

04-387-CD
TAMMY M. COUDRIET vs. JOHN C. COUDRIET

Tammy M. Coudriet vs. John C. Coudriet
2004-387-CD

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

TAMMY M. COUDRIET,
Plaintiff

vs.

No. 04-387-CD

JOHN C. COUDRIET,
Defendant

COMPLAINT IN DIVORCE

Filed on behalf of

Plaintiff

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

One minor child to this marriage:

John Charles Coudriet, II, d.o.b. 1/9/96

FILED

MAR 19 2004

William A. Shaw
Prothonotary

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

TAMMY M. COUDRIET,
Plaintiff

vs. : No.

JOHN C. COUDRIET,
Defendant

NOTICE TO DEFEND AND CLAIM RIGHTS

You have been sued in Court for

<input checked="" type="checkbox"/> Divorce	<input type="checkbox"/> Annulment of Marriage
<input type="checkbox"/> Support	<input checked="" type="checkbox"/> Custody and Visitation
<input checked="" type="checkbox"/> Division of Property	<input checked="" type="checkbox"/> Alimony
<input checked="" type="checkbox"/> Temporary Alimony	<input checked="" type="checkbox"/> Attorneys Fees
<input checked="" type="checkbox"/> Costs	

If you wish to defend against the claims set forth in the following pages, you must take prompt action. You are warned that if you fail to do so, the case may proceed without you and a decree in divorce or annulment may be entered against you by the Court. A judgment may also be entered against you for any other claim or relief requested in these papers by the Plaintiff. You may lose money or property rights important to you, including custody or visitation of your children.

When the ground for divorce is indignities or irretrievable breakdown of the marriage, you may request marriage counseling. A list of marriage counselors is available in the Office of the Prothonotary of Clearfield County, Clearfield County Courthouse, Clearfield, Pennsylvania

IF YOU DO NOT FILE A CLAIM FOR ALIMONY, DIVISION OF PROPERTY, LAWYER'S FEES OR EXPENSES BEFORE A DIVORCE OR ANNULMENT IS GRANTED, YOU MAY LOSE THE RIGHT TO CLAIM ANY OF THEM.

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

COURT ADMINISTRATOR
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641, Ext. 1300

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

TAMMY M. COUDRIET,
Plaintiff

vs.

No.

JOHN C. COUDRIET,
Defendant

DIVORCE UNDER SECTIONS 3301(C)
AND 3301(D) OF THE DIVORCE CODE

COUNT I – DIVORCE

NOW COMES, the Plaintiff, TAMMY M. COUDRIET, by and through her attorneys, Belin & Kubista, and sets forth the following Complaint in Divorce and would aver as follows:

1. That Plaintiff is Tammy M. Coudriet, an adult individual, currently residing at 623 State Street, Curwensville, Clearfield County, Pennsylvania, since November 20, 2003.
2. That Defendant is John C. Coudriet, an adult individual, currently residing at R.R. #1, Box 178C, Woodland, Clearfield County, Pennsylvania, since April 2001.
3. That Plaintiff and Defendant have been bona fide residents in the Commonwealth for at least six months immediately previous to the filing of this Complaint.
4. That the Plaintiff and Defendant were married on February 24, 1995 in Clearfield County, Pennsylvania.
5. That there were no previous actions in divorce filed by either party.
6. The marriage is irretrievably broken.

7. The Plaintiff has been advised that counseling is available and that Defendant may have the right to request that the Court require the parties to participate in counseling.

WHEREFORE, Plaintiff requests Your Honorable Court to enter a Decree in Divorce, divorcing Plaintiff and Defendant absolutely.

COUNT II – DIVORCE UNDER 3301(D)

8. Paragraphs one through seven of this Complaint are incorporated herein by reference as though set forth in full.

9. The parties have lived separate and apart for a period in excess of two (2) years in accordance with Section 3301(d) of the Divorce Code.

WHEREFORE, Plaintiff requests Your Honorable Court to enter a Decree in Divorce, divorcing Plaintiff and Defendant absolutely.

COUNT III – EQUITABLE DISTRIBUTION

10. Paragraphs one through nine of this Complaint are incorporated herein by reference and made a party hereof as though set forth in full.

11. Plaintiff and Defendant have legally and beneficially acquired property both real and personal during their marriage from February 24, 1995 until November 20, 2003.

12. Plaintiff and Defendant have been unable to agree to an equitable division of said property to the date of the filing of this Complaint.

13. That an Inventory and Appraisement of all property owned or possessed by Plaintiff will be supplied in accordance with the Divorce Code.

WHEREFORE, Plaintiff requests Your Honorable Court to equitably divide all marital property.

COUNT IV – CUSTODY

14. Paragraph one through thirteen of this Complaint are incorporated herein by reference and made a part hereof as though set forth in full.

15. Plaintiff seeks custody of the following children:

John Charles Coudriet, II, d.o.b. 1/9/96

16. The child was born in wedlock.

17. The child is presently in the custody of Plaintiff.

18. During the past five years, the child has resided with the following:

Tammy M. Coudriet and John C. Coudriet, at Woodland, Pennsylvania from April 2001 until November 20, 2003.

Tammy M. Coudriet, at 623 State Street, Curwensville, Pennsylvania from November 20, 2003 until the present.

19. The mother of the child is Tammy M. Coudriet, who resides at 623 State Street, Curwensville, Pennsylvania.

20. She is married.

21. The father of the child is John C. Coudriet, who resides at R.R. #1, Box 178C, Woodland, Pennsylvania.

22. He is married.

23. The relationship of the Plaintiff to the child is that of parent. The Plaintiff currently resides with the parties' child.

24. The relationship of Defendant to the child is that of parent. The Defendant currently resides alone.

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

26. Plaintiff has no information of a custody proceeding concerning the child pending in a court of this Commonwealth.

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

22. The best interest and permanent welfare of the child will be served by granting the relief requested because Plaintiff has been primary caretaker of the child since his birth and can provide a more stable environment conducive to the best interest of the child.

WHEREFORE, Plaintiff requests Your Honorable Court to grant physical custody of the child to Plaintiff subject to Defendant's periods of partial custody.

COUNT V – ALIMONY, ALIMONY PENDENTE LITE

23. Paragraphs one through twenty-two of this Complaint are incorporated herein by reference as though set forth in full.

24. Plaintiff lacks sufficient property to provide for her reasonable means and is unable to support herself.

25. Plaintiff requires reasonable support to adequately maintain herself in accordance with the standard of living established during the marriage.

26. Plaintiff believes and therefore avers that Defendant is employed and is capable of supporting the Plaintiff.

WHEREFORE, Plaintiff requests Your Honorable Court to enter an award of reasonable alimony until final hearing and permanently thereafter.

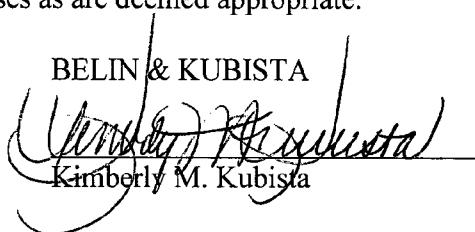
COUNT VI - ATTORNEY'S FEES, COSTS AND EXPENSES

27. Paragraphs one through twenty-six of this Complaint are incorporated herein by reference and made a part hereof as though set forth in full.

28. Plaintiff has employed Kimberly M. Kubista as counsel in this divorce action but is unable to pay the necessary and reasonable attorneys fees for said counsel and the expense and costs of this action.

WHEREFORE, Plaintiff requests Your Honorable Court to enter an award of temporary counsel fees, costs and expenses as are deemed appropriate.

BELIN & KUBISTA


Kimberly M. Kubista

I verify that the statements made in Complaint 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.

3-17-04

Date

Tammy M. Coudriet

Tammy M. Coudriet

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

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

TAMMY M. COUDRIET,
Plaintiff

VS.

No. 04-387-CD

JOHN C. COUDRIET,
Defendant

CERTIFICATE OF SERVICE

File on behalf of

Plaintiff

Counsel of Record for
this Party:

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

BELIN & KUBISTA
15 N. Front Street
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Clearfield, PA 16830
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FILED

MAR 25 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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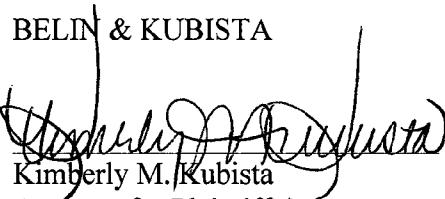
JOHN C. COUDRIET,
Defendant

CERTIFICATE OF SERVICE

This is to certify that I have served a certified copy of Complaint in Divorce and Children's First Program Brochure in the above captioned matter by certified mail, restricted delivery on the 24th day of March, 2004 to the following:

John C. Coudriet
R.R. #1, Box 178C
Woodland, PA 16881

BELIN & KUBISTA


Kimberly M. Kubista
Attorney for Plaintiff

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:

John C. Couriet
R.R. #1, Box 178C
Woodland, PA 16881

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X John Couriet Agent
 Addressee

B. Received by (Printed Name)

John Couriet C. Date of Delivery
3/24/04

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input checked="" type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

4. Restricted Delivery? (Extra Fee)

 Yes

21
7002 3150 0000 7854 3586

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

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

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

TAMMY M. COUDRIET, :
Plaintiff :
: :
vs. : : No. 04-387-CD
: :
JOHN C. COUDRIET, :
Defendant : :
:

AFFIDAVIT OF CONSENT UNDER SECTION 3301(c)

1. A complaint in divorce under Section 3301(c) of the Divorce Code was filed on March 19, 2004.

2. The marriage of Plaintiff and Defendant is irretrievably broken and ninety days have elapsed from the date of the filing the complaint.

3. I consent to the entry of a final decree of divorce after service of notice of intention to request entry of the decree.

4. I understand that I may lose rights concerning alimony, division of property, lawyer's fees or expenses if I do not claim them before a divorce is granted.

I verify that the statements made in this affidavit 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.

Date: 7/28/04

John C. Coudriet
John C. Coudriet

FILED

AUG 17 2004

William A. Shaw
Prothonotary/Clerk of Courts

FILED

O/3:46654
AUG 17 2004

1CC
Atty Kubista

William A. Shaw
Prothonotary/Clerk of Courts

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

TAMMY M. COUDRIET, :
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: :
vs. : : No. 04-387-CD
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JOHN C. COUDRIET, :
Defendant : :
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WAIVER OF NOTICE OF INTENTION TO REQUEST
ENTRY OF A DIVORCE DECREE UNDER
SECTION 3301(C) OF THE DIVORCE CODE

1. I consent to the entry of a final decree of divorce without notice.
2. I understand that I may lose rights concerning alimony, division of property, lawyer's fees or expenses if I do not claim them before a divorce is granted.
3. I understand that I will not be divorced until a divorce decree is entered by the Court and that a copy of the decree will be sent to me immediately after it is filed with the prothonotary.

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Date: 7/28/04

John C. Coudriet
John C. Coudriet

FILED

AUG 17 2004

William A. Shaw
Prothonotary/Clerk of Courts

FILED
OCT 3 2004
AUG 17 2004
EAS
Angela Kubista

William A. Shaw
Prothonotary/Clerk of Courts

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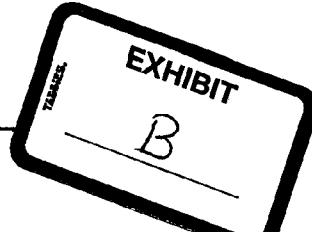
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Date: 10/13/04

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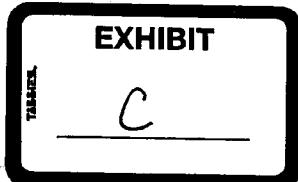
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Date: 7/28/04

John C. Coudriet
John C. Coudriet

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

AUG 17 2004



Attest.

John C. Coudriet
Prothonotary/
Clerk of Courts

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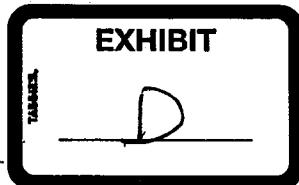
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15 NORTH FRONT STREET

P. O. BOX 1

CLEARFIELD, PENNSYLVANIA 16830
