

01-769-CD  
IN RE: WYNTER TAYLOR-MARIE MARTINEZ

COPY

June 27, 2002

Superior Court of Pennsylvania  
Office of the Prothonotary  
1015 Grant Building  
Pittsburgh, PA 15219

In Re: Wynter Taylor-Marie Martinez  
No. 01-769-CD  
Superior Court No. 954 WDA 2002

Dear Prothonotary:

This letter is to notify you that the above-captioned case will be forthcoming. We are currently awaiting payment for the transcripts produced in this case. Upon payment and filing, the entire case and transcripts will be forwarded to your office.

Sincerely,

William A. Shaw  
Prothonotary

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA**

**No. 01-769-CD**

**IN RE: Wynter Taylor-Marie Martinez**

<b>ITEM NO.</b>	<b>DATE OF FILING</b>	<b>NAME OF DOCUMENT</b>	<b>NO. OF PAGES</b>
01	05/21/01	Petition for Change of Name, with Rule filed May 24, 2001, issuing rule upon Respondent	06
02	05/29/01	Certificate of Service, Petition for Name Change, upon Starr Marie Bush	03
03	06/07/01	Affidavit of Service, Notice of Hearing on Petition for Change of Name via Publication	04
04	07/26/01	Answer to Petition for Change of Name and Prayer for Relief in the Form of Change of Name to Mother's Married Name	06
05	09/27/01	Order, Re: Attorney Kubista's Petition for Name of Change to be included with Custody Trial	01
06	10/17/01	Order, Re: Petition for Change of Name remains scheduled but rescheduled	01
07	01/16/02	Petition for Change of Name and Order, Re: scheduling and service	06
08	01/29/02	Answer to Petition for Change of Name	04
09	01/30/02	Certificate of Service, Answer to Petition for Change of Name upon Toni M. Cherry, Esq.	02
10	02/08/02	Order, Re: Continuation of hearing on Attorney Kubista's Petition of Change of Name	01
11	03/18/02	Order, Re: Filing of Briefs	01
12	04/09/02	Proof of Publication in Courier Express/Tri-County Sunday/Jefferson Democrat	02
13	04/09/02	Proof of Publication in Clearfield County Legal Journal	02
14	04/17/02	Order, Re: Wynter Taylor-Marie Martinez name changed to Wynter Taylor-Marie Cortina	01
15	04/26/02	Motion for Post-Trial Relief and Request for the Record to be Transcribed in Accordance with Pa.R.C.P. 227.3	05
16	05/07/02	Opinion	03
17	05/07/02	Order, Re; Respondent's Motion for Post-Trial Denied	01
18	06/04/02	Notice of Appeal to High Court, Order for Transcript, and Proof of Service of Notice of Appeal	06
19	06/07/02	Appeal Docket Sheet, Superior Court Docket Number 954 WDA 2002	03

Date: 06/27/2002

Clearfield County Court of Common Pleas

User: BHUDSON

Time: 09:20 AM

ROA Report

Page 1 of 2

Case: 2001-00769-CD

Current Judge: Fredric J. Ammerman

IN RE: Wynter Taylor-Marie Martinez

Civil In RE

Date		Judge
05/21/2001	Filing: Petition for Change of Name Paid by: Kubista, Kimberly M. (attorney for Martinez, Wynter Taylor-Marie) Receipt number: 1825566 Dated: 05/21/2001 Amount: \$80.00 (Check) Two CC Attorney Kubista	No Judge
05/24/2001	RULE, AND NOW, this 23rd day of May, 2001, issued upon Respondent, returnable the 30th day of July, 2001, at 1:30 p.m. with a Hearing. by the Court, s/JKR,JR., P.J. 2 cc atty Kubista	John K. Reilly Jr.
05/29/2001	Certificate of Service, Petition for Name Change, upon Starr Marie Bush. s/Kimberly M. Kubista, Esq. no cc	John K. Reilly Jr.
06/07/2001	Affidavit of Service, Notice of Hearing on Petition for Change of Name via Publication. s/Kimberly M. Kubista, Esq. no cc	John K. Reilly Jr.
07/26/2001	Answer to Petition for Change of Name and Prayer for Relief in the Form of Change of Name to Mother's Married Name. filed by s/Toni M. Cherry, Esq.	John K. Reilly Jr.
09/28/2001	AND NOW, THIS 27th day of Sept. 2001, re: Atty Kubista's Petition for Name Change to be included w/Custody Trial scheduled to 98-1525-CD, currently scheduled for Jan 30 & 31, 2002, at 9:00 a.m., etc. by the Court, s/FJA,J. 1 cc Atty T. Cherry, Kubista	Fredric J. Ammerman
10/17/2001	ORDER, AND NOW, this 17th day of Oct., 2001, re: Petition for Change of Name remains scheduled for Jan. 30, 2002 at 9:00 a.m. but is rescheduled from Jan. 31, 2001 to Feb. 1, 2002, at 9:00 a.m. by the Court, s/FJA,J. 1 cc Atty T. Cherry and Atty Kubista	Fredric J. Ammerman
01/16/2002	Petition For Change of Name. Filed by s/Toni M. Cherry, Esq. ORDER, AND NOW, by the Court, s/FJA,J. 3 cc Atty Toni M. Cherry, Esq.	Fredric J. Ammerman
01/29/2002	Answer to Petition for Change of Name, filed by Atty. Kubista no cc	Fredric J. Ammerman
01/30/2002	Certificate of Service, Answer to Petition for Change of Name upon Toni M. Cherry, Esq. Filed by s/Kimberly M. Kubista, Esq no cc	Fredric J. Ammerman
02/08/2002	ORDER, AND, NOW this 8 day of February, 2002, it is the ORDER of the court that the continuation of hearing on Atty Kubista Petition for Change of name has been scheduled for Friday, March 15, 2002 at 1:30 P.M. in courtroom no. 2 1 1/2 days has been allotted for this matter. By the court s/FJA,J 1cc atty Kubista 1cc atty Cherry 1cc to atty Kubista 1cc to atty Cherry	Fredric J. Ammerman
03/18/2002	ORDER, NOW, this 15th day of March, 2002, re: Both parties have until no later than Apr. 10, 2002, in which to file Briefs w/Prothonotary's Office. by the Court, s/FJA,J. 1 cc Atty T. Cherry, Kubista	Fredric J. Ammerman
04/09/2002	Proof of Publication, in Courier Express/Tri-County Sunday/Jefferson Democrat. Filed by s/Toni M. Cherry, Esq. no cc	Fredric J. Ammerman
	Proof of Publication, in the Clearfield County Legal Journal. Filed by s/Toni M. Cherry, Esq. no cc	Fredric J. Ammerman
04/17/2002	ORDER, NOW, this 15th day of April, 2002, re: Wynter Taylor-Marie Martinez's name shall be changed to Wynter Taylor-Marie Cortina. by the Court, s/FJA,J. 2 cc Atty Kubista, T. Cherry	Fredric J. Ammerman
04/26/2002	Motion For Post-Trial Relief and Request for the Record to be Transcribed in Accordance w/Pa. R.C.P. 227.3 filed by s/Toni M. Cherry, Esq. Certificate of Service 4 cc Atty Cherry	Fredric J. Ammerman
05/07/2002	OPINION. by the Court, s/FJA,J. 2 cc to Atty Kubista, T. Cherry, 2 copies Judge Ammerman, 1 copy Law Library, CA, and Atty D. Mikesell	Fredric J. Ammerman

Date: 06/27/2002

Clearfield County Court of Common Pleas

User: BHUDSON

Time: 09:20 AM

ROA Report

Page 2 of 2

Case: 2001-00769-CD

Current Judge: Fredric J. Ammerman

IN RE: Wynter Taylor-Marie Martinez

Civil In RE

Date		Judge
05/07/2002	ORDER, NOW, this 6th day of May, 2002, re: Responent's Motion for Post-Trial is DENIED. by the Court, s/FJA,J. 2 cc Atty Kubista, T. Cherry	Fredric J. Ammerman
06/04/2002	Filing: Appeal to High Court Paid by: Cherry, Toni M. (attorney for Martinez, Wynter Taylor-Marie) Receipt number: 1843412 Dated: 06/04/2002 Amount: \$45.00 (Check)	Fredric J. Ammerman
	Filing: Notice of Appeal to High Court, Order for Transcript, and Proof of Service of Notice of Appeal Paid by: Cherry, Toni M. (attorney for Martinez, Wynter Taylor-Marie) Receipt number: 1843413 Dated: 06/04/2002 Amount: \$45.00 (Check) 1 cc to Atty Cherry 1 Notice to Sup. Crt. w/\$55.00 check	Fredric J. Ammerman
06/07/2002	Appeal Docket Sheet Docket Number: 954 WDA 2002 Filed.	Fredric J. Ammerman

3:19 P.M.

**Appeal Docket Sheet**

**Docket Number: 954 WDA 2002**

**Page 1 of 3**

**June 5, 2002**

01-769-00  
**Superior Court of Pennsylvania**



In Re: Wynter Taylor-Marie Martinez  
(D.O.B. 01/30/96)  
Appeal Of: Starr Marie Flanders, Mother And Natural  
Guardian

Initiating Document: Notice of Appeal

Case Status: Active

Case Processing Status: June 5, 2002

Awaiting Original Record

Journal Number:

Case Category: Domestic Relations

CaseType: Custody/Visitation

**Consolidated Docket Nos.:**

**Related Docket Nos.:**

**SCHEDULED EVENT**

Next Event Type: Case Initiation

Next Event Due Date: June 5, 2002

Next Event Type: Docketing Statement Received

Next Event Due Date: June 19, 2002

Next Event Type: Original Record Received

Next Event Due Date: July 15, 2002

**FILED**

**JUN 07 2002**

**William A. Shaw  
Prothonotary**

#19

## Appeal Docket Sheet

Docket Number: 954 WDA 2002

Superior Court of Pennsylvania

Page 2 of 3  
June 5, 2002

## COUNSEL INFORMATION

**Appellant** Flanders, Starr Marie  
**Pro Se:** Appoint Counsel Status:  
**IFP Status:** No

**Appellant Attorney Information:**

**Attorney:** Cherry, Toni M.  
**Bar No.:** 30205 **Law Firm:** Gleason, Cherry and Cherry, L.L.P.  
**Address:** P.O. Box 505  
1 N. Franklin Street  
DuBois, PA 15801  
**Phone No.:** (814)371-5800 **Fax No.:** (814)371-0936  
**Receive Mail:** Yes  
**E-Mail Address:**  
**Receive E-Mail:** No

**Appellee** Martinez, Wynter Taylor-Marie  
**Pro Se:** Appoint Counsel Status:  
**IFP Status:**

**Appellee Attorney Information:**

**Attorney:** Kubista, Kimberly Michelle  
**Bar No.:** 52782 **Law Firm:** Belin & Kubista  
**Address:** 15 N. Front Street  
P.O.Box 1  
Clearfield, PA 16830  
**Phone No.:** (814)765-8972 **Fax No.:** (814)765-9893  
**Receive Mail:** Yes  
**E-Mail Address:**  
**Receive E-Mail:** No

**Appellee** Cortina, Gregory John  
**Pro Se:** Appoint Counsel Status:  
**IFP Status:**

**Appellee Attorney Information:**

**Attorney:** Kubista, Kimberly Michelle  
**Bar No.:** 52782 **Law Firm:** Belin & Kubista  
**Address:** 15 N. Front Street  
P.O.Box 1  
Clearfield, PA 16830  
**Phone No.:** (814)765-8972 **Fax No.:** (814)765-9893  
**Receive Mail:** Yes  
**E-Mail Address:**  
**Receive E-Mail:** No

## FEE INFORMATION

**FILED**

MAY 21 2001

*W.D. Shaw*  
William A. Shaw  
Prothonotary

*Dec atty Kubista*  
PD \$80.00

**BELIN & KUBISTA**

ATTORNEYS AT LAW

15 NORTH FRONT STREET

P O BOX 1

CLEARFIELD, PENNSYLVANIA 16830

*CR*



## Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 954 WDA 2002

Page 3 of 3  
June 5, 2002

Fee Date	Fee Name	Fee Amt	Paid	Receipt Number
6/5/02	Notice of Appeal	55.00	55.00	2002SPRWD000686

## TRIAL COURT/AGENCY INFORMATION

Court Below: Clearfield County Court of Common Pleas

County: Clearfield

Division: Civil

Date of Order Appealed From: May 7, 2002

Judicial District: 46

Date Documents Received: June 5, 2002

Date Notice of Appeal Filed: June 4, 2002

Order Type: Order

OTN:

Judge: Ammerman, Fredric J.  
Judge

Lower Court Docket No.: 2001-769 CD

## ORIGINAL RECORD CONTENTS

Original Record Item	Filed Date	Content/Description
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Date of Remand of Record:

## BRIEFS

## DOCKET ENTRIES

Filed Date	Docket Entry/Document Name	Party Type	Filed By
June 5, 2002	Notice of Appeal Filed	Appellant	Flanders, Starr Marie
ORDER BEING APPEALED IS FROM CHANGE OF NAME			
June 5, 2002	Docketing Statement Exited (Civil)		Western District Filing Office

FILED

on 1:39 PM  
JUN 07 2002

William A. Shaw  
Prothonotary

NO cc  
9  
K98

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

IN RE: WYNTER TAYLOR-MARIE MARTINEZ  
(D.O.B. January 30, 1996)

:  
: No. 01-769-CO

PETITION FOR NAME CHANGE

Filed on behalf of

Petitioner

Counsel of Record for  
this Party:

Kimberly M. Kubista  
Attorney-At-Law  
Pa. I.D. 52782

BELIN & KUBISTA  
15 N. Front Street  
P.O. Box 1  
Clearfield, PA 16830  
(814) 765-8972

**FILED**

MAY 21 2001

William A. Shaw  
Prothonotary

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

IN RE: WYNTER TAYLOR-MARIE MARTINEZ :  
(D.O.B. January 30, 1996) :

No. 01-769-CD

NOTICE

A Petition or Motion has been filed against you in Court. If you wish to defend against the claims set forth in the following pages, you must take action on or before July 30, 2001 by entering a written appearance personally or by attorney and filing (Rule Returnable) 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  
Market & Second Streets  
Clearfield, PA 16830  
(814) 765-2641, ext. 1300

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

IN RE: WYNTER TAYLOR-MARIE MARTINEZ  
(D.O.B. January 30, 1996)

:  
: No. 01-769-CO

RULE

AND NOW, this 23<sup>rd</sup> day of May, 2001 upon  
consideration of the attached Petition for Name Change, it is hereby ORDERED and  
DIRECTED that a rule be issued upon Respondent to show cause why said Petition should not  
be granted.


Rule returnable with a hearing thereon the 30<sup>th</sup> day of July, 2001, at  
1:30 P.m.

BY THE COURT

  
\_\_\_\_\_  
Judge

**FILED**

MAY 24 2001

0110:3612cc atty Kubista  
William A. Shaw  
Prothonotary 

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

IN RE: WYNTER TAYLOR-MARIE MARTINEZ :  
(D.O.B. January 30, 1996) : No. 01-769-CD

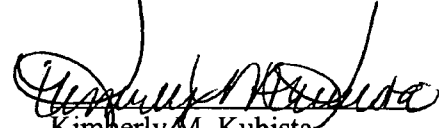
PETITION FOR CHANGE OF NAME

NOW COMES the Petitioner, GREGORY CORTINA, by and through his attorneys, Belin & Kubista, and sets forth the following Petition for Change of Name, and in support thereof would aver as follows:

1. That Petitioner is Gregory Cortina, an adult individual, currently residing at 224 Juniata Street, DuBois, Pennsylvania.
2. That Wynter Taylor-Marie Martinez is five (5) years old (D.O.B. January 30, 1996), born out of wedlock to Gregory Cortina and Starr Marie Bush, natural father and natural mother.
3. That upon her birth, Wynter Taylor-Marie Martinez was given the name of her mother.
4. That the Petitioner, Gregory Cortina, is desirous of legally changing the name of his daughter, Wynter Taylor-Marie Martinez, in order that the child may bear her father's name.
5. That during the course of the child's life, she has resided with her mother and with her father at separate addresses but is currently in the custody of her mother.
6. That there are no judgments or decrees of record or any other matter of like character against Wynter Taylor-Marie Martinez.

WHEREFORE, Petitioner, Gregory Cortina, respectfully requests your Honorable Court, pursuant to Act of December 16, 1982, P.L. 1309 No. 295 Section 2 (54) Pa.C.S.a. Section 701, to set a hearing on this Petition for purposes of considering a decree to change the name of Wynter Taylor-Marie Martinez to Wynter Taylor-Marie Cortina.

BELIN & KUBISTA

  
Kimberly M. Kubista,  
Attorney for Petitioner

I verify that the statements made in this Petition are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.

5/17/01  
Date

Gregory F Cortina  
Gregory Cortina



**BELIN & KUBISTA**

ATTORNEYS AT LAW

15 NORTH FRONT STREET

P.O. BOX 11

CLEARFIELD, PENNSYLVANIA 16830

**FILED**

MAY 29 2001

CLARK INOC

William A. Shaw

Prothonotary

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

IN RE: WYNTER TAYLOR-MARIE MARTINEZ :  
(D.O.B. January 30, 1996) : No. 01-769-CD

CERTIFICATE OF SERVICE

File on behalf of

Petitioner

Counsel of Record for  
this Party:

Kimberly M. Kubista  
Attorney-At-Law  
Pa. I.D. 52782

BELIN & KUBISTA  
15 N. Front Street  
P.O. Box 1  
Clearfield, PA 16830  
(814) 765-8972

**FILED**

MAY 29 2001

William A. Shaw  
Prothonotary

42

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

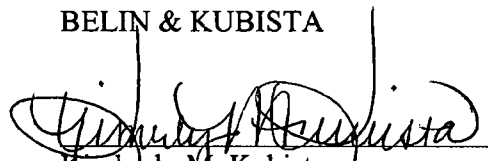
IN RE: WYNTER TAYLOR-MARIE MARTINEZ :  
(D.O.B. January 30, 1996) : No. 01-769-CD

CERTIFICATE OF SERVICE

This is to certify that I have served a certified copy of Petition for Name Change  
in the above captioned matter to the following party by certified mail, restricted delivery on the  
26th day of May, 2001:

Starr Marie Bush  
Long John Silvers Road  
Treasure Lake  
DuBois, PA 15801

BELIN & KUBISTA

  
Kimberly M. Kubista  
Attorney for Petitioner

**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:

Starr Marie Bush  
Long John Silvers Road  
Treasure Lake  
DuBois, PA 15801

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly)

B. Date of Delivery

05-26-01

C. Signature

Starr Marie Bush

☐ Agent☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

## 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)

7000 0520 0021 4259 6821

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

BELIN & KUBISTA

ATTORNEYS AT LAW

15 NORTH FRONT STREET

P O BOX 1

CLEARFIELD, PENNSYLVANIA 16830

FILED

JUN 07 2001

61632/mcc  
William A. Shaw  
Prothonotary

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

IN RE: WYNTER TAYLOR-MARIE MARTINEZ :  
(D.O.B. January 30, 1996) : No. 01-769-CD

AFFIDAVIT OF SERVICE

Filed on behalf of  
Petitioner

Counsel of Record for  
This Party:

Kimberly M. Kubista  
Pa. I.D. #52782

BELIN & KUBISTA  
15 North Front Street  
P.O. Box 1  
Clearfield, PA 16830

(814) 765-8972

**FILED**

JUN 07 2001

William A. Shaw  
Prothonotary

#3

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

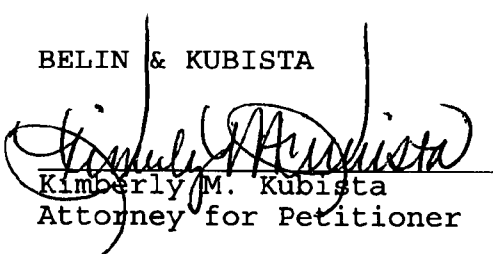
IN RE: WYNTER TAYLOR-MARIE MARTINEZ :  
(D.O.B. January 30, 1996) : No. 01-769-CD

AFFIDAVIT OF SERVICE

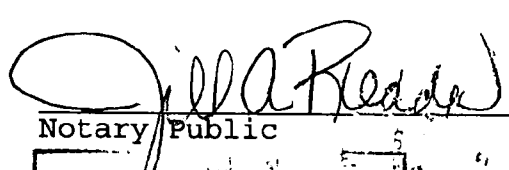
COMMONWEALTH OF PENNSYLVANIA )  
 ) SS.  
COUNTY OF CLEARFIELD )

KIMBERLY M. KUBISTA, attorney for the Petitioner,  
being duly sworn according to law, deposes and states that Notice  
of hearing on Petition for Change of Name was served upon all  
interested parties by publication in The Progress newspaper on  
May 29, 2001, as evidenced by the Proof of Publication dated June  
5, 2001, attached hereto AND by publication in the Clearfield  
County Legal Journal on June 1, 2001, as evidenced by the Proof  
of Publication dated June 1, 2001, attached hereto.

BELIN & KUBISTA

  
Kimberly M. Kubista  
Attorney for Petitioner

SWORN AND SUBSCRIBED before me this 10<sup>th</sup> day of  
June, 2001.

  
Notary Public



PROOF PUBLICATION

STATE OF PENNSYLVANIA :  
COUNTY OF CLEARFIELD : SS:

On this 5th day of June, A.D. 2001,

before me, the subscriber, a Notary Public in and for said County and State, personally appeared Margaret E. Krebs, who being duly sworn according to law, deposes and says that she is the President of The Progressive Publishing Company, Inc., and Associate Publisher of The Progress, a daily newspaper published at Clearfield, in the County of Clearfield and State of Pennsylvania, and established April 5, 1913, and that the annexed is a true copy of a notice or advertisement published in said publication in

the regular issues of May 29, 2001.  
And that the affiant is not interested in the subject matter of the notice or advertising, and that all of the allegations of this statement as to the time, place, and character of publication are true.

Sworn and subscribed to before me the day and year aforesaid.

*Ann K. Law*  
*Margaret E. Krebs*

Notary Public Clearfield, Pa.

My Commission Expires  
September 16, 2004

Notarial Seal  
Ann K. Law, Notary Public  
Clearfield Boro, Clearfield County  
My Commission Expires Sept. 16, 2004  
Member, Pennsylvania Association of Notaries

NOTICE  
NOTICE IS HEREBY GIVEN that the Petition of WYNTER TAYLOR-MARIE MARTINEZ, by her natural father, GREGORY CORTINA, has filed in the Court of Common Pleas of Clearfield County, Pennsylvania, to Civil Division No. 01-769-CD praying for a decree to change her name to WYNTER TAYLOR-MARIE CORTINA.  
The Courts have fixed the 30th day of July, 2001 at 1:30 p.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania, as the time and place of hearing of the said Petition, when and where all persons interested may appear and show cause, if any they have, why the prayer of said Petition should not be granted.  
Kimberly M. Kubista, Esquire, 15 North Front Street, P.O. Box 1, Clearfield, PA 16830 (814) 765-8972.  
5:29-1d-b



NOTICE OF NAME CHANGE

NOTICE IS HEREBY GIVEN that the Petition of WYNTER TAYLOR-MARIE MARTINEZ, by her natural father, GREGORY CORTINA, has filed in the Court of Common Pleas of Clearfield County, Pennsylvania, to Civil Division No. 01-769-CD praying for a decree to change her name to WYNTER TAYLOR-MARIE CORTINA.

The Courts have fixed the 30th day of July, 2001 at 1:30 p.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania, as the time and place of hearing of the said Petition, when and where all person interested may appear and show cause, if any they have, why the prayer of said Petition should not be granted.

Kimberly M. Kubista, 15 North Front Street, P.O. Box 1, Clearfield, PA 16830 (814) 765-8972.

**PROOF OF PUBLICATION**

**STATE OF PENNSYLVANIA** :

:

**COUNTY OF CLEARFIELD** :

On this 1<sup>st</sup> day of June AD 2001, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro editor of the Clearfield County Legal Journal of the Courts of Clearfield County, and that the annexed is a true copy of the notice or advertisement published in said publication in the regular issues of Week of June 1, 2001, Vol. 13 No. 22. And that all of the allegations of this statement as to the time, place, and character of the publication are true.

  
Gary A. Knaresboro, Esquire  
Editor

Sworn and subscribed to before me the day and year aforesaid.

  
Notary Public  
My Commission Expires

Notarial Seal  
Amy L. Woods, Notary Public,  
Clearfield Boro, Clearfield County  
My Commission Expires Nov. 18, 2002  
Member, Pennsylvania Association of Notaries

Kimberly M. Kubista  
15 North Front Street  
Clearfield PA 16830

# PROOF OF PUBLICATION

STATE OF PENNSYLVANIA

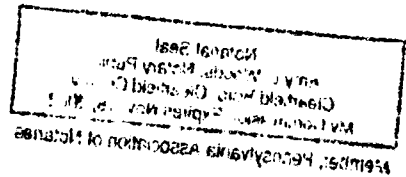
COUNTY OF CLEARFIELD

On this 14 day of June AD 2001, before me, the undersigned a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro, Editor of the Clearfield County Legal Journal of the County of Clearfield County, and that the annexed is a true copy of the notice or advertisement published in said publication in the regular issues of Week of June 11, 2001 Vol. 13 No. 22. And that all of the allegations of this statement as to the time, place, and character of the publication are true.

Gary A. Knaresboro, Esquire  
Editor


Sworn and subscribed to before me the day and year aforesaid.

Notary Public  
My Commission Expires



Kimberly M. Kubieta  
15 North Front Street  
Clearfield PA 16830

LAW OFFICES  
GLEASON, CHERRY & CHERRY, L.L.P.  
P. O. Box 505  
DuBois, Pennsylvania 15801-0505  
ONE NORTH FRANKLIN STREET

  
ATTORNEY FOR STARR M. FLANDERS, Respondent

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

IN RE: WYNTER TAYLOR-MARIE MARTINEZ: No. 01 - 769 C.D.  
(D.O.B. January 30, 1996)

: Type of Case: PETITION FOR NAME  
: CHANGE

: Type of Pleading: ANSWER TO  
: PETITION AND PRAYER FOR  
: RELIEF

: Filed on Behalf of: STARR MARIE  
: FLANDERS, formerly known as  
: STARR MARIE BUSH, Respondent

: Counsel of Record for this Party:

: TONI M. CHERRY, ESQ.  
: Supreme Court No.: 30205

: GLEASON, CHERRY AND  
: CHERRY, L.L.P.

: Attorneys at Law  
: P. O. Box 505  
: One North Franklin Street  
: DuBois, PA 15801

: (814) 371-5800

**FILED**

JUL 2 2001

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

IN RE: WYNTER TAYLOR-MARIE MARTINEZ: No. 01 - 769 C.D.  
(D.O.B. January 30, 1996) :

**ANSWER TO PETITION FOR CHANGE OF NAME  
AND PRAYER FOR RELIEF IN THE FORM OF CHANGE OF  
NAME TO MOTHER'S MARRIED NAME**

AND NOW, comes the Respondent, STARR MARIE FLANDERS, by and through her attorneys, GLEASON, CHERRY AND CHERRY, L.L.P., and answers the Petition for Change of Name in accordance with the Rule issued upon her as follows:

1. ADMITTED.

2. ADMITTED.

3. DENIED. On the contrary, upon her birth, WYNTER TAYLOR-MARIE MARTINEZ, was given her mother's maiden name as her surname. At the time of the birth of WYNTER TAYLOR-MARIE MARTINEZ, her biological mother's proper name was STARR MARIE BUSH. At the time that the child was born, Petitioner was asked if he wanted the minor child to have his last name and he said it did not matter to him. Consequently, Respondent gave the minor child her maiden name as her surname. The Respondent has now remarried and is known as STARR MARIE FLANDERS.

4. DENIED. It is not in the best interests of the minor child to have her last name changed to the same name as her biological father. On the contrary, the child lives with her mother and her mother's husband, SEAN MICHAEL FLANDERS, as well as her half-sibling,

MADYSON FLANDERS, who was born on March 15, 2000, and the child's name should be changed to Flanders so that the child can have the same name as everyone else in her family.

Respondent believes and therefore avers that it would not be in the best interests of the minor child to have her name changed to that of Petitioner because Petitioner has had continuous run-ins with the law and was last incarcerated in December of 2000 because of his conviction for a third DUI charge. Moreover, Respondent has had to secure a Protection From Abuse Order against Petitioner because of his violent and abusive behavior and Respondent had to give up shared physical custody of her two older daughters because Petitioner physically abused the younger child, Peyton Bush, when she was only four years old while Petitioner and Respondent lived together. Petitioner's actions have made him the subject of Court intervention and have brought shame and embarrassment upon his name and Respondent does not believe that it would be in the best interests of the minor child to bear a name that is associated with both criminal and anti-social behavior such as has been demonstrated by Petitioner.

That Petitioner has already signed away his parental rights to another child of his and is in serious arrears on his child support for this minor child. Consequently, Petitioner has exhibited behavior that demonstrates that he is not a concerned father and that his motives in bringing this Petition are not for the best interests of the minor child but to annoy and harass Respondent.

5. ADMITTED in part and DENIED in part. It is ADMITTED that the minor child is currently in the custody of her mother. All other aspects of Paragraph 5 are DENIED. On the contrary, the minor child lived solely with her mother for the first 19 months of her life.

Thereafter, the minor child resided with both Petitioner and Respondent for one year. But from August of 1998 to the present she has been solely in the custody of her mother. Respondent left Petitioner because he was a violent and abusive person who physically abused not only Respondent but her minor child from a previous marriage and Petitioner abused that child so badly that he left marks on her and Respondent was caused to lose shared physical custody of that child because she was residing with Petitioner. Respondent believes and therefore avers that it would not be in the best interests of the minor child to have unsupervised visits with Petitioner and certainly she should never be given his last name when her security and her life and her family revolves around Respondent and, in fact, it is Respondent's last name that she should have.

6. ADMITTED.

WHEREFORE, the undersigned respectfully requests your Honorable Court to:

- (a) deny the request to change the minor child's last name to Cortina;
- (b) change the minor child's last name to Flanders so that she can have the last name of her mother, her half-sibling and the members of the family with whom she resides; and
- (c) grant whatever further relief your Honorable Court deems to be right and proper.

Respectfully submitted,

GLEASON, CHERRY AND CHERRY, L.L.P.

By 

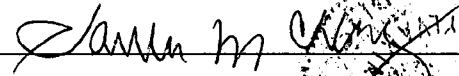
Attorneys for Respondent

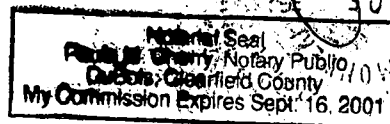
COMMONWEALTH OF PENNSYLVANIA :  
: SS.  
COUNTY OF CLEARFIELD :

Personally appeared before me, a Notary Public in and for the County and State  
aforesaid, STARR MARIE FLANDERS, formerly known as STARR MARIE BUSH, who,  
being duly sworn according to law, deposes and says that the facts set forth in the foregoing  
Answer are true and correct to the best of her knowledge, information and belief.

  
Starr Marie Flanders

Sworn to and subscribed before me this 25<sup>th</sup> day of July, 2001.







IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

IN RE: WYNTER TAYLOR-MARIE MARTINEZ: No. 01 - 769 C.D.  
(D.O.B. January 30, 1996) :

**CERTIFICATE OF SERVICE**

I hereby certify that on this 25<sup>th</sup> day of July, 2001, a true and correct copy of Respondent's Answer to Petition for Change of Name and Prayer for Relief in the Form of Change of Name to Mother's Married Name was served upon counsel for Petitioner, KIMBERLY M. KUBISTA, ESQ., by mailing the same to her by United States First Class Mail, postage prepaid, by depositing the same in the United States Post Office at DuBois, Pennsylvania, addressed as follows:

KIMBERLY M. KUBISTA, ESQ.  
Belin & Kubista  
Attorneys at Law  
P. O. Box 1  
Clearfield, PA 16830

GLEASON, CHERRY AND CHERRY, L.L.P.

By 

Attorneys for Respondent

Dated: July 25, 2001

FILED

JUL 26 2001

OCT 14 1999

William A. Shaw

Prothonotary

att'y Cherry  
E

CA


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

IN RE: WYNTER TAYLOR-MARIE MARTINEZ : No. 01-769-CD

**ORDER**

AND NOW, this 27 day of September, 2001, it is the ORDER of the Court that Attorney Kubista's Petition for Name Change in the above matter will be included with the Custody Trial scheduled to No. 98-1525-CD, Starr Marie Bush vs. Gregory John Cortina, currently scheduled for **Wednesday, January 30, 2002 and Thursday, January 31, 2002 at 9:00 A.M.** each day in Courtroom No. 2, Clearfield County Courthouse, Clearfield, PA. Two (2) days have been allotted for this matter.

BY THE COURT:

  
FREDRIC J. AMMERMAN  
Judge

**FILED**

SEP 27 2001

William A. Shaw  
Prothonotary

5

FILED

SEP 27 2001

William A. Shaw  
Prothonotary

1 cc Atty T. Cherry  
1 cc Atty Kubisa

WAS

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

IN RE: WYNTER TAYLOR-MARIE MARTINEZ : No. 01-769-CD

**ORDER**

AND NOW, this 17 day of October, 2001, it is the ORDER of the Court that Attorney Kubista's Petition for Change of Name in the above matter remains scheduled for Wednesday, January 30, 2002 at 9:00 A.M. but is rescheduled from January 31, 2002 to Friday, February 1, 2002 at 9:00 A.M. in Courtroom No. 2, Clearfield County Courthouse, Clearfield, PA. Two (2) days are still allotted for this matter.

BY THE COURT:

  
FREDRIC J. AMMERMAN  
Judge

**FILED**

OCT 17 2001

William A. Shaw  
Prothonotary



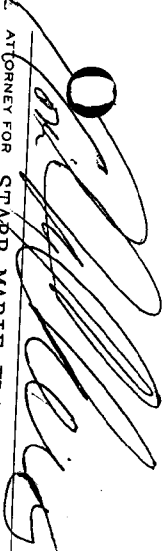
FILED

OCT 17 2001

01332116ccatty Cherry  
A. SHAW  
Secretary

*ccatty Kubitz*

GLEASON, CHERRY & CHERRY L.L.P.  
LAW OFFICES  
P. O. Box 505  
Du Bois, PENNSYLVANIA 15801-0505  
ONE NORTH FRANKLIN STREET

  
ATTORNEY FOR STARR MARIE FLANDERS

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

IN RE: WYNTER TAYLOR-MARIE : No. 01 - 769 C.D.  
MARTINEZ :  
D.O.B.: 1/30/96 : Type of Case: PETITION FOR NAME  
: CHANGE  
: Type of Pleading: PETITION FOR CHANGE  
: OF NAME  
: Filed on Behalf of: STARR MARIE  
: FLANDERS, Petitioner  
: Counsel of Record for this Party:  
: TONI M. CHERRY, ESQ.  
: Supreme Court No.: 30205  
: GLEASON, CHERRY AND  
: CHERRY, L.L.P.  
: Attorneys at Law  
: P. O. Box 505  
: One North Franklin Street  
: DuBois, PA 15801  
: (814) 371-5800

**FILED**

JAN 10 2002

William A. Shaw  
Prothonotary



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

IN RE: WYNTER TAYLOR-MARIE :  
MARTINEZ : 01 - 769 C.D.  
D.O.B.: 1/30/96 :

**PETITION FOR CHANGE OF NAME**

TO THE HONORABLE FREDRIC J. AMMERMAN, JUDGE OF SAID COURT:

AND NOW, comes the Petitioner, STARR MARIE FLANDERS, by and through her attorneys, GLEASON, CHERRY AND CHERRY, L.L.P., and respectfully requests:

1. Petitioner, STARR MARIE FLANDERS, is an adult individual who is married to Sean M. Flanders and who resides with him at 140 Treasure Lake, DuBois, Clearfield County, Pennsylvania 15801.
2. Respondent is GREGORY CORTINA, an adult individual who is currently residing at 224 Juniata Street, DuBois, Clearfield County, Pennsylvania.
3. That Petitioner and Respondent are the biological parents of WYNTER TAYLOR-MARIE MARTINEZ, a female child who was born on January 30, 1996, and who is nearly six years of age.
4. That since her birth, the minor child has resided continuously with Petitioner, her biological mother.
5. That upon the birth of the minor child, your Petitioner gave her Petitioner's maiden name of Martinez as the child's surname.

6. That at the time of the birth of the child, Petitioner was known as STARR MARIE BUSH but has since remarried and is known as STARR MARIE FLANDERS.

7. That Petitioner resides with the following persons in her residence:

<u>NAME</u>	<u>RELATIONSHIP</u>	<u>AGE</u>
SEAN M. FLANDERS	Husband	Adult
WYNTER TAYLOR-MARIE MARTINEZ	Daughter	nearly 6 years
MADYSON BRITTANY-LYNN FLANDERS	Daughter	1-1/2 years

8. That Respondent has filed a Petition to change the minor child's name to his last name but Petitioner has previously filed an Answer to that Petition objecting to such a request on the grounds that the Respondent has had continuous run-ins with the law and was last incarcerated in December of 2000 because of his conviction on a third DUI charge. Moreover, Petitioner has had to secure a Protection From Abuse Order against Respondent in the past because of his violent and abusive behavior and Petitioner was forced to give up shared physical custody of her two older daughters because Respondent physically abused the younger child, Payton Bush, when she was only four years of age while Respondent and Petitioner lived together. Respondent's actions have made him the subject of Court intervention and have brought shame and embarrassment upon his name and Petitioner does not believe that it would be in the best interests of the minor child to bear a name that is associated with both criminal and anti-social behavior such as has been demonstrated by Respondent.

That Respondent has already signed away his parental rights to another child of his and is in serious arrears on his child support for Wynter. Consequently, Respondent has exhibited behavior that demonstrates that he is not a concerned father and that his motives in

bringing any Petition to request a change in name are not for the best interests of the minor child but to annoy and harass Petitioner.

8. That Petitioner requests that Wynter's name be changed from Martinez to Flanders so that she can bear the same last name as all of the other individuals in her household and can have the last name of the sibling with whom she is being raised so that she can be a part of her mother's family.

9. There are no judgments or decrees of like character of record against the minor child.

10. That the minor child has never had the name of her biological father and thus to change her surname to mother's new name will have no negative connotations for the child but will allow her to have the same last name as her mother, with whom she has lived continuously since birth.

WHEREFORE, Petitioner respectfully requests that your Honorable Court enter an Order changing the name of WYNTER TAYLOR-MARIE MARTINEZ to WYNTER TAYLOR-MARIE FLANDERS.

Respectfully submitted,

GLEASON, CHERRY AND CHERRY, L.L.P.

By 

Attorneys for Petitioner

COMMONWEALTH OF PENNSYLVANIA

:  
: SS.

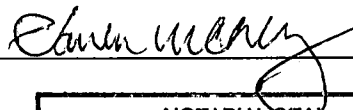
COUNTY OF CLEARFIELD

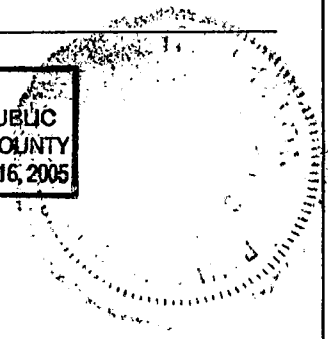
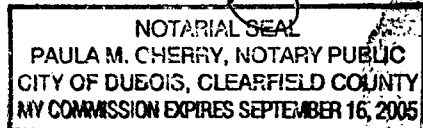
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Personally appeared before me, a Notary Public in and for the County and State  
aforesaid, STARR MARIE FLANDERS, formerly known as STARR MARIE BUSH, who,  
being duly sworn according to law, deposes and says that the facts set forth in the foregoing  
Petition are true and correct to the best of her knowledge, information and belief.

  
Starr Marie Flanders

Sworn to and subscribed before me this 31<sup>st</sup> day of December, 2001.





**FILED**

JAN 10 2002

William A. Shaw  
Prothonotary

*[Signature]*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

IN RE: WYNTER TAYLOR-MARIE :  
MARTINEZ : 01 - 769 C.D.  
D.O.B.: 1/30/96 :

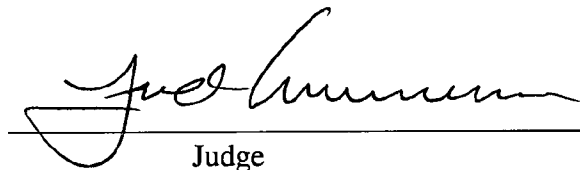
**ORDER**

AND NOW, this 16 day of January, 2002, in consideration of the foregoing Petition and the fact that a hearing has already been scheduled on the Petition for Change of Name filed on behalf of GREGORY CORTINA, the hearing on the Petition for Change of Name filed by STARR MARIE FLANDERS is scheduled for the 30<sup>th</sup> day of January, 2002, at 9:00 a.m. and on the 1<sup>st</sup> day of February, 2002, at 9:00 a.m.

The Petitioner is directed to give notice of the filing of the Petition and of the date of the hearing by publication in two newspapers of general circulation in this County, one of which may be the official paper for the publication of legal notices in this County.

The Petitioner is further directed to give notice of the filing of the Petition and the date of the hearing to any non-petitioning parent of a child whose name will be affected by giving his counsel of record a true and correct copy of this Petition.

BY THE COURT:

  
\_\_\_\_\_  
Judge

**FILED**

JAN 16 2002

014:00/3cc atty

William A. Shaw  
Prothonotary

Cherry  
Roz

CLEARFIELD, PENNSYLVANIA 16830  
P. O. BOX 1  
15 NORTH FRONT STREET  
ATTORNEYS AT LAW  
BELIN & KUBISTA

FILED

JAN 29 2002

013371 ncc

William A. Shaw  
Prothonotary





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

IN RE: WYNTER TAYLOR-MARIE  
MARTINEZ  
D.O.B. 1/30/96

:  
:  
: No. 01-769 CD

ANSWER TO PETITION FOR  
CHANGE OF NAME

File on behalf of

Respondent

Counsel of Record for  
this Party:

Kimberly M. Kubista  
Attorney-At-Law  
Pa. I.D. 52782

BELIN & KUBISTA  
15 N. Front Street  
P.O. Box 1  
Clearfield, PA 16830  
(814) 765-8972

**FILED**

JAN 29 2002

William A. Shaw  
Prothonotary

8

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

IN RE: WYNTER TAYLOR-MARIE :  
MARTINEZ :  
D.O.B. 1/30/96 : No. 01-769 CD

ANSWER TO PETITION  
FOR CHANGE OF NAME

NOW COMES the Respondent, GREGORY CORTINA, by and through his attorneys, Belin & Kubista, and sets forth the following Answer and in support thereof would aver as follows:

1. Paragraph 1 is admitted.
2. Paragraph 2 is admitted.
3. Paragraph 3 is admitted.
4. Paragraph 4 is denied. It is denied that the minor child has resided continuously with Petitioner as throughout the life of the child, she has spent substantial periods of time with Respondent.
5. Paragraph 5 is admitted and in further answer thereto, Petitioner refused to give the child the last name of Cortina.
6. Paragraph 6 is admitted.
7. Paragraph 7 is admitted.
8. Paragraph 8 is admitted in part and denied in part. It is admitted that Respondent has filed a Petition to change the last name of the child to Cortina. It is denied that Respondent has continuously had run-ins with the law. It is admitted that he was incarcerated in December 2000 due to a conviction on a third DUI charge. It is further admitted that Petitioner has had a Protection From Abuse Order against Respondent but it is denied that

Petitioner was forced to give up custody of her two (2) oldest daughters because of physical abuse by Respondent upon Payton Bush. It is denied that Respondent has terminated his parental rights to another child or that he is in serious arrears for child support. It is further denied that Respondent's actions have brought shame and embarrassment upon his name or that it would not be in the best interests of the minor child to bear his name.

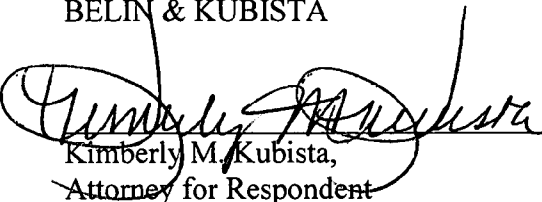
8. Paragraph 8 – no answer required.

9. Paragraph 9 is admitted.

10. Paragraph 10 is admitted in part and denied in part. It is admitted that the minor child has never had the name of her biological father. It is denied that changing her name to her mother's new name will have no negative connotations for the child. In further answer thereto, the child has not had anybody's last name as mother chose to give her her maiden name and has had a different name than all of the members of her household since birth.

WHEREFORE, Respondent requests Your Honorable Court to deny Petitioner's Petition for Change of Name.

BELIN & KUBISTA



Kimberly M. Kubista,  
Attorney for Respondent

I verify that the statements made in this Answer to Petition are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.

1/28/02  
Date

Gregory F. Cortina  
Gregory Cortina

**BELIN & KUBISTA**  
ATTORNEYS AT LAW

10 NORTH FRONT STREET

P. O. BOX 1

CLEARFIELD, PENNSYLVANIA 16830

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

IN RE: WYNTER TAYLOR-MARIE  
MARTINEZ  
D.O.B. 1/30/96

:  
:  
: No. 01-769 CD

CERTIFICATE OF SERVICE

File on behalf of

Respondent

Counsel of Record for  
this Party:

Kimberly M. Kubista  
Attorney-At-Law  
Pa. I.D. 52782

BELIN & KUBISTA  
15 N. Front Street  
P.O. Box 1  
Clearfield, PA 16830  
(814) 765-8972

**FILED**

JAN 30 2002

0110:45/ROC C  
William A. Shaw  
Prothonotary

(#9)

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

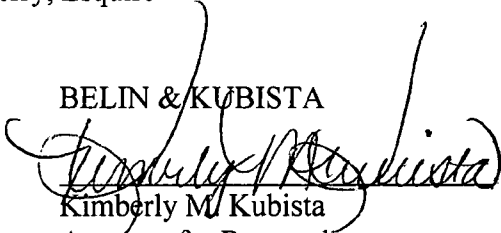
IN RE: WYNTER TAYLOR-MARIE :  
MARTINEZ :  
D.O.B. 1/30/96 : No. 01-769 CD

CERTIFICATE OF SERVICE

This is to certify that I have served a true and correct copy of Answer to Petition  
for Change of Name in the above captioned matter to the following party by hand delivery on  
the 30<sup>th</sup> day of January, 2002:

Toni M. Cherry, Esquire

BELIN & KUBISTA

  
Kimberly M. Kubista  
Attorney for Respondent

CP


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

IN RE: WYNTER TAYLOR-MARIE MARTINEZ : No. 01-769-CD

**ORDER**

AND NOW, this 8 day of February, 2002, it is the ORDER of the Court that the continuation of hearing on Attorney Kubista's Petition for Change of Name in the above matter has been scheduled for **Friday, March 15, 2002 at 1:30 P.M.** in Courtroom No. 2, Clearfield County Courthouse, Clearfield, PA. One-half (1/2) day has been allotted for this matter.

BY THE COURT:

  
FREDRIC J. AMMERMAN  
Judge

**FILED**

FEB 08 2002

William A. Shaw  
Prothonotary



FILED

FEB 08 2002

018,40116-00th Kurbak  
William A. Shaw  
Prothonotary

Leath Cherry

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

STARR MARIE BUSH

:

VS.

: NO. 98-1525-CD

GREGORY JOHN CORTINA

:

and

IN RE:

:

WYNTER T. MARTINEZ

: NO. 01-769-CD

O R D E R

NOW, this 15th day of March, 2002, following the conclusion of custody proceedings, it is the ORDER of this Court that counsel for both parties have until no later than Wednesday, April 10, 2002, in which to file briefs with the Prothonotary's Office.

BY THE COURT,

*James J. Rimmerman*

Judge

**FILED**

1- CC ATTY T. CHERRY  
1- CC ATTY KUBISKA

MAR 18 2002

William A. Shaw  
Prothonotary

*WAS*


IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

IN RE: WYNTER TAYLOR-MARIE : No. 01 - 769 C.D.  
MARTINEZ :  
D.O.B.: 1/30/96 : Type of Case: PETITION FOR NAME  
: CHANGE  
: Type of Pleading: PROOF OF  
: PUBLICATION  
: Filed on Behalf of: STARR MARIE  
: FLANDERS, Petitioner  
: Counsel of Record for this Party:  
: TONI M. CHERRY, ESQ.  
: Supreme Court No.: 30205  
: GLEASON, CHERRY AND  
: CHERRY, L.L.P.  
: Attorneys at Law  
: P. O. Box 505  
: One North Franklin Street  
: DuBois, PA 15801  
: (814) 371-5800

**FILED**

APR 09 2002

013:20/10 LC  
William A. Shaw &  
Prothonotary 

(#12)

PROOF OF PUBLICATION OF NOTICE APPEARING IN THE  
COURIER EXPRESS/TRI-COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT  
PUBLISHED BY McLEAN PUBLISHING COMPANY,  
DUBOIS PENNSYLVANIA

Under act 587, Approved May 16, 1929, P.L. 1784

STATE OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

SS:

Linda Smith, Advertising Director or Dory Ferra, Classified Advertising Supervisor of the **Courier-Express/Tri-County Sunday/Jeffersonian Democrat** of the County and State aforesaid, being duly sworn, deposes and says that the **Courier-Express**, a daily newspaper, the **Tri-County Sunday**, a weekly newspaper and **Jeffersonian Democrat**, a weekly newspaper published by McLean Publishing Company at 500 Jeffers Street, City of DuBois, County and State aforesaid, which was established in the year 1879, since which date said, the daily publication and the weekly publications, has been regularly issued in said County, and that a copy of the printed notice of publication is attached hereto exactly as the same was printed and published in the regular editions of the paper on the following dates, viz: the

24th

day of January A.D. 2002

Affidavit further deposes that he is an officer duly authorized by the **Courier-Express**, a daily newspaper, **Tri-County Sunday**, a weekly newspaper, and/or **Jeffersonian Democrat**, a weekly newspaper to verify the foregoing statement under oath and also declared that affiant is not interested in the subject matter of the aforesaid notice of publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.

McLEAN PUBLISHING COMPANY Publisher of  
COURIER-EXPRESS/TRI-COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT

By

Linda Smith

Sworn and subscribed to before me this

29

day of January, 2002

**THIS IS  
NOT A  
BILL**

Ryan T. Wells  
Notary Public  
Statement of Advertising Cost  
McLEAN PUBLISHING COMPANY

NOTARIAL SEAL  
Ryan T. Wells, Notary Public  
City of New Bethlehem, County of Clarion  
My Commission Expires Mar. 29, 2004

Publisher of  
COURIER-EXPRESS/TRI-COUNTY SUNDAY/  
JEFFERSONIAN DEMOCRAT  
DuBois, PA

TO Gleason, Cherry & Cherry - order to change name, Wynter

For publishing the notice or advertisement attached hereto on the above stated dates.....	\$ 52.06	Taylor-Marie
Probating same.....	\$ 4.25	Martinez
Total.....	\$ 56.31	

**Publisher's Receipt for Advertising Costs**

The **Courier-Express**, a daily newspaper, **Tri-County Sunday**, a weekly newspaper, and/or **Jeffersonian Democrat**, a weekly newspaper, hereby acknowledges receipt of the aforesaid advertising and publication costs, and certifies that the same have been fully paid.

Office: Jeffers Street and Beaver Drive, DuBois, PA 15801

Established 1879, Phone 814-371-4200

McLEAN PUBLISHING COMPANY  
Publisher of  
COURIER-EXPRESS/TRI-COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT

By

I hereby certify that the foregoing is the original Proof of Publication and receipt for the Advertising costs in the subject matter of said notice.

ATTORNEY FOR

IN THE COURT OF COMMON  
PLEAS OF CLEARFIELD  
COUNTY, PENNSYLVANIA

CIVIL DIVISION

IN RE: WYNTER TAYLOR-  
MARIE MARTINEZ  
D.O.B.: 1/30/96  
01-769 C.D.

**NOTICE**

Notice is hereby given that, on  
January 16, 2002, the Petition of  
Starr Marie Flanders was filed in  
the above-named Court, request-  
ing an Order to change the name  
of Wynter Taylor-Marie Martinez  
to Wynter Taylor-Marie Flanders.

The Court has fixed the day of  
Wednesday, January 30, 2002,  
at 9:00 a.m., in Courtroom No. 2  
of the Clearfield County Court-  
house, Second Floor, Clearfield,  
Pennsylvania as the time and  
place for the hearing on said Pe-  
tition. When and where all inter-  
ested parties may appear and  
show cause, if any, why the re-  
quest of the Petitioner should not  
be granted.

BY THE COURT:  
Fredric J. Ammermann, Judge  
1/24/02

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

IN RE: WYNTER TAYLOR-MARIE : No. 01 - 769 C.D.  
MARTINEZ :  
D.O.B.: 1/30/96 : Type of Case: PETITION FOR NAME  
: CHANGE  
: Type of Pleading: PROOF OF  
: PUBLICATION  
: Filed on Behalf of: STARR MARIE  
: FLANDERS, Petitioner  
: Counsel of Record for this Party:  
: TONI M. CHERRY, ESQ.  
: Supreme Court No.: 30205  
: GLEASON, CHERRY AND  
: CHERRY, L.L.P.  
: Attorneys at Law  
: P. O. Box 505  
: One North Franklin Street  
: DuBois, PA 15801  
: (814) 371-5800

**FILED**

APR 09 2002  
013.201ndcc  
William A. Shaw *WAS*  
Prothonotary

## PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

:

COUNTY OF CLEARFIELD :

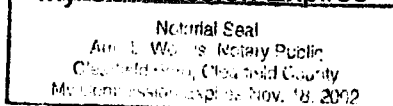
On this 6th day of February AD 2002, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro editor of the Clearfield County Legal Journal of the Courts of Clearfield County, and that the annexed is a true copy of the notice or advertisement published in said publication in the regular issues of Week of February 1, 2002, Vol. 14 No. 5. And that all of the allegations of this statement as to the time, place, and character of the publication are true.

  
Gary A. Knaresboro, Esquire  
Editor

Sworn and subscribed to before me the day and year aforesaid.

  
Notary Public

My Commission Expires



Member, Pennsylvania Association of Notaries

Gleason Cherry & Cherry  
PO Box 505  
DuBois PA 15801

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

IN RE: WYNTER TAYLOR-MARIE  
MARTINEZ, D.O.B. 1/30/96.  
01-769 C.D.  
NOTICE

Notice is hereby given that, on January 16, 2002, the Petition of Starr Marie Flanders was filed in the above-named Court, requesting an Order to change the

name of Wynter Taylor-Marie Martinez to Wynter Taylor-Marie Flanders.

The Court has fixed the day of Wednesday, January 30, 2002, at 9:00 a.m. in Courtroom No. 2 of the Clearfield County Courthouse, Second Floor, Clearfield, Pennsylvania, as the time and place for the hearing on said Petition, when and where all interested parties may appear and show cause, if any, why the request of the Petitioner should not be granted.

GLEASON, CHERRY & CHERRY,  
P.O. Box 505, DuBois, PA 15801.

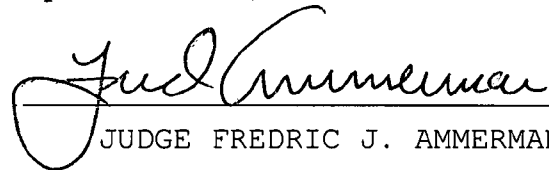
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

IN RE: \*  
WYNTER TAYLOR-MARIE MARTINEZ \* No. 2001-769-C.D.

ORDER

NOW, this 15<sup>th</sup> day of April, 2002, upon the Petition for Change of Name in the above referenced matter, it is hereby ORDERED and DECREED that Wynter Taylor-Marie Martinez's name shall be changed and she shall be now known as Wynter Taylor-Marie Cortina.

By the Court,

  
JUDGE FREDRIC J. AMMERMAN

FILED

APR 17 2002

William A. Shaw  
Prothonotary



FILED

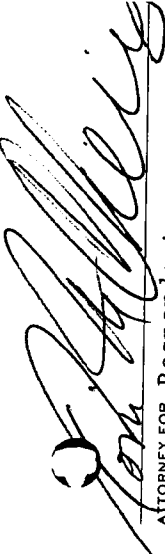
2 cc Atty Kubista

013:31-21  
APR 17 2002

2 cc Atty T. Cherry  
get

William A. Shaw  
Prothonotary

LAW OFFICES  
**GLEASON, CHERRY & CHERRY LLP.**  
P. O. Box 505  
Du Bois, PENNSYLVANIA 15801-0505  
ONE NORTH FRANKLIN STREET

  
ATTORNEY FOR Respondent

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

IN RE:

WYNTER TAYLOR-MARIE MARTINEZ : No. 01 - 769 C.D.

D.O.B.: 1/30/96

: Type of Case: CIVIL

: Type of Pleading: MOTION FOR POST-  
: TRIAL RELIEF AND REQUEST FOR  
: THE RECORD TO BE TRANSCRIBED IN  
: ACCORDANCE WITH Pa.R.C.P. 227.3

: Filed on Behalf of: STARR MARIE  
: FLANDERS, Respondent

: Counsel of Record for this Party:

: TONI M. CHERRY, ESQ.  
: Supreme Court No.: 30205

: GLEASON, CHERRY AND  
: CHERRY, L.L.P.

: Attorneys at Law  
: One North Franklin Street  
: P. O. Box 505  
: DuBois, PA 15801

: (814) 371-5800

**FILED**

APR 26 2002

01/25014cc atty Cherry  
William A. Shaw  
Prothonotary

*ES*

*W*

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

IN RE: :  
WYNTER TAYLOR-MARIE MARTINEZ : No. 01 - 769 C.D.  
D.O.B.: 1/30/96 :

**MOTION FOR POST-TRIAL RELIEF AND REQUEST  
FOR THE RECORD TO BE TRANSCRIBED IN ACCORDANCE  
WITH Pa.R.C.P. 227.3**

AND NOW, comes the Respondent, STARR MARIE FLANDERS, by and through her attorneys, GLEASON, CHERRY AND CHERRY, L.L.P., and files Post-Trial Motions to the Order entered by the Court on April 17, 2002, as follows:

1. The Learned Court erred in changing the name of WYNTER TAYLOR-MARIE MARTINEZ to WYNTER TAYLOR-MARIE CORTINA when a lawful objection to that change was made by the Respondent who is the mother of the child and with whom the child resides.
2. That the Learned Court erred in ordering the change of the child's name when the evidence does not support that it was in the best interests of the minor child to make such a change.
3. The Learned Court erred in granting the Petition to change the child's name to WYNTER TAYLOR-MARIE CORTINA when there was no factual basis to support such a decision.

4. The Learned Court erred in granting the Petition to change the child's name to WYNTER TAYLOR-MARIE CORTINA when Petitioner failed to meet his burden of establishing that the change would be in the best interests of the minor child.

5. That the Learned Court erred in not finding it to be in the best interests of the minor child to change her name so that she could have the same name as her mother if the Court determined that a change of name was appropriate in this case.

6. The decision of the Learned Court is against the weight of facts and law in this case.

7. That Respondent reserves the right to file an amendment to this Motion after review of the transcribed testimony requested herein.

WHEREFORE, the undersigned respectfully requests the following:

(a) That the testimony taken in this case and the case of STARR MARIE BUSH vs. GREGORY JOHN CORTINA, No. 1998 - 1525 C.D. be transcribed in accordance with Pa.R.C.P. 227.3;

(b) That the Court reconsider the Order issued on April 17, 2002, and Its decision to change the name of WYNTER TAYLOR-MARIE MARTINEZ to WYNTER TAYLOR-MARIE CORTINA;

(c) That the Court vacate Its Order entered April 17, 2002, and issue appropriate Findings of Fact and Conclusions of Law in accordance with the weight of the evidence and the law governing the facts of this case;

(d) That the Court enter an Order denying father's Petition to change the name of WYNTER TAYLOR-MARIE MARTINEZ to WYNTER TAYLOR-MARIE FLANDERS

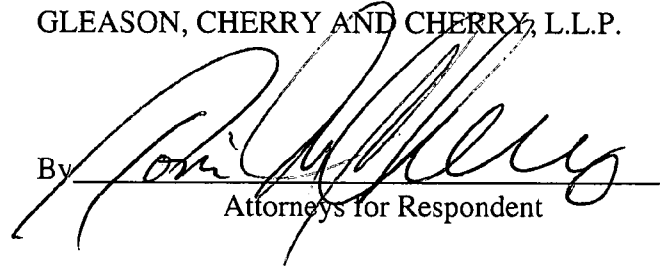
so that she can have the same last name as her mother if the Court determines that it be in the best interests of the minor child to change her name at all;

(e) Whatever further relief the Court may declare.

Respectfully submitted,

GLEASON, CHERRY AND CHERRY, L.L.P.

By

A handwritten signature in black ink, appearing to read "Ron Cherry", is written over a horizontal line.

Attorneys for Respondent

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

IN RE: :  
WYNTER TAYLOR-MARIE MARTINEZ : No. 01 - 769 C.D.  
D.O.B.: 1/30/96 :

**CERTIFICATE OF SERVICE**

I hereby certify that on this 26<sup>th</sup> day of April, 2002, a true and correct copy of the Motion for Post-Trial Relief and Request for the Record to be Transcribed in Accordance with Pa.R.C.P. 227.3 was served upon the following persons by mailing the same to them by United States First Class Mail, Postage Prepaid, by depositing the same in the United States Post Office at DuBois, Pennsylvania, addressed as follows:

THE HONORABLE FREDRIC J. AMMERMAN  
Judge of the Court of Common Pleas  
Judge's Chambers  
Clearfield County Courthouse  
Clearfield, PA 16830

Office of the Court Reporter  
Clearfield County Courthouse  
Clearfield, PA 16830

KIMBERLY M. KUBISTA, ESQ.  
Belin and Kubista  
Attorneys at Law  
P. O. Box 1  
Clearfield, PA 16830

GLEASON, CHERRY AND CHERRY L.L.P.

By 

Attorneys for Respondent

Dated: April 26, 2002

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

IN RE:

WYNTER TAYLOR-MARIE MARTINEZ  
(d.o.b. 01/30/1996)

\*  
\*  
\*  
\* No. 2001-769-C.D.

**FILED**

MAY 07 2002

O P I N I O N

William A. Shaw  
Prothonotary

On May 21, 2001, Gregory J. Cortina ("Father"), age 31, filed a Petition requesting a change of name of his daughter Wynter Taylor-Marie Martinez to Wynter Taylor-Marie Cortina. On July 26, 2001, Starr Flanders ("Mother"), age 29, also filed a Petition asking that the child's last name be changed to Flanders. The parents were also parties to an action<sup>1</sup> wherein they were both requesting primary physical custody of the child. Counsel for both parties agreed that the request for Change of Name proceeding would be heard concurrently with that of the custody trial, which was held on January 30, 2002, February 1, 2002 and March 15, 2002. Following the Court's receipt of Briefs relative the custody and change of name issues, the Court issued its Order of April 16, 2002 providing primary physical custody of the child to Mother and an Order of April 15, 2002 granting Father's request that the child's last name be changed to Cortina.

The factual scenario can be briefly summarized. Mother was born Starr Martinez. Her first marriage was to Richard Clinton Bush and as a result of that marriage, two

<sup>1</sup> The custody case is filed to civil docket number 1998-1525-C.D.



children were born, Peyton Bush and Skye Bush. Peyton and Skye Bush are not children subject to the custody trial, but those two children had primarily lived with Mr. Bush until recently when Mother was able to obtain a temporary Order giving her emergency primary custody. That custody action is currently being litigated in McKean County, Pennsylvania.

Following the end of Mother's marriage with Mr. Bush, she began her relationship with Father. Wynter was born outside of marriage and Mother elected to give Wynter Mother's maiden name of Martinez. Mother's relationship with Father later ended, and on February 5, 2000 Mother married Sean Flanders. Mother and Mr. Flanders now have a child Madison Flanders.

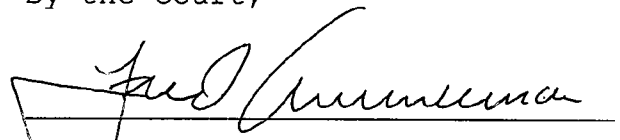
The Pennsylvania Supreme Court case of In Re: Change of Name of Zachary Thomas Andrew Grimes to Zachary Thomas Andrew Grimes-Palaia, 530 Pa. 388, 609 A.2d 158 (1992), provides guidance as to the analysis which must be conducted. In that case the Supreme Court declared the appropriate focus to be the best interest of the child and the petitioner bears the burden of establishing what is in the child's best interest. While Grimes held that each case must of necessity be unique, certain general considerations should include the natural bonds between parent and child, the social stigma or respect afforded the particular name within a community and, if the child is of sufficient age, whether the child intellectually and rationally understands the significance of changing the name. The Court should exercise its discretion in such cases "in such a way as to comport with good sense, common decency and fairness to all concerned and to the public". Petition of Falcucci, 355 Pa. 588, 592, 50 A.2d 200, 202 (1947).

Obviously the child is not old enough to provide testimony, so the desires of the child are not a relevant consideration. Mother attempted to provide testimony showing that Father's last name is disrespected in the community. This

evidence was not compelling. While it is clear that Father has convictions for Driving Under the Influence and has spent time in the Clearfield County Jail, most of the difficulties described with Father are ones not necessarily unusual to those associated with troubled relationships. In any event, Mother's current husband, Mr. Flanders, pleaded guilty to embezzlement charges in Federal Court and also spent time in prison. Considering that both parties were requesting a change of name, this Court does not believe that either party met their burden of proof of showing that there was a social stigma attached to the other's name.

A common sense approach to this case shows that Mother's family lacks continuity relative the last names of the children. As aforesaid, two of the children are named Bush, one Martinez and the other Flanders. Changing Wynter's name to that of her step-father will not cure any confusion or difficulty relative the other two children's name of Bush. If Mother's relationship with Mr. Flanders fails, Wynter will have a name unrelated to either of her parents. While Mother's name may change, Father's name will remain constant. This Court finds that it is in the best interests of the child for Father's Petition to be granted and Wynter's last name to be changed to Cortina.

By the Court,

  
JUDGE FREDRIC J. AMMERMAN

DATE: May 6, 2002

**FILED**

MAY 07 2002

0/3:04

William A. Shaw  
Prothonetary

*EKK*

- 2 certified copies to Kimberly M. Kubista, Esquire
- 2 certified copies to Toni M. Cherry, Esquire
- 2 copies to Judge Ammerman
- 1 copy to Law Library
- 1 copy to Court Administrator
- 1 copy to Don Mikesell, Esquire

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

IN RE:

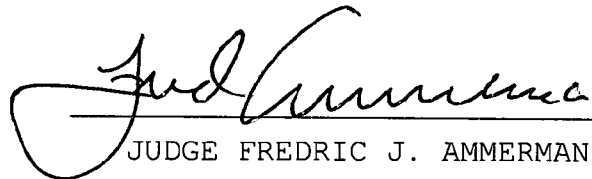
WYNTER TAYLOR-MARIE MARTINEZ  
(d.o.b. 01/30/1996)

\*  
\*  
\*  
\* No. 2001-769-C.D.

O R D E R

NOW, this 6<sup>th</sup> day of May, 2002, upon this Court's consideration of Respondent's Motion for Post-Trial filed April 26, 2002 by Toni M. Cherry, Esquire, it is the ORDER of this Court that said Motion be and is hereby DENIED.

By the Court,



JUDGE FREDRIC J. AMMERMAN

**FILED**

MAY 07 2002

0130512cc atty Kubota

William A. Shaw

Prothonotary

2cc atty Cherry

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Ker

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

IN RE: :  
: :  
WYNTER TAYLOR-MARIE MARTINEZ : No. 2001 - 769 C.D.  
(d.o.b. 01/30/96) :

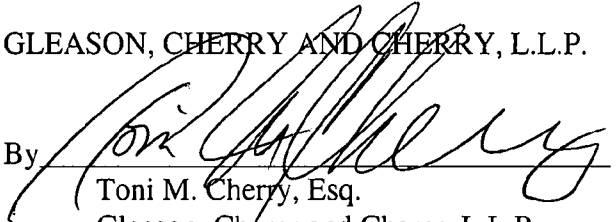
**NOTICE OF APPEAL**

Notice is hereby given that STARR MARIE FLANDERS, Respondent in the above-captioned action and mother and natural guardian of WYNTER TAYLOR-MARIE MARTINEZ, hereby appeals to the Superior Court of Pennsylvania from the Order entered in this matter on May 7, 2002. This Order has been entered in the docket as evidenced by the attached copy of the docket entry.

Respectfully submitted,

GLEASON, CHERRY AND CHERRY, L.L.P.

By

  
Toni M. Cherry, Esq.  
Gleason, Cherry and Cherry, L.L.P.  
One North Franklin Street  
P. O. Box 505  
DuBois, PA 15801  
(814) 371-5800  
Attorney I.D. No. 30205  
Attorneys for Respondent, STARR  
MARIE FLANDERS

**FILED**

JUN 04 2002

William A. Shaw  
Prothonotary

Dated: June 3, 2002

8

Date		Judge
05/21/2001	Filing: Petition for Change of Name Paid by: Kubista, Kimberly M. (attorney for Martinez, Wynter Taylor-Marie) Receipt number: 1825566 Dated: 05/21/2001 Amount: \$80.00 (Check) Two CC Attorney Kubista	No Judge
05/24/2001	RULE, AND NOW, this 23rd day of May, 2001, issued upon Respondent, returnable the 30th day of July, 2001, at 1:30 p.m. with a Hearing. by the Court, s/JKR,JR., P.J. 2 cc atty Kubista	John K. Reilly Jr.
05/29/2001	Certificate of Service, Petition for Name Change, upon Starr Marie Bush. s/Kimberly M. Kubista, Esq. no cc	John K. Reilly Jr.
06/07/2001	Affidavit of Service, Notice of Hearing on Petition for Change of Name via Publication. s/Kimberly M. Kubista, Esq. no cc	John K. Reilly Jr.
07/26/2001	Answer to Petition for Change of Name and Prayer for Relief in the Form of Change of Name to Mother's Married Name. filed by s/Toni M. Cherry, Esq.	John K. Reilly Jr.
09/28/2001	AND NOW, THIS 27th day of Sept. 2001, re: Atty Kubista's Petition for Name Change to be included w/Custody Trial scheduled to 98-1525-CD, currently scheduled for Jan 30 & 31, 2002, at 9:00 a.m., etc. by the Court, s/FJA,J. 1 cc Atty T. Cherry, Kubista	Fredric J. Ammerman
10/17/2001	ORDER, AND NOW, this 17th day of Oct., 2001, re: Petition for Change of Name remains scheduled for Jan. 30, 2002 at 9:00 a.m. but is rescheduled from Jan. 31, 2001 to Feb. 1, 2002, at 9:00 a.m. by the Court, s/FJA,J. 1 cc Atty T. Cherry and Atty Kubista	Fredric J. Ammerman
01/16/2002	Petition For Change of Name. Filed by s/Toni M. Cherry, Esq. ORDER, AND NOW, by the Court, s/FJA,J. 3 cc Atty Toni M. Cherry, Esq.	Fredric J. Ammerman
01/29/2002	Answer to Petition for Change of Name, filed by Atty. Kubista no cc	Fredric J. Ammerman
01/30/2002	Certificate of Service, Answer to Petition for Change of Name upon Toni M. Cherry, Esq. Filed by s/Kimberly M. Kubista, Esq no cc	Fredric J. Ammerman
02/08/2002	ORDER, AND, NOW this 8 day of February, 2002, it is the ORDER of the court that the continuation of hearing on Atty Kubista Petition for Change of name has been scheduled for Friday, March 15, 2002 at 1:30 P.M. in courtroom no. 2 1 1/2 days has been allotted for this matter. By the court s/FJA,J 1cc atty Kubista 1cc atty Cherry 1cc to atty Kubista 1cc to atty Cherry	Fredric J. Ammerman
03/18/2002	ORDER, NOW, this 15th day of March, 2002, re: Both parties have until no later than Apr. 10, 2002, in which to file Briefs w/Prothonotary's Office. by the Court, s/FJA,J. 1 cc Atty T. Cherry, Kubista	Fredric J. Ammerman
04/09/2002	Proof of Publication, in Courier Express/Tri-County Sunday/Jefferson Democrat. Filed by s/Toni M. Cherry, Esq. no cc	Fredric J. Ammerman
	Proof of Publication, in the Clearfield County Legal Journal. Filed by s/Toni M. Cherry, Esq. no cc	Fredric J. Ammerman
04/17/2002	ORDER, NOW, this 15th day of April, 2002, re: Wynter Taylor-Marie Martinez's name shall be changed to Wynter Taylor-Marie Cortina. by the Court, s/FJA,J. 2 cc Atty Kubista, T. Cherry	Fredric J. Ammerman
04/26/2002	Motion For Post-Trial Relief and Request for the Record to be Transcribed in Accordance w/Pa. R.C.P. 227.3 filed by s/Toni M. Cherry, Esq. Certificate of Service 4 cc Atty Cherry	Fredric J. Ammerman
05/07/2002	OPINION. by the Court, s/FJA,J. 2 cc to Atty Kubista, T. Cherry, 2 copies Judge Ammerman, 1 copy Law Library, CA, and Atty D. Mikesell	Fredric J. Ammerman

Date: 06/03/2002

Cuyahoga County Court of Common Pleas

User: BHUDSON

Time: 02:41 PM

ROA Report

Page 2 of 2

Case: 2001-00769-CD

Current Judge: Fredric J. Ammerman

IN RE: Wynter Taylor-Marie Martinez

Civil In RE

Date		Judge
05/07/2002	ORDER, NOW, this 6th day of May, 2002, re: Responent's Motion for Post-Trial is DENIED. by the Court, s/FJA,J. 2 cc Atty Kubista, T. Cherry	Fredric J. Ammerman

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

JUN 03 2002

Attest:

*William A. Brown*  
Prothonotary

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

IN RE:

WYNTER TAYLOR-MARIE MARTINEZ : No. 2001 - 769 C.D.  
(d.o.b. 01/30/96)

**ORDER FOR TRANSCRIPT**

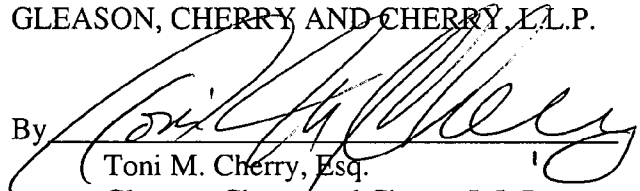
A Notice of Appeal having been filed in this matter, the Official Court Reporter is hereby ordered to produce, certify, and file the transcript in this matter from the combined hearings on the cases filed to No. 2001 - 769 C.D. and No. 98 - 1525 C.D., in conformity with Rule 1922 of the Pennsylvania Rules of Appellate Procedure.

Respectfully submitted,

Respectfully submitted,

GLEASON, CHERRY AND CHERRY, L.L.P.

By

  
Toni M. Cherry, Esq.  
Gleason, Cherry and Cherry, L.L.P.  
One North Franklin Street  
P. O. Box 505  
DuBois, PA 15801  
(814) 371-5800  
Attorney I.D. No. 30205  
Attorneys for Respondent, STARR  
MARIE FLANDERS

Dated: June 3, 2002



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

IN RE:

WYNTER TAYLOR-MARIE MARTINEZ : No. 2001 - 769 C.D.  
(d.o.b. 01/30/96)

**PROOF OF SERVICE OF NOTICE OF APPEAL**

I hereby certify that I am this day serving copies of the foregoing Notice of Appeal,  
Docket Entries, Order for Transcript and this Proof of Service on the following persons in the  
manner indicated below:

**Service by First Class Mail, addressed as follows:**

THE HONORABLE FREDRIC J. AMMERMAN  
Judge of the Court of Common Pleas of  
Clearfield County  
Judge's Chambers  
Second Floor, Courthouse Annex  
Clearfield, PA 16830

MS. KATHY PROVOST  
Court Reporter  
Office of the Court Reporter  
Clearfield County Courthouse  
Clearfield, PA 16830

MR. DAVID S. MEHOLICK  
Court Administrator  
Office of the Court Administrator  
Clearfield County Courthouse  
Clearfield, PA 16830

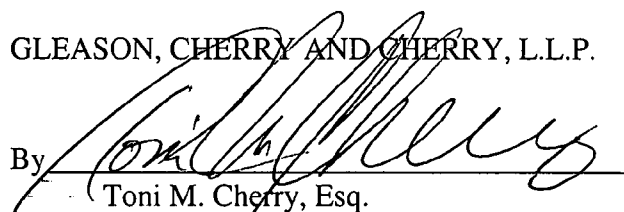
KIMBERLY M. KUBISTA, ESQ.  
Belin & Kubista  
Attorneys at Law  
P. O. Box 1  
Clearfield, PA 16830  
Attorney for Petitioner

I understand that any false statements herein are made subject to the penalties of 18 Pa.  
Cons. Stat. Ann. Section 4904 (relating to unsworn falsification to authorities).

Dated: June 3, 2002

GLEASON, CHERRY AND CHERRY, L.L.P.

By



Toni M. Cherry, Esq.  
Attorney L.D. No. 30205  
P. O. Box 505  
DuBois, PA 15801  
(814) 371-5800

FILED

JUN 04 2002

William A. Shaw  
Prothonotary

William A. Shaw  
Prothonotary

Notice to Sup. Ct. w/ \$55.00 ct.  
w/ \$55.00 ct.


**Appeal Docket Sheet**

**Docket Number:** 954 WDA 2002

**Page 1 of 3**

**June 5, 2002**

01-769-00  
Superior Court of Pennsylvania

**COPY** 

In Re: Wynter Taylor-Marie Martinez  
(D.O.B. 01/30/96)

Appeal Of: Starr Marie Flanders, Mother And Natural  
Guardian

Initiating Document: Notice of Appeal

Case Status: Active

Case Processing Status: June 5, 2002

Awaiting Original Record

Journal Number:

Case Category: Domestic Relations

CaseType:

Custody/Visitation

Consolidated Docket Nos.:

Related Docket Nos.:

**SCHEDULED EVENT**

Next Event Type: Case Initiation

Next Event Due Date: June 5, 2002

Next Event Type: Docketing Statement Received

Next Event Due Date: June 19, 2002

Next Event Type: Original Record Received

Next Event Due Date: July 15, 2002

**FILED**

JUN 07 2002

William A. Shaw  
Prothonotary

## Appeal Docket Sheet

Docket Number: 954 WDA 2002

Page 2 of 3  
June 5, 2002

Superior Court of Pennsylvania



## COUNSEL INFORMATION

**Appellant** Flanders, Starr Marie**Pro Se:** Appoint Counsel Status:**IFP Status:** No**Appellant Attorney Information:****Attorney:** Cherry, Toni M.**Bar No.:** 30205**Law Firm:** Gleason, Cherry and Cherry, L.L.P.**Address:** P.O. Box 505

1 N. Franklin Street

DuBois, PA 15801

**Phone No.:** (814)371-5800**Fax No.:** (814)371-0936**Receive Mail:** Yes**E-Mail Address:****Receive E-Mail:** No**Appellee** Martinez, Wynter Taylor-Marie**Pro Se:** Appoint Counsel Status:**IFP Status:****Appellee Attorney Information:****Attorney:** Kubista, Kimberly Michelle**Bar No.:** 52782**Law Firm:** Belin & Kubista**Address:** 15 N. Front Street

P.O.Box 1

Clearfield, PA 16830

**Phone No.:** (814)765-8972**Fax No.:** (814)765-9893**Receive Mail:** Yes**E-Mail Address:****Receive E-Mail:** No**Appellee** Cortina, Gregory John**Pro Se:** Appoint Counsel Status:**IFP Status:****Appellee Attorney Information:****Attorney:** Kubista, Kimberly Michelle**Bar No.:** 52782**Law Firm:** Belin & Kubista**Address:** 15 N. Front Street

P.O.Box 1

Clearfield, PA 16830

**Phone No.:** (814)765-8972**Fax No.:** (814)765-9893**Receive Mail:** Yes**E-Mail Address:****Receive E-Mail:** No

## FEE INFORMATION

## Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 954 WDA 2002

Page 3 of 3

June 5, 2002



Fee Date	Fee Name	Fee Amt	Paid	Receipt Number
6/5/02	Notice of Appeal	55.00	55.00	2002SPRWD000686

## TRIAL COURT/AGENCY INFORMATION

Court Below: Clearfield County Court of Common Pleas

County: Clearfield

Division: Civil

Date of Order Appealed From: May 7, 2002

Judicial District: 46

Date Documents Received: June 5, 2002

Date Notice of Appeal Filed: June 4, 2002

Order Type: Order

OTN:

Judge: Ammerman, Fredric J.  
Judge

Lower Court Docket No.: 2001-769 CD

## ORIGINAL RECORD CONTENTS

Original Record Item	Filed Date	Content/Description
----------------------	------------	---------------------

Date of Remand of Record:

## BRIEFS

## DOCKET ENTRIES

Filed Date	Docket Entry/Document Name	Party Type	Filed By
June 5, 2002	Notice of Appeal Filed	Appellant	Flanders, Starr Marie
ORDER BEING APPEALED IS FROM CHANGE OF NAME			
June 5, 2002	Docketing Statement Exited (Civil)		Western District Filing Office

Date		Judge
05/21/2001	① Filing: Petition for Change of Name Paid by: Kubista, Kimberly M. (attorney for Martinez, Wynter Taylor-Marie) Receipt number: 1825566 Dated: 05/21/2001 Amount: \$80.00 (Check) Two CC Attorney Kubista	No Judge
05/24/2001	② RULE, AND NOW, this 23rd day of May, 2001, issued upon Respondent, returnable the 30th day of July, 2001, at 1:30 p.m. with a Hearing. by the Court, s/JKR, JR., P.J. 2 cc atty Kubista	John K. Reilly Jr.
05/29/2001	③ Certificate of Service, Petition for Name Change, upon Starr Marie Bush. s/Kimberly M. Kubista, Esq. no cc	John K. Reilly Jr.
06/07/2001	④ Affidavit of Service, Notice of Hearing on Petition for Change of Name via Publication. s/Kimberly M. Kubista, Esq. no cc	John K. Reilly Jr.
07/26/2001	⑤ Answer to Petition for Change of Name and Prayer for Relief in the Form of Change of Name to Mother's Married Name. filed by s/Toni M. Cherry, Esq.	John K. Reilly Jr.
09/28/2001	⑥ AND NOW, THIS 27th day of Sept. 2001, re: Atty Kubista's Petition for Name Change to be included w/Custody Trial scheduled to 98-1525-CD, currently scheduled for Jan 30 & 31, 2002, at 9:00 a.m., etc. by the Court, s/FJA,J. 1 cc Atty T. Cherry, Kubista	Fredric J. Ammerman
10/17/2001	⑦ ORDER, AND NOW, this 17th day of Oct., 2001, re: Petition for Change of Name remains scheduled for Jan. 30, 2002 at 9:00 a.m. but is rescheduled from Jan. 31, 2001 to Feb. 1, 2002, at 9:00 a.m. by the Court, s/FJA,J. 1 cc Atty T. Cherry and Atty Kubista	Fredric J. Ammerman
01/16/2002	⑧ Petition For Change of Name. Filed by s/Toni M. Cherry, Esq. AND NOW, by the Court, s/FJA,J. 3 cc Atty Toni M. Cherry, Esq.	Fredric J. Ammerman <i>scheduling and service</i>
01/29/2002	⑨ Answer to Petition for Change of Name, filed by Atty. Kubista no cc	Fredric J. Ammerman
01/30/2002	⑩ Certificate of Service, Answer to Petition for Change of Name upon Toni M. Cherry, Esq. Filed by s/Kimberly M. Kubista, Esq no cc	Fredric J. Ammerman
02/08/2002	⑪ ORDER, AND, NOW this 8 day of February, 2002, it is the ORDER of the court that the continuation of hearing on Atty Kubista Petition for Change of name has been scheduled for Friday, March 15, 2002 at 1:30 P.M. in courtroom no. 2 1 1/2 days has been allotted for this matter. By the court s/FJA,J. 1cc atty Kubista 1cc atty Cherry 1cc to atty Kubista 1cc to atty Cherry	Fredric J. Ammerman
03/18/2002	⑫ ORDER, NOW, this 15th day of March, 2002, re: Both parties have until no later than Apr. 10, 2002, in which to file Briefs w/Prothonotary's Office. by the Court, s/FJA,J. 1 cc Atty T. Cherry, Kubista	Fredric J. Ammerman
04/09/2002	⑬ Proof of Publication, in Courier Express/Tri-County Sunday/Jefferson Democrat. Filed by s/Toni M. Cherry, Esq. no cc	Fredric J. Ammerman
	⑭ Proof of Publication, in the Clearfield County Legal Journal. Filed by s/Toni M. Cherry, Esq. no cc	Fredric J. Ammerman
04/17/2002	⑮ ORDER, NOW, this 15th day of April, 2002, re: Wynter Taylor-Marie Martinez's name shall be changed to Wynter Taylor-Marie Cortina. by the Court, s/FJA,J. 2 cc Atty Kubista, T. Cherry	Fredric J. Ammerman
04/26/2002	⑯ Motion For Post-Trial Relief and Request for the Record to be Transcribed in Accordance w/Pa. R.C.P. 227.3 filed by s/Toni M. Cherry, Esq. Certificate of Service 4 cc Atty Cherry	Fredric J. Ammerman
05/07/2002	⑰ OPINION. by the Court, s/FJA,J. 2 cc to Atty Kubista, T. Cherry, 2 copies Judge Ammerman, 1 copy Law Library, CA, and Atty D. Mikesell	Fredric J. Ammerman

Date: 06/04/2002

Clearfield County Court of Common Pleas

User: BHUDSON

Time: 12:54 PM

ROA Report

Page 2 of 2

Case: 2001-00769-CD

Current Judge: Fredric J. Ammerman

IN RE: Wynter Taylor-Marie Martinez

Civil In RE

Date		Judge
05/07/2002	(A) ORDER, NOW, this 6th day of May, 2002, re: Responent's Motion for Post-Trial is DENIED. by the Court, s/FJA,J. 2 cc Atty Kubista, T. Cherry	\ Fredric J. Ammerman
06/04/2002	Filing: Appeal to High Court Paid by: Cherry, Toni M. (attorney for Martinez, Wynter Taylor-Marie) Receipt number: 1843412 Dated: 06/04/2002 Amount: \$45.00 (Check)	Fredric J. Ammerman
	(S) Filing: Notice of Appeal to High Court, Order for Transcript, and Proof of Service of Notice of Appeal Paid by: Cherry, Toni M. (attorney for Martinez, Wynter Taylor-Marie) Receipt number: 1843413 Dated: 06/04/2002 Amount: \$45.00 (Check) 1 cc to Atty Cherry 1 Notice to Sup. Crt. w/\$55.00 check	6 Fredric J. Ammerman



# In the Superior Court of Pennsylvania

Sitting at Pittsburgh

No. 954 WDA 2002

In Re: Wynter Taylor-Marie Martinez  
Appeal of: Starr Marie Flanders

Appeal from the order of May 7, 2002, by  
the Hon. Frederic J. Ammerman, of the  
Court of Common pleas, civil division of  
the County of Clearfield at No. 2001-769 CD

## CERTIFIED FROM THE RECORD

### ORDER OF COURT

"On April 16, 2002, the trial court entered an order denying a change of name pursuant to 54 Pa.C.S. §§ 701-705 (Judicial Change of Name). Appellant-mother filed post-trial motions that were denied by order dated May 6, 2002. This appeal was filed on June 5, 2002. Because post-trial motions are improper following the grant of denial of a name change, this appeal is untimely. **See**

**In re Benner**, 516 A.2d 59 (Pa.Super. 1986). Therefore, the motion  
To quash is hereby **GRANTED**.

\_Date: July 3, 2002

PER CURIAM"

# FILED

AUG 1 9 2002

William A. Shaw  
Prothonotary

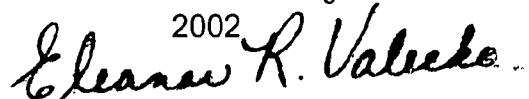


In Testimony Whereof, I have hereunto set my hand and the seal of said Court at Pittsburgh

Pa. this 16th

Day of August

2002



Deputy Prothonotary

SUPERIOR COURT OF PENNSYLVANIA

**954 WDA 2002**

In Re: Wynter Taylor-Marie  
Martinez

Court of Common Pleas, Civil Div  
Of the County of Clearfield

Appeal of: Starr Marie Flanders

At No. 2001-769- CD

**Received from the Superior court the following:**

**Enclosed is a Certified Copy of Order**

**FILED**

AUG 19 2002

William A. Shaw  
Prothonotary

bnl

Receipt Acknowledged: \_\_\_\_\_



Date: 8-19-02

COPY TO SURNAME CO.

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

STARR MARIE BUSH

:

-vs-

: No. 98-1525-CD

GREGORY JOHN CORTINA

:

and

IN RE:

: No. 01-769-CD

WYNTER T. MARTINEZ

:

O R D E R

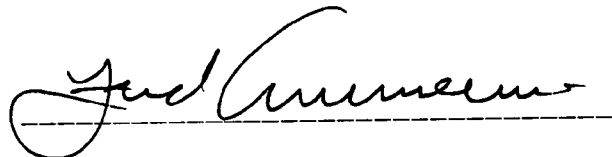
NOW, this 12th day of September, 2002, counsel for the Plaintiff having appeared and having requested permission to obtain for the Plaintiff the original photographs that were entered into evidence on behalf of the Plaintiff; the Court noting that an untimely appeal had previously been filed and dismissed by the Pennsylvania Superior Court and that thereafter the case is closed, it is therefore the ORDER of this Court that the court reporter provide counsel with Plaintiff's Exhibits 1A and B, 6A and B, 7A through E, 8A through D, 9A and B, 10A and B, 12 and 13A through H.

BY THE COURT,

**FILED**

SEP 20 2002

William A. Shaw  
Prothonotary

  
Judge

**FILED**

0/10:15-~~01~~  
SEP 20 2002

2 CC T. Cherry  
2 CC Kubista

*[Handwritten signature]*

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

STARR MARIE BUSH

:

-vs-

: No. 98-1525-CD

GREGORY JOHN CORTINA

:

and

IN RE:

: No. 01-769-CD

WYNTER T. MARTINEZ

:

O R D E R


NOW, this 12th day of September, 2002, counsel for the Plaintiff having appeared and having requested permission to obtain for the Plaintiff the original photographs that were entered into evidence on behalf of the Plaintiff; the Court noting that an untimely appeal had previously been filed and dismissed by the Pennsylvania Superior Court and that thereafter the case is closed, it is therefore the ORDER of this Court that the court reporter provide counsel with Plaintiff's Exhibits 1A and B, 6A and B, 7A through E, 8A through D, 9A and B, 10A and B, 12 and 13A through H.

BY THE COURT,

**FILED**

SEP 20 2002

William A. Shaw  
Prothonotary

  
\_\_\_\_\_  
Judge

FILED

0/10:15201  
SEP 20 2002

2cc T. Cherry  
2cc Kuby'sta  
GKD

William A. Shaw  
Prothonotary