

08-576-CD  
Christian Kirk vs Sholynn Voigt

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

FILED

MAR 28 2008

013157  
William A. Shaw  
Prothonotary/Clerk of Courts

3 CIRCUIT TO M-4

No. 2008-576-CN

CHRISTIAN H. KIRK, JR.,  
Plaintiff  
:  
Vs.  
:  
SHOLYNN R. VOIGT,  
Defendant  
:

COMPLAINT TO ESTABLISH  
PATERNITY AND FOR GENETIC  
TESTING

Filed on behalf of

Plaintiff

Counsel of Record for  
this Party:

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

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

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

CHRISTIAN H. KIRK, JR., :  
Plaintiff :  
Vs. :  
: No. 2008-576-CD  
SHOLYNN R. VOIGT, :  
Defendant :  
:

NOTICE OF HEARING AND ORDER

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following papers, you must appear at the hearing scheduled below. If you fail to do so, the case may proceed against you and a final order may be entered against you granting the relief requested by Plaintiff.

Plaintiff and Defendant are directed to appear on the 16<sup>th</sup> day of April, 2008, at 10:30 A.m., Clearfield County Courthouse, Courtroom 3 for a hearing on Plaintiff's request for genetic testing. If you fail to appear as ordered, the court may enter an order in your absence requiring you and your child to submit to genetic tests.

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

FILED

03:32 p.m. CK

MAR 31 2008 BCC AMH:

H. KUBISTA

William A. Shaw  
Prothonotary/Clerk of Courts

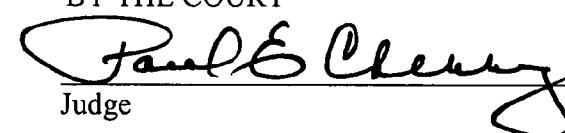
(6P)

Court Administrator  
Clearfield County Courthouse  
Market & Second Streets  
Clearfield, PA 16830  
(814) 765-2641, ext. 1300

BY THE COURT

March 31, 2008

Judge

  
Paul E. Cleary

**FILED**

**MAR 31 2008**

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 3-31-08

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:

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

CHRISTIAN H. KIRK, JR.,	:	
Plaintiff	:	
	:	
Vs.	:	No.
	:	
SHOLYNN R. VOIGT,	:	
Defendant	:	

**COMPLAINT TO ESTABLISH PATERNITY**  
**AND FOR GENETIC TESTING**

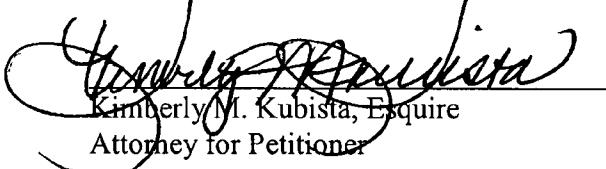
NOW COMES, CHRISTIAN H. KIRK, JR., Plaintiff above named, and by and through his attorneys, Belin, Kubista & Ryan LLP, requests genetic testing and to establish paternity pursuant to 23 Pa. C.S.A. Section 4343 and in support of the request states that:

1. Plaintiff, CHRISTIAN H. KIRK, JR., is an adult individual who resides at 212 Zimmerman Avenue, Clearfield, Clearfield County, Pennsylvania.
2. Defendant, SHOLYNN R. VOIGT, is an adult individual who resides at 125 Loop Road, West Decatur, Clearfield, Clearfield County, Pennsylvania 16878.
3. The parties had engaged in a relationship which allegedly resulted in Defendant becoming pregnant.
4. That Plaintiff believes he may be the father of the child.
5. That it is believed that Defendant had the child on March 15, 2008.
6. That Plaintiff believes that the child is his biological child, however, he would like to have paternity testing completed to confirm the same.

7. That Defendant was not married at the time the child was conceived and born.
8. That Defendant is not now married.
10. It is not believed that there is any custody, support or other action involving the paternity of the child now pending in any jurisdiction.
11. There has not been a determination by any court as to the paternity of the child in any prior support, custody, divorce or other action.
12. That Plaintiff agrees to pay all costs associated with the genetic testing directly to the testing facility in accordance with the procedures established by that facility.

WHEREFORE, Plaintiff requests Your Honorable Court to enter an Order placing a rule upon Defendant to show cause why she should not be directed to submit to genetic testing and to make the child available for genetic testing.

BELIN, KUBISTA & RYAN LLP



Kimberly M. Kubista, Esquire  
Attorney for Petitioner

I verify that the statements made in the foregoing pleading 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.

3/19/08

Date

Christian H. Kirk, Jr.

Christian H. Kirk, Jr.

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

CHRISTIAN H. KIRK, JR., :  
Plaintiff :  
: :  
Vs. : No. 2008-576-CD  
: :  
SHOLYNN R. VOIGT, :  
Defendant :  
:

ACCEPTANCE OF SERVICE

Filed on behalf of  
Plaintiff

Counsel of Record for  
this Party:

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

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

FILED  
07/31/08  
APR 14 2008  
WAS  
William A. Shaw  
Prothonotary/Clerk of Courts

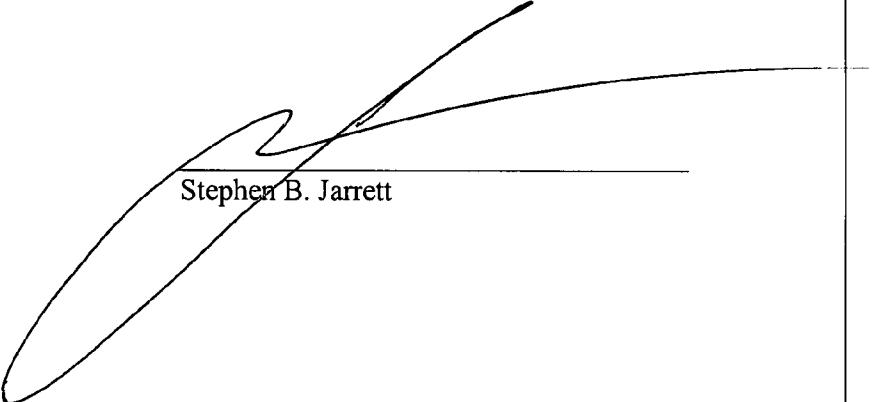
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

CHRISTIAN H. KIRK, JR., :  
Plaintiff :  
:  
vs. : No. 2008-576-CD  
:  
SHOLYNN R. VOIGT, :  
Defendant :  
:

ACCEPTANCE OF SERVICE

I, Stephen B. Jarrett on behalf of the Defendant above, accept service of the certified copy of Complaint to Establish Paternity and for Genetic Testing in the above captioned matter.

Date: 4/6/08

  
Stephen B. Jarrett

FILED

APR 14 2008

William A. Shaw  
Prothonotary/Clerk of Courts

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

CHRISTIAN H. KIRK, JR., :  
Plaintiff :  
: :  
Vs. : No. 2008-576-CD  
: :  
SHOLYNN R. VOIGT, :  
Defendant :  
: :

ORDER AND STIPULATION

Filed on behalf of  
Plaintiff

Counsel of Record for  
this Party:

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

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

FILED 3cc  
01/10/2008 Atty Kubista  
APR 16 2008  
W

William A. Shaw  
Prothonotary/Clerk of Courts

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

CHRISTIAN H. KIRK, JR., :  
Plaintiff :  
: :  
vs. : No. 2008-576-CD  
: :  
SHOLYNN R. VOIGT, :  
Defendant :  
:

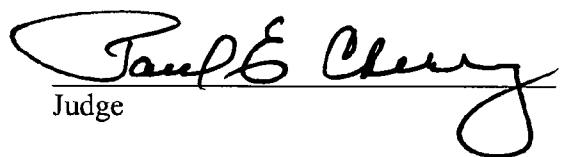
ORDER

NOW, this 15<sup>th</sup> day of April, 2008, the parties having agreed to the entry of this Order, it is the ORDERED of this Court as follows:

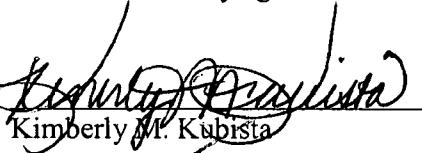
1. Christian H. Kirk, Jr. ("Plaintiff") and Sholynn R. Voigt ("Defendant") are hereby ordered to appear at the Clearfield County Domestic Relations Office on such date and at such time as they are directed, and shall undergo genetic testing to determine the paternity of the minor child. Defendant shall bring said child to the Domestic Relations Office for the testing.
2. The Clearfield County Domestic Relations Office shall administer the testing in accordance with its standard procedures, and shall notify the parties and counsel, being Kimberly M. Kubista for Plaintiff and Stephen B. Jarrett for Defendant, as to the results.

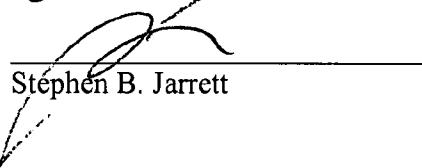
3. The cost for the testing shall be paid by Plaintiff.

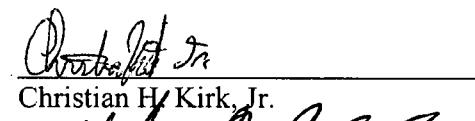
BY THE COURT

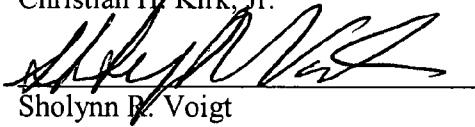
  
\_\_\_\_\_  
Judge

We hereby agree to the above set forth Stipulation and Order.

  
\_\_\_\_\_  
Kimberly M. Kubista

  
\_\_\_\_\_  
Stephen B. Jarrett

  
\_\_\_\_\_  
Christian H. Kirk, Jr.

  
\_\_\_\_\_  
Sholynn R. Voigt

FILED

APR 16 2006

William A. Shadley  
Probate Court Clerk  
500 Main Street  
Wellesley, MA 02481

DATE: 4/16/06

You are responsible for serving all appropriate parties.

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

Plaintiff(s)  Plaintiff(s) Attorney  Other

Defendant(s)  Defendant(s) Attorney

Special Instructions:

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

CHRISIAN H. KIRK, JR.

: NO. 2008-576-CD

V.

SHOLYNN R. VOIGT

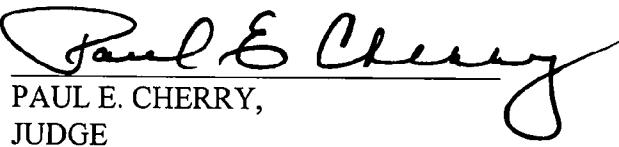
ORDER

AND NOW, this 3<sup>rd</sup> day of December, 2008, it is the ORDER of this Court that the Prothonotary of Clearfield County strike the following documents from Docket No. 2008-576-CD and file the same to Docket No. 08-945-CD:

1. Order for Mediation Conference and Payment of Costs dated August 18, 2008, filed August 19, 2008;
2. Order dated September 29, 2008, filed September 29, 2008;
3. Order dated October 27, 2008, filed October 27, 2008;
4. Change of Address filed October 27, 2008;
5. Order dated October 28, 2008, filed October 29, 2008

The Prothonotary is hereby directed to serve all future filings to the Defendant's attention at 125 Loop Road, West Decatur, Pennsylvania 16878.

BY THE COURT,

  
PAUL E. CHERRY,  
JUDGE

FILED  
018:43/SA  
DEC 04 2008

William A. Shaw  
Prothonotary/Clerk of Courts  
ICC Attnys: K. Kubista  
Jarrett  
ICC Def.: 125 Loop Road  
West Decatur, PA 16878

FILED

DEC 04 2008

William A. Shaw  
Prothonotary/Clerk of Courts

Date: 12/4/2008

Time: 08:39 AM

Page 1 of 1

**Clearfield County Court of Common Pleas**

User: BHUDSON

**ROA Report**

Case: 2008-00576-CD

Current Judge: Paul E. Cherry

Christian H. Kirk Jr. vs. Sholynn R. Voigt

*Original*

**Civil Other-COUNT**

Date		Judge
3/28/2008	New Case Filed. Filing: Complaint to Establish Paternity and for Genetic Testing. Paid by: Belin, Kubista & Ryan Receipt number: 1923351 Dated: 3/28/2008 Amount: \$95.00 (Check) 3 Cert. to Atty.	No Judge No Judge
3/31/2008	Notice of Hearing and Order, this 31st day of March, 2008, Plaintiff and Defendant are directed to appear on the 16th day of April, 2008, at 10:30 a.m. Courtroom 3. by The Court, /s/ Paul E. Cherry, Judge. 3CC Atty: K. Kubista	Paul E. Cherry
4/14/2008	Acceptance of Service, filed. I, Stephen B. Jarrett on behalf on the Defendant Paul E. Cherry above, accept service of the certified copy of Complaint to Establish Paternity and for Genetic Testing in the above captioned matter, signed by s Stephen B. Jarrett Esq. No CC.	
4/16/2008	Order, this 15th day of April, 2008, the parties having agreed to the entry of Paul E. Cherry this Order, it is Ordered: 1. Plaintiff and Defendant shall appear at Domestic Relations Office and shall undergo genetic testing to determine the paternity of the minor child. Defendant shall bring said child for the testing. 2. The Clfd Co. Domestic Relations Office shall administer the testing in accordance with its standard procedures, and shall notify the parties and counsel. 3. The Cost of the testing shall be paid by Plaintiff. By The Court, /s/ Paul E. Cherry, Judge. 3CC Atty. Kubista	
8/19/2008	Order for Mediation Conference and Payment of Costs, NOW, this 18th day Paul E. Cherry of August, 2008, it is Ordered that a Custody Mediation Conference be held Further Ordered that the parties complete a Child Custody Mediation Questionnaire. Ordered that cost be borne equally by Plaintiff and Defendant, made payable to the Clearfield County Treasurer and mailed to I Peters, Judge's Chambers. BY THE COURT: /s/ Paul E. Cherry, Judge. 2CC & Questionnaire to Atty's; K. Kubista, Jarrett	
9/29/2008	Order, this 29th day of Sept., 2008, Defendant having failed to pay the Custody Mediation Fee, unless Defendant pays the fee due the Clfd. Co. Treasurer in the amount of \$250.00, it is Ordered that a hearing be held on the 27th day of Oct., 2008, at 9:00 a.m. in Courtroom 2. By The Court, /s/ Paul E. Cherry, Judge. 1CC Atty's; K. Kubista, Jarrett	Paul E. Cherry
10/27/2008	Change of Address, filed by s/ Sholynn R. Voigt-deft. 125 Loop Rd. West Decatur, PA 16878	Paul E. Cherry
	Order, this 27th day of Oct., 2008, the Court having received payment of Mediation fee, it is ordered that Defendant shall not be required to attend Contempt Hearing. This matter shall be scheduled for Mediation. By The Court, /s/ Paul E. Cherry, Judge. 2CC Atty. K. Kubista; 1CC Atty. Jarrett; 1CC def. @ 125 Loop Rd, West Decatur PA 16878	Paul E. Cherry
10/29/2008	Order, this 28th day of Oct., it is Ordered that Custody Mediation Conference be held on Jan. 14, 2009 at 1:00 P.M. by The Court, /s/ Paul E. Cherry, Judge. 2CC Atty. K. Kubista; 1CC Atty. Jarrett; 1CC def. @ 125 Loop Rd, West Decatur PA 16878	Paul E. Cherry I hereby certify this to be a true and attested copy of the original statement filed in this case.

DEC 04 2008

Attest.

*William E. Cherry*  
Prothonotary/  
Clerk of Courts

Date: 12/4/2008  
Time: 09:06 AM

Page 1 of 1

**Clearfield County Court of Common Pleas**

ROA Report  
Case: 2008-00576-CD  
Current Judge: Paul E. Cherry

Christian H. Kirk Jr. vs. Sholynn R. Voigt

User: BHUDSON

*Corrected*

**Civil Other-COUNT**

Date	Judge	
3/28/2008	New Case Filed. Filing: Complaint to Establish Paternity and for Genetic Testing. Paid by: Belin, Kubista & Ryan Receipt number: 1923351 Dated: 3/28/2008 Amount: \$95.00 (Check) 3 Cert. to Atty.	No Judge No Judge
3/31/2008	Notice of Hearing and Order, this 31st day of March, 2008, Plaintiff and Defendant are directed to appear on the 16th day of April, 2008, at 10:30 a.m. Courtroom 3. by The Court, /s/ Paul E. Cherry, Judge. 3CC Atty: K. Kubista	Paul E. Cherry
4/14/2008	Acceptance of Service, filed. I, Stephen B. Jarrett on behalf on the Defendant Paul E. Cherry above, accept service of the certified copy of Complaint to Establish Paternity and for Genetic Testing in the above captioned matter, signed by s Stephen B. Jarrett Esq. No CC.	
4/16/2008	Order, this 15th day of April, 2008, the parties having agreed to the entry of Paul E. Cherry this Order, it is Ordered: 1. Plaintiff and Defendant shall appear at Domestic Relations Office and shall undergo genetic testing to determine the paternity of the minor child. Defendant shall bring said child for the testing. 2. The Clfd Co. Domestic Relations Office shall administer the testing in accordance with its standard procedures, and shall notify the parties and counsel. 3. The Cost of the testing shall be paid by Plaintiff. By The Court, /s/ Paul E. Cherry, Judge. 3CC Atty. Kubista	

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

DEC 04 2008

Attest.

*William E. Cherry*  
Prothonotary/  
Clerk of Courts

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

CHRISTIAN H. KIRK, JR., :  
Plaintiff :  
: :  
Vs. : No. 2008-576-CD  
: :  
SHOLYNN R. VOIGT, :  
Defendant :  
: :

MOTION FOR HEARING

Filed on behalf of

Plaintiff

Counsel of Record for  
this Party:

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

KUBISTA & RYAN LLP  
202 South Front Street  
Clearfield, PA 16830  
(814) 765-8972

FILED 2ccatty  
01/11/00 pm K. Kubista  
MAY 03 2012  
S  
William A. Shaw  
Prothonotary/Clerk of Courts  
6K

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

CHRISTIAN H. KIRK, JR., :  
Plaintiff :  
: Vs. :  
: : No. 2008-576-CD  
: :  
SHOLYNN R. VOIGT, :  
Defendant :  
:

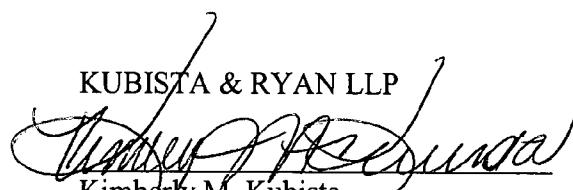
MOTION FOR HEARING

NOW COMES the Plaintiff, CHRISTIAN H. KIRK, JR., by and through his attorneys, Kubista & Ryan LLP, and sets forth the following Motion for Hearing, and in support thereof would aver as follows:

1. That Movant is Christian H. Kirk, Jr., Plaintiff, in the above captioned matter.
2. That Respondent is Sholynn R. Voight, Defendant in the above captioned matter.
3. That the parties attended a custody mediation conference on March 22, 2012, wherein they were unable to resolve the custody dispute.
4. Movant wishes to have the Court make a determination regarding the custody issues of the child in this matter.

WHEREFORE, Movant requests Your Honorable Court to schedule a custody hearing.

KUBISTA & RYAN LLP

  
Kimberly M. Kubista,  
Attorney for Movant

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

CHRISTIAN H. KIRK, JR.  
Plaintiff,  
vs.

SHOLYNN R. VOIGHT NO. 2008-0576-C.D.  
Defendant,

ORDER

AND NOW, this 4<sup>th</sup> day of ~~April~~<sup>May</sup>, 2012, it is hereby ORDERED that a  
**Custody Hearing** will be held on **Friday, July 6, 2012, beginning at 9:00 A.M.** in  
Courtroom No. 2, Clearfield County Courthouse, Clearfield, PA. One full day has  
been reserved for this hearing.

Additionally, a **Custody Pre-trial conference** will be held on **Friday, June 8, 2012, at 9:00 A.M.** in Judge's Chambers.

BY THE COURT:

  
PAUL E. CHERRY,  
Judge

**FILED**

07-29-12  
MAY 08 2012

S William A. Shaw  
Prothonotary/Clerk of Courts

1CCQ Memo  
to Atlys: K. Kubista  
and  
Jastett

1CCQ Memo to  
S. Luzier  
Po Box 209  
Raney, PA 16671

614

**FILED**

May 08 2012

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 5/8/12

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:

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

CHRISTIAN H. KIRK, JR.,  
Plaintiff

Vs.

No. 2008-576-CD

SHOLYNN R. VOIGT,  
Defendant

PRAECIPE TO WITHDRAW  
PLEADING

Filed on behalf of

Plaintiff

Counsel of Record for  
this Party:

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

KUBISTA & RYAN LLP  
202 South Front Street  
Clearfield, PA 16830  
(814) 765-8972

FILED 2CC  
04/11/02  
MAY 17 2012 Amy K. Kubista

William A. Shaw  
Prothonotary/Clerk of Courts

601

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

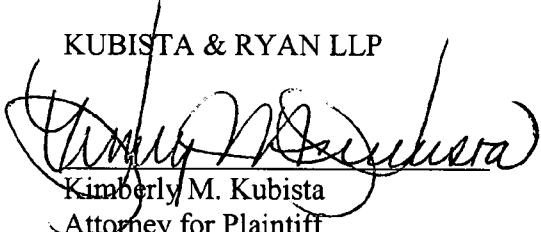
CHRISTIAN H. KIRK, JR., :  
Plaintiff :  
: :  
Vs. : No. 2008-576-CD  
: :  
SHOLYN R. VOIGT, :  
Defendant :  
:

PRAECIPE TO WITHDRAW PLEADING

TO THE PROTHONOTARY:

Please withdraw Motion for Hearing filed on May 3, 2012 in the above- captioned matter.

KUBISTA & RYAN LLP

  
Kimberly M. Kubista  
Attorney for Plaintiff

Date: 5-16-12