

00-1028-CD
Dirk Eric Smith vs Faye P. Smith

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CO-1028-CD
DIRK ERIC SMITH -vs- FAFFE PENNINGTON SMITH

00-1028-CO

GOLDBERG, EVANS, HERALD & DONATONI
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Attorney for Plaintiff

2) DIRK ERIC SMITH,
Plaintiff : IN THE COURT OF COMMON PLEAS
vs. : CHESTER COUNTY, PENNSYLVANIA
3) FAYE PENNINGTON SMITH,
Defendant : NO. 87-06419
: CUSTODY

ORDER

AND NOW, this 22 day of February, 1988, the terms of the
Child Custody Stipulation of the above name parties dated the
30th day of December, 1987 is hereby made the Order of this Court
effective as of the date of this Order.

Alexander Endy J.

FILED

AUG 22 2000

William A. Shaw
Prothonotary

CERTIFIED
FROM THE RECORD

ATTEST

Judith Silliman

DEPUTY PROTHONOTARY

7/26/00

DIRK ERIC SMITH, : COURT OF COMMON PLEAS
Plaintiff :
vs. : CHESTER COUNTY, PENNSYLVANIA
FAYE PENNINGTON SMITH, : NO. 87-06419
Defendant : CIVIL ACTION - LAW
: IN CUSTODY

CHILD CUSTODY STIPULATION

Stipulation made this 30th day of October, 1987,
by and between Dirk Eric Smith, hereafter called "Father" and
Faye Pennington Smith, hereafter called "Mother", both Father and
Mother being collectively called "Parent" or "Parents".

WITNESSETH

1. Father and Mother are the Parents of the following
two children, hereafter called "Child" or "Children".

Benjamin J. Smith Date of Birth: 9/14/85

Samuel E. Smith Date of Birth: 5/4/84

2. Mother and Father are separated.

3. Father and Mother shall have joint legal custody of the children. Father and Mother shall consult in advance with each other on all matters involving the health, health care, religious training, schooling and on all other matters affecting the general welfare of the children, and, except in emergencies, no decisions on such matters shall be made without such advance consultation.

4. Mother shall have primary physical custody.
5. Father shall have partial physical custody on alternate weeks from Thursday evening at 7:00 p.m. to Sunday

evening at 6:00 p.m. plus certain alternating holidays. The schedule for the balance of 1987 and 1988 is as set forth in paragraph thirteen and as marked on Exhibit A which is attached.

6. Father shall pick the Children up at the residence of Mother at the beginning of each period with Father, and Mother shall pick the Children up at residence of Father at the end of each such period.

7. Mother shall not move more than 50 miles from Father's current residence without giving to Father 90 days advance written notice.

8. Father shall have custody of both Children for two full uninterrupted weeks during his summer vacation. Father shall notify Mother which two weeks he has selected within ten days of the time such vacation period has been approved by Father's employer, but in no event later than May 1 each year. Such two weeks shall not include July 4 or Labor Day. In 1988, the summer vacation of Father shall be from July 18 to July 24 inclusive plus his regular weekend July 14, 15, 16 and 17.

9. Mother shall also be entitled to custody of both Children for two full uninterrupted weeks during the summer vacation period. Mother shall notify Father of her choices of weeks no later than May 1 each year. Such two weeks shall not include July 4 or Labor Day.

10. The children's dress and play clothes, toys and other articles to which they may be emotionally attached, such as, but not limited to, blankets, teddy bears and the like

belong to the Children. During the periods of time the children spend with Father, Mother shall send along dress, play and sleeping attire, shoes, hats, gloves and boots, etc., suitable for the season and the occasion and also those articles to which the children are emotionally attached. Father shall advise Mother of his plans to aid her in packing. Such clothes and other objects shall be sent in clean condition and shall all be returned in clean condition.

11. In the event one or both Children are too ill to visit with Father, Mother shall notify Father as far in advance as practicable of the possibility of cancellation and the final decision shall be made and communicated to Father on the day of pick-up as early as possible. Mother shall act in good faith in withholding one or both Children for illness and shall allow Father to visit them in their home during such illness.

12. Both Parents shall give to the other the telephone number where the children may be called. Each Parent shall have free telephone access to the children between 6:00 p.m. and bedtime weekdays and between 11:00 a.m. and 4:00 p.m. on Saturdays and Sundays.

13. In addition to the alternating weekend custody by Father, Father shall have the Children on the following holidays in 1987 and 1988.

1987

Christmas Day, December 25, 1987 from 11:00 a.m. to December 26, 1987 at 11:00 a.m.

1988

July 4th, Father will have custody of the Children on July 4th as part of his regular weekend. Father will return Children on July 5th at 11:00 a.m.

Thanksgiving, November 24th at 10:00 a.m. to November 25th at 11:00 a.m.

Christmas Eve, December 24 from 6:00 p.m. to December 25 at 11:00 a.m.

14. In order to reverse the holiday schedule in 1989, Father's weekend visitation schedule will change in December 1988. Father will forgo custody on December 29, 30, 31 and January 1, 1988 and begin a new alternating schedule starting with January 5, 6, 7, 8, 1989.

15. During 1989, Father will have custody of the Children on the following holidays.

Labor Day

Memorial Day

Easter

Christmas Day from 11:00 a.m. to
December 26 at 11:00 a.m.

16. Every Father's Day, Children shall be with Father from 11:00 a.m. to 6:30 p.m. even if it is not his regular day.

17. Every Mother's Day, Children shall be with Mother from 11:00 a.m. to 6:30 p.m. even if it is not her regular day.

18. Holiday and vacation custody rights take precedence over regular custody rights. Any time lost by either

Father or Mother because of holiday and vacation custody rights shall not be made up.

19. Mother and Father may by mutual consent of both Mother and Father modify the rights granted herein. Such modification shall be a one time agreement only and shall not establish a binding precedent.

20. Mother and Father shall each have the Children ready for pick-up on time. If the Parent picking up will be unavoidably detained, he or she shall as soon as is possible notify the other Parent of the reason for the delay and the length of time involved.

21. Each Parent shall refrain from hostile verbal exchanges in front of the children and neither Parent shall speak disparagingly to the Children about the other. It shall be the goal of each Parent to encourage a warm and loving attitude between the Children and the other Parent.

22. In the event either Parent remarries or develops a live-in relationship with someone of the opposite sex, such person shall not be called any of the common names reserved for parents, including but not limited to mother or father, mom or dad, mommy or daddy, and the true parental relationship of each Parent shall be kept clear in each Child's mind.

23. This stipulation shall be made an Order of the Court.

IN WITNESS WHEREOF the parties have executed this stipulation as of the day and year first above stated in the presence of their respective counsel who have signed as witnesses.

Anthony W. D'Onofrio
Anthony W. D'Onofrio, Esq.

Faye Pennington Smith
Faye Pennington Smith

Walter M. Rohlf
Walter M. Rohlf, Esq.

Dirk E. Smith
Dirk Eric Smith

FILED

FILED
AUG 22 2000
010:30 AM
William A. Shaw P.D.
Prothonotary 80-
BY
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DEPT