

06-1121-CD

Michael J. Gutschall vs Judy Gutschall

2006-1121-CD  
Michael J. Gutschall vs Judy Gutschall

**COPY**

**NO. 208,653-C**

CLEARFIELD CO  
Penns. CASE #  
06-1121-CD

**IN THE MATTER OF  
THE MARRIAGE OF**

**MICHAEL JAMES GUTSCHALL  
AND  
JUDY GUTSCHALL**

**IN THE DISTRICT COURT**

**§ 169<sup>th</sup> JUDICIAL DISTRICT  
§ BELL COUNTY, TEXAS**

**FINAL DECREE OF DIVORCE**

On the 28<sup>th</sup> day of July 2005 the Court heard this cause.

FILED

JUL 29 PM 2005  
205

**Appearances**

Petitioner, Michael James Gutschall, appeared by written deposition and through attorney of record, Steven J. Duskie, and announced ready for trial.

Respondent, Judy Gutschall, although duly and properly cited, did not appear and wholly made default.

**Record**

The making of a record of testimony was waived by the parties with the consent of the Court.

**Jurisdiction and Domicile**

The Court finds that the pleadings of Petitioner are in due form and contain all the allegations, information, and prerequisites required by law. The Court, after receiving evidence, finds that it has jurisdiction of this case and of all the parties and that at least sixty days have elapsed since the date the suit was filed. The Court finds that, at the time this suit was filed, Petitioner had been a domiciliary of Texas for the preceding six-month period and a resident of the county in which this suit was filed for the preceding ninety-day period. All persons entitled to citation were properly cited.

**Jury**

A jury was waived, and questions of fact and of law were submitted to the Court.

**Divorce**

IT IS ORDERED AND DECREED that Michael James Gutschall, Petitioner, and Judy Gutschall, Respondent, are divorced and that the marriage between them is dissolved on the ground of insupportability.

*Final Decree of Divorce  
Michael Gutschall and Judy Gutschall*

**FILED** Atty Bell  
01/30/06 pd-20.00  
JUL 13 2006 No CC  
(UN)

Page 1 of 6

William A. Shaw  
Prothonotary/Clerk of Courts

***Divorce***

IT IS ORDERED AND DECREED that Michael James Gutschall, Petitioner, and Judy Gutschall, Respondent, are divorced and that the marriage between them is dissolved on the ground of insupportability.

***Child of the Marriage***

The Court finds that there is no child of the marriage of Petitioner and Respondent and that none is expected.

***Division of Marital Estate***

The Court finds that the following is a just and right division of the parties' marital estate, having due regard for the rights of each party.

**Property to Husband**

IT IS ORDERED AND DECREED that the husband, Michael James Gutschall, is awarded the following as his sole and separate property, and the wife is divested of all right, title, interest, and claim in and to that property:

H-1. All household furniture, furnishings, fixtures, goods, art objects, collectibles, appliances, and equipment in the possession of the husband or subject to his sole control.

H-2. All clothing, jewelry, and other personal effects in the possession of the husband or subject to his sole control.

H-3. All sums of cash in the possession of the husband or subject to his sole control, including funds on deposit, together with accrued but unpaid interest, in banks, savings institutions, or other financial institutions, which accounts stand in the husband's sole name or from which the husband has the sole right to withdraw funds or which are subject to the husband's sole control.

H-4. The individual retirement accounts, simplified employee pensions, annuities, and variable annuity life insurance benefits in the husband's name.

H-5. All sums, whether matured or unmatured, accrued or unaccrued, vested or otherwise, together with all increases thereof, the proceeds therefrom, and any other rights related to or as a result of Michael James Gutschall's service in the United States Armed Forces, including any accrued unpaid bonuses, disability plan or benefits, Thrift Savings Plan, or other benefits existing by reason of or as a result of Michael James Gutschall's past, present, or future employment.

H-6. All policies of life insurance (including cash values) insuring the husband's life.

H-7. All brokerage accounts, stocks, bonds, mutual funds, and securities registered in the husband's name, together with all dividends, splits, and other rights and privileges in connection with them.

H-8. The 2004 Harley Davidson 1200 Custom Sportster motor vehicle, vehicle identification number 1HD1CGP104K432812, together with all prepaid insurance, keys, and title documents.

Property to Wife

IT IS ORDERED AND DECREED that the wife, Judy Gutschall, is awarded the following as her sole and separate property, and the husband is divested of all right, title, interest, and claim in and to that property:

W-1. All household furniture, furnishings, fixtures, goods, art objects, collectibles, appliances, and equipment in the possession of the wife or subject to her sole control.

W-2. All clothing, jewelry, and other personal effects in the possession of the wife or subject to her sole control.

W-3. All sums of cash in the possession of the wife or subject to her sole control, including funds on deposit, together with accrued but unpaid interest, in banks, savings institutions, or other financial institutions, which accounts stand in the wife's sole name or from which the wife has the sole right to withdraw funds or which are subject to the wife's sole control.

W-4. The sums, whether matured or unmatured, accrued or unaccrued, vested or otherwise, together with all increases thereof, the proceeds therefrom, and any other rights related to any profit-sharing plan, retirement plan, Keogh plan, pension plan, employee stock option plan, 401(k) plan, employee savings plan, accrued unpaid bonuses, disability plan, or other benefits existing by reason of the wife's past, present, or future employment.

W-5. The individual retirement accounts, simplified employee pensions, annuities, and variable annuity life insurance benefits in the wife's name.

W-6. All policies of life insurance (including cash values) insuring the wife's life.

W-7. All brokerage accounts, stocks, bonds, mutual funds, and securities registered in the wife's name, together with all dividends, splits, and other rights and privileges in connection with them.

W-8. The 1994 Saturn Sedan motor vehicle, vehicle identification number unknown, together with all prepaid insurance, keys, and title documents.

Division of Debt

Debts to Husband

IT IS ORDERED AND DECREED that the husband, Michael James Gutschall, shall pay, as a part of the division of the estate of the parties, and shall indemnify and hold the wife and her property harmless from any failure to so discharge, these items:

H-1. The balance due, including principal, interest, and all other charges, on the promissory note payable to TC Finance First State Bank, Attn: Holly Wirth, 2002 Broadway, Scottsbluff, NE 69363 and given as part of the purchase price of and secured by a lien on the 2004 Harley Davidson 1200 Custom Sportster motor vehicle awarded to husband.

H-2. Any and all debts, charges, liabilities, and other obligations incurred solely by the husband from and after May 2003 unless express provision is made in this decree to the contrary.

Debts to Wife

IT IS ORDERED AND DECREED that the wife, Judy Gutschall, shall pay, as a part of the division of the estate of the parties, and shall indemnify and hold the husband and his property harmless from any failure to so discharge, these items:

W-1. The balance due, including principal, interest, and all other charges, on the promissory note payable to Car Circus, Altoona, PA and given as part of the purchase price of and secured by a lien on the 1994 Saturn Sedan motor vehicle awarded to wife.

W-2. Any and all debts, charges, liabilities, and other obligations incurred solely by the wife from and after May 2003 unless express provision is made in this decree to the contrary.

Notice

IT IS ORDERED AND DECREED that each party shall send to the other party, within three days of its receipt, a copy of any correspondence from a creditor or taxing authority concerning any potential liability of the other party.

Attorney's Fees

To effect an equitable division of the estate of the parties and as a part of the division, each party shall be responsible for his or her own attorney's fees, expenses, and costs incurred as a result of legal representation in this case.

IT IS ORDERED AND DECREED that all payments made to the other party in accordance with the allocation provisions for payment of federal income taxes contained in this Final Decree of Divorce are not deemed income to the party receiving those payments but are part of the property division and necessary for a just and right division of the parties' estate.

IT IS ORDERED AND DECREED that any assets of the parties not awarded or divided by this Final Decree of Divorce are subject to future division as provided in the Texas Family Code.

IT IS FURTHER ORDERED AND DECREED, as a part of the division of the estate of the parties, that any community liability not expressly assumed by a party under this decree is to be paid by the party incurring the liability, and the party incurring the liability shall indemnify and hold the other party and his or her property harmless from any failure to so discharge the liability.

Court Costs

IT IS ORDERED AND DECREED that costs of court are to be borne by the party who incurred them.

***Discharge from Discovery Retention Requirement***

IT IS ORDERED AND DECREED that the parties and their respective attorneys are discharged from the requirement of keeping and storing the documents produced in this case in accordance with rule 191.4(d) of the Texas Rules of Civil Procedure.

***Decree Acknowledgment***

Petitioner, Michael James Gutschall, acknowledge that before signing this Final Decree of Divorce he has read this Final Decree of Divorce fully and completely, has had the opportunity to ask any questions regarding the same, and fully understand that the contents of this Final Decree of Divorce constitute a full and complete resolution of this case. Petitioner acknowledges that he has voluntarily affixed his signature to this Final Decree of Divorce, believing this decree to be a just and right division of the marital debt and assets, and state that he has not signed by virtue of any coercion, any duress, or any agreement other than those specifically set forth in this Final Decree of Divorce.

***Clarifying Orders***

Without affecting the finality of this Final Decree of Divorce, this Court expressly reserves the right to make orders necessary to clarify and enforce this decree.

***Relief Not Granted***

IT IS ORDERED AND DECREED that all relief requested in this case and not expressly granted is denied. This is a final judgment, for which let execution and all writs and processes necessary to enforce this judgment issue. This judgment finally disposes of all claims and all parties and is appealable.

***Date of Judgment***

SIGNED on July 28 2005.

Original Signed by Judge Gordon G. Adams

JUDGE PRESIDING

APPROVED AS TO FORM ONLY:

Lindley, Wiley & Duskie, P.C.  
Attorneys at Law  
P.O. Box 1384  
Killeen, TX 76540-1384  
Tel: (254) 634-6969  
Fax: (254) 634-6587

By:

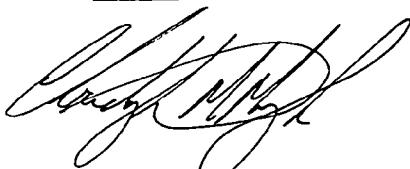


Steven J. Duskie  
Attorney for Petitioner  
State Bar No. 24000252

APPROVED AND CONSENTED TO  
AS TO BOTH FORM AND SUBSTANCE:

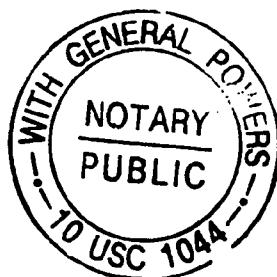
  
Petitioner

WITH THE UNITED STATES ARMY  
AT YONGSAN GARRISON, SEOUL, KOREA  
SUBSCRIBED AND SWORN TO BEFORE ME  
THIS 18<sup>th</sup> DAY OF June 2005



CHRISTOPHER MAYLE  
SPC US ARMY  
PARALEGAL SPECIALIST

**INDEFINITE**



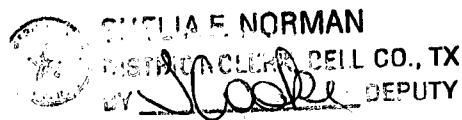
**FILED**

**JUL 13 2006**

William A. Shaw  
Prothonotary/Clerk of Courts

CERTIFIED COPY  
DOCUMENT ATTACHED IS A  
TRUE & CORRECT COPY  
OF THE ORIGINAL ON FILE

**JUL 29 2005**

  
CYNTHIA E. NORMAN  
DISTRICT CLERK, BELL CO., TX  
DEPUTY

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

IN RE: NOTICE OF JUDY GUTSCHALL  
OF RESUMPTION OF SURNAME  
AFTER DIVORCE

06-1121-CD

Type of Pleading  
NOTICE OF RESUMPTION  
OF SURNAME

Filed on Behalf of:  
Judy Gutschall

Counsel of Record for  
this Party:

Richard A. Bell, Esquire  
PA I.D. #06808  
BELL, SILBERBLATT &  
WOOD  
318 East Locust Street  
P.O. Box 670  
Clearfield, PA 16830

(814) 765-5537

FILED 03/01/07 JUL 13 2006  
Atty Bell pd. 10.00  
Le Certificates  
to Atty  
W.A. Shaw  
Prothonotary/Clerk of Courts

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

IN RE: NOTICE OF JUDY GUTSCHALL  
OF RESUMPTION OF SURNAME  
AFTER DIVORCE

TO THE PROTHONOTARY:

Kindly file the attached Notice of Resumption of Surname: JUDY

GUTSCHALL states her intent to resume use of the surname Good, pursuant to 54  
PA Cons Stat § 704, and states as follows:

1. JUDY GUTSCHALL is an adult resident of Clearfield, County of Clearfield, Commonwealth of Pennsylvania.
2. JUDY GUTSCHALL was married on August 9, 1997 to Michael James Gutschall and divorced therefrom on July 28, 2005.
3. The above-described divorce was entered on July 29, 2005, in the jurisdiction of Texas. A certified copy of the divorce decree is attached hereto.
4. At all times prior to her marriage to Michael James Gutschall, Judy Gutschall used the surname Good.
5. From this date forward Judy Gutschall will use the surname Good and shall be known as Judy Good.

DATED: 7-13-06

Judy Gutschall  
JUDY GUTSCHALL

To Be Known As:

Judy Good  
JUDY GOOD

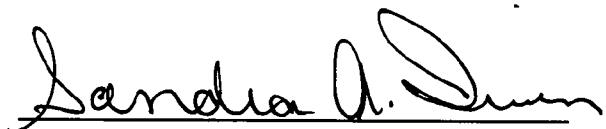
COMMONWEALTH OF PENNSYLVANIA:

: SS

COUNTY OF CLEARFIELD :

On this, the 13<sup>th</sup> day of July, 2006, before me, the undersigned officer, personally appeared JUDY GUTSCHALL, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that she has executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



NOTARIAL SEAL  
SANDRA A. IRWIN, Notary Public  
Clearfield Boro, Clearfield County, PA  
My Commission Expires June 8, 2008

**FILED**

**JUL 13 2006**

cc: **William A. Shaw**  
Prothonotary/Clerk of Courts

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

Michael James Gutschall  
Plaintiff

Vs.

Case No. 2006-01121-CD

Judy Gutschall  
Defendant

CERTIFICATE OF ELECTION TO RETAKE PRIOR NAME

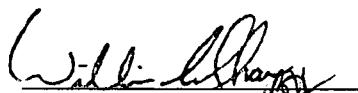
Notice is hereby given that a final Decree in divorce from the bonds of matrimony has been granted in the above captioned matter on July 28, 2005, and that Judy Gutschall hereby elects to retake and hereafter use her prior name of Judy Good, and gives this written notice avowing her intention with the provisions of 54 Pa.C.S.A. Section 704.

s/Judy Gutschall

TO BE KNOWN AS:

s/Judy Good

Certified from the record  
Thursday, July 13, 2006

  
\_\_\_\_\_  
William A. Shaw, Prothonotary

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

Nadine Grumblatt,  
Petitioner

\*

v.

\*

Jason Douglas Grumblatt,  
Respondent

\*

Docket No. 06-1122-CD

*06-1122*  
JUN 24 2008  
William A. Shaw  
Prothonotary/Clerk of Courts

*4 cleat to Attn*

*(61)*

Type of Pleading:  
REPLY TO PETITION TO MODIFY  
CUSTODY AND COUNTERPETITION  
FOR CUSTODY

Filed on behalf of:  
Respondent Jason Douglas Grumblatt

THERE ARE TWO MINOR CHILDREN: -  
Kyle Jason Grumblatt  
(D.O.B. 4/22/99)  
Avry Nicole Grumblatt  
(D.O.B. 4/26/02)

Counsel of record for this party:  
Dwight L. Koerber, Jr., Esquire  
PA I.D. No. 16332

110 North Second Street  
P. O. Box 1320  
Clearfield, PA 16830  
(814) 765-9611

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

Nadine Grumblatt,	*	
Petitioner	*	
	*	
v.		Docket No. 06-1122-CD
	*	
Jason Douglas Grumblatt,		
Respondent	*	

**REPLY TO PETITION TO MODIFY CUSTODY AND  
COUNTERPETITION FOR CUSTODY**

COMES NOW Jason Douglas Grumblatt, Respondent in the above matter, and files the within Reply to the Petition to Modify Custody as filed by Petitioner Nadine Grumblatt and in conjunction therewith files his Counterpetition for Custody.

1. Admitted.
2. and 2(a) Admitted with the understanding that Respondent opposes Petitioner's request to modify the present Order so as to have the two children relocated with her at or near Richmond, Virginia. Respondent also seeks to modify the existing Order so as to award him primary physical custody of the said children. See Counterpetition as set forth hereinafter.

WHEREFORE, Respondent requests this Honorable Court to enter an Order denying the relocation request of Petitioner and to enter a finding that the best interests of the children are that primary physical custody of them be vested in Respondent and that they remain with him in Clearfield County, subject to reasonable partial custody and visitation.

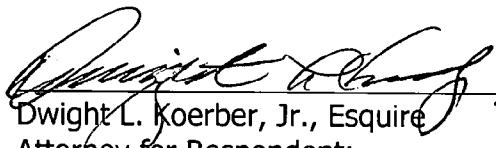
**COUNTERPETITION OF RESPONDENT FOR PRIMARY PHYSICAL CUSTODY**

3. Petitioner requests this Honorable Court to modify the January 29, 2007 Custody Order and to award him primary physical custody of the two said children, Kyle Jason Grumblatt, D.O.B. 4/22/99, and Avry Nicole Grumblatt, D.O.B. 4/26/02, subject to reasonable partial custody and visitation awarded to their mother, Petitioner herein, Nadine Grumblatt.

4. It is Respondent's position that the best interests of the said children would be met by awarding primary physical custody to him, as the children are flourishing in their present setting, have many substantial ties and beneficial relationships, and a continuation of that setting would enhance and promote greater stability and well being for the children.

WHEREFORE, Jason Douglas Grumblatt prays that his Counterpetition to Modify Custody Order be granted and that he be awarded primary physical custody of the children, subject to reasonable partial custody and visitation being awarded to their mother, upon a finding by this Honorable Court that it is contrary to the best interests of the children for them to be relocated with their mother outside of the Clearfield County area.

Respectfully submitted,

  
Dwight L. Koerber, Jr., Esquire  
Attorney for Respondent:  
Jason Douglas Grumblatt

**VERIFICATION**

I verify the statements made in the foregoing REPLY TO PETITION TO MODIFY CUSTODY AND COUNTERPETITION FOR CUSTODY are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsifications to authorities.

6-24-08  
Date

Jason Douglas Grumblatt  
Jason Douglas Grumblatt

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

Nadine Grumbaltt,  
Petitioner

\*

\*

\*

Docket No. 06-1122-CD

VS.

\*

\*

\*

Jason Douglas Grumblatt,  
Respondent

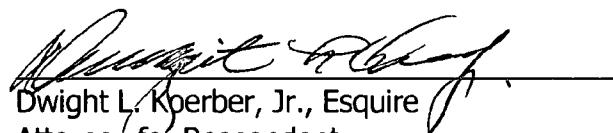
\*

\*

**CERTIFICATE OF SERVICE**

I certify that on the 24<sup>th</sup> day of June 2008, the undersigned served a true and correct copy of the REPLY TO PETITION TO MODIFY CUSTODY AND COUNTERPETITION FOR CUSTODY in the above-captioned matter upon counsel of record for Petitioner. Such document was served via hand delivery upon the following:

James A. Naddeo, Esquire  
NADDEO & LEWIS, LLC  
207 East Market Street  
P. O. Box 552  
Clearfield, PA 16830

  
Dwight L. Koerber, Jr., Esquire  
Attorney for Respondent:  
Jason Douglas Grumblatt

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

NADINE GRUMBLATT :  
V. :  
JASON DOUGLAS GRUMBLATT :

: NO. 06-1122-CD

**FILED**

0 1:48 P.M. 6/25/2008  
JUN 25 2008

to ATTYS  
Naddo,

Koerber

William A. Shaw  
Prothonotary/Clerk of Courts

610

ORDER FOR MEDIATION CONFERENCE and PAYMENT OF COSTS

NOW, this 24<sup>th</sup> day of June, 2008, it is ORDERED that a Custody Mediation Conference be held before Allen H. Ryen, Ph.D., Licensed Child Psychologist.

It is further ORDERED that EACH PARTY to this action shall forthwith complete a Child Custody Mediation Questionnaire and forward the same to Dr. Ryen (416 Knarr Street, DuBois, Pennsylvania 15801) within Ten (10) days of receipt of this ORDER.

It is also ORDERED that the cost of said Mediation Conference shall be borne equally by the Plaintiff(s) and Defendant(s).

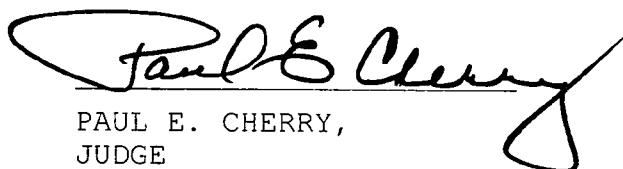
Each party (or counsel for the parties) shall deposit One Hundred Seventy Five (\$175.00) Dollars (**money orders only**) made payable to the Clearfield County Treasurer and mailed to D. Peters, Judge's Chambers, 230 East Market Street, Clearfield, Pennsylvania 16830 within Twenty-Five (25) days of the date of this Order to proceed with the Mediation Conference "OR" submit a Custody Consent Order to the Court within Twenty-Five (25) days of the date of this Order foregoing the Mediation Conference.

This Court shall issue a further ORDER scheduling the Mediation Conference when the required deposit has been received from all parties participating in this action.

If a Custody Consent Order is received by the Court after the Twenty-Fifth day following this Order and no later than \*\*\*SEVEN (7)\*\*\* days before scheduled Mediation Conference, then each party or counsel for the parties shall include Twenty (\$20.00) Dollars (money order only) in order to defray administrative/processing expense. In this event the amount of One Hundred Seventy Five (\$175.00) Dollars previously deposited by each party shall be returned.

FAILURE OF A PARTY TO DEPOSIT THE REQUIRED FEE OF 'ONE HUNDRED SEVENTY FIVE (\$175.00) DOLLARS' SHALL RESULT IN THE OFFENDING PARTY BEING SUBJECT TO CONTEMPT PROCEEDINGS BEFORE THE COURT.

BY THE COURT,



PAUL E. CHERRY,

JUDGE

Attorney for the Plaintiff: James A. Naddeo, Esquire  
Attorney for the Defendant: Dwight Koerber, Esquire

**FILED**

**JUN 25 2008**

**William A. Shaw  
Prothonotary/Clerk of Courts**

DATE: 6-25-08

You are responsible for serving all appropriate parties.

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

Plaintiff(s)  Plaintiff(s) Attorney  Other

Defendant(s)  Defendant(s) Attorney

Special Instructions: