

06-250-CD]

In Re: Hunter Lee Thompson

In Re: Hunter Thompson
2006-250-CD

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

IN RE: HUNTER LEE THOMPSON, : No. 06-250-CD
(D.O.B. 11/15/05) :

PETITION FOR CHANGE OF NAME

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
Clearfield, PA 16830
(814) 765-8972

FILED *Any pd.*
0/10.40/61 85.00
FEB 16 2006 *3cc Any*
William A. Shaw
Prothonotary/Clerk of Courts

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

IN RE: HUNTER LEE THOMPSON, : No.
 (D.O.B. 11/15/05) :

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 April 13, 2006 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: HUNTER LEE THOMPSON, : No. 06-250-CD
(D.O.B. 11/15/05) :

RULE

AND NOW, this 22nd day of February, 2006 upon consideration of the attached Petition, 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 and a hearing thereon the 13th day of April, 2006, at 9:00 A.m. at the Clearfield County Courthouse, Courtroom 2. 1 hour(s) has been allotted for this hearing.

BY THE COURT

Paul E. Cherry
Judge

FILED

0/11:56 am

FEB 22 2006

3CC Atty K. Kubista

(SM)

William A. Shaw
Prothonotary

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

IN RE: HUNTER LEE THOMPSON, : No.
 (D.O.B. 11/15/05) :

PETITION FOR CHANGE OF NAME

NOW COMES the Petitioner, MATTHEW L. FOSTER, 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 Matthew L. Foster, a single individual, currently residing at 126 Williams Road, Morrisdale, Clearfield County, Pennsylvania.
2. That Hunter Lee Thompson is three (3) months old (d.o.b. November 15, 2005) born out of wedlock to Mindy M. Thompson, natural mother and Matthew L. Foster, natural father.
3. That upon his birth, Hunter Lee Thompson was given the name of his natural mother.
4. That the natural mother is Mindy M. Thompson, currently residing at 5143 Philipsburg-Bigler Highway, West Decatur, Clearfield County, Pennsylvania.
5. That Matthew L. Foster and Mindy M. Thompson were never married and do not intend to marry.

6. That the Petitioner is desirous of legally changing the name of Hunter Lee Thompson in order that the child may bear his natural father's name.

7. That during the course of the child's life, he has resided with Mindy M. Thompson, at 5143 Philipsburg-Bigler Highway, West Decatur, Pennsylvania.

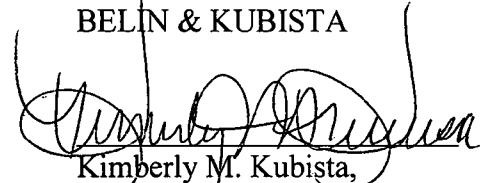
8. That the natural father, Petitioner herein, took affirmative steps to establish paternity of the child as well as establishing custodial rights to the child.

9. That the best interest of the child would be served by the child having the last name of his biological father.

10. That there are no judgments or decrees of record or any other matter of like character against Hunter Lee Thompson.

WHEREFORE, Petitioner, Matthew L. Foster, 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 Hunter Lee Thompson to Hunter Lee Foster.


BELIN & KUBISTA



Kimberly M. Kubista,
Attorney for Petitioner

I verify that the statements made in the foregoing 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.

Feb. 14, 2006
Date


Matthew L. Foster

BELIN & KUBISTA

ATTORNEYS AT LAW

15 NORTH FRONT STREET

P. O. BOX 1

CLEARFIELD, PENNSYLVANIA 16830

FILED

FEB 23 2006

W. L. A. Strawn

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

IN RE: HUNTER LEE THOMPSON, : No. 06-250-CD
 (D.O.B. 11/15/05) :

AFFIDAVIT OF SERVICE

File on behalf of

Petitioner

Counsel of Record for
this Party:

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

Carl A. Belin, Esquire
Pa.I.D. 6805

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

FILED *no cc*
01/11/06 Bd
MAR 16 2006 *lm*

William A. Shaw
Prothonotary/Clerk of Courts

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

IN RE: HUNTER LEE THOMPSON, : No. 06-250-CD
(D.O.B. 11/15/05) :

AFFIDAVIT OF SERVICE

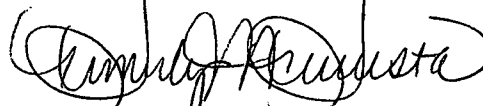
COMMONWEALTH OF PENNSYLVANIA)

) SS.

COUNTY OF CLEARFIELD)

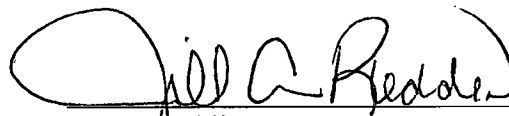
KIMBERLY M. KUBISTA, attorney for the Petitioner, being duly sworn according to law, deposes and states that Notice of hearing on Petition for Change of Name was served upon all interested parties by publication in The Progress newspaper on February 25, 2006, as evidenced by the Proof of Publication dated February 27, 2006, attached hereto AND by publication in the Clearfield County Legal Journal on March 3, 2006, as evidenced by the Proof of Publication dated March 3, 2006, attached hereto.

BELIN & KUBISTA



Kimberly M. Kubista
Attorney for Petitioner

SWORN AND SUBSCRIBED before me this 15th day of March,
2006.



Notary Public



LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the Petition of HUNTER LEE THOMPSON, by his natural father, MATTHEW L. FOSTER, has filed in the Court of Common Pleas of Clearfield County, Pennsylvania, to Civil Division No. 06-250-CD praying for a decree to change his name to HUNTER LEE FOSTER.

The Courts have fixed the 13th day of April, 2006 at 9:00 a.m. in Courtroom No. 2 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, Pennsylvania 16830 (814) 765-8972.

KALASH, NORMA, Dec'd
Late of California
Executrix: **DEBRA SUE BUTCHER**
Attorney: **RICHARD A. BELL**
318 East Locust Street
PO Box 670
Clearfield, PA 16830

SOMERVILLE, RAYMOND B. SR., Dec'd
a/k/a **RAYMOND BLISS SOMERVILLE, SR.**
Late of Sandy Township
Executrix:

JOSEPHINE H. SOMERVILLE
Attorney: **J. DENNIS PREVITE**
PO Box 785
2104 Bigler Avenue
Northern Cambria, PA 15714-0785

BRECK, STEPHEN, Dec'd
Late of Sandy Township
Executor: **MICHAEL C. P. BRECK**
Attorney: **GLEASON, CHERRY**
& CHERRY LLP

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :
: SS:
COUNTY OF CLEARFIELD :

NOTICE

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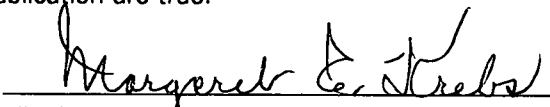
Kimberly M. Kubista, Esquire
15 North Front Street
P.O. Box 1
Clearfield, Pennsylvania 16830
(814) 765-8972.

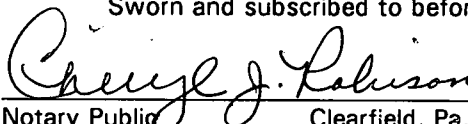
2:25-1d-b

On this 27th day of February, A.D. 20 06, 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 February 25, 2006.

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.


Notary Public Clearfield, Pa.

My Commission Expires
October 31, 2007

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Cheryl J. Robison, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires Oct. 31, 2007

Member, Pennsylvania Association Of Notaries

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

IN RE: HUNTER LEE THOMPSON, :
(D.O.B. 11/15/05) :

No. 06-250-CD

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
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED NO
012:40/61
MAR 20 2006 (JM)

William A. Shaw
Prothonotary/Clerk of Courts

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

IN RE: HUNTER LEE THOMPSON, :
(D.O.B. 11/15/05) :

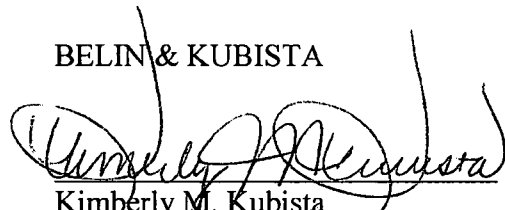
No. 06-250-CD

CERTIFICATE OF SERVICE

This is to certify that I have served a certified copy of Petition for Change of name and Rule in the above captioned matter by certified mail, restricted delivery on the 16th day March, 2006 to the following:

Mindy M. Thompson
5143 Philipsburg Bigler Hwy.
West Decatur, PA 16878

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, on the front if space permits.

1. Article Addressed to:

Mindy M. Thompson
5143 Philipsburg Bigler Hwy.
West Decatur, PA 16878

COMPLETE THIS SECTION ON DELIVERY**A. Signature**

☒ *Mindy M Thompson* ☐ Agent ☐ Addressee

B. Received by (Printed Name)

Mindy M Thompson

C. Date of Delivery

3-16-06

- 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

(Transfer from ser

7005 3110 0002 0405 1229

PS Form 3811, February 2004

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

IN RE: HUNTER LEE THOMPSON, : No. 06-250-CD
 (D.O.B. 11/15/05) :

AFFIDAVIT

File on behalf of

Petitioner, Matthew L. Foster

Counsel of Record for
this Party:

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

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

FILED 3cc
012:57/01
APR 13 2006
Ang Kubista

William A. Shaw
Prothonotary/Clerk of Courts

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

IN RE: HUNTER LEE THOMPSON, : No. 06-250-CD
(D.O.B. 11/15/05) :

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

: ss.

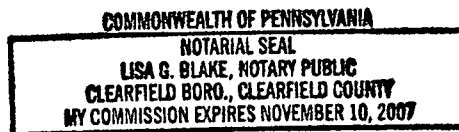
COUNTY OF CLEARFIELD :

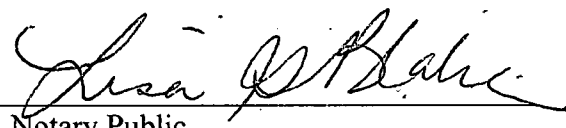
I, DAPHNE I. SHAFFER, the undersigned, do hereby depose and state that I have performed a search of the records in the Office of the Prothonotary of Clearfield County, and that I found no liens, judgments, secured transactions or other encumbrances listed in the name of HUNTER LEE THOMPSON.



DAPHNE I. SHAFFER

SUBSCRIBED AND SWORN TO BEFORE ME THIS 12th DAY OF April, 2006.





Notary Public

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

FILED

APR 13 2006

William A. Shaw
Prothonotary/Clerk

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

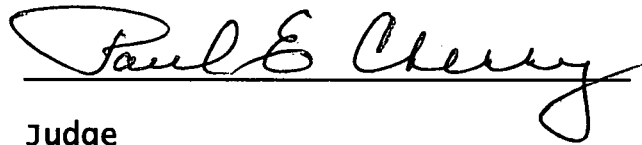
CIVIL DIVISION

IN RE: :
HUNTER LEE THOMPSON : No. 06-²⁵⁰~~25~~-CD
D.O.B. 11-15-05 :

O R D E R

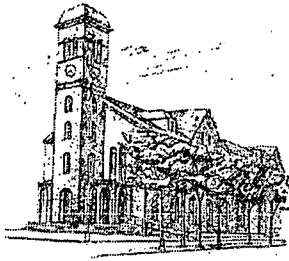
NOW, this 13th day of April, 2006, following the taking of testimony, it is the ORDER of this Court that counsel provide the Court with letter brief by no later than May 5, 2006.

BY THE COURT,



Judge

FILED 2CC Atty K. Kubista
01 11:23 AM
APR 17 2006 cc Mindy Thompson
William A. Shaw 5143 Philipsb. Bigler
Prothonotary/Clerk of Courts West Decatur, PA May
16878
(60)



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

DATE: 4/17/06

_____ You are responsible for serving all appropriate parties.

X _____ The Prothonotary's office has provided service to the following parties:

X _____ Plaintiff(s)/Attorney(s)

X _____ Defendant(s)/Attorney(s)

_____ Other

_____ Special Instructions:

0A

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

IN RE:
HUNTER LEE THOMPSON

NO. 06-250-CD

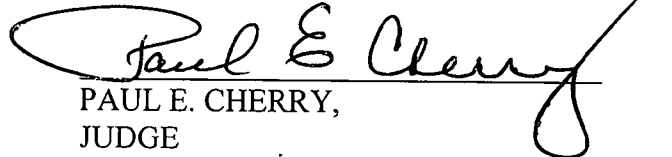
D.O.B. 11-15-05

ORDER

AND NOW, this 5th day of May, 2006, upon request of LeDon Young, Esquire, counsel for Mindy L. Thompson, for an extension of time to file brief, it is the ORDER of this Court that said request be and is hereby GRANTED. Counsel shall provide the Court with letter brief by no later than Friday, May 12, 2006.

No further extensions will be granted.

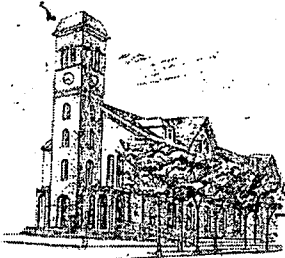
BY THE COURT,


PAUL E. CHERRY,
JUDGE

FILED

MAY 05 2006
0/3:50/MS
William A. Shaw
Prothonotary/Clerk of Courts

CERT TO KUBISTO
LEDon Young
Mindy Thompson
5143 P-Burg Bldg
West Chester
16878



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

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Sincerely,

William A. Shaw
Prothonotary

DATE: 5-5-06

_____ You are responsible for serving all appropriate parties.

X _____ The Prothonotary's office has provided service to the following parties:

X _____ Plaintiff(s)/Attorney(s)

X _____ Defendant(s)/Attorney(s)

X _____ Other Mary Thomas

_____ Special Instructions:

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

IN RE: HUNTER LEE THOMPSON : NO. 06-250-CD

FILED 2cc Atty
9:35 AM K. Kubista
JAN 02 2007 ICC LeDon Young
William A. Shaw ICC
Prothonotary/Clerk of Courts Mindy Thompson
5143 Philipsburg
Bigler Hwy.
West Decatur, PA
16878

OPINION

The Petitioner in this matter is Matthew L. Foster, the natural Father of Hunter Lee Thompson (d.o.b. 11-15-05). Mindy M. Thompson, (hereinafter "Mother") is the natural Mother of said child. The child, Hunter Lee Thompson, was born outside of wedlock. Since the child's birth, the child has resided with his Mother who makes her home with her parents, Jody and Jeannette Thompson, in West Decatur, Pennsylvania. Father resides in Morrisdale, Pennsylvania.

Father and Mother dated prior to the child's birth for a period of nine months. The testimony set forth that Father was present for the birth of the child. After the birth, the relationship between Mother and Father deteriorated. Father was not permitted by Mother to see the child. Subsequently, Father confirmed paternity through the Clearfield County Domestic Relations Section. Upon being confirmed the Father, Father filed a Petition for Custody and an Emergency Petition for Custody to obtain custody rights. This Court issued a Temporary Custody Order setting forth weekly visits between Father and his son.

The party petitioning for a name change for a minor child bares the burden of coming forth with evidence that the requested name change would be in the child's best interests. In re: Name change of C.R.C., 819 A.2d 558 (Pa. Super 2003). In a name change case, the trial court must evaluate all relevant circumstances to determine if the petitioning parent has established that the change is in the child's best interest. Neither

parent is to be accorded a presumption. Id. @ 560.

The Pennsylvania Supreme Court has set forth the following when considering what the trial court should evaluate in making its decision:

“general consideration should include the natural bonds between parent and child, the social stigma or respect afforded a particular name within the community and where the child is of sufficient age, whether the child intellectually and rationally understands the significance of changing his or her name.”

In Re: Zachary Thomas Andrew Grimes, 609 A.2d 158, 161 (Pa. 1992).

In this matter, Father submitted various photographs to demonstrate that there is an established relationship between he and his son. The Court hereby finds that there is a close bond between Father and child. Although the child is quite young, the Court finds that he has reached a comfort level with his Father. The Court further finds that there was no social stigma associated with his last name and that the last name “Foster” is a respectable last name. The Court finds that Father indeed loves his son very much and wants to share the same last name.

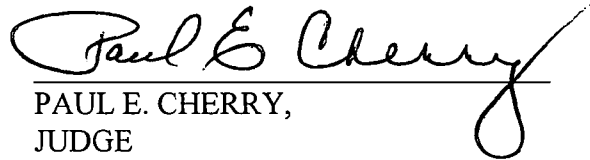
Mother’s reasons for placing her last name on the birth certificate of the child are quite weak. She indicated that she believed that Father would not be in the child’s life. This Court finds to the contrary. The Court believes that Father has aggressively pursued his paternity rights and then his custody rights. Mother’s beliefs are unfounded and selfish.

In the case at hand, we have a Father who is pursuing a relationship with his son quite vigorously, not only through the paternity testing, but through the custody proceedings as well and we believe that the change of the child’s name to that of the child’s Father is warranted. Therefore, the Court enters the following Order:

ORDER

NOW, this 29th day of December, 2006, following hearing on Petition for Name Change and the timely receipt of briefs, it is the ORDER of this Court that said Petition shall be and is hereby GRANTED and henceforth, the child known as Hunter Lee Thompson shall be known as Hunter Lee Foster.

BY THE COURT,


PAUL E. CHERRY,
JUDGE

FILED

JAN 02 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 1/2/07

 You are responsible for serving all appropriate parties.

 X The Prothonotary's office has provided service to the following parties:

 Plaintiff(s) Plaintiff(s) Attorney X Other

 Defendant(s) Defendant(s) Attorney

 Special Instructions:

Attorney Kubista
Mindy Thompson
Landon Young