwensville, Pennsylvania 16833.

She is single.

That the father of the child is Kenneth J. Selvage, currently residing at SCI Frackville, 1111 Altmont Boulevard, Frackville, Pennsylvania 17931.

He is married.

4. That the relationship of Plaintiff/Petitioner to the child is that of natural mother. Plaintiff/Petitioner currently resides: None.

5. That the relationship of Defendant/Respondent to the child is that of natural father. Defendant/Respondent is currently residing with the following persons: Various inmates of SCI Frackville.

6. Plaintiff/Petitioner has not participated as a party or witness, or in another capacity, in other litigation concerning the custody of the child in this or another court.

Plaintiff/Petitioner has no information of a custody proceeding concerning the children pending in a court of this Commonwealth.

Plaintiff/Petitioner does not know of a person not a party to the proceedings who has physical custody of the child or claims to have custody or visitation rights with respect to the child.

7. That the best interest and permanent welfare of the child will be served by granting the relief requested because,

A. The Plaintiff has had sole custody of the child since her birth and is the child's primary nurturing parent

B. The Defendant has been incarcerated since the date of said child's birth and remains incarcerated at the filing of this Petition. Due to said incarceration, the Defendant has had no access to the child.

C. The Defendant has made written threats to the Plaintiff from his place of incarceration pertaining to the custodial status of the party's child Zaine Elizabeth.

8. Each parent whose parental rights to the child have not been terminated and the person who has physical custody of the child have been named as parties to this action.

WHEREFORE, Plaintiff/Petitioner respectfully requests  
Your Honorable Court to grant her custody of the child.

  
James A. Naddeo  
James A. Naddeo, Esquire  
Attorney for Plaintiff/Petitioner

COMMONWEALTH OF PENNSYLVANIA)

ss.

COUNTY OF CLEARFIELD

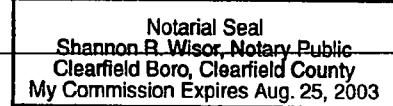
)

Before me, the undersigned officer, personally appeared ARIANNE BROCIOUS, who being duly sworn according to law, deposes and states that the facts set forth in the foregoing Petition for Custody are true and correct to the best of her knowledge, information and belief.

Arianne Brocious  
Arianne Brocious

SWORN and SUBSCRIBED before me this 7th day of June,  
2000.

Shannon R. Wisor



①  
CLERARFIELD, PENNSYLVANIA 16830  
R.O. BOX 552  
21 1/2 EAST LOCUST STREET  
ATTORNEY AT LAW  
JAMES A. NADDEO

Lap over margin

**FILED**

JUN 08 2000  
O/16:50:2000  
William A. Shaw  
Prothonotary  
Atty Nadelop \$80.00

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

ARIANNE BROCIUS, :  
Plaintiff/Petitioner :  
:  
v. : No. 00 - 684 - CD  
:  
KENNETH J SELVAGE, :  
Defendant/Respondent :  
:

\*  
\* Type of Pleading:  
\*  
\* AFFIDAVIT OF SERVICE  
\*  
\* Filed on behalf of:  
\*  
\* PLAINTIFF/PETITIONER  
\*  
\* Counsel of Record for  
\* this party:  
\*  
\*  
\* James A. Naddeo, Esq.  
\* Pa I.D. 06820  
\*  
\* 211 1/2 E. Locust Street  
\* P.O. Box 552  
\* Clearfield, PA 16830  
\* (814) 765-1601  
\*

**FILED**

JUN 26 2000

William A. Shaw  
Prothonotary

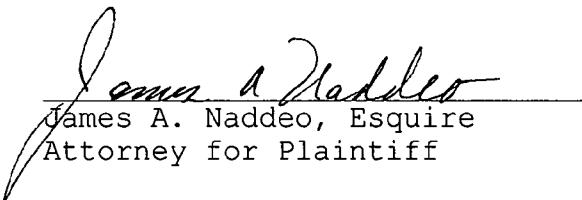
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

ARIANNE BROCIUS, :  
Plaintiff/Petitioner :  
:  
vs. : No. 00 - 684 - CD  
:  
KENNETH J. SELVAGE, :  
Defendant/Respondent :  
:

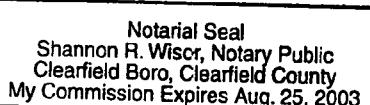
AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA)  
.SS  
COUNTY OF CLEARFIELD )

James A. Naddeo, Esquire, Attorney for the above named Plaintiff/Petitioner, being duly sworn according to law, deposes and states that a certified copy of the Petition for Custody filed in the above-captioned action was served upon the Defendant/Respondent in accordance with Pa.R.C.P. 1930.4(c) by first-class mail, Restricted Delivery, return receipt requested on June 16, 2000, at the Defendant's residence of 1111 Altomont Boulevard, Frackville, Pennsylvania 17931, as appears from the receipt of certified mail attached hereto.

  
\_\_\_\_\_  
James A. Naddeo  
Attorney for Plaintiff

SWORN and SUBSCRIBED before me this 26th day of June, 2000.



  
\_\_\_\_\_  
Shannon R. Wiscr

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

**1. Article Addressed to:**

Mr. Kenneth J. Selvage  
#DZ-4871  
1111 Altomont Blvd.  
Frackville, PA 17931

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly)	B. Date of Delivery
NO 250	6-16-00

**C. Signature**

X *P. J. Selvage*

Agent  
 Addressee

**D. Is delivery address different from item 1?**

If YES, enter delivery address below:

*Signer is an  
authorized agent*

**3. Service Type**

Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

**4. Restricted Delivery? (Extra Fee)**

Yes

**2. Article Number (Copy from service label)**

7099 3400 0002 7594 6553

CLERARFIELD, PENNSYLVANIA 16830  
211 1/2 EAST LOCUST STREET  
ATTORENRY AT LAW  
JAMES A. NADDEO

Lap over margin

FILED

JUN 26 2000

William A. Shaw  
Prothonotary

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

ARIANNE BROCIOUS

:

VS.

: NO. 00-684-CD

KENNETH J. SELVAGE

:

**FILED**

JUN 19 2000

William A. Shaw  
Prothonotary

O R D E R

NOW, this 19th day of June, 2000, being the date set for custody conference; and both parties having appeared; the following ORDER is entered by stipulation:

1. Mother shall have primary legal and physical custody of the parties' daughter, Zaine Elizabeth Brocious, born October 7, 1999.

2. Father shall have the right to visit with said child at his place of incarceration one (1) day per month on Thursday, commencing July 27, 2000. Said visitation shall continue each month thereafter on a Thursday to be agreed upon between the parties.

3. Mother agrees to provide transportation and to accompany the child to visit with father.

4. Father agrees that, because of his daughter's age, the child shall not travel in bad weather. Should weather conditions prohibit transportation of the child on any scheduled visitation date, mother shall not be obligated to comply with

this Order. In such event, the parties will make a reasonable attempt to reschedule father's visitation but shall not be obligated to do so.

BY THE COURT,

Judie Gummema  
Judge

We, the undersigned, do hereby agree and consent to the entry of the foregoing Order:

Arianna Bradias

PLAINTIFF

Kenneth P. Blaize

DEFENDANT

IN THE COURT OF COMMON PLEAS, CLEARFIELD COUNTY,  
PENNSYLVANIA

## CIVIL DIVISION

ARIANNE BROCIUS, :

Mother

VS. : NO. 00-684-CD

KENNETH JOHN SELVAGE,

Father

FILED

JUN 01 2001

M12391nocc

William A. Shaw

Prothonotary

ECS

MOTION FOR APPOINTMENT OF COUNSEL

Now comes, Kenneth John Selvage, father of child, acting as pro-se for himself who files as follows:

1. That on June 19, 2000, father was granted visitation through agreement of mother, to obtain one visit per month with their daughter, Zaine Elizabeth Brocius, d.o.b. 10/7/89. (see exhibit #1)

2. That since the date of agreement / court order, the mother has missed the scheduled visitation numerous times; visitation as follows:

A. July: missed due to R.H.U. status, father cancelled.

B. August: visitation at Cambria County Prison with mother, daughter and father for (1) one hour.

C. September: visitation missed - no adequate reason

D. October: visitation missed - no adequate reason

E. November: visitation missed - no adequate reason

F. December: Visitation At Cambria County Prison with grandmother, daughter and father for (1) one hour.

G. JANUARY: Visitation missed - No Adequate Reason

H. February: Visitation missed - No Adequate Reason

I. MARCH: Visitation missed - No Adequate Reason

J. April: Visitation At S. C. I. Frackville with mother, grandmother, daughter and father for (1) one hour.

K. May: Visitation missed: No Adequate Reason

3. That mother is in said violation of their Agreement and ORDER of Court, therefore she should be held in contempt of court.

4. That father has tried Repeatedly to be understanding, to be patient and work things out between them, has even written to Attorney N. Addeo on (2) two occasions concerning this matter, but mother fails to realize or accept responsibility for the visitation.

5. That father has written letters, sent cards, sent pictures, sent presents and other things every week to his daughter, through great grandmother, since the Order of Visitation.

6. That mother along with great grandmother has on several occasions written to father with information concerning daughter, has also sent pictures of daughter to father.

7. That since the date of last visitation on 4-8-01, father has received no correspondence what-so-ever from mother or her family concerning

three daughter, so he is deeply concerned about the welfare of his daughter and being denied visitation.

8. That father wishes to maintain steady contact with his daughter so their love will have a positive chance to grow, so they will be able to build a positive father/daughter relationship and so that father will not be a total stranger to his daughter upon release from prison. Words cannot fully express how much father loves his daughter.

9. That father requests this Court to consider his prior visitation litigation in Sevage v. Sevage, # 82-348-CO (Clearfield Court Case), (see exhibit # 2), in support of present visitation case at bar.

10. That father has the support of members of his family that are willing to take responsibility of visitation, to provide adequate transportation and funds for daughter to visit with father.

11. That father wishes to have counsel court appointed to litigate a new visitation agreement and to adequately preserve his rights as father.

WHEREFORE, father respectfully requests this Honorable Court to hold mother in contempt and to appoint counsel to represent him.

Respectfully,



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

ARIANNE BROCIOLI, :

Mother

VS.

NO. 00-684-CD

KENNETH JOHN SELVAGE,

Father :

IN FORMA PAUPERIS STATEMENT

I, Kenneth John Selvage, state under penalties provided by 18 PA. C.S.A. § 4904 that:

1. I am the father in the above-entitled action.

2. I have read the foregoing petition and know the contents and the same are true to my own knowledge, except those matters stated to be alleged about persons other than myself, and those matters I believe to be true.

3. This statement I made to inform the Court of my status of indigency.

4. I am not presently employed other than by virtue of low paying prison wages.

5. I have not received recently any income from a business, profession, or other form of

employment, or in the form of rent payments, interest, dividends, pensions, annuities, social security benefits, support payments or any other resources.

6. I do not own real estate, stocks, bonds or notes.

7. I do not own any cash or checking or savings account.

8. There is no one dependent upon me for financial support, due to my incarceration.

I understand that a false statement of fact, pertaining to my ability to prepay costs in this statement will subject me to penalties for perjury.

Respectfully,

Dated: May 30, 2001



Kenneth J. Selvage  
# D2-4821

1111 Altamont Blvd.  
FRACKVILLE, PA.

c.c. file

17931

IN THE COURT OF COMMON PLEAS, CLEARFIELD COUNTY,  
PENNSYLVANIA

CIVIL DIVISION

ARIANNE [B]ROCIUS, :

Mother

vs.

No. 00-684-CD

Kenneth JOHN SELVAGE,

Father

PROOF OF SERVICE

The undersigned hereby certifies, under P.A. R. C.P. 1915.3 that he is this date serving the foregoing documents upon the person and in the manner indicated below:

Service by first class mail, postage pre-paid:

James A Nadeo

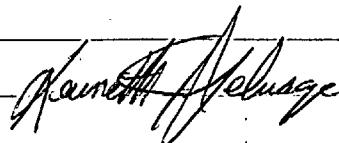
Attorney At Law

21½ East Locust St.

MARINO Building

P.O. Box 552

Clearfield, PA. 16830



Dated: MAY 30, 2001

Kenneth J. Salvage

# DZ-4871

cc: file

1111 Altamont Blvd.

FRACKVILLE, PA. 17931

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

ARIANNE BROCIOS

VS.

: NO. 00-684-CD

KENNETH J. SELVAGE

:

O R D E R

NOW, this 19th day of June, 2000, being the date set for custody conference; and both parties having appeared; the following ORDER is entered by stipulation:

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4. Father agrees that, because of his daughter's age, the child shall not travel in bad weather. Should weather conditions prohibit transportation of the child on any scheduled visitation date, mother shall not be obligated to comply with

this Order. In such event, the parties will make a reasonable attempt to reschedule father's visitation but shall not be obligated to do so.

BY THE COURT,

Judie Gummemo  
Judge

We, the undersigned, do hereby agree and consent to the entry of the foregoing Order:

Ariann Brice

PLAINTIFF

Kenneth J. Blilage

DEFENDANT

I hereby certify this to be a true and attested copy of the original statement filed in this case.

JUN 19 2000

Attest:

William L. H.  
Prothonotary

R. Denning Gearhart	BRENDA SELVAGE	FEBRUARY 17, 1982, COMPLAINT IN DIVORCE, filed by R. Denning Gearhart One copy certified to Attorney RULE RETURNABLE AND NOW, this 16 day of February, 1982, upon consideration of the foregoing Complaint in Divorce, Plaintiff is hereby granted temporary custody, and a Rule is hereby issued on Defendant to show cause why the prayers of Plaintiff for permanent custody should not be granted. Plaintiff's attorney is further Ordered to serve this Rule and Complaint in Divorce upon Defendant by certified mail.
John R. Ryan \$75.00 pd 2/17/82 Clfd Trust	82-348-CD	Rule Returnable the 3 day of March, 1982, at 9:00 o'clock A.M. in the Main Courtroom of the Clearfield County Courthouse, BY THE COURT: John K. Reilly, Jr.
	KENNETH SELVAGE	MARCH 5, 1982, ORDER, Filed NOW, this 3rd day of March, 1982, this being the day and date set for return of rule issued in the above-captioned custody proceeding, Defendant having failed to appear, he having received due and proper notice thereof, it is the ORDER of this Court that custody of Carla Jean Selvage, date of birth 12-30-80, be and is hereby placed with her mother, Petitioner above-named, until further Order of Court.
Ck#4187 Trans to rg acct. Pro. 10549 Atty	Pro 30.00 30.00 45.00	30.00 \$75.00 \$75.00 BY THE COURT, /s/ John K. Reilly Jr. President Judge
		APRIL 14, 1982 AFFIDAVIT OF MAILING filed by R. Denning Gearhart, Esquire.
Y 50481	Postage Pro 30.00 Postage 3.59 Postage 3.75 Pro 30.00 Sub. 2 @ 2.00 4.00 Sub. 2 @ 2.00 4.00 Off. Shff credit 41.00 Shff Rt. 24.00 Shff Rt. 41.00 Shff Rt. 41.00 Shff Rt. Off Credit 65.00 Shff Office Credit 65.00 Shff Office Credit 65.00 Shff Office Credit 65.00	APRIL 15, 1982, AFFIDAVIT OF BRENDA SELVAGE AND COPIES OF SENTENCES OF KENNETH JOHN SELVAGE-80-574-CRA, 80-743-CRA, 80-631-CRA, 80-631a-CRA, 80-335-CRA, filed by R. Denning Gearhart
* 54427	APRIL 27, 1982, MOTION FOR DIVORCE DECREE AND RULE RETURNABLE filed by R. Denning Gearhart One copy certified to Attorney RULE RETURNABLE AND NOW, this 26 day of April, 1982, upon consideration of the foregoing Motion for Divorce Decree, it is the Order of this Court that a Rule be issued upon the Defendant in the above captioned matter to show cause why the divorce decree should not be granted. Rule Returnable the 5 day of May, 1982, at 9:00 o'clock A.M. in the Main Courtroom of the Clearfield County Courthouse. BY THE COURT: John K. Reilly, Jr., President Judge	
		MAY 4, 1982, AFFIDAVIT OF MAILING, filed by Gearhart & Niedzielski
		R. Denning Gearhart, Esquire, the attorney for the Plaintiff, being duly sworn according to law, deposes and says that he mailed by certified mail, restricted delivery, return receipt requested, a true and correct copy of the Motion for Divorce Decree and Rule Returnable in this action to the Defendant at the State Correctional Institution in Huntingdon, Pennsylvania, and that Defendant did receive same on May 1, 1982, as evidenced by the signed receipt attached hereto as Exhibit "A". /s/ R. Denning Gearhart, Esquire Attorney for Plaintiff
		MAY 27, 1982, PETITION FOR COURT APPOINTED ATTORNEY FOR DEFENDANT filed by R. Denning Gearhart, Esquire
		Two (2) copies Certified to Attorney ORDER filed. NOW COMES this 27th day of May, 1982, upon Petition of R. Denning Gearhart, Esquire, counsel for the Plaintiff in the above captioned Divorce, it is the ORDER of this Court that ELIZABETH CUNNINGHAM, Esquire, be and hereby is appointed attorney for Kenneth Selvage. BY THE COURT: /s/ John K. Reilly, Jr., President Judge
		AUGUST 23, 1982, LETTER FROM KENNETH J. SELVAGE, filed.
		SEPTEMBER 24, 1982, RULE, MOTION TO RESCHEDULE DIVORCE DECREE HEARING, filed by R. Denning Gearhart, Esquire. Three (3) copies Certified to Attorney. RULE filed AND NOW, this 22nd day of September, 1982, upon consideration of the Motion to RESchedule Divorce Decree hearing, a Rule is hereby granted on Elizabeth Cunningham, Esquire, Counsel for the Defendant, to show cause why the divorce decree should not be granted. RULE Returnable the 13th day of October, 1982, at 9:00 o'clock A.M. in the main Courtroom of the Clearfield County Courthouse, Clearfield, Pennsylvania. BY THE COURT: /s/ John K. Reilly, Jr., President Judge.
		SEPTEMBER 27, 1982, AFFIDAVIT OF CONSENT OF BRENDA SELVAGE, filed
		SEPTEMBER 27, 1982, AFFIDAVIT OF CONSENT OF KENNETH SELVAGE, filed
		SEPTEMBER 27, 1982, MOTION FOR DIVORCE DECREE, filed by R. Denning Gearhart, Esquire.

CONT'D IN  
16. 46

**CONTINUED ON PAGE 254**

Exhibit #2

CONTINUED FROM PAGE 178 82-348-CD BRANDA SELVAGE -vs- KENNETH SELVAGE

SEPTEMBER 27, 1982, DIVORCE DECREE, filed

AND NOW, this 1st day of October, 1982, upon Petition of R. Denning Gearhart, Esquire, counsel for the Plaintiff, ninety (90) days having passed since the Plaintiff prayed for said divorce, and the consent of both parties having been evidenced, IT IS THE ORDER AND DECREE of this Court that BRENDA SELVAGE be divorced and forever separated from the nuptial ties and bonds of matrimony heretofore contracted between herself and KENNETH SELVAGE, THEREUPON ALL the rights, duties or claims accruing to either of said parties in pursuance of said marriage shall cease and determine, and each of them shall be at liberty to marry again as though they had never been heretofore married. BY THE COURT: /s/ John K. Reilly, Jr., President Judge.

OCTOBER 1, 1982, PETITION FOR VISITATION, filed by Elizabeth Cunningham

Two (2) copies Certified to Attorney

RULE RETURNABLE, filed

AND NOW this 1st day of October, 1982, upon consideration of the foregoing Petition, a Rule is hereby issued upon the Plaintiff, Brenda Selvage, to show cause why visitation should not be granted to the Defendant, Kenneth Selvage.

Rule Returnable the 24th day of November, 1982, at 9:00 o'clock a.m. in the Main Court room of the Clearfield County Courthouse. BY THE COURT: /s/ John K. Reilly, Jr., President Judge.

NOVEMBER 24, 1982, ORDER, filed.

NOW, this 24th day of November, 1982, this being the day and date set for Rule Returnable on Defendant's Petition for Visitation, the Plaintiff and her attorney having appeared, as well as the Defendant's attorney, but no representative of the Defendant's family, this Court denies said Petition because of the following reasons: (1) The child's tender age is such as to make a visit to see her father at the Huntingdon State Correctional Institution in appropriate; (2) That there is no proof that adequate transportation can be provided for the child to the Huntingdon State Correctional Institution; and (3) Because of the Defendant's expected date for parole in April 1983.

It is the further ORDER of this Court that all issues having been resolved in this Divorce Action, Elizabeth Cunningham, Esquire, is discharged from duties as Court appointed counsel for Defendant in this matter. By the Court, /s/ John K. Reilly, Jr., President Judge.

DECEMBER 9, 1982, NOTICE OF APPEAL filed by Kenneth J. Selvage

Notice is hereby given that Kenneth Selvage, defendant in the above-captioned matter hereby appeals to the Superior Court of Pennsylvania from the ORDER entered in this matter on the 24th day of November, 1982. /s/ Kenneth J. Selvage

PROOF OF SERVICE

VERIFIED STATEMENT FOR CONTINUANCE OF IN FORMA PAUPERIS STATUS

One copy mailed Superior Court by regular mail  
DECEMBER 13, 1982, MOTION FOR APPOINTMENT OF APPEAL COUNSEL IN FORMA PAUPERIS, filed by Kenneth Selvage

One copy taken to Judge Reilly

DECEMBER 14, 1982 ORDER filed.

One copy mailed to Superior Court

NOW, this 14th day of December, 1982, the Court having been notified of Appeal to the Superior Court of Pennsylvania in the above-captioned matter, it is the ORDER of this Court that Kenneth Selvage, Appellant above-named, file a concise statement of the matters complained of on said Appeal as set forth in Rule 1925(b) of the Rules of Appellate Procedure. By the Court, John K. Reilly, Jr., President Judge

DECEMBER 27, 1982 APPELLANT'S CONCISE STATEMENT OF THE MATTERS COMPLAINED OF ON APPEAL

filed by Kenneth Selvage

DECEMBER 27, 1983 CERTIFICATION OF SERVICE filed by Kenneth Selvage

JANUARY 6, 1983, ORDER, filed

One Copy cert. & Mailed to Defendant  
NOW, this 6th day of January, 1983, Defendant Appellant above-named having moved for appointment of counsel as an indigent, the Court being satisfied that there is no legal basis therefor, it is the Order of this Court that said Motion be and is hereby dismissed. BY THE COURT, /s/ John K. Reilly Jr., President Judge

JANUARY 10, 1983 NOTICE OF APPEAL FROM SUPERIOR COURT, Their Number 01406PGH82 filed.

JANUARY 19, 1983 LETTER, filed from Kenneth Selvage requesting copies of the above captioned case.

JANUARY 19, 1983 COPIES OF THE ABOVE CAPTIONED CASE MADE AND MAILED TO KENNETH

SELVAGE BY CERTIFIED, RETURN RECEIPT NUMBER P359-594-313. /s/ Lois J. Billotte, Deputy.

JANUARY 19, 1983 SENDER'S RECEIPT filed.

JANUARY 26, 1983, RETURN RECEIPT, filed Number P-359-594-313

AUGUST 23, 1983, MEMORANDUM, filed

Defendant above-named has appealed in pro per from the Order of this Court dated November 24, 1982, in which this Court denied visitation rights to the defendant who, at that time, was incarcerated at the Huntingdon State Correctional Institution. The basis for that denial was the tender age of the child and that no adequate transportation was provided for the child to and from the Institution, and finally that the defendant's expected date of parole was April of 1983.

The following notice of appeal this Court on December 14, 1983, Ordered defendant to file a concise statement of the matters complained of under Rule 1925(b) of the Rules of Appellate Procedure. This Order has not been complied with. Moreover, defendant was paroled from said

S.C.I. and since parole has not sought visitation rights with the child through this Court. In view of the above, this Court does not know of any basis for appeal and, indeed, since the appellant is now on parole the issue appears to be moved. By the Court, /s/ John K. Reilly, Jr., President Judge.

SEPTEMBER 12, 1983, ALL RECORDS MAILED TO SUPERIOR COURT (copies in bucket)  
 SEPTEMBER 12, 1983, SENDER'S RECEIPT filed.  
 SEPTEMBER 16, 1983, RETURN RECEIPT filed.

NOVEMBER 8, 1983, BRIEF & PROOF OF SERVICE, filed by Kenneth J. Selvage  
 (taken to Judge Reilly's office this day)

MAY 9, 1984, STATEMENT ON VISITATION, filed by Kenneth Selvage.  
 One copy certified & mailed to Kenneth Selvage.

JUNE 5, 1984 COPY OF MOTION TO SUCCEED BY DEFAULT, filed by Kenneth Selvage.

JUNE 22, 1984 COPY OF ACTION FILED WITH THE SUPERIOR COURT, filed by Kenneth Selvage.

JULY 17, 1984, ORDER OF THE SUPERIOR COURT, filed.  
 Certified from the record, June 1, 1984 Motion to Succeed by Default filed., July 2, 1984, Answer to Appellant's motion to Succeed by Default filed., July 3, 1984, Entry of Affidavits filed. AND NOW, to-wit this 13th day of July, 1984, upon consideration of appellant's motion to Succeed by Default, appellant's Entry of Affidavits, and the Answer to Appellant's Motion to Succeed by Default: (1) The appellant's motion is hereby denied; (2) It appearing that Attorney R. Denning Gearhart has not entered an appearance with this court, counsel is hereby granted leave to withdraw from the appeal; (3) Appellee is directed to, within thirty(30) days of the date of this order, either obtain new counsel to proceed with this appeal, or file her brief with this court. If appellee fails to comply with this court's order within the time specified or within such additional time as may be granted by further order of this court, the Prothonotary is directed to place this case on the next available list without a brief from appellee. So says, Irma T. Gardner, Deputy

JULY 17, 1984, ONE certified copy filed to defendant Selvage by regular mail.

SEPT. 6, 1984 LETTER FROM KENNETH SELVAGE, filed.

SEPT 7, 1984 RETURNED AN ANSWER TO KENNETH SELVAGE. Copies of letter mailed to:

President Judge John K. Reilly, Jr. R. Denning Gearhart, Attorney and Superior Court of Pennsylvania. s/lb

SEPTEMBER 18, 1984, PAPER FROM KENNETH SELVAGE, filed.

SEPTEMBER 25, 1984, ORDER FROM THE SUPERIOR COURT, filed.

And Now, this 18th day of September, 1984, it appearing to the Court that this pro se appeal was filed in the Superior Court on or about December 20, 1982 contesting the denial of visitation rights to Appellant, Kenneth Selvage, with his daughter, Carla Jean Delvage, at the State Correctional Institution at Huntingdon, Pa., it further appearing that Appellant limited his original prayer for relief to visitation with his daughter during the period of his incarceration; and it further appearing that Appellant had been paroled from the Huntingdon Correctional institution prior to August 23, 1983, the date of filing of the trial court's Memorandum Pursuant to Pa. R.A.P. 1925, it is hereby Ordered and Decreed that the appeal filed at no. 1406 Pittsburgh, 1982 is DISMISSED as being moot, without prejudice to Appellant's right to file a new petition for visitation sec. reg. et sec. leg. in the appropriate trial court./s/ Justin Johnson.

OCTOBER 5, 1984 MOTION TO PROCEED IN FORMA PAUPERIS, filed by Kenneth J. Selvage.

OCTOBER 5, 1984 MOTION FOR VISITATION AND RULE RETURNABLE, filed by Kenneth J. Selvage.

October 22, 1985 Copies of above certified to Defendant K. Selvage.

These actions taken to Hon. John K. Reilly, Jr. on October 5, 1984 and Dec 3, 1984. Actions returned to our office on February 21, 1985. Rule not signed by Judge or any Order pertaining to Motion to Proceed in Forma Pauperis executed. s/lb.

MARCH 12, 1985 Letter sent to Ken Selvage pertaining to Motion for Visitation by regular mail. s/jmb

MARCH 11, 1985 APPLICATION FOR ORDER: MANDATING CLERK OF COURTS AND/OR COURT STENGRAPHER, TO FURNISH COURT RECORDS AND TRANSCRIBED NOTES OF TESTIMONY, in Forma Pauperis, filed by Ken Selvage. This application to Judge John K. Reilly, Jr. office for disposition.

MARCH 20, 1985 Letter received from Ken Selvage pertaining to his Motion for Visitation. This letter and copies of his Motion taken this day to President Judge John K. Reilly, Jr. Letter mailed to Ken Selvage advises him of this. s/jmb

MARCH 25, 1985, RETURN RECEIPT, filed.

Enclosed, please find the returned receipt from the Certified letter that I sent to the defendant, Brenda Selvage, in the above matter.

I would like these copies made part of the record that I sent the defendant a copy of my "MOTION FOR VISITATION".

Thank You for your time./s/ Kenneth Selvage

MAY 20, 1985 REQUEST TO ENTER DEFAULT: AFFIDAVIT FOR ENTRY OF DEFAULT: BRIEF IN SUPPORT OF MOTION FOR DEFAULT JUDGMENT: and PROOF OF SERVICE, filed by Kenneth J. Selvage- Pro-se Plaintiff. 1 copy certified and mailed to Kenneth Selvage by regular mail.

MAY 30, 1985 The above filing taken to Honorable John K. Reilly, Jr. s/jmb

JUNE 20, 1985, DEFENDANT'S RESPONSE TO PLAINTIFF'S MOTION FOR VISITATION, filed by John R. Ryan, Esq. 4 copies cert. Atty.

JUNE 25, 1985 MOTION TO APPOINT COUNSEL, filed by Kenneth J. Selvage. 1 copy certified and mailed to K. Selvage by regular mail.

JUNE 25, 1985 MOTION TO APPOINT COUNSEL taken to Judge John K. Reilly, Jr. s/jmb

JULY 28, 1985, PLAINTIFF'S RESPONSE TO DEFENDANT'S ANSWER, filed by Kenneth J. Selvage. 1 copy cert Kenneth Selvage.

JULY 16, 1985, BRIEF IN SUPPORT OF MOTION FOR VISITATION RIGHTS, filed by Kenneth Selvage, Plff. One certified to Plaintiff by Regular mail

PROOF OF SERVICE

I hereby certify that I am this day serving a copy of the foregoing Petition, Brief In Support of Motion for Visitation Rights, upon the persons and in the manner indicated below which satisfies the requirements of Pa. R.C.P. 122:(a).

Service by first class mail addressed as follows...1. Judge John K. Reilly, Jr. 2. Raymond Witherow 3. John R. Ryan /s/ Kenneth Selvage

JULY 16, 1985, MOTION FOR DISCOVERY, filed by John Ryan, Esq.

Three copies certified to atty

JULY 24, 1985 LETTER, received from Kenneth Selvage.

JULY 24, 1985 REPLY, mailed to K. Selvage by regular mail.

AUG 5, 1985 Letter to Mr. Selvage from Keystone Legal Services, filed. August 5, 1985 Notified Judge Reilly, Jr., of receiptment of letter. s/Raymond Witherow.

AUG 5, 1985 ORDER, filed.

NOW, this 5th day of August, 1985, upon consideration of Petitioner's Request for Visitation, it appearing to this Court that Petitioner is presently incarcerated in the State Correctional Institution at Huntingdon, PA., and upon consideration of the child's tender age (d.o.b. 12/30/80) and her almost non-existent contact with Petitioner in the past and upon further consideration of lack of adequate transportation for such requested visitation, it is the ORDER of this Court that said Petition be and is hereby denied. BY THE COURT, s/John

AUGUST 12, 1985 NOTICE OF APPEAL, filed.

One copy certified to Superior Court

AUGUST 16, 1985 LETTER FROM K. SELVAGE, filed.

AUGUST 19, 1985, SUPERIOR COURT OF PENNSYLVANIA OFFICIAL DOCKET NO. 01058PGH85, filed.

AUGUST 27, 1985 SENT TO KENNETH SELVAGE CERTIFIED COPIES OF DOCKET ENTRIES AS PER

HIS APPEAL TO SUPERIOR COURT. s/lb

SEPT 3, 1985 TRANSCRIPT OF PROCEEDINGS, taken before Honorable John K. Reilly, Jr., lodged this day and date in Prothonotary Office.

SEPT 5, 1985 COPIES OF TRANSCRIPT MAILED TO DEFENDANT KENNETH SELVAGE BY REGULAR MAIL. s/jmb

NOVEMBER 25, 1985 LETTER, received from Kenneth Selvage, filed. Original taken to Honorable John K. Reilly, Jr this day and date.

JAN 17, 1986 Letter returned from Judge: No response attached.

MARCH 13, 1986, SUPERIOR COURT ORDER OF COURT, filed 1 copy Judge Reilly AND NOW, to-wit, this 11th day of March, 1986, upon consideration of the Motion to Compel, the Court of Common Pleas of Clearfield County is hereby ordered to file the record in this appeal with the Superior Court forthwith. Per Curiam.  
/s/ Eleanor R. Valecko, Deputy Prothonotary.

APRIL 1, 1986, LETTER TO SUPERIOR COURT FROM JOHN K. REILLY, JR., P.J., filed.

APRIL 15, 1986, ALL PAPERS MAILED TO SUPERIOR COURT THIS DAY. Senders Receipt No. P 024 809 024 Letter also mailed to Kenneth Selvage informing him of such

APRIL 18, 1986, RETURN RECEIPT, filed.

AUGUST 22, 1986, MOTION FOR APPOINTMENT OF COUNSEL, filed by Kenneth J. Selvage, copies sent to: John Ryan, John Ayers, & Ken Selvage.

SEPTEMBER 5, 1986, ORDER, filed 1 cert Ken Selvage

NOW, this 4th day of September, 1986, it is the ORDER of this Court that John Ayers, Jr., Esquire, be and is hereby appointed to represent Kenneth J. Selvage, Plaintiff, in the above captioned matter. BY THE COURT: John K. Reilly, Jr. President Judge.

OCTOBER 8, 1986, ORDER FROM SUPERIOR COURT, filed

AND NOW, this 14th day of August, 1986, it is ordered as follows: Order vacated and the case remanded for a full Hearing. Jurisdiction is not retained.  
/s/ Eleanor R. Valecko, Deputy Proth. Superior Court.

\*\*\*\* 10/8/86 ALL PAPERS RETURNED FROM SUPERIOR COURT FILED IN LEGAL DRAWER "H". \*\*\*\*

OCTOBER 30, 1986 PETITION FOR HEARING AND TO AUTHORIZE TRANSPORTATION OF PETITIONER TO HEARING filed by John A. Ayres, Jr.

Two copies certified Attorney

ORDER

AND NOW, this 23 day of October, 1986, the foregoing Petition having been presented to and read by the Court, it is hereby ORDERED as follows:

1. Hearing on the merits on the issue of Petitioner's Motion for Visitation shall be held on January 6, 1987 in courtroom No. 2 of the Clearfield County Courthouse at 10:00 o'clock AM.  
2. Clearfield County Sheriff's Office is authorized to transport Kenneth J. Selvage to and from the hearing and a certified true and attested copy of this Order shall be sufficient Cont. to 481

DECEMBER 18, 1986 PLAINTIFFS' MEMORANDUM OF LAW IN OPPOSITION TO DEFENDANT MILLER-  
FORD'S MOTION FOR SUMMARY JUDGMENT filed by James A. Naddeo, Esq.

DECEMBER 18, 1986 PRE-TRIAL MEMORANDUM filed by Joseph Colavecchi, Esq.

DECEMBER 18, 1986 PRE-TRIAL BRIEF filed by Roy K. Lesko, Esq.

DECEMBER 18, 1986 PRE-TRIAL MEMORANDUM filed by Joseph Colavecchi, Esq.

DECEMBER 18, 1986 PRE-TRIAL MEMORANDUM filed by James A. Naddeo, Esq.

FILED IN TRANSCRIPT DRAWER UNDER "S"

XX  
CONTINUED FROM PAGE 480 82-348-CD SELVAGE vs SELVAGE

OCTOBER 30, 1986 ORDER continued  
authorization for such Sheriff's Office to accomplish such transportation. BY THE COURT:  
Joseph S. Ammerman, JUDGE

DECEMBER 9, 1986, SUBPOENA TO BERNICE DICK, filed by Colavecchi, Esq. 1 cert atty  
DECEMBER 9, 1986, SUBPOENA TO EDWARD MOORE, filed by Colavecchi, Esq. 1 cert atty

DECEMBER 15, 1986 AFFIDAVIT OF SERVICE filed  
December 13, 1986 served Subpoena on Bernice Dick. s/Jack B. Walker, Constable

DECEMBER 15, 1986 AFFIDAVIT OF SERVICE filed  
December 12, 1986 served Subpoena on Edward Moore. s/Jack B. Walker, Constable

JANUARY 8, 1987 SUBPOENA TO EDWARD MOORE filed by John Ryan, Esq. One copy certified Atty.

JANUARY 8, 1987 SUBPOENA TO BERNICE DICK filed by John Ryan, Esq. One copy certified Atty.

JANUARY 8, 1987, SHERIFF'S RETURN, filed  
Now, December 30, 1986, transported the within named defendant Kenneth J. Selvage from  
SCI Huntingdon to the Clearfield County Prison and released him into the custody of the  
authorities at Clearfield. /s/ Chester A. Hawkins by Marilyn Hamm.

JANUARY 30, 1987 AFFIDAVIT OF SERVICE filed  
January 30, 1987 served within subpoena on JAMES WOOLEY, at State Correctional Institute  
at Huntingdon, Drawer R, Huntingdon, PA by U.S. Regular Mail mailed January 29, 1987.  
s/John A. Ayres, Jr., Esq.

FEBRUARY 9, 1987, AFFIDAVIT OF SERVICE, filed  
Jack B. Walker, being duly sworn according to law, deposes and says that on the  
9th day of January, 1987, at about 11:50 o'clock A.M., he served a Subpoena in the above  
captioned action on BERNICE DICK by handing to BERNICE DICK, at her place of residence,  
a true and correct copy of said Subpoena. /s/ Jack B. Walker, Const.

FEBRUARY 9, 1987, AFFIDAVIT OF SERVICE, filed  
Jack B. Walker, Being duly sworn according to law, deposes and says that on the  
9th day of January, 1987, at about 11:55 A.M. he served a Subpoena in the above captioned  
action on Edward Moore, by handing to Edward Moore, at Liquor Store in Coalport, PA.  
a true and correct copy of said Subpoena. /s/ Jack B. Walker, Consts.

CONTINUED TO PAGE 483

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CONTINUED FROM PAGE 481 82-348-CD KENNETH J. SELVAGE -vs- BRENDA R. SELVAGE

FEBRUARY 12, 1987 PETITION FOR SPECIAL RELIEF PURSUANT TO Pa. R.C.P. NO. 1915.13 filed by

John A. Ayres, Jr., Esq.

Two copies certified Attorney

ORDER OF COURT

AND NOW, this 11th day of February, 1987, the foregoing Petition having been presented to and read by the Court, and the Court being satisfied that hearing on the Petition is not necessary, it is ORDERED that Brenda Reffner be required to bring Carla Jean Selvage to continued visitation hearing scheduled for February 19, 1987, and that if this Order is not obeyed, the Court will issue a bench warrant for the arrest of Brenda Reffner and if the Court finds that if disobedience to the Court's Order is willful, the Court may, after hearing, adjudge Brenda Reffner to be in contempt of Court. Carla Jean Selvage shall be sequestered until her testimony, if any, is taken and any such testimony shall be in Chambers. BY THE COURT: Joseph S. Ammerman, JUDGE

FEBRUARY 23, 1987, TRANSCRIPT OF PROCEEDINGS- VOLUME I, filed in trans. drawer "S"

FEBRUARY 26, 1987, SHERIFF'S RETURN, filed

NOW, February 20, 1987, transported the within named defendant Kenneth J. Selvage from Clearfield County Prison to SCI Huntingdon and released him into the custody of the authorities at Huntingdon. /s/ Chester A. Hawkins by Marilyn Hamm.

MARCH 17, 1987 LETTER from Court Administrator to Mary Kay Miller-Marshall requesting

Transcript

JUNE 17, 1987 PRAECIPE TC PROCEED IN FORMA PAUPERIS, filed by John Ayres, Esq.

3 cert atty

SEPTEMBER 1, 1987 ORDER filed (four copies certified Judge Ammerman)

NOW, this 1st day of September, 1987, upon consideration of the evidence and testimony presented in this case, the Briefs of counsel and the Court being of the opinion that in order to clearly determine if visitation is in the best interest and welfare of the child and would not subject the child to physical or psychological harm or emotional distress, it is the ORDER of the Court that David M. Kosko of Lutheran Social Services evaluate the child, conduct an investigation of all the parties involved, including the maternal and paternal grandparents, and submit a report to the Court within forty-five (45) days, and further counsel are directed to furnish to Mr. Kosko any information which either of them have which would be helpful to him. The County of Clearfield is directed to pay the costs of this service. BY THE COURT: Joseph S. Ammerman, Judge

SEPTEMBER 17, 1987, ORDER, filed

3 copies cert Atty Ayres; 1 cert Shff.

AND NOW, this 14th day of September, 1987, the Court having Ordered an evaluation of Kenneth J. Selvage by Luthern Social Services, the Clearfield County Sheriff's Office is authorized and ordered to transport Kenneth J. Selvage from Huntingdon State Correctional

(cont'd b. 19. 489

Cont'd from Pg. 483 82-848-CD SELVAGE vs SELVAGE

ORDER, Cont'd  
Institution to Clearfield County Court House holding room for said evaluation on  
September 28, 1987 at 10:00 A.M. BY THE COURT: Joseph S. Ammerman, Judge. 1 Cert. to Judge A.

SEPTEMBER 29, 1987, ORDER, filed

Now, this 29th day of September, 1987, it is the ORDER of the Court that the Clearfield County Sheriff's Department return Kenneth J. Selvage to the Huntingdon State Correctional Institution.  
BY THE COURT: Joseph S. Amerman, Judge

OCTOBER 8, 1987, SHERIFF'S RETURN, filed

NOW, September 24, 1987 transported the within named defendant Kenneth J. Selvage from SCI Huntingdon to the Clearfield County Prison and released him into the custody of the authorities at Clearfield. /s/ Chester A. Hawkins by Marilyn Hamm.

OCTOBER 8, 1987, SHERIFF'S RETURN, filed

NOW, September 29, 1987 transported the within named defendant Kenneth J. Selvage from the Clearfield County Jail to SCI Huntingdon and released him into the custody of the authorities at Huntingdon, /s/ Chester A. Hawkins by Marilyn Hamm.

NOVEMBER 6, 1987, ORDER, filed 4 cert. Judge A.

NOW, this 6th day of November, 1987, upon consideration of the testimony and evidence presented in the above captioned case and the Investigative Report presented to the Court by David M. Kosko of Lutheran Social Services, it is the ORDER of the Court that the Plaintiff, Kenneth J. Selvage, shall have visitation with his daughter at Huntingdon State Correctional Institution once he attains 3-V Status and visits can take place outside the Main Prison as follows:

(1). The Father will have visitation with his daughter once a month for a period of four (4) months.  
(2). At the end of the four-month period, David M. Kosko will again conduct an investigation of all the parties involved and submit a report to the Court. The County of C.R.D. is directed to pay the costs of this service.  
(3). Transportation to and from Huntington will be provided by Mrs. Charlene Moore, the mother of Brenda Salvage Ruffino.

Either party may file Exceptions to this Order within ten (10) days from the date hereof. BY THE COURT:  
Joseph S. Ammerman, Judge.

NOVEMBER 19, 1987. ORDER. filed

NOVEMBER 19,  
3 CERT atty

NOW, this 19th day of November, 1987, this Court having previously issued an Order dated November 6, 1987, with regard to the above captioned matter, the Order of November 6, 1987, is clarified as follows: The father will have visitation with his daughter once a month for a period of four months, each visit to last for two hours.

The purpose of this Order is to clarify the previous Order in this case. In all other respects the previous Order in this case is incorporated into this Order and remain in full force and effect as to all provision. BY THE COURT: Joseph S. Ammerman, Judge.

JANUARY 26, 1988, RESPONDENT'S BRIEF, filed by John Ryan, Esq.  
JANUARY 26, 1988, BRIEF IN SUPPORT OF PETITIONER'S REQUEST FOR VISITATION,  
filed by John Ayres, Esq.

APRIL 7, 1988, ORDER, filed 4 copies cert Atty Ayres  
NOW, this 6th day of April, 1988, it is hereby ORDERED as follows:  
1. Kenneth J. Selvage is scheduled for evaluation by David Kosko of Lutheran Social Services, Clearfield, Pennsylvania, on April 19, 1988, at 11:00 A.M.  
2. Clearfield County Sheriff's Office is authorized to transport Kenneth J. Selvage to and from the State Correctional Institution at Huntingdon to the Clearfield County Jail, and a certified true and attested copy of this Order shall be sufficient authorization for such Sheriff's Office to accomplish such transportation.  
BY THE COURT: Joseph S. Ammerman, Judge.

APRIL 28, 1988, SHERIFF'S RETURN, filed  
NOW, April 19, 1988, transported the within named defendant Kenneth J. Selvage  
from SCI Huntingdon to the Clearfield County Courthouse, and back to SCI Huntingdon upon  
completion of hearing. /s/ Chester A. Hawkins by Marilyn Hamm.

CONT. TO PG 490

JULY 11, 1988, ORDER, filed 2 cert/Atty Ayres  
AND NOW, this 5th day of July, 1988, the hearing having been set on the above-captioned matter for August 1, 1988, at 2:00 PM it is hereby ORDERED as follows:  
1. Clearfield County Sheriff's Office is authorized to transport Kenneth J. Selvage to and from the hearing and a certified true and attested copy of this Order shall be sufficient authorization for such Sheriff's Office to accomplish such transportation. BY THE COURT: Joseph S. Ammerman, Judge.

JULY 14, 1988, ORDER, filed 3 cert atty.  
AND NOW, this 14th day of July, 1988, the hearing having been set on the above captioned matter for August 1, 1988, at 2:00 P.M., it is hereby ORDERED as follows:  
1. Clearfield County Sheriff's Office is authorized to transport Kenneth J. Selvage to Clearfield From the State Correctional Institution in Huntingdon, Pennsylvania, for said hearing and a certified true and attested copy of this Order shall be sufficient authorization for such Sheriff's Office to accomplish such transportation, and return him upon completion of hearing. BY THE COURT: Joseph S. Ammerman, Judge.

AUGUST 8, 1988, ORDER OF COURT, filed 3 cert to atty.  
AND NOW, this 8th day of August, 1988, pre-hearing conference having been scheduled and held on July 26, 1988, with John Ryan, Attorney for Brenda Feffner, and John A. Ayres, Jr., attorney for Kenneth Selvage, having been present. The Court, in issuing this Order, acknowledges the objection of Counsel for Defendant to the matters contained herein, and further notes that this Order is issued upon the oral motion of Counsel for Plaintiff and upon the recommendation and concurrence of David Kosko. It is hereby ORDERED as follows:

1. David Kosko of Lutheran Social Services shall observe and evaluate three visits of Kenneth J. Selvage with Carla Selvage at the offices of Lutheran Social Services in Clearfield, Pennsylvania. After the initial evaluation, David Kosko shall report in writing to this Court, with copies to Counsel for both parties, as to the outcome of said evaluation, the response of the minor child to same, and the desirability of further evaluations. After submission of this initial report, this Court may, in its discretion, reconsider whether further evaluation would be in the best interest and welfare of the minor child.

2. The Clearfield County Sheriff's Office is authorized to transport Kenneth J. Selvage from Huntingdon State Correctional Institution in Huntingdon, Pennsylvania, to the offices of Lutheran Social Services in Clearfield, Penna., for the purpose of conducting said evaluations and return him from Clearfield, Pennsylvania, to Huntingdon, Pa., following said evaluations.

3. The Clearfield County Sheriff's Office shall take whatever reasonable precautions they deem necessary to comply with any requirements they may have or in their judgment may deem necessary to ensure that Kenneth J. Selvage does not attempt to abscond or flee. However, this provisions shall not be deemed as a finding or inference that in this case this particular individual, Kenneth J. Selvage, would attempt to flee or abscond.  
BY THE COURT: Joseph S. Ammerman, Judge.

Cont'd from Pg. 490

82-348-CD

## SELVAGE vs SELVAGE

AUGUST 8, 1988, ORDER, filed

3 cert atty; 1 cert Shff.  
AND NOW, this 8th day of August, 1988, evaluation having been set on the above captioned matter for August 18, 1988, at 11:00 A.M. it is hereby ORDERED as follows:

1. Clearfield County Sheriff's Office is authorized to transport Kenneth J. Selvage to the offices of Lutheran Social Services, 217 East Pine Street, Clearfield, PA.. from the State Correctional Institution in Huntingdon, Pennsylvania, for said evaluation and to return Kenneth Selvage from Clearfield, PA., to the State Correctional Institution in Huntingdon, PA., after such evaluation has been completed, and a certified true and attested copy of this Order shall be sufficient authorization for such Sheriff's Office to accomplish such transportation.

BY THE COURT: Joseph S. Ammerman, Judge.

AUGUST 9, 1988, ORDER, filed 2 cert/Atty

AND NOW, this 9th day of August, 1988, this Court having previously issued an Order directing further evaluation of the minor child of the parties above named by David Kosko of Lutheran Social Services, and the initial evaluation having been scheduled by all those concerned, it is the Order of this Court that Brenda Selvage (Reffner) appear with the minor child at the office of David Kosko on August 18, 1988, at 11:00 a.m. so that David Kosko may observe a visit with Plaintiff and the minor child. BY THE COURT: Joseph S. Ammerman, Judge.

AUGUST 30, 1988, SHERIFF RETURN, filed

Now August 18, 1988 transported the within named Kenneth J. Selvage from SCI Huntingdon to Lutheran Social Services for Hearing and transported him back to SCI Huntingdon upon completion of hearing. /s/ Chester A. Hawkins, Shff, by Marilyn Hamm

JANUARY 18, 1989, PETITION FOR SPECIAL AND INTERIM RELIEF, filed by John A. Ayres, Esq. 3 cert atty.

JANUARY 18, 1989, ORDER, filed 3 cert atty.  
AND NOW, this 18th day of January, 1989, Petition for Special and Interim Relief having been presented to the Court, it is hereby ORDERED that a Rule to Show Cause is issued on Brenda Selvage Reffner, to show cause why relief requested in the Petition should not be granted. Said Rule shall be returnable on February 15, 1989, at 10:30 AM.

BY THE COURT: Joseph S. Ammerman, Judge.

JANUARY 19, 1989, AFFIDAVIT OF SERVICE, filed

Served Petition for Special and Interim Relief and Order setting Rule Return date on Brenda Selvage Reffner by sending true and correct copy to John Ryan, Esquire, Attorney of record for Brenda Selvage Reffner at his office at 221 East Market Street, Clearfield, PA 16830, by US Regular Mail on January, 19, 1989. /s/ John A. Ayres, Jr., Esq.

JANUARY 26, 1989, RESPONSE TO PETITION FOR SPECIAL AND INTERIM RELIEF, filed by John R. Ryan, Esq. 3 cert/AttyFEBRUARY 17, 1989, ORDER, filed 3 cert/Atty

AND NOW, this 17th day of February, 1989, hearing having been set on the above-captioned matter for Friday, April 7, 1989, at 10:00 am., it is hereby ORDERED as follows:  
1. Clearfield County Sheriff's Office is authorized to transport Kenneth J. Selvage to the Clearfield County Courthouse, Corner of Second and Market Streets, Clearfield, PA, from the State Correctional Institution in Huntingdon, PA, for said hearing, and to return Kenneth J. Selvage from Clearfield, PA, to the State Correctional Institution in Huntingdon, PA, after such hearing has been completed, and a certified true and attested copy of this Order shall be sufficient authorization for such Sheriff's Office to accomplish such transportation.

BY THE COURT: Joseph S. Ammerman, Judge.

Cont'd to Pg. 518

APRIL 11, 1989, ORDER, filed 2 copies cert Judge A.

NOW, this 11th day of April, 1989, upon consideration of the Petition for Special Interim Relief filed on behalf of Kenneth J. Selvage, it is hereby ORDERED:

The Petitioner will be permitted to send letters and cards to his daughter, Carla Selvage. The letters and cards will be sent to his daughter in care of her maternal grandmother, Mrs. Charlaine Moore. Mrs. Moore will acknowledge receipt of each letter or card with a postcard addressed to Mr. Kenneth J. Selvage, No. P-9074, Drawer R, Huntingdon State Correctional Institute, Huntingdon, PA 16652. Mrs. Moore, will make sure that Carla receives the letters and cards. Brenda R. Reffner is directed to refrain from interfering with Mrs. Moore's efforts or discouraging Carla from writing to her father.

Mrs. Reffner is reminded that her long term relationship with her daughter could be jeopardized if she fails to cooperate and continues to discourage her daughter by way of verbal comments or non-verbal behavior that tends to indicate to her daughter that she does not want her to develop a relationship with her father.

The Court will not direct telephone visitation at this time but will reconsider this at some reasonable later date.

/ THE COURT: Joseph S. Ammerman, Judge.

JUNE 2, 1989, SHERIFF RETURN, filed

Now, April 7, 1989 transported the within named defendant Kenneth Selvage from SCI Huntingdon to the Clearfield County Prison and released him into the custody of the authorities of the Clearfield County Jail.

Now, April 7, 1989 transported the within named defendant Kenneth Selvage from the Clearfield County Jail to SCI Huntingdon and released him into the custody of the authorities at Huntingdon. /s/ Chester A. Hawkins, Sheriff, by Marilyn Hamm

JULY 5, 1989, ORDER, filed 3 cert atty.

AND NOW, this 5th day of July, 1989, the parties hereto having agreed on modifications to this Court's Order of April 11, 1989, and this Court being of the opinion that said modifications will accommodate the best interest and welfare of the minor child, Carla Jean Selvage, it is hereby ORDERED:

1. Kenneth J. Selvage shall be permitted to send cards and letters to Carla Jean Selvage at the residence of Brenda Selvage Reffner, and will provide along with each item mailed a postcard, which Mrs. Reffner and Carla will sign and return to Mr. Selvage to acknowledge receipt of the item.

2. Brenda Selvage Reffner shall mail to Kenneth J. Selvage one of Carla's school papers each month and also shall provide him with a copy of each report care as report cards are issued. Mr. Selvage shall provide stamped, self-addressed envelopes for all correspondence, and shall pay any expense incurred in copying documents.

3. Kenneth Selvage shall be permitted to send Carla Jean Selvage gifts including clothes, dolls, stuffed animals and toys on said child's birthday, at Christmas, at Easter and at least one other time each year, as long as the purchase price of said items and expense of mailing them to Carla Jean Selvage is paid for by Kenneth Selvage and Brenda Selvage Reffner shall be responsible for ensuring that said items are given to Carla Jean Selvage and that Carla Jean Selvage knows that they have been given to her by her father. Kenneth J. Selvage shall also be permitted to send said child such gifts at such other times as parties may agree upon.

Cont'd from Pg. 518

82-348-CD

SELVAGE v. SELVAGE

ORDER OF JULY 5, 1989 CONT'D:

4. Kenneth J. Selvage shall be entitled to send to Brenda Selvage Reffern film so that Brenda Selvage Reffner may take pictures of Carla Jean Selvage and send them to Kenneth J. Selvage at least one time every other month, beginning in July, 1989, and at such other times as the parties may agree upon. Purchase price of said film and costs of mailing pictures to Kenneth J. Selvage shall be at the expense of Kenneth J. Selvage.

5. In accordance with the Court's Order of April 11, 1989, Brenda Selvage Reffner is directed to refrain from interfering with or discouraging any desire or attempt by Carla Jean Selvage to write or otherwise communicate with her father.

6. In accordance with the court's Order of April 11, 1989, Brenda Selvage Reffner is reminded that her long-term relationship with her daughter could be jeopardized if she fails to cooperate and continues to discourage her daughter by way of verbal comments or non-verbal behavior which tends to indicate to her daughter that she does not want her to develop a relationship with her father.

7. This Order is a special and interim order pursuant to a Petition for Special and Interim Relief.

8. The Court will not direct telephone visitation at this time but will reconsider this at some reasonable later date.

BY THE COURT: Joseph S. Ammerman, Judge.

MARCH 6, 1990, ORDER FOR MEDIATION CONFERENCE, filed. Two (2) CERT JUDGE A

NOW, this 5th day of March, 1990, the parties not being able to resolve the above matter at a Pre-Hearing Conference, it is ORDERED that a Mediation Conference be held before Dr. Allen H. Tyen, Ph.D., Licensed Child Psychologist, on March 28, 1990, at 1:00 o'clock P.M., at the Clearfield County Courthouse, Clearfield, Pennsylvania. Both parents, their respective counsel and the child/children shall attend said conference. The present custodial parent shall provide someone to attend to the child/children while the parent is in private conference.

It is further ORDERED that the parties shall forthwith complete a Child Custody Mediation Questionnaire and forward the same to Dr. Ryan within five (5) days of this ORDER.

It is also ORDERED that the cost of said conference shall be borne equally by the parents, and each parent shall deposit \$100.00 with Raymond L. Billotte, Court Administrator, not less than seven (7) days prior to the date of the scheduled conference. BY THE COURT: Joseph S. Ammerman, Judge.

MARCH 13, 1990, ORDER, filed. One (1) Cert Atty Ayres, One (1) Cert Atty Ryan and One (1)

Cert Shiff.

NOW, this 9th day of March, 1990, it is the ORDER of the Court that the Sheriff of Clearfield County, or his duly authorized representative, transport the above-named defendant from the State Correctional Institute at Huntingdon, Pennsylvania to the Clearfield County Courthouse. Said defendant is to appear for a Mediation Conference with Dr. Allen H. Ryan, Ph.D. on Wednesday, March 28, 1990, at 1:00 P.M. Upon completion of said conference, the defendant shall be returned by the sheriff of Clearfield County or his duly authorized representative, to the State Correctional Institute at Huntingdon, Pennsylvania. BY THE COURT: JOSEPH S. AMMERMAN, JUDGE.

APRIL 2, 1990, SHERIFF'S RETURN, filed.

Now, March 28, 1990, transported the above named defendant Kenneth J. Selvage from SCI Huntingdon to the Clearfield County Jail and released him into the custody of the authorities at Clearfield.

Now, March 29, 1990, transported the within named defendant Kenneth J. Selvage from the Clearfield County Jail to SCI Huntingdon and released him into the custody of the authorities at Huntingdon. So answers, CHESTER A. HAWKINS, SHERIFF, BY S/MARILYN HAMM.

ASSOCIATE  
LINDA C. LEWIS

JAMES A. NADDEO  
ATTORNEY AT LAW  
211½ EAST LOCUST STREET  
MARINO BUILDING  
P.O. BOX 552  
CLEARFIELD, PENNSYLVANIA 16830

TELEPHONE  
(814) 765-1601  
TELECOPIER  
(814) 765-8142

November 16, 2000

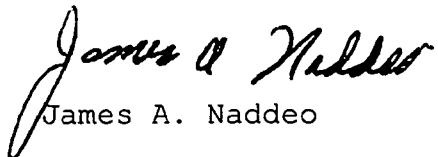
Mr. Kenneth J. Selvage  
#2342-00:CCP  
425 Manor Drive  
Ebensburg, PA 15931

RE: Brocious vs. Selvage  
00-684-CD

Dear Mr. Selvage:

I cannot personally address the issues raised in your letter of November 3, 2000. You were represented by counsel at the time the consent order was enter on June 19, 2000. Please have your attorney contact me with your concerns.

Sincerely,

  
James A. Naddeo

JAN:srw  
cc: Ms. Arianne Brocious

Exhibit # 3

DAVID C. MASON

*Attorney at Law*

409 NORTH FRONT STREET  
P.O. Box 28  
PHILIPSBURG, PENNSYLVANIA 16866  
(814) 342-2240  
FAX (814) 342-5318

November 21, 2000

James A. Naddeo, Esquire  
Attorney at Law  
211½ E. Locust Street  
Marino Building  
P.O. Box 552  
Clearfield, PA 16830

In RE: Kenneth J. Selvage

Dear Jim:

Your letter of November 16, 2000, to Kenneth Selvage was forwarded to me. Mr. Selvage has asked me to advise that I did not represent him with regard to any family law matters. While I recall being at the Courthouse on a criminal issue at the same time you were there on visitation, I did not mean to create the impression that I represented him at any of the proceedings.

If you have any questions concerning this matter, please feel free to contact me.

Very truly yours,

MASON LAW OFFICE

*David C. Mason*

DCM:blb

cc Kenneth Selvage

Exhibit # 4

**COMMONWEALTH OF PENNSYLVANIA - DEPARTMENT OF HEALTH  
VITAL RECORDS**

**Certification of Birth**

DATE OF BIRTH	10-07-1999 (MO. DAY. YEAR)	FILE NO.	3984320-1999
COUNTY OF BIRTH	CLEARFIELD	DATE FILED	10-22-1999 (MO. DAY. YEAR)
NAME	ZAINA ELIZABETH BROCIUS	DATE ISSUED	08-21-2000 (MO. DAY. YEAR)
FATHER'S NAME		SEX	FEMALE
KENNETH JOHN SELVAGE			
MOTHER'S MAIDEN NAME			
ARIANNE BROCIUS			

KIR

This is to certify that this is a true copy of the record which is on file in the Pennsylvania Department of Health, in accordance with Act 66, P.L. 304, approved by the General Assembly, June 29, 1953.

*Charles Hardster*  
CHARLES HARDSTER  
STATE REGISTRAR

H105.105 (REV. 01-99)

WARNING: IT IS ILLEGAL TO DUPLICATE THIS COPY BY PHOTOSTAT OR PHOTOGRAPH

10112794

Exhibit # 5

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

ARIANNE BROCIOUS,  
Plaintiffs

vs.

KENNETH J. SELVAGE,  
Defendant

\*  
\*  
\*  
\*  
\*

NO. 2000-684-C.D.

**FILED**

JUN 08 2001

William A. Shaw  
Prothonotary

**ORDER and RULE FOR WRITTEN RESPONSE**

NOW, this 7<sup>th</sup> day of June, 2001, the Court being in receipt of the Motion for Appointment of Counsel filed by the Defendant, Pro Se; the Court being satisfied that there is no legal or statutory right to free counsel for the Defendant regarding issues of partial custody, it is the ORDER of this Court that the Motion for Appointment of Counsel be and is hereby DENIED.

From a careful review of the said Motion, the same actually constitutes a request by the Defendant for the Plaintiff to be held in contempt, it is the ORDER of this Court that a Rule is hereby issued upon Plaintiff, Arianne Brocious to show cause why said Motion should not be granted. Rule Returnable the 20<sup>th</sup> day of June, 2001, for filing written response.

**NOTICE**

A MOTION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE MOTION TO SUSPEND SPOUSAL SUPPORT PAYMENTS, YOU MUST TAKE ACTION BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU. YOU ARE

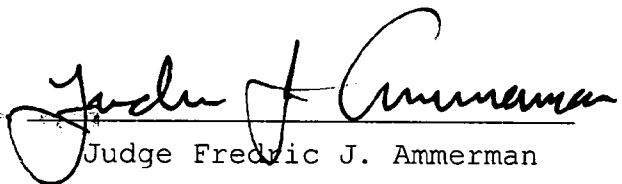
WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR RELIEF REQUESTED BY THE PETITIONER OR MOVANT. YOU MAY LOSE RIGHTS IMPORTANT TO YOU.

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

COURT ADMINISTRATOR  
CLEARFIELD COUNTY COURTHOUSE  
CLEARFIELD, PENNSYLVANIA 16830  
(814) 765-2641

The Court notes that the Defendant is reasonable for service of a certified copy of the Rule on Plaintiff's counsel of record.

By the Court,



Judge Fredric J. Ammerman

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

ARIANNE BROCIUS,  
Plaintiff,

vs.

KENNETH J. SELVAGE,  
Defendant.

\*

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No. 00-684-CD

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Type of Pleading:

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Answer to Petition

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Filed on behalf of:

\*

\*

Plaintiff

\*

\*

Counsel of Record for  
this party:

\*

\*

\*

James A. Naddeo, Esq.

\*

Pa I.D. #06820

\*

\*

211 1/2 E. Locust Street

\*

P.O. Box 552

\*

Clearfield, PA 16830

\*

(814) 765-1601

**FILED**

JUN 2 6 2001

William A. Shaw  
Prothonotary

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

ARIANNE BROCIOUS,  
Plaintiff,

\*

\*

\*

vs.

\*

No. 00-684-CD

\*

\*

KENNETH J. SELVAGE,  
Defendant.

\*

\*

**A N S W E R**

NOW COMES the Respondent, Arianne Brocious, and by her attorney, James A. Naddeo, Esquire, sets forth the following Answer to Defendant's Petition:

1. Paragraph 1 is admitted.
2. Paragraph 2 is admitted as stated but in further answer thereto Respondent incorporates her answers to Paragraphs 2a through k by reference and makes them a part hereof.
  - a. Paragraph 2a is admitted.
  - b. Paragraph 2b is admitted.
  - c. Paragraph 2c is admitted in so far as it states that visitation was missed in September. It is denied, however, that Respondent had no adequate reason, and on the contrary, it is alleged that Respondent had neither a driver's license nor a motor vehicle and was unable to arrange transportation.
  - d. Paragraph 2d is admitted in so far as it states that visitation was missed in October. It is denied, however, that Respondent had no adequate reason, and on the contrary, it

is alleged that Respondent had neither a driver's license nor a motor vehicle and was unable to arrange transportation.

e. Paragraph 2e is admitted in so far as it states that visitation was missed in November. It is denied, however, that Respondent had no adequate reason, and on the contrary, it is alleged that Respondent had neither a driver's license nor a motor vehicle and was unable to arrange transportation.

f. Paragraph 2f is admitted.

g. Paragraph 2g is admitted in so far as it states that visitation was missed in January. It is denied, however, that Respondent had no adequate reason, and on the contrary, it is alleged that Respondent had neither a driver's license nor a motor vehicle and was unable to arrange transportation.

h. Paragraph 2h is admitted in so far as it states that visitation was missed in February. It is denied, however, that Respondent had no adequate reason, and on the contrary, it is alleged that in February Respondent's driver's license had been restored but she still had no motor vehicle and was unable to arrange transportation.

i. Paragraph 2i is admitted in so far as it states that visitation was missed in March. It is denied, however, that Respondent had no adequate reason, and on the contrary, it is alleged that in February Respondent's driver's license had

been restored but she still had no motor vehicle and was unable to arrange transportation.

j. Paragraph 2j is admitted.

k. Paragraph 2k is admitted in so far as it states that visitation was missed in May. It is denied, however, that Respondent had no adequate reason, and on the contrary, it is alleged that in February Respondent's driver's license had been restored but she still had no motor vehicle and was unable to arrange transportation.

3. Paragraph 3 states a legal conclusion to which no answer is required. To the extent that an answer may be required, Respondent incorporates her answers to Paragraph 2a through k by reference and makes them a part hereof.

4. Paragraph 4 can neither be admitted or denied to the extent that it relates to Petitioner's state of mind. It is denied, however, that Respondent has irresponsibly dealt with the visitation ordered by agreement of the parties and to the contrary has at all times complied with said agreement to the best of her ability.

5. Paragraph 5 is admitted to the extent relevant.

6. Paragraph 6 is admitted to the extent relevant.

7. Paragraph 7 is admitted.

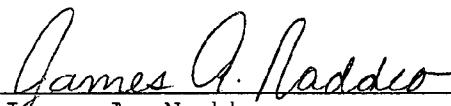
8. Paragraph 8 is denied in that after reasonable investigation, Respondent is unable to determine the truth of said allegation.

9. Paragraph 9 states a prayer for relief to which no response is required.

10. Paragraph 10 is denied in that after reasonable investigation, Respondent is unable to determine the truth of said allegation.

11. Paragraph 11 states a prayer for relief to which no answer is required.

WHEREFORE, Respondent respectfully requests that Petitioner's prayer for relief be denied.

  
\_\_\_\_\_  
James A. Naddeo  
Attorney for Respondent

COMMONWEALTH OF PENNSYLVANIA)

ss.

COUNTY OF CLEARFIELD )

Before me, the undersigned officer, personally appeared ARIANNE BROCIOUS, who being duly sworn according to law, deposes and states that the facts set forth in the foregoing Answer to Petition are true and correct to the best of her knowledge, information and belief.

Arianne Brocious  
Arianne Brocious

SWORN and SUBSCRIBED before me this 25th day of June, 2001.

Shannon R. Wisor

Notarial Seal  
Shannon R. Wisor, Notary Public  
Clearfield Boro, Clearfield County  
My Commission Expires Aug. 25, 2003

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

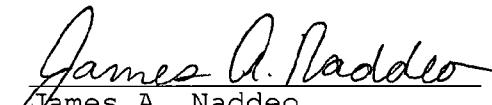
ARIANNE BROCIUS, \*  
Plaintiff, \*  
\*  
vs. \* No. 00-684-CD  
\*  
KENNETH J. SELVAGE, \*  
Defendant. \*

**CERTIFICATE OF SERVICE**

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of Respondent's Answer to Petition in the above-captioned action was served on the following person and in the following manner on the 26th day of June, 2001:

First-Class Mail, Postage Prepaid

Kenneth J. Selvage  
DZ-4871  
1111 Altamont Boulevard  
Frackville, PA 17931

  
James A. Naddeo  
Attorney for Respondent

CLERAFFIELD, PENNSYLVANIA 16830  
P.O. BOX 552  
211 1/2 EAST LOCUST STREET  
ATTORNEY AT LAW  
JAMES A. NADDEO

— Lap over margin —

FILED

JUN 26 2001  
C/O 311 C.C. Office Naddeo  
William A. Shaw  
Prothonotary

I.N.THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,

PENNSYLVANIA

CIVIL DIVISION

FILED

ARIANNE BROCIUS, :

Plaintiff

JUL 05 2001

mtt:5 noce

William A. Shaw

Prothonotary

VS. : NO. 00-684-CO

KENNETH JOHN SELVAGE,

Defendant :

RESPONSE TO ANSWER

NOW COMES, Kenneth John Selvage, defendant, acting as pro se for himself who files as follows:

That defendant strongly disputes the statements in plaintiff's answer to not being able to obtain adequate transportation to bring daughter to visit for the following reasons:

1. That defendant states that during the custody / visitation conference held on June 19, 2000, it was stated by defendant that his family would be willing to provide adequate transportation and provide funds for visitation, but it was agreed upon that Sandra L. Williams, grandparent, would accept full responsibility for providing transportation for visitation. Attorney David C. Mason was there to witness this, so was the Court Reporter.

2. That defendant has repeatedly written

letters to Plaintiff and her family with offers from John Richard Selvage, 814-378-6104, whom is defendant's brother, to provide adequate transportation and funds for visitation.

3. That defendant's brother, John Richard Selvage, is prepared to testify in Court that he will provide adequate transportation and funds for said visitation.

4. That plaintiff stated to defendant through correspondence dated: March 14, 2001, that she purchased her own vehicle, a 1994 Subaru Impreza, so her statement in response to not having adequate transportation for visitation during the months of March and May 2001, were false. Also, plaintiff stated to defendant during their April visitation that she had her own vehicle when defendant again offered transportation from his family.

5. That defendant has submitted other correspondence for the Court's consideration (See exhibits # 1, 2, 3, 4)

6. That defendant states that the plaintiff is using the transportation issue as an excuse to cover up for visitation denied to father.

WHEREFORE, defendant respectfully  
Requests this honorable Court to reject  
plaintiff's answer, to hold plaintiff in  
contempt of court for violating their  
Agreement by Court Order, and to appoint  
counsel to represent him in order to litigate  
an adequate visitation Agreement.

Respectfully,

*Kenneth J. Selvage*

Kenneth J. Selvage

#### PROOF OF SERVICE

I Kenneth John Selvage, defendant, acting  
as pro-se for himself, hereby certifies that the  
foregoing document "Response to Answer", was  
served upon the following person in the manner  
indicated below.

Service by first class mail, postage pre-paid:

James A. Naddeo

Attorney At Law

211 1/2 East Locust St.

P.O. Box 552

Clearfield, PA 16830

*Kenneth J. Selvage*

Dated: June 29, 2001

Kenneth J. Selvage

# DZ-4871

1111 Altamont Blvd.

cc: file

Frankville, PA

17931

February 15, 2001

Dear General,

I am so sorry I havent  
written, and I didn't decide to write it  
till I was put into a house I  
have dedicated for their inmates.  
we have had the house for  
a few and the tenement for  
these people until  
I went to the  
Sedentary Jane  
she was getting  
her hair cut and  
she talked to me  
about her  
insects. I told her  
she knew all  
and what she  
told her are  
true. She has a  
big heart that  
she will touch it. She is very  
kind and she knows who your  
are and how they died.

letter from  
Sandra L. Williams

2-15-01

K.S.S.  
2

Exhibit # 1

(2) I don't know who told you disease was emerged. But that information is not correct.

Oliver is working part time  
and spends the rest of the time  
with Sam. Sam has a fit when  
she thinks we met on the night  
she is not being around.  
I spoke with Oliver, she has  
some pictures of Sam she will  
send to you. I haven't taken  
any more since since the one  
we sent at Christmas. I am  
sure we were talking more  
recently with Foster about  
Edie and Sam got her a thinking  
about (from Sam ~~Sam~~ - the T.V. program)  
Edie and Sam got ~~Sam~~ for Valentine's  
day. I made Valentine cards  
for everyone.

4. Proper old is well with you;  
we are all fine and have not had  
any of influenza this winter.

(32)

Are you still working out? And our  
new place going on well all of your  
Baptizing classes and your Bible Study?

Anything new on your ministry lately.  
Will you be coming back to the  
newantime soon? When you are  
moving into your Orange or West wife  
Zenny. I understand this is all very  
hard on you and I am sorry for  
you. Your son Zane and we are all  
thinking very hard to help him. You  
can all the friends of you as they are  
such a loving child. And also we  
the night and time of all of our times.  
The Grand Parent Walk in mysterious  
ways you never know where he  
will play his game. And when  
you will develop friendship.  
Who would have thought you and  
I would become such great friends?

(4.)  
I enclose your letters and enclosures  
you very talented art work.

I promise I will try to write  
more often and update  
you on my progress.

Please write back soon.

Yours sincerely  
David

David

Answer -

How are you? Zaine & I are doing great. She's getting so big! Sorry I've taken so long to write. I'm working two jobs now & it just seems like I have no free time. I'm still working at Uni-Mart & I'm also working for Helpmates, Inc. now as a Personnal Care Aide. Between the 2 jobs, I have 1 day off every other weekend! It's quite ~~extremely~~ exhausting. Anyways, my mom wants you to call her when you receive this, to arrange a day for us to come down to visit. (843-338) I still have the directions to Rockville, so you don't need to worry about that.

You're gonna be so surprised when you see Zaine. She's growing up so fast. She's got 110 teeth now (2 of them just broke through) She's read in the potty for the first time about 2 weeks ago. (But she hasn't done it since!) She's still pretty easily startled though. I think she's got "spring fever" as bad as I do. Those few days it was warm out, we played & played outside, even flew kites. She would cry when I'd bring her back inside. We can't wait for it to warm up!

I think what motivated me to finally write today was the drama I had last night. Zaine, Icar, & me ~~were~~ were spending time together. It was just a really weird day. I got a call this past Friday. It's a 1994 Suzuki Impreza - it's really nice. It's so much easier & having to break my

letter from  
ARIANNE BROCIUS

3-14-01

K.J.S.

Exhibit # 2

man's car all the time, yet  
Sorry, I don't have any recent pictures. These  
are all from around Christmas time. I have seen  
to be closed. I will be sure to get doubles of.

Dear Frank Callaway!  
We are very sorry to inform you that our second  
batch of High Quality Defibrillators  
will be delayed until September 15th.  
We are sorry for any inconvenience this may cause.  
Please accept our sincere apologies.  
P.S. Frank did some  
extra work for you and  
I hope you will be  
satisfied. Please sign this  
copy and return it to us.

Henny -

How are you doing? Zaine & I are great - I finally got her to bed. She was ~~just~~ fighting it in a photo album that she looks at all the time (she leaves, looking at pictures). And that ~~little~~ <sup>little</sup> Peah. Gold ~~little~~ <sup>little</sup> (that's a Sunday) will that be OK? (that's a Sunday) Will that be OK? Please write ASAP to let me know. I had spoke to someone at

the prison last week (he called me) & said that you would call here either Monday or Tuesday after 12:30pm. But whom said you had called there & left a message. I know I wrote in my letter to call her, but I spoke to that guy after that & he said you'd call her. Some how we got mix - ed up. Anyways, please write as soon as you can to let me know if that will be alright & the time we should be there.

3-27-01

I also wanted to tell you that Zaine carries around your picture scuffing "Da Da". I put it in a photo album that she looks at all the time (she leaves, looking at pictures). And that ~~little~~ <sup>little</sup> Peah. Gold ~~little~~ <sup>little</sup> (that's a Sunday) will that be OK? (that's a Sunday) Will that be OK? Please write ASAP to let me know. I had spoke to someone at

the prison last week (he called me) & said that you would call here either Monday or Tuesday after 12:30pm. But whom said you had called there & left a message. I know I wrote in my letter to call her, but I spoke to that guy after that & he said you'd call her. Some how we got mix - ed up. Anyways, please write as soon as you can to let me know if that will be alright & the time we should be there.

Tricia Call  
Arienne  
4 Zaine

Over -

letter from

Arienne Brocious

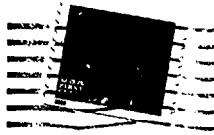
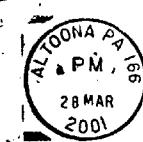
3-27-01

X. S.S.

Exhibit # 3

====

Arienne Brocius  
100 4th Ave  
Apt. 309  
Curwensville, PA 16833



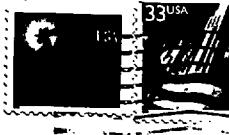
14

Kenny Selvage  
# DZ-4871  
1111 Altamont Blvd.  
Frackville PA

17931

17931+2601 

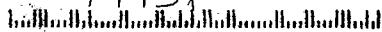
Arienne Brocius  
100 4th Ave Apt 309  
Curwensville, PA  
16833



14

BX  
Kenny Selvage  
# DZ-4871  
1111 Altamont Blvd.  
Frackville, PA

17931

17931+2601 

B. Williams  
515 Elm ~~St.~~  
Chambersburg, PA  
16830



14

Mr. Kenneth Selvage 3  
# DZ-4871  
1111 Altamont Blvd.  
Frackville, PA

17931

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

FILED

JUL-19-2001

10/230/wm  
William A. Shaw  
Prothonotary  
No. C/C

ARIANNE BROCIUS, Plaintiff

vs. NO. 00-684-C0

KENNETH JOHN SELVAGE, Defendant

SUPPLEMENTAL BRIEF IN SUPPORT OF MOTION FOR CONTEMPT

Now comes, Kenneth John Selvage, defendant, acting as pro se for himself, who files as follows:

COURT RECEIVED  
ADMINISTRATORS  
JUL 11 2001

1. That on June 7, 2001, this Court denied defendant's request for appointment of counsel, then further ordered a Rule Returnable for June 27, 2001, upon Arianne Brocius, plaintiff.

2. That plaintiff's attorney filed their "ANSWER" on June 26, 2001.

3. That defendant filed his "Response to Answer" on June 29, 2001.

4. That defendant would request that the plaintiff be held in contempt of court for "wilfully" violating their Agreement by Court Order of June 19, 2000, due to the amount of visits denied to defendant over a one (1) year period which were: nine (9) visitation dates missed without adequate reason, three (3) visitation dates fulfilled.

5. That plaintiff cannot justify the missed visitation to defendant by using the transportation issue as an adequate excuse. Defendant requests this Court to refer to his "Response to Answer" for evidence on transportation issue.

6. That defendant would incorporate or amend his motion for Contempt to reflect on PA. Rules of Court, Civil Procedure, Rule 1915.12 Civil Contempt for Disobedience of Custody / Visitation Order. That defendant states the following in support of his request to hold plaintiff in contempt of court:

Contempt: if dominant purpose is to punish contemnor for disobedience, contempt is criminal, but if dominant purpose is to coerce contemnor to comply with an order of court, contempt is civil.

Defendant asserts that it is clear that the plaintiff is trying to pull wool over this Court's eye by using the transportation issue as a justifiable excuse to deny defendant visitation rights with their daughter. It is a known fact that plaintiff had adequate transportation through her own grandmother, Sandra L. Williams; through defendant's brother, John Richard Selvage; Also, she purchased her own vehicle in March 2001.

In Commonwealth ~~ex rel.~~ Wright v. Hendrick, 455 Pa. 36, 40, 312 A.2d 402, 404 (1973); "wilful" has been defined as an intentional, designed act and one without justifiable excuse."

Within statute providing that person found to have "wilfully" failed to comply with court order may be adjudged in contempt and punished by commitment to county jail or house of correction, "wilfully" means an intentional designed act without justifiable excuse. 62 P.S. § 2043.39 (b); U.S. C.A. Const. Amend. 14.

See also: Barrett v. Barrett, 237 Pa. Super. 590, 595-96, 352 A.2d 74, 77 (1975), where the higher court states in part: However, if Appellant is presently unable to fulfill the conditions of the order because of some voluntary act on his part, done to avoid compliance, he will not escape sanction.

While the term "wilful" is a word of many meanings, depending on the context in which it is used, it seems clear to us that, as used in the statute instantly involved, "wilful" means an intentional, designed act and one without justifiable excuse. See: Chalin v Goodman, 280 Pa. Super. 228, 421 A.2d 696 (1980).

Defendant asserts that there is no way that plaintiff can justify missing nine (9) separate visitation dates using the transportation issue as her sole reason, especially when adequate transportation was indeed available. There is no "justifiable excuse" present in this case at bar.

In Re B., 482 Pa. 471, 394 A.2d 419 (1978), as we said in Commonwealth v. Charlett, Pa., 391 A.2d 1296 (1978); quoting from Woods v.

Dunlop, Supra., 461 Pa. At 40, n. 2, 334 A. 2d At 622, n. 2, : Discovery of the Court's dominant purpose requires a functional analysis of the Court's Action. . . . . Basically, the reviewing court must decide whether the citing court's purpose was to vindicate the dignity and authority of the court and to protect the interest of the general public. Such citation is for criminal contempt. If the citation purpose is to coerce the contemnor into compliance with the order of court to do or refrain from doing some act primarily for the benefit of the litigant or a private interest, the citation is for civil contempt."

7. Defendant states that there is no way to make up for the visitation missed or the fact that father was unable to share in that period of his daughter's life, by which, just is not right nor fair by moral or legal standards when he had obtained a Court Order for said Visitation.

8. Defendant asserts that the plaintiff should be sanctioned for "wilfully" defying the Order of Court for visitation, with either criminal or civil contempt, further, that positive steps must be taken to insure that the Order of Court for Visitation is adequately and responsibly followed, or harsher sanctions will be imposed against her.

WHEREFORE, defendant respectfully requests this Honorable Court to hold the plaintiff, AriAnne Brocious, in contempt of court and to impose sanction upon her.

Respectfully,



Kenneth J. Selvage

### PROOF OF SERVICE

I, Kenneth John Selvage, defendant, acting as pro-se for himself, hereby certifies that the foregoing "Supplemental Brief" was served upon the following person, in the manner indicated below:

Service by first class mail, postage pre-paid:

James A. Nadelo, Esq.  
Attorney At Law  
21½ East Locust St.  
P.O. Box 552  
Clearfield, PA. 16830

Dated: July 9, 2001



Kenneth J. Selvage  
#DZ-4871

1111 Altamont Blvd.

cc: file

FRACKVILLE, PA. 17931

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

ARIANNE BROCIOUS,  
Plaintiff

vs.

KENNETH J. SELVAGE,  
Defendant

\*

\*

\*

\* NO. 2000-684-C.D.

\*

\*

\*

O R D E R

NOW, this 23<sup>rd</sup> day of July, 2001, Attorney for the Plaintiff having filed an Answer to Petition on June 26, 2001 in conformity with the Court's Order of June 7, 2001; the Defendant having thereafter filed a Response to Answer and Supplemental Brief; it being evident that a hearing is required, it is the ORDER of this Court as follows:

1. Hearing shall be held on the 23rd day of August, 2001, at 9:00 o'clock A.M., in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania. One hour has been allotted for the hearing.

2. The Defendant shall participate in the hearing by telephone conference call. Upon his receipt of this Order, the Defendant shall provide the Court Administrator with a telephone number where he can be reached at the State Correctional Institution where he is currently housed. At the date and time of the hearing the Court will telephone the Defendant.

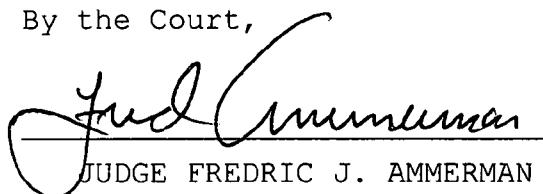
3. The Defendant may also, if he so desires, have any witnesses or his family members present in Court for testimony during the hearing.

By the Court,

**FILED**

JUL 25 2001

William F. Shaw  
Prothonotary

  
JUDGE FREDRIC J. AMMERMAN

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ARIANNE BROCIOUS

:

VS.

: NO. 00-684-CD

KENNETH J. SELVAGE

:

**FILED**

**AUG 29 2001**

O R D E R

William A. Shaw  
Court Clerk

NOW, this 23rd day of August, 2001, following  
hearing on the Petition for Contempt filed by the Defendant,  
Kenneth J. Selvage, who the Court notes is incarcerated in SCI  
Frackville and has participated in this proceeding via telephone  
conference call; upon presentation of the issues, it is the

1. The Court hereby reaffirms the Consent Order of  
June 19, 2000, wherein Mother and Father agreed that Father  
would have one visit per month with the parties' daughter, Zane  
Elizabeth Brocious (DOB 10/7/99). The said Order is hereby  
amended to exclude the provision indicating in Paragraph 2  
thereof that the visit must be on a Thursday.

2. Effective with the month of August and  
continuing thereafter until such time as either the Court would  
issue some other order or the Father is released from prison,  
the one-time per month visits shall recommence.

3. Mother has agreed to be responsible for  
transportation and has indicated she now has a valid driver's  
license and an operable motor vehicle. In the event that, for  
some reason, her vehicle would not be available, her mother,

Jody Soult, has indicated that she would be responsible as the secondary transportation source.

4. John Selvage, Father's brother, lives in Clearfield County and has indicated that he would be available to help with transportation. In the event that Mother or the maternal grandmother would, for some reason, be unable to provide a vehicle or transportation, then Mother shall contact John Selvage in order to receive assistance relative transportation. This paragraph is not to be construed as giving John Selvage the right to obtain the child without Mother at any time to transport the child for visitation purposes.

5. Effective with the month of September, Mother shall advise Father at least seven days in advance as to when the visit will take place.

6. Mother shall be obligated to ensure that each visit occurs unless in case of medical emergency. In that event, Mother shall be responsible for providing Father within no more than twenty days with medical information from a physician or hospital proving that the medical emergency occurred with either her or the child or an immediate family member.

7. All terms and conditions set forth within the Consent Order of June 19, 2000, not inconsistent with the above shall continue to be in effect.

8. No less than two times per year Mother shall

cause a reasonable number of photographs of the child to be sent, presumably by mail or delivered during a visit, to Father. Father shall not be charged any fee for the same.

9. The Court notes the very young age of the child in question and that it is approximately a six-hour round trip for Mother to take the child to visit Father at SCI Frackville. The Court believes that a trip of this length is not in the best interests of such a young child, and the Court recommends that, if at all possible, officials within the state prison system take such steps as may be necessary to cause the Defendant, Kenneth J. Selvage, to be transferred to either SCI Houtzdale, which is located in Clearfield County, or SCI Rockview, which is located in Centre County, both at a much closer distance to Mother's residence in Clearfield County.

BY THE COURT,



Fred Zimmerman  
Judge

**FILED**

AUG 29 2001

William A. Shaw atty Naddo  
Prothonotary

cccc Dcc Dcc K. Selvage

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

ARIANNE BROCIUS, :  
Plaintiff

vs. : No. 00 - 684 - CD

KENNETH JOHN SELVAGE, :  
Defendant

**FILED**

FEB 11 2002

MOTION TO AMEND VISITATION ORDER

William A. Shaw  
Prothonotary

NOW COMES, Kenneth J. Selvage, Defendant, acting as pro-se  
for himself, who, files as follows:

1. That on August 23, 2001, after hearing on matter, this Court issued an **AMENDED ORDER** for the visitation agreement.
2. That since the Amended Order, Defendant has had continued problems with the Plaintiff in regards to the length of the visitation with minor child/daughter, Zaine Elizabeth Brocius.
3. That on August 25, 2001, Plaintiff brought said child to visit with Defendant/father at S.C.I. Frackville which said visit lasted for about seventy five (75) minutes. ( \$30.00 was supplied by John Selvage for visitation).
4. That on September 23, 2001, Plaintiff along with Defendant's brother, John Selvage, brought said child to visit Defendant/father at S.C.I. Frackville which said visit lasted for about two (2) hours. ( all funds supplied by John Selvage).
5. That Plaintiff failed to visit Defendant/father with child in October and November 2001 due to the fact that Defendant was granted a promotion transfer to S.C.I. Houtzdale as requested to the D.O.C. by this Court.

6. That on November 28, 2001, Defendant was transferred to S.C.I. Houtzdale.

7. That on December 4, 2001, Plaintiff along with grandmother, Jodie Soult, brought said child to visit Defendant/father at S.C.I. Houtzdale which said visit lasted for about forty (40) minutes.

8. That on December 21, 2001, Plaintiff along with grandmother, Jodie Soult, brought said child to visit Defendant/father at S.C.I. Houtzdale which lasted for about sixty (60) minutes.

9. That on January 11, 2002, Plaintiff brought said child to visit Defendant/father at S.C.I. Houtzdale which said visit lasted for about sixty (60) minutes.

10. That on January 23, 2002, Defendant's brother, John Selvage, had made arrangements with Plaintiff to bring said child to visit, but, after brother made all the arrangements, took off work, made sure he had adequate funds, etc., Plaintiff cancelled the visit. It should be noted that this is not the first time that Plaintiff has done this to Defendant's brother.

11. That Plaintiff and Defendant has had repeated discussions concerning the length of said visitation, but, each time Plaintiff has agreed to visit longer, she failed to do so. It was even stated by both Plaintiff and Jodie Soult that child and father needed more time together, that they would be willing to visit twice per month, which, they did only in December.

It was further discussed that the visitation was too short due to the fact that it takes time for child to warm up to father. By the time father gets close to daughter, his visitation is terminated by Plaintiff. There is never really adequate time to develop any kind of positive bond between father/daughter.

It should be noted to this Court that father has made a lot of progress with his child to the extent that after a period of time, he is able to hold child, obtain hugs and kisses openly, able to play with and talk to child. On some visits, child comes right to

father, others it takes time for child to warm up to him. When father states: "I love you Zaine," child states: " I love you Daddy."

It is perfectly clear to Defendant that Plaintiff and grandmother, Jodie Soult, spend quality time with child discussing Defendant/father because child definitely knows who "Daddy" is.

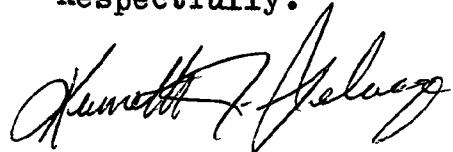
12. That Defendant requests this Court to issue an Amended Order to state that the minimum amount of time that Plaintiff must visit Defendant with child is for three (3) hours, which in turn would give child adequate time to warm up/get close to father with-out any kind of pressure.

13. The Visiting Room hours at S.C.I. Houtzdale are from 9:00am til 4:00pm seven (7) days per week - Defendant is permitted five (5) visits per month.

14. That Defendant has tried repeatedly to work this situation out with Plaintiff, but, she fails to be a person of her word or to honor any agreements made between them.

WHEREFORE, Defendant respectfully requests this Honorable Court issue an AMENDED ORDER stating a minimum of three (3) hours of time limit for each month of visitation.

Respectfully.



Kenneth J. Selvage

PROOF OF SERVICE

I, Kenneth J. Selvage, Defendant, acting as pro-se for himself, hereby certifies that I am this date serving a copy of the foregoing " Motion to Amend Visitation Order " upon the person(s) and in the manner indicated below:

Service by first class mail, postage pre-paid:

James A. Naddeo, Esq.  
Attorney at Law  
211½ East Locust Street  
P.O. Box 552  
Clearfield, Pa, 16830

Arianne Brocious  
460 State Street  
Apt. # 2  
Curwensville, Pa. 16833

Dated: February 7, 2002

  
Kenneth J. Selvage  
# DZ-4871  
P.O. Box 1000  
Houtzdale, Pa. 16698-1000

cc: file

**FILED**

FEB 11 2002  
M 11:24 ICC D. Selvage  
William A. Shaw  
Prothonotary

*Reb*  
"Houtzdale"

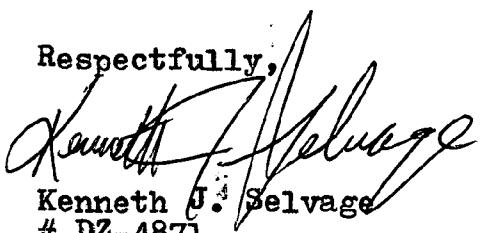
February 7, 2002

William Shaw  
Prothonotary/Clerk of Court  
County Courthouse  
Clearfield, Pa. 16830

Re: Brocious v. Selvage - Civil Visitation Case  
No. 00 - 684 - CD

Dear Mr. Shaw:

Enclosed, please find my original and one copy of  
" Motion to Amend Visitation Order " along with Proof of Service.  
I request your office time stamp and file this document and for-  
ward to Judge Ammerman for his disposition.

Respectfully,  
  
Kenneth J. Selvage  
# DZ-4871  
P.O. Box 1000  
Houtzdale, Pa. 16698-1000

cc: Attorney Naddeo  
file

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

ARIANNE BROCIOUS,  
Plaintiff

\*

\*

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vs.

\*

KENNETH J. SELVAGE,  
Defendant

NO. 2000-684-C.D.

\*

\*

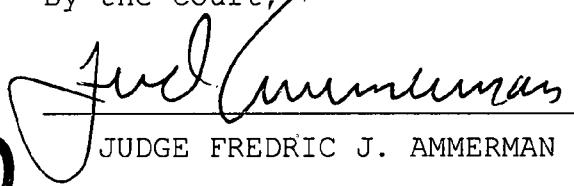
\*

O R D E R

NOW, this 13<sup>th</sup> day of February, 2002, in consideration of Defendant's Motion to Amend Visitation Order and that the Defendant has been transferred to SCI Houtzdale, it is the ORDER of this Court that this Court's Order of August 23, 2001 is amended to provide that each monthly visit of the child to the Defendant shall be a minimum of three (3) hours in length. However, at the election of the Plaintiff the child may visit the Defendant two times per month with each of the two visits being a minimum of two hours in length.

The Prothonotary shall cause Plaintiff's Attorney of record to be served with a certified copy of this Order.

By the Court,



JUDGE FREDRIC J. AMMERMAN

**FILED**

FEB 15 2002

o/3:20/w

William A. Shaw  
Prothonotary

2 CENTS TO DEPT

2 CENTS TO ATTC NO DOCS



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

ARIANNE BROCIUS,  
Plaintiff :  
v.  
KENNETH JOHN SELVAGE,  
Defendant : No. 00 - 684 - CD

JUDGE AMMERMAN

**MOTION/LETTER FOR CONSIDERATION**

FILED ON BEHALF OF:  
KENNETH JOHN SELVAGE

## 2000: VIOLENCE

KENNETH JOHN SELVAGE. DZ-4871  
P.O. BOX 1000  
HOUTZDALE, PA 16698-1000

Defendant - Pro se

received  
02-22-2002

February 19, 2002

Honorable Fred Ammerman  
Judge's Chambers  
County Courthouse  
Clearfield, Pa. 16830

Re: Arianne Brocious v. Kenneth John Selvage - Visitation Order  
No. 00 - 684 - CD

Dear Judge Ammerman:

I am writing to you in regards to the above captioned matter respectfully requesting your attention to the following facts:

That today (2/19/02) Arianne Brocious and Jodie Soult brought my daughter here to see me. They had a very negative attitude against me due to the recent "Motion to Amend Visitation Order" I filed with this Court on February 11, 2002. They were extremely upset and stated a lot of negative threats towards me in regards to my future relationship with my daughter. This visit lasted for about ten (10) minutes, then they got up and walked out. I tried to be civil with them, but they refused to listen to anything I had to say. I told them that the purpose of the visit was not to visit with them, but to visit with my daughter. I did not once say anything negative to them.

Some of the things they stated were:

1. That I screwed up and went too far by filing the recent motion to obtain longer visitation time with my daughter, that I am the one who broke the law and am in prison, that why should Zaine be punished for my mistakes.
2. That this visit nor any visit will last for three (3) hours.
3. That they had a lot of "psycho" letters that I wrote to Arianne in the past that they were going to use against me.
4. That this whole visiting situation is bull-shit with all

all - the statements of Zaine bonding with me, etc., because Zaine will never bond with me unless they bond with me first.

5. That the Court Order states that they must visit - not how long they must stay, so we have had enough of your shit, we're leaving.

6. There were alot of other personal things stated about my oldest daughter, Carla Jean Moore-Beers, about Arianne's father, and about they're future visits.

I wish to state to this Court that in regards to the past "psycho" letters I wrote to Arianne - that I did write alot of ignorant and nasty things to her which I am not sorry for. But the fact is Judge Ammerman that after June 19, 2000 when this Court issued the original Order for Visitation, I have not made any kinda threats, negative remarks, or anything bad towards Arianne or her family. There was a long term where I wrote regular to Arianne's grandmother, Sandra L. Williams, then over the past several months I have been writing directly to Arianne through our daughter at her present address. I admit to this Court that I was under alot of stress and emotional turmoil before 6/19/00 where I said alot of rotten things to Arianne. I have apologized to her repeatedly for those statements, and, not once, on any visitation, was I mean to Arianne nor did I question her about the past. I accepted things the way they were and was extremely greatful just to be able to see my daughter. There is no way that I can change the past, so I ask this Court to look at the whole picture before it passes judgment upon me. If Arianne submits my past letters before 6/19/00, then I request that this Court review my recent letters after that date. Jodie Soult stated positively that she has kept every letter I have ever wrote to Arianne - all the cards sent to Zaine, so everything should be available for this Court's reveiw, not just the negative side they wish to expose against me.

I wish this Court to know that in those "psycho" letters as

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It is clear from Arianne and Jodie's attitude today that they will not give me adequate visitation with my daughter with out an Amended Order by this Court. There was no reason for their "big negative display" in the Visiting Room today, even the Officer on duty said that it was uncalled for.

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am a human being like everyone with feelings and a strong heart full of love for his own daughter. I only wish that this Court knew the entire truth to this situation and the kinda person Arianne really is. It is a known fact that she has a lengthy prior criminal record and has been incarcerated several times. My biggest concern is whether she is back into the drug scene. I am concerned about Zaine's welfare to an extent of the kinda people Arianne associates with. I have been a total failure as a father to my daughter, I will not make the same mistakes with Zaine. (oldest)

Below is a list of people I wish to be interviewed by a court appointed investigater or subpoenaed into Court to testify on my behalf to prove my side of everything along with my allegations against Arianne:

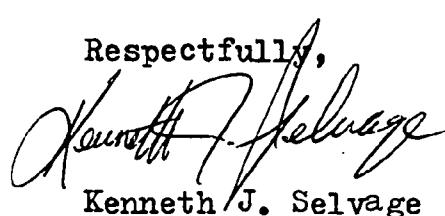
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It is a fact that the only way to prove to this Court about the "psycho" letters and all the stress/emotional turmoil I was under would be to talk with the above named witnesses.

The only way I'll receive fair and impartial justice is to have legal counsel and an Investigater appointed to represent me, inwhich I will be filing motions for same in the very near future.

Thank you for your time and kind consideration in this very important matter, your prompt attention will be greatly appreciated.

Respectfully,



Kenneth J. Selvage

PROOF OF SERVICE

I, Kenneth John Selvage, defendant, acting as pro-se for himself, hereby certifies that I am this date serving a copy of the foregoing "Motion/Letter For Consideration" upon the persons and in the manner indicated below:

Service by first class mail, postage pre-paid:

James A. Naddeo, Esq.  
Attorney at Law  
211½ East Locust Street  
P.O. Box 552  
Clearfield, Pa. 16830

Arianne Brocious  
460 State Street  
Apt. # 2  
Curwensville, Pa. 16833  
c/o Zaine Brocious

Honorable Fred Ammerman  
Judge's Chambers  
County Courthouse  
Clearfield, Pa. 16830

Dated: February 19, 2002



Kenneth J. Selvage  
# DZ-4871  
P.O. Box 1000  
Houtzdale, Pa. 16698-1000

cc: file

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

ARIANNE BROCIOUS, :  
Plaintiff :  
v. : No. 00 - 684 - CD  
KENNETH JOHN SELVAGE, :  
Defendant :  
:

**JUDGE AMMERMAN**

**MOTION/LETTER FOR CONSIDERATION**

FILED ON BEHALF OF:  
KENNETH JOHN SELVAGE

KENNETH JOHN SELVAGE. DZ-4871  
P.O. BOX 1000  
HOUTZDALE, PA 16698-1000

**FILED**

Defendant = Pro-se

FEB 22 2002  
m 11:41 no cc  
William A. Shaw  
Prothonotary

February 19, 2002

Honorable Fred Ammerman  
Judge's Chambers  
County Courthouse  
Clearfield, Pa. 16830

Re: Arianne Brocious v. Kenneth John Selvage - Visitation Order  
No. 00 - 684 - CD

Dear Judge Ammerman:

I am writing to you in regards to the above captioned matter respectfully requesting your attention to the following facts:

That today (2/19/02) Arianne Brocious and Jodie Soult brought my daughter here to see me. They had a very negative attitude against me due to the recent "Motion to Amend Visitation Order" I filed with this Court on February 11, 2002. They were extremely upset and stated a lot of negative threats towards me in regards to my future relationship with my daughter. This visit lasted for about ten (10) minutes, then they got up and walked out. I tried to be civil with them, but they refused to listen to anything I had to say. I told them that the purpose of the visit was not to visit with them, but to visit with my daughter. I did not once say anything negative to them.

Some of the things they stated were:

1. That I screwed up and went too far by filing the recent motion to obtain longer visitation time with my daughter, that I am the one who broke the law and am in prison, that why should Zaine be punished for my mistakes.
2. That this visit nor any visit will last for three (3) hours.
3. That they had a lot of "psycho" letters that I wrote to Arianne in the past that they were going to use against me.
4. That this whole visiting situation is bull-shit with all

all - the statements of Zaine bonding with me, etc., because Zaine will never bond with me unless they bond with me first.

5. That the Court Order states that they must visit - not how long they must stay, so we have had enough of your shit, we're leaving.

6. There were alot of other personal things stated about my oldest daughter, Carla Jean Moore-Beers, about Arianne's father, and about they're future visits.

I wish to state to this Court that in regards to the past "psycho" letters I wrote to Arianne - that I did write alot of ignorant and nasty things to her which I am not sorry for. But the fact is Judge Ammerman that after June 19, 2000 when this Court issued the original Order for Visitation, I have not made any kinda threats, negative remarks, or anything bad towards Arianne or her family. There was a long term where I wrote regular to Arianne's grandmother, Sandra L. Williams, then over the past several months I have been writing directly to Arianne through our daughter at her present address. I admit to this Court that I was under alot of stress and emotional turmoil before 6/19/00 where I said alot of rotten things to Arianne. I have apologized to her repeatedly for those statements, and, not once, on any visitation, was I mean to Arianne nor did I question her about the past. I accepted things the way they were and was extremely greatful just to be able to see my daughter. There is no way that I can change the past, so I ask this Court to look at the whole picture before it passes judgment upon me. If Arianne submits my past letters before 6/19/00, then I request that this Court review my recent letters after that date. Jodie Soult stated positively that she has kept every letter I have ever wrote to Arianne - all the cards sent to Zaine, so everything should be available for this Court's reveiw, not just the negative side they wish to expose against me.

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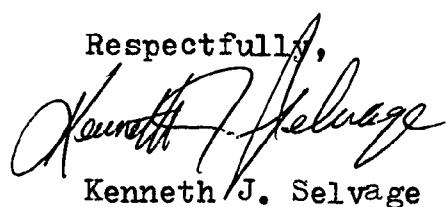
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James A. Naddeo, Esq.  
Attorney at Law  
211½ East Locust Street  
P.O. Box 552  
Clearfield, Pa. 16830

Arianne Brocious  
460 State Street  
Apt. # 2  
Curwensville, Pa. 16833  
c/o Zaine Brocious

Honorable Fred Ammerman  
Judge's Chambers  
County Courthouse  
Clearfield, Pa. 16830

Dated: February 19, 2002



Kenneth J. Selvage  
# DZ-4871  
P.O. Box 1000  
Houtzdale, Pa. 16698-1000

cc: file

February 19, 2002

~~Mr. Bill Shaw  
Prothonotary &  
Clerk of Court  
County Courthouse  
Clearfield, Pa. 16830~~

Re; Arianne Brocious v. Kenneth John Selvage  
No. 00 - 684 - CD

Dear Mr. Shaw:

Enclosed you will find my original and one copy of "Motion/Letter For Consideration" - please time stamp and file this document with your office - "Proof of Service" is attached. Would you kindly forward this document to Judge Ammerman for his disposition.

Thank you for your time and kind consideration in this matter.

Respectfully,



Kenneth J. Selvage  
# DZ-4871  
P.O. Box 1000  
Houtzdale, Pa. 16698-1000

cc: Attorney Naddeo  
file

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

ARIANNE BROCIUS :

-vs- : No. 00-684-CD

KENNETH JOHN SELVAGE :

O R D E R

NOW, this 22nd day of February, 2002, the Court being in receipt of the Motion/Letter for Consideration filed by the Defendant, Kenneth J. Selvage, pro se, and in consideration thereof, it is the ORDER of this Court that the Defendant's request for court-appointed counsel and for the appointment of an investigator be and are hereby denied.

BY THE COURT,

  
\_\_\_\_\_  
Judge

**FILED**

FEB 28 2002

William A. Shaw  
Prothonotary

**FILED** 2 CQ Atty Madeso

01310364 2 cc Defendant-

FEB 28 2002

28-4871

PO Box 1000

Houtzdale

William A. Shaw  
Prothonotary

*W.A.S.*

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

JODIE L. SOULT,  
Plaintiff

\*  
\*  
\*  
\*  
\*

vs.

No. 2002-815-C.D.

ARIANNE BROCIOS and  
KENNETH J. SELVAGE,  
Defendant

\*  
\*  
\*

O R D E R

NOW, this 6<sup>th</sup> day of June, 2002, the Court being in receipt of the Response to Petition for Custody and the Petition for Writ of Habeas Corpus filed by Kenneth J. Selvage, pro se, it is the ORDER of this Court as follows:

1. The above captioned action is hereby consolidated with the custody action filed to docket number ~~2000-684-C.D.~~, Arianne Brocious, Plaintiff versus Kenneth J. Selvage, Defendant. All future filings will be to the caption as set forth above listing Jodie L. Soult as Plaintiff.

2. This Court's Orders (to No. 2000-684-C.D.) of August 23, 2001 and February 13, 2002 will remain in effect relative Plaintiff Jodie L. Soult being required to ensure that Kenneth J. Selvage receives his visits with the child.

3. As there are no hearings scheduled in this case and the matter does not involve termination of parental rights, the Petition for Writ of Habeas Corpus Ad Testificandum is DENIED.

I hereby certify this to be a true  
and attested copy of the original  
statement filed in this case.

By the Court,

JUN 07 2002

Attest.

*Wm. H. Ammerman*  
Wm. H. Ammerman  
Prothonotary/  
Clerk of Courts

JUDGE FREDRIC J. AMMERMAN