

08-1061-CD
In Re: Nathan Joseph Clark

1
Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 150 WDA 2009

Page 1 of 3

February 4, 2009



In Re: Petition For Change Of Name Of Nathan Joseph Clark

08-1061-CD

Appeal Of: Tiffany L. Clark

Initiating Document: Notice of Appeal

Case Status: Active

Case Processing Status: February 4, 2009 Awaiting Original Record

Journal Number:

Case Category: Civil

CaseType: Other

Consolidated Docket Nos.:

Related Docket Nos.:

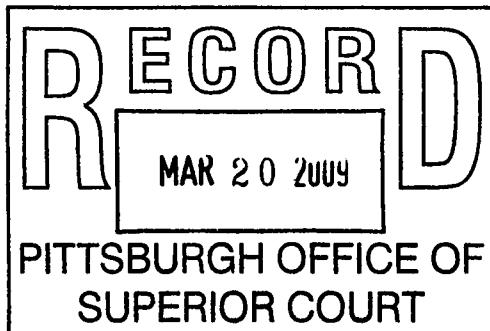
SCHEDULED EVENT

Next Event Type: Receive Docketing Statement

Next Event Due Date: February 18, 2009

Next Event Type: Original Record Received

Next Event Due Date: March 30, 2009



Record. 1 part
Trans. - 1

FILED
M 16 2009 NOCC
FEB 06 2009
S

William A. Shaw
Prothonotary/Clerk of Courts

Appeal Docket Sheet**Superior Court of Pennsylvania****Docket Number: 150 WDA 2009****Page 2 of 3****February 4, 2009****COUNSEL INFORMATION**

Appellant Clark, Tiffany L
Pro Se: Appoint Counsel Status:
IPF Status: No

Appellant Attorney Information:
Attorney: Neiswender, Frederick Michael
Bar No.: 74456 Law Firm: Neiswender & Kubista
Address: 211 1/2 N 2nd Street
Clearfield, PA 16830-2538
Phone No.: (814)765-6500 Fax No.: (814)765-7205
Receive Mail: Yes
E-Mail Address: nklaw@verizon.net
Receive E-Mail: No

Appellee Finney, Curtis E
Pro Se: Appoint Counsel Status:
IPF Status: No

Appellee Attorney Information:
Attorney: Naddeo, James A.
Bar No.: 6820 Law Firm: Law Office of Naddeo & Lewis, LLC
Address: 207 East Market Street
PO Box 552
Clearfield, PA 16830
Phone No.: (814)765-1601 Fax No.: (814)765-8142
Receive Mail: Yes
E-Mail Address:
Receive E-Mail: No

FEE INFORMATION

Fee Date	Fee Name	Fee Amt	Paid Amount	Receipt Number
1/28/09	Notice of Appeal	60.00	60.00	2009SPRWD000100

TRIAL COURT/AGENCY INFORMATION

Court Below: Clearfield County Court of Common Pleas
County: Clearfield Division: Civil
Date of OrderAppealed From: December 30, 2008 Judicial District: 46
Date Documents Received: February 4, 2009 Date Notice of Appeal Filed: January 28, 2009
Order Type: Order OTN:
Judge: Cherry, Paul E. Lower Court Docket No.: 2008-1061-CD
Judge:

ORIGINAL RECORD CONTENTS

Appeal Docket Sheet**Docket Number: 150 WDA 2009****Page 3 of 3****February 4, 2009****Superior Court of Pennsylvania**

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
February 4, 2009	Notice of Appeal Filed	Appellant	Clark, Tiffany L
February 4, 2009	Docketing Statement Exited (Civil)		Western District Filing Office

CERTIFICATE AND TRANSMITTAL OF RECORD UNDER PENNSYLVANIA
RULE OF APPELLATE PROCEDURE 1931(c)

To the Prothonotary of the Appellate Court to which the within matter has been appealed:

THE UNDERSIGNED, Clerk (or Prothonotary) of the Court of Common Pleas of Clearfield County, the said Court being a court of record, does hereby certify that annexed hereto is a true and correct copy of the whole and entire record, including an opinion of the Court as required by Pa. R.A.P. 1925, the original papers and exhibits, if any, on file, the transcript of the proceeding, if any, and the docket entries in the following matter:

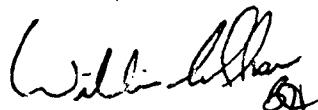
008-1061-CD

In Re: Petition for Change of Name of Nathan Joseph Clark

In compliance with Pa. R.A.P. 1931 (c).

The documents comprising the record have been numbered from **No. 1 to**
11, and attached hereto as Exhibit A is a list of the documents correspondingly numbered and identified with reasonable definiteness, including with respect to each document, the number of pages comprising the document.

The date on which the record had been transmitted to the Appellate Court is
March 18, 2009.



William A. Shaw
Prothonotary/Clerk of Courts

(seal)

Date: 3/19/2009

Clearfield County Court of Common Pleas

User: BHUDSON

Time: 10:10 AM

ROA Report

Page 1 of 2

Case: 2008-01061-CD

Current Judge: Paul E. Cherry

In Re:Nathan Joseph Clark, et al

Civil In Re-COUNT

Date	Judge
6/10/2008	New Case Filed. No Judge
	Filing: Petition for Name Change, Paid by: Naddeo & Lewis Receipt number: 1924424 Dated: 6/10/2008 Amount: \$95.00 (Check) 3 cert. to Atty. No Judge
6/13/2008	Order, this 13th day of June, 2008, on the motion of petitioner, it is Ordered Paul E. Cherry that a hearing on the Petition for Change of Name is fixed for the 19th day of August, 2008, at 2:30 p.m. in Courtroom 2. By The Court, /s/ Paul E. Cherry Judge. 3CC Atty. Naddeo
	Notice is hereby given that on the 10th day of June, 2008, the petition of Paul E. Cherry Curtis E. Finney was filed requesting an order to change the name of Nathan Joseph Clark to Nathan Joseph Finney. The Court has fixed the 19th day of August, 2008, at 2:30 p.m. in Courtroom 2. By The Court, /s/ Paul E. Cherry, Judge. 3CC Atty. Naddeo
6/24/2008	Affidavit of Service filed. That a certified copy of the Petition for Change of Name was served upon Defendant, Tiffany L. Clark by first class restricted delivery on June 17, 2008, filed by s/ Trudy G. Lumadue Esq. No CC. Paul E. Cherry
8/25/2008	Order, this 19th day of August, 2008, following hearing on Petition for Change of Name, it is Ordered that counsel provide the Court with letter brief within no more than 20 days from today's date. by The Court, /s/ Paul E. Cherry, Judge. 4CC Atty. Naddeo
12/30/2008	Opinion and Order, NOW, this 29th day of Dec., 2008, it is Ordered that Petition for Change of Name is Granted and the child known as Nathan Joseph Clark shall be known as Nathan Joseph Finney. by The Court, /s/ Paul E. Cherry, Judge. 3CC Atty. Naddeo; 1CC D. Mikesell; 1CC Law Library (without memo) Paul E. Cherry
12/31/2008	Certificate of Service, a certified copy of Opinion and Order dated Dec. 29, 2008 was served on Richard H. Milgrub, Esquire, by First Class Mail on the 31st day of Dec., 2008. Filed by s/ James A. Naddeo, Esquire. No CC Paul E. Cherry
1/28/2009	Filing: Appeal to High Court Paid by: Neiswender, Frederick M., Esquire Paul E. Cherry Receipt number: 1927728 Dated: 1/28/2009 Amount: \$50.00 (Check) For: [NONE] Paul E. Cherry
	Notice of Appeal, Tiffany L. Clark, Respondent, appeals to the Superior Court Paul E. Cherry of Penna. from the Order entered in this matter on the 30th day of Dec., 2008. filed by s/ Frederick M. Neiswender, Esquire. 5CC Atty & 1 CC w/ 60.00 to Superior Court.
1/30/2009	Order, this 30th day of Jan., 2009, Appellant shall file a concise statement of the matters complained of on Appeal no later than 21 days herefrom and the Statement shall be filed of record and shall be served upon the Judge pursuant to paragraph (b)(1). Any issue not properly included in the Statement timely filed and served pursuant to subdivision (b) shall be deemed waived. by the Court, /s/ Paul E. Cherry, Judge. 2CC Atty: Naddeo & Neiswender
2/6/2009	Appeal Docket Sheet, filed. Superior Court Number 150 WDA 2009. No C Paul E. Cherry
2/20/2009	Statement of Matters Complained of on Appeal, filed by s/ Frederick M. Paul E. Cherry Neiswender Esq. 4CC Atty Neiswender.
3/16/2009	Transcript of Proceedings on Petition for Change of Name held August 19, 2008, filed. Paul E. Cherry

Date: 3/19/2009

Time: 10:10 AM

Page 2 of 2

Clear **Id County Court of Common Pleas**

User: BHUDSON

ROA Report

Case: 2008-01061-CD

Current Judge: Paul E. Cherry

In Re:Nathan Joseph Clark, et al

Civil In Re-COUNT

Date

Judge

3/19/2009	March 19, 2009, Mailed Appeal to Superior Court. March 19, 2009, Letters, Re: Notification of mailing appeal mailed to James A. Naddeo, Esq. and Frederick M. Neiswender, Esq. with certified copies of docket sheet and Document listing required by Pa.R.A.P. 1931(c).	Paul E. Cherry
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I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

MAR 19 2009

Attest,

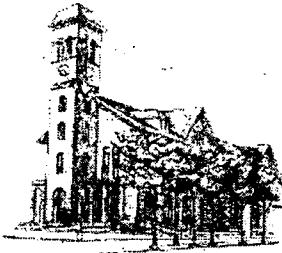
William E. Cherry
Prothonotary/
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

No. 08-1061-CD

In Re: Petition for Change of Name of Nathan Joseph Clark

ITEM NO.	DATE OF FILING	NAME OF DOCUMENT	NO. OF PAGES
01	06/10/08	Petition for Name Change with Order scheduling hearing and Notice filed 6/13/08	07
02	06/24/08	Affidavit of Service	03
03	08/25/08	Order, Re: letter briefs to be filed	01
04	12/30/08	Opinion and Order, Petition for Change of Name Granted	03
05	12/31/08	Certificate of Service	02
06	01/28/09	Notice of Appeal to Higher Court	04
07	01/30/09	Order, Re: Concise Statement to be filed	01
08	02/06/09	Appeal Docket Sheet, Superior Court Number 150 WDA 2009	03
09	02/20/09	Statement of Matters Complained of on Appeal	04
10	03/16/09	Transcript of Proceedings, Petition for Change of Name	Separate Cover
11	03/19/09	Letters, Re: Notification of mailing appeal mailed to James A. Naddeo, Esq. and Frederick M. Neiswender, Esq. with certified copies of docket sheet and Document listing required by Pa.R.A.P. 1931(c)	03



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

Jacki Kendrick
Deputy Prothonotary/Clerk of Courts

Bonnie Hudson
Administrative Assistant

David S. Ammerman
Solicitor

PO Box 549, Clearfield, PA 16830 • Phone: (814) 765-2641 Ext. 1330 • Fax: (814) 765-7659 • www.clearfieldco.org

COPY

Paul E. Cherry, Judge
Court of Common Pleas
230 E. Market Street
Clearfield, PA 16830

James A. Naddeo, Esq.
PO Box 552
207 East Market Street
Clearfield, PA 16830

Frederick M. Neiswender, Esq.
211 1/2 North Second Street
Clearfield, PA 16830

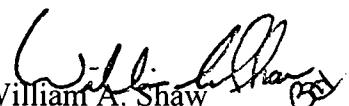
In Re: Petition for Change of Name of Nathan Joseph Clark

Court No. 08-1061-CD; Superior Court No. 150 WDA 2009

Dear Counsel:

Please be advised that the above referenced record was forwarded to the Superior Court of Pennsylvania on March 19, 2009.

Sincerely,


William A. Shaw
Prothonotary/Clerk of Courts

FILED
01/10/13
MAR 19 2009

William A. Shaw
Prothonotary/Clerk of Courts

11

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

No. 08-1061-CD

In Re: Petition for Change of Name of Nathan Joseph Clark

ITEM NO.	DATE OF FILING	NAME OF DOCUMENT	NO. OF PAGES
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02	06/24/08	Affidavit of Service	03
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04	12/30/08	Opinion and Order, Petition for Change of Name Granted	03
05	12/31/08	Certificate of Service	02
06	01/28/09	Notice of Appeal to Higher Court	04
07	01/30/09	Order, Re: Concise Statement to be filed	01
08	02/06/09	Appeal Docket Sheet, Superior Court Number 150 WDA 2009	03
09	02/20/09	Statement of Matters Complained of on Appeal	04
10	03/16/09	Transcript of Proceedings, Petition for Change of Name	Separate Cover

Date: 3/19/2009

Time: 10:04 AM

Page 1 of 1

Clearfield County Court of Common Pleas

ROA Report

User: BHUDSON

Case: 2008-01061-CD

Current Judge: Paul E. Cherry

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

In Re:Nathan Joseph Clark, et al

MAR 19 2009

Civil In Re-COUNT

Date		Judge Attest.	
3/10/2008	New Case Filed. Filing: Petition for Name Change, Paid by: Naddeo & Lewis Receipt number: 1924424 Dated: 6/10/2008 Amount: \$95.00 (Check) 3 cert. to Atty.	No Judge	<i>William L. Cherry</i> Prothonotary/ Clerk of Courts
3/13/2008	Order, this 13th day of June, 2008, on the motion of petitioner, it is Ordered Paul E. Cherry that a hearing on the Petition for Change of Name is fixed for the 19th day of August, 2008, at 2:30 p.m. in Courtroom 2. By The Court, /s/ Paul E. Cherry Judge. 3CC Atty. Naddeo Notice is hereby given that on the 10th day of June, 2008, the petition of Paul E. Cherry Curtis E. Finney was filed requesting an order to change the name of Nathan Joseph Clark to Nathan Joseph Finney. The Court has fixed the 19th day of August, 2008, at 2:30 p.m. in Courtroom 2. By The Court, /s/ Paul E. Cherry, Judge. 3CC Atty. Naddeo	No Judge	
3/24/2008	Affidavit of Service filed. That a certified copy of the Petition for Change of Name was served upon Defendant, Tiffany L. Clark by first class restricted delivery on June 17, 2008, filed by s/ Trudy G. Lumadue Esq. No CC.	Paul E. Cherry	
3/25/2008	Order, this 19th day of August, 2008, following hearing on Petition for Change of Name, it is Ordered that counsel provide the Court with letter brief within no more than 20 days from today's date. by The Court, /s/ Paul E. Cherry, Judge. 4CC Atty. Naddeo	Paul E. Cherry	
12/30/2008	Opinion and Order, NOW, this 29th day of Dec., 2008, it is Ordered that Petition for Change of Name is Granted and the child known as Nathan Joseph Clark shall be known as Nathan Joseph Finney. by The Court, /s/ Paul E. Cherry, Judge. 3CC Atty. Naddeo; 1CC D. Mikesell; 1CC Law Library (without memo)	Paul E. Cherry	
12/31/2008	Certificate of Service, a certified copy of Opinion and Order dated Dec. 29, 2008 was served on Richard H. Milgrub, Esquire, by First Class Mail on the 31st day of Dec., 2008. Filed by s/ James A. Naddeo, Esquire. No CC	Paul E. Cherry	
1/28/2009	Filing: Appeal to High Court Paid by: Neiswender, Frederick M., Esquire Receipt number: 1927728 Dated: 1/28/2009 Amount: \$50.00 (Check) For: [NONE] Notice of Appeal, Tiffany L. Clark, Respondent, appeals to the Superior Court Paul E. Cherry of Penna. from the Order entered in this matter on the 30th day of Dec., 2008. filed by s/ Frederick M. Neiswender, Esquire. 5CC Atty & 1 CC w/ 60.00 to Superior Court.	Paul E. Cherry	
1/30/2009	Order, this 30th day of Jan., 2008, Appellant shall file a concise statement to Paul E. Cherry the matters complained of on Appeal no later than 21 days herefrom and the Statement shall be filed of record and shall be served upon the Judge pursuant to paragraph (b)(1). Any issue not properly included in the Statement timely filed and served pursuant to subdivision (b) shall be deemed waived. by the Court, /s/ Paul E. Cherry, Judge. 2CC Attys: Naddeo & Neiswender	Paul E. Cherry	
1/6/2009	Appeal Docket Sheet, filed. Superior Court Number 150 WDA 2009. No CC Paul E. Cherry		
1/20/2009	Statement of Matters Complained of on Appeal, filed by s/ Frederick M. Neiswender Esq. 4CC Atty Neiswender.	Paul E. Cherry	
1/16/2009	Transcript of Proceedings on Petition for Change of Name held August 19, 2008, filed.	Paul E. Cherry	

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

IN RE:
PETITION FOR CHANGE OF NAME OF
NATHAN JOSEPH CLARK

: No. 2008-1061-CD

: Type of case: Civil

: Type of Pleading: **Statement of Matters**
Complained of on Appeal

: Filed on behalf of: Respondent,
Tiffany L. Clark

: Attorney for Appellant:
Frederick M. Neiswender, Esquire
Supreme Court No. 74456

: NEISWENDER & KUBISTA
211½ North Second Street
Clearfield, Pennsylvania 16830
(814) 765-6500

5
FILED
013-472m
FEB 20 2009
4CC Ath
Neiswender

William A. Shaw
Prothonotary/Clerk of Courts



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

IN RE:

PETITION FOR CHANGE OF NAME OF : No. 2008-1061-CD
NATHAN JOSEPH CLARK :
:

STATEMENT OF MATTERS COMPLAINED OF ON APPEAL

NOW, comes the Respondent, TIFFANY L. CLARK, by and through her counsel, Neiswender & Kubista, and hereby files this Statement of Matters Complained of on Appeal pursuant to Rule 1925(b) of the Pennsylvania Rules of Appellate Procedure and avers as follows:

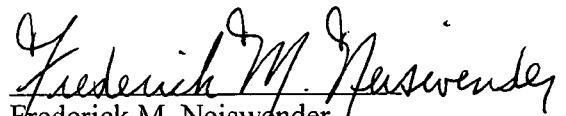
1. The Court erred by granting Petitioner's Petition for Change of Name of Nathan Joseph Clark. Petitioner was present at the birth of the minor child and signed the Birth Certificate on which the child's name was written.

2. The Court erred by granting Petitioner's Petition for Change of Name of Nathan Joseph Clark. The Trial Court shifted the burden of proof from the Petitioner to the Respondent as evidenced by the rationale used in its Opinion.

3. The Court erred by granting Petitioner's Petition for Change of Name of Nathan Joseph Clark. By granting the petition, the Trial Court did not act in the best interests of the minor child.

Respectfully submitted,

NEISWENDER & KUBISTA


Frederick M. Neiswender
Counsel for Respondent

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

IN RE:

PETITION FOR CHANGE OF NAME OF : No. 2008-1061-CD
NATHAN JOSEPH CLARK :
: :
: :

CERTIFICATE OF SERVICE

I, Frederick M. Neiswender, Esquire, hereby certify that service of the foregoing Statement of Matters Complained of on Appeal was made upon Curtis E. Finney, by mailing, first class, postage prepaid, a true copy to the office of his attorney of record, James A. Naddeo, Esquire and to the Honorable Paul E. Cherry by hand delivery on February 20, 2009, at the following addresses:

James A. Naddeo, Esquire
Naddeo & Lewis, LLC
207 East Market Street
P.O. Box 552
Clearfield, Pennsylvania 16830

Honorable Paul E. Cherry
Clearfield County Courthouse
230 East Market Street
Clearfield, Pennsylvania 16830

Frederick M. Neiswender
Frederick M. Neiswender, Esquire
Counsel for Respondent

NEISWENDER & KUBISTA
211½ North Second Street
Clearfield, Pennsylvania 16830

Appeal Docket Sheet

Docket Number: 150 WDA 2009

Page 1 of 3

February 4, 2009

Superior Court of Pennsylvania



In Re: Petition For Change Of Name Of Nathan Joseph Clark

08-1061-CD

Appeal Of: Tiffany L. Clark

Initiating Document: Notice of Appeal

Case Status: Active

Case Processing Status: February 4, 2009

Awaiting Original Record

Journal Number:

Case Category: Civil

Case Type: Other

Consolidated Docket Nos.:

Related Docket Nos.:

SCHEDULED EVENT

Next Event Type: Receive Docketing Statement

Next Event Due Date: February 18, 2009

Next Event Type: Original Record Received

Next Event Due Date: March 30, 2009

COPY
 FILED
 FEB 06 2009
 NO
 William A. Shaw
 Prothonotary/Clerk of Courts



Appeal Docket Sheet

Docket Number: 150 WDA 2009

Page 2 of 3

February 4, 2009

Superior Court of Pennsylvania



COUNSEL INFORMATION

Appellant Clark, Tiffany L

Pro Se: Appoint Counsel Status:

IFP Status: No

Appellant Attorney Information:

Attorney: Neiswender, Frederick Michael

Bar No.: 74456 Law Firm: Neiswender & Kubista

Address: 211 1/2 N 2nd Street
Clearfield, PA 16830-2538

Phone No.: (814)765-6500 Fax No.: (814)765-7205

Receive Mail: Yes

E-Mail Address: nklaw@verizon.net

Receive E-Mail: No

Appellee Finney, Curtis E

Pro Se: Appoint Counsel Status:

IFP Status: No

Appellee Attorney Information:

Attorney: Naddeo, James A.

Bar No.: 6820 Law Firm: Law Office of Naddeo & Lewis, LLC

Address: 207 East Market Street
PO Box 552
Clearfield, PA 16830

Phone No.: (814)765-1601 Fax No.: (814)765-8142

Receive Mail: Yes

E-Mail Address:

Receive E-Mail: No

FEE INFORMATION

Fee Date	Fee Name	Fee Amt	Paid Amount	Receipt Number
1/28/09	Notice of Appeal	60.00	60.00	2009SPRWD000100

TRIAL COURT/AGENCY INFORMATION

Court Below: Clearfield County Court of Common Pleas

County: Clearfield

Division: Civil

Date of Order Appealed From: December 30, 2008

Judicial District: 46

Date Documents Received: February 4, 2009

Date Notice of Appeal Filed: January 28, 2009

Order Type: Order

OTN:

Judge: Cherry, Paul E.
Judge

Lower Court Docket No.: 2008-1061-CD

ORIGINAL RECORD CONTENTS

Appeal Docket Sheet**Docket Number: 150 WDA 2009****Page 3 of 3****February 4, 2009****Superior Court of Pennsylvania****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
February 4, 2009	Notice of Appeal Filed	Appellant	Clark, Tiffany L
February 4, 2009	Docketing Statement Exited (Civil)		Western District Filing Office

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

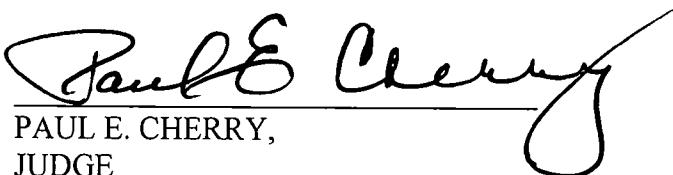
IN RE: : NO. 08-1061-CD
PETITION FOR CHANGE OF NAME OF :
NATHAN JOSEPH CLARK :

ORDER

AND NOW, this 30th day of January, 2008, the Court having been notified of Appeal to the Superior Court of Pennsylvania in the above captioned matter, it is the ORDER of this Court that Appellant file a concise statement of the matters complained of on said Appeal no later than twenty-one (21) days herefrom, as set forth in Rule 1925(b) of the Rules of Appellate Procedure. It is the further ORDER of this Court that the Statement shall be filed of record and shall be served upon the Judge pursuant to paragraph (b)(1).

Any issue not properly included in the Statement timely filed and served pursuant to subdivision (b) shall be deemed waived.

BY THE COURT,


PAUL E. CHERRY,
JUDGE

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01/30/2009 JAN 30 2009 Nadeea Neiswender

S William A. Shaw (66)
Prothonotary/Clerk of Courts

#7

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JAN 30 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 1/30/09

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 Attorney _____
Defendant(s) _____ Defendant(s) Attorney _____

Special Instructions: _____

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

IN RE:
PETITION FOR CHANGE OF NAME OF
NATHAN JOSEPH CLARK

FILED

JAN 28 2009

William A. Shaw
Prothonotary/Clerk of Courts

: No. 2008-1061-CD

: Type of case: Civil

: Type of pleading: **Notice of Appeal**

: Filed on behalf of: Tiffany L. Clark,
Appellant

: Counsel for Appellant:
Frederick M. Neiswender, Esquire
Supreme Court No. 74456

: NEISWENDER & KUBISTA
211½ North Second Street
Clearfield, Pennsylvania 16830
: (814) 765-6500

FILED

03:52 p.m. 6/6
JAN 28 2009

William A. Shaw
Prothonotary/Clerk of Courts

Atty paid 50.00

500 Atty +
1 court w/
60.00 to Superior Court

(60)

(60)

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

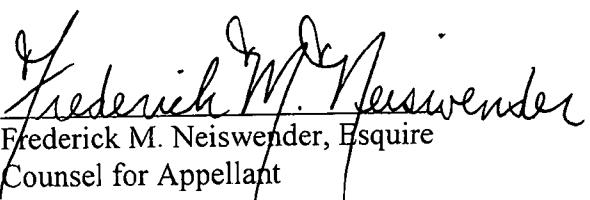
IN RE:
PETITION FOR CHANGE OF NAME OF
NATHAN JOSEPH CLARK : No. 2008-1061-CD

NOTICE OF APPEAL

Notice is hereby given that Tiffany L. Clark, Respondent above named, hereby appeals to the Superior Court of Pennsylvania from the Order entered in this matter on the 30th day of December, 2008.

This order has been entered in the docket as evidenced by the attached copy of the docket entry.

Respectfully submitted,


Frederick M. Neiswender, Esquire
Counsel for Appellant

Date: 1/28/2009

Time: 03:15 PM

Page 1 of 1

Clearfield County Court of Common Pleas

ROA Report

User: LMILLER

Case: 2008-01061-CD

Current Judge: Paul E. Cherry

In Re:Nathan Joseph Clark, et al

Civil In Re-COUNT

Date		Judge
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12/30/2008	Opinion and Order, NOW, this 29th day of Dec., 2008, it is Ordered that Petition for Change of Name is Granted and the child known as Nathaniel Joseph Clark shall be known as Nathan Joseph Finney. by The Court, /s/ Paul E. Cherry, Judge. 3CC Atty. Naddeo; 1CC D. Mikesell; 1CC Law Library (without memo)	Paul E. Cherry
12/31/2008	Certificate of Service, a certified copy of Opinion and Order dated Dec. 29, 2008 was served on Richard H. Milgrub, Esquire, by First Class Mail on the 31st day of Dec., 2008. Filed by s/ James A. Naddeo, Esquire. No CC	Paul E. Cherry

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

IN RE:
PETITION FOR CHANGE OF NAME OF
NATHAN JOSEPH CLARK : No. 2008-1061-CD

PROOF OF SERVICE

I hereby certify that I am this day serving the foregoing Notice of Appeal upon the following persons and in the manner indicated below, which service satisfies the requirements of Pa.R.A.P. 122:

By First Class Mail

Honorable Paul E. Cherry
230 East Market Street
Clearfield, PA 16830

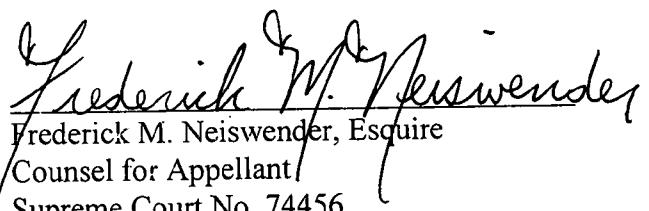
Court Reporter
1 North Second Street
Clearfield, PA 16830

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

Court Administrator
1 North Second Street
Clearfield, PA 16830

In accordance with Pa.R.A.P. 1911 (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 in conformity with Rule 1922.

Date: 01/28/2009


Frederick M. Neiswender, Esquire
Counsel for Appellant
Supreme Court No. 74456

NEISWENDER & KUBISTA
211½ North Second Street
Clearfield, Pennsylvania 16830
(814) 765-6500

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

IN THE MATTER OF PETITION *
FOR CHANGE OF NAME OF *
NATHAN JOSEPH CLARK, a *
minor child. * No. 08-1061-CD

No. 08-1061-CD

Type of Pleading:

CERTIFICATE OF SERVICE

Filed on behalf of:

Plaintiff

Counsel of Record for
this party:

James A. Naddeo, Esq.
Pa I.D. 06820

Naddeo & Lewis, LLC
207 E. Market Street
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

FILED
01/04/2008
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5 William A. Shaw
Prothonotary/Clerk of Courts

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

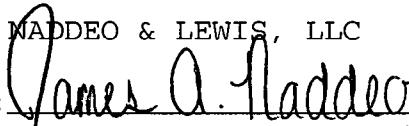
IN THE MATTER OF PETITION *
FOR CHANGE OF NAME OF *
NATHAN JOSEPH CLARK, a *
minor child. * No. 08-1061-CD
*
*
*
*

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of Opinion and Order dated December 29, 2008, filed in the above-captioned action was served on the following person and in the following manner on the 31st day of December, 2008:

First-Class Mail, Postage Prepaid

Richard H. Milgrub, Esquire
211 North Second Street
Clearfield, PA 16830

MADDEO & LEWIS, LLC
By: 
James A. Naddeo, Esquire
Attorney for Plaintiff

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

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S William A. Shaw ICC Law Library
Prothonotary/Clerk of Courts (without record)
ICC & M. Klesell
CIP

IN RE: : NO. 2008-1061-CD
PETITION FOR CHANGE OF NAME OF :
NATHAN JOSEPH CLARK :

OPINION

This matter comes before the Court by the filing of a Petition by Curtis E. Finney seeking to change the last name of the minor child, Nathan Joseph Clark, (d.o.b. 05-26-05). The petitioner, Curtis E. Finney, is the Father of the minor child. The minor child was born out of wedlock to petitioner and respondent, Tiffany L. Clark. The relationship of the parents has been on again, off again, for approximately seven years. The minor child has been in the primary custody of Mother since his birth. The testimony set forth that Father was present for the birth of the child. After the birth of the child, the relationship between Mother and Father deteriorated. However, for a short period of time, Mother, Father and the minor child resided together as a family. Subsequent to living together as a family, Father was not permitted by Mother to see the child.

The Respondent testified at hearing that the reasons the Court should not grant the petition were that Petitioner was never there for the minor child, was not a stable person, that the minor child lives with her and she is a Clark and that it takes a lot more than a name to make one a dad.

This Court is authorized by 54 Pa. C.S.A. §702 to grant a name change, provided the Court determines that such a change is in the best interests of the minor child. These decisions are left to the Court's discretion. Petition of Christjohn, 428 A.2d 597, 286 Pa.

24

Super. 112 (1991). Our Supreme Court of Pennsylvania has held that the Petitioner seeking the change of name has the burden of proof, and that the Court must consider the natural bond between parent and child, the social stigma or respect afforded the name within the community, and whether the child understands the significance, if of age. In re: Change of Name of Zachary Thomas Andrew Grimes to Zachary Thomas Andrew Grimes-Palia, 530 Pa. 388, 609 A.2d 158 (1992). Furthermore, the Court must carefully examine all the relevant factual circumstances to determine whether the Petitioner has established that the proposed change is in the child's best interest. In re: C.R.C., 819 A.2d 558 (2003).

In this matter, there was absolutely no evidence nor testimony presented before the Court which would permit the Court to determine that the child understands the significance of a name change. The child is three years of age. Although the child is quite young, the Court finds that he has reached a comfort level with Father.

The Court is satisfied that no evidence was presented that the name "Finney" carries with it any social stigma within the community. Testimony was presented that the Respondent has no prior convictions of a crime and that the name Finney is a respectable last name. The Court finds that Father indeed loves his son very much and wants to share the same last name.

The Court is satisfied from review of the testimony that Curtis Finney has played a role in the child's life by frequent contact with the minor child as well as having resided with the minor child for at least a one year period over the life of the child.

This Court is also satisfied that a strong bond does indeed exist between Father and the minor child and that this bond will be strengthened by the sharing of Father's

surname. No credible evidence was presented that use of the name Finney would have any detrimental effect on the child.

This Court also takes note that Mother is quite biased against Father at this time for many reasons unrelated to his bond with the child and his desire to have the child have his surname. Mother testified that the reasons the child should bare her surname is that the child lives with her and she is a Clark. This Court does not accept Mother's reasoning.

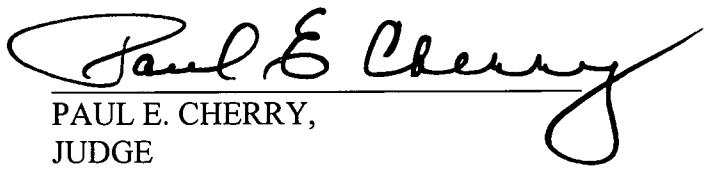
Mother's reasons for placing her last name on the birth certificate of the child are quite weak. She indicated that she believed that Father would not be in the child's life. This Court finds to the contrary. The Court believes Father has pursued his custody rights. Mother's beliefs are unfounded and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

The Court hereby finds that the Father has met his burden that it would be in the child's best interests to grant a name change and his request must therefore be GRANTED. Based upon the foregoing Opinion, the Court enters the following:

ORDER

AND NOW, this 29th day of December, 2008, following hearing on the Petition for Change of Name, taking of testimony and the timely receipt of Briefs and upon consideration of same, it is the ORDER of this Court that said Petition shall be and is hereby GRANTED and henceforth, the child known as Nathan Joseph Clark shall be known as Nathan Joseph Finney.

BY THE COURT,


PAUL E. CHERRY,
JUDGE

FILED

DEC 30 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 12/30/08

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

IN RE: :

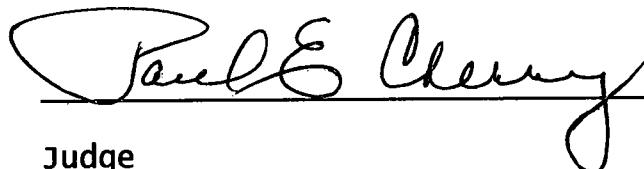
PETITION FOR CHANGE OF : No. 08-1061-CD

NAME OF NATHAN JOSEPH CLARK:

O R D E R

AND NOW, this 19th day of August, 2008, following hearing on Petition for Change of Name, it is the ORDER of this Court that counsel provide the Court with letter brief within no more than twenty (20) days from today's date.

BY THE COURT,


Judge

FILED
014:0081
AUG 25 2008

William A. Shaw
Prothonotary/Clerk of Courts

400A Atty Naddoo

(60)

(63)

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

IN THE MATTER OF PETITION *
FOR CHANGE OF NAME OF *
NATHAN JOSEPH CLARK, a *
Minor child. * No. 08 - 1061 - CD

* Type of Pleading:

AFFIDAVIT OF SERVICE

* Filed on behalf of:
* Plaintiff/Petitioner

* Counsel of Record for
* this party:

* James A. Naddeo, Esq.
* Pa I.D. 06820

Naddeo & Lewis, LLC
207 E. Market Street
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

FILED NO cc.
01/10/42 am
JUN 24 2008

William A. Shaw
Prothonotary/Clerk of Courts

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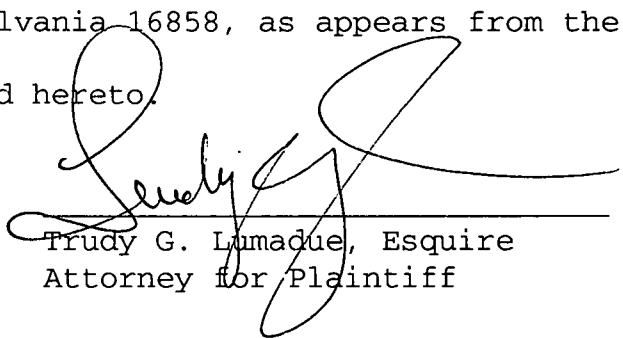
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CURTIS E. FINNEY, *
Plaintiff, *
*
v. * No. 08 - 1061 - CD
*
TIFFANY L. CLARK, *
Defendant. *

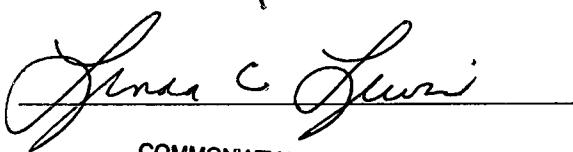
AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA)
.SS
COUNTY OF CLEARFIELD)

I, Trudy G. Lumadue, Esquire, attorney for the above named Plaintiff, being duly sworn according to law, depose and state that a certified copy of the Petition for Change of Name filed in the above-captioned action was served upon the Defendant, Tiffany L. Clark, in accordance with this Court's Order of June 13, 2008 by first-class mail, restricted delivery, return receipt requested, on June 17, 2008, at the Defendant's address of 273 Columbia Road, Morrisdale, Pennsylvania 16858, as appears from the receipt of Certified Mail attached hereto.


Trudy G. Lumadue, Esquire
Attorney for Plaintiff

SWORN and SUBSCRIBED before me this 24th day of June, 2008.


Linda C. Lewis
COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Linda C. Lewis, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires July 25, 2011

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:

Ms. Tiffany L. Clark
273 Columbia Road
Morrisdale, PA 16858

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

X Sherry Clark Agent
 Addressee

B. Received by (Printed Name)

Sherry Clark **C. Date of Delivery**

6-17-08

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

4. Restricted Delivery? (Extra Fee) Yes**2. Article Number**

(Transfer from service label)

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

IN THE MATTER OF PETITION
FOR CHANGE OF NAME OF
NATHAN JOSEPH CLARK, a
Minor child.

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No. 08 - 1061 CD

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JUN 10 2008

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William A. Shaw
Prothonotary/Clerk of Courts

3 CENT TO AIR

Type of Pleading:

PETITION FOR CHANGE OF NAME

Filed on behalf of:

Plaintiff/Petitioner

Counsel of Record for
this party:

James A. Naddeo, Esq.

Pa I.D. 06820

Naddeo & Lewis, LLC

207 E. Market Street

P.O. Box 552

Clearfield, PA 16830

(814) 765-1601

441

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

IN THE MATTER OF PETITION
FOR CHANGE OF NAME OF
NATHAN JOSEPH CLARK, a
minor child.

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No. 08-1061 -CD

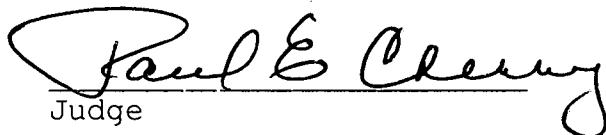
ORDER

AND NOW, this 13th day of June, 2008, on the motion of petitioner, it is ORDERED that a hearing on the Petition for Change of Name is fixed for the 19th day of August, 2008, at 2:30 P. M., in Courtroom 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

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 nonpetitioning parent of a child whose name will be affected by certified mail, restricted delivery, return receipt requested.

BY THE COURT,


Paul E. Cleary
Judge

FILED 3cc
01:58 PM JUN 13 2008 Atty Naddes
JUN 13 2008

William A. Shaw
Prothonotary/Clerk of Courts

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

IN THE MATTER OF PETITION
FOR CHANGE OF NAME OF
NATHAN JOSEPH CLARK, a
minor child.

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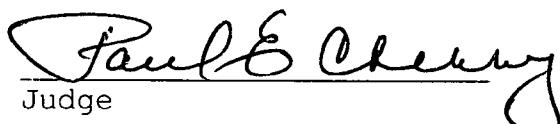
No. 08-1061 -CD

NOTICE

Notice is hereby given that on the 10th day of June, 2008,
the petition of Curtis E. Finney was filed in the above-named
court, requesting an order to change the name of Nathan Joseph
Clark to Nathan Joseph Finney.

The Court has fixed the 19th day of August,
2008, at 2:30 P. M., in Courtroom 2 of the
Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,


Paul E. Cheaney
Judge

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JUN 13 2008
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William A. Shaw
Prothonotary/Clerk of Courts



JUN 13 2008

FILED

DATE 10/3/08

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

IN THE MATTER OF PETITION *
FOR CHANGE OF NAME OF *
NATHAN JOSEPH CLARK, a *
minor child. * No. 08- -CD
*
*
*

PETITION FOR CHANGE OF NAME

NOW COMES the Petitioner, Curtis E. Finney, and by and through his attorney, James A. Naddeo, Esquire, requests that this Court order a change of name for the minor child, NATHAN JOSEPH CLARK, pursuant to 54 Pa. Cons. Stat. § 701 et seq., and in support thereof sets forth the following:

1. Petitioner is Curtis E. Finney, an adult individual and resident of Clearfield County, Pennsylvania, who currently resides at 200 N. 6th Street, Apt. 3, Philipsburg, Pennsylvania 16866.

2. Petitioner is the father of the child, Nathan Joseph Clark.

3. The minor child is a resident of Clearfield County, Pennsylvania, and has resided at the following locations during his lifetime (approximately three years next preceding the filing of this petition): 273 Columbia Road, Morrisdale, Pennsylvania 16858.

4. Mother of the minor child, and interested party pursuant to 54 Pa.C.S. § 701 (A.1)(3)(B), is Tiffany L. Clark who resides at 273 Columbia Road, Morrisdale, Pennsylvania 16858.

5. Pursuant to the 28 Pa. Code § 1.7(a) the designation of a child's surname is the right of both parents.

6. While the custodial parent has the choice of the surname (28 Pa. Code § 1.7(b)), a noncustodial parent maintains standing to bring a name change action notwithstanding said choice afforded to the custodial parent. Petition of Schidlemeir by Koslof, 496 A.2d 1249 (Pa. Super. 1985).

7. Petitioner desires that the minor child's name reflect the identity and heritage of Petitioner, being the minor child's natural father, in order that his children may bear his family name and Petitioner desires the minor child be known as Nathan Joseph Finney.

8. It is in the best interests of the minor child to conform the minor child's name with the name of his natural father because:

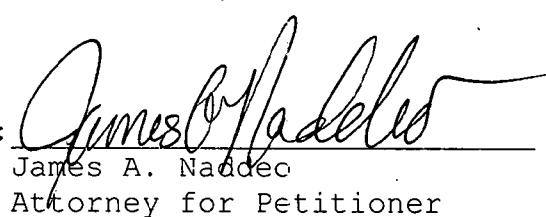
- a) the father has a natural bond and relationship with the child;
- b) the Finney name is upstanding and respected in the community of the minor child;

c) Mother's motive in giving the minor child the surname, Clark, is a result of her own ill will and hostility towards the Petitioner.

WHEREFORE, Petitioner respectfully requests Your Honorable Court enter a decree changing the name of the minor child from Nathan Joseph Clark to Nathan Joseph Finney.

NADDEO & LEWIS, LLC

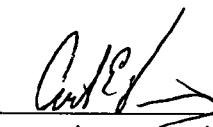
By:



James A. Naddeo
Attorney for Petitioner

V E R I F I C A T I O N

I, Curtis E. Finney, Petitioner verify that the statements made in the foregoing Petition are true and correct upon my personal knowledge or information and belief. 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.

By: 

Curtis E. Finney
Petitioner

Dated: 6/9/08

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

FILED
MTO:49B/1
MAR 23 2009
S
William A. Shaw
Prothonotary/Clerk of Courts
(61)

In Re: Petition for Change of Name
of Nathan Joseph Clark

Case No. 2008-01061-CD

CERTIFICATE OF CONTENTS

NOW, this 19th day of March, 2009, the undersigned, Prothonotary or Deputy Prothonotary of the Court of Common Pleas of Clearfield County, Pennsylvania, the said Court of record, does hereby certify that attached is the original record of the case currently on Appeal.

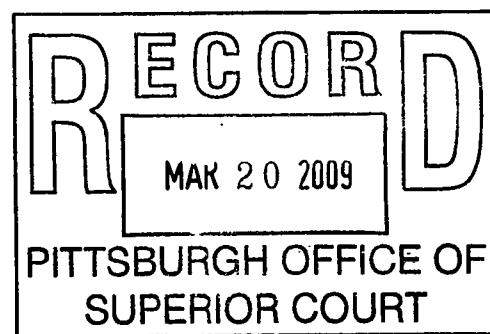
An additional copy of this Certificate is enclosed with the original hereof and the Clerk or Prothonotary of the Superior Court is hereby directed to acknowledge receipt of the Appeal Record by executing such copy at the place indicated by forthwith returning the same to this Court.

By: William A. Shaw
William A. Shaw, Prothonotary

Record, Etc. Received:

Date: _____

E. Nathan
(Signature & Title)





Superior Court of Pennsylvania

Karen Reid Bramblett, Esq.
Prothonotary
Eleanor R. Valecko
Deputy Prothonotary

Western District

310 Grant Street, Suite 600
Pittsburgh, PA 15219-2297
(412) 565-7592
www.superior.court.state.pa.us

CERTIFICATE OF REMITTAL/REMAND OF RECORD

TO: Mr. Shaw
Prothonotary

RE: In Re: Petition for Change of Name of Clark, N.
150 WDA 2009
Trial Court: Clearfield County Court of Common Pleas
Trial Court Docket No: 2008-1061-CD

FILED
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APR 08 2010
S

William A. Shaw
Prothonotary/Clerk of Courts

Annexed hereto pursuant to Pennsylvania Rules of Appellate Procedure 2571 and 2572 is the entire record for the above matter.

Original Record contents:

Item	Filed Date	Description
Original Record	March 20, 2009	1 Part
Transcript	March 20, 2009	1

Additional Item(s): Certified Copy Superior Court Judgment Order and Opinion

Remand/Remittal Date: 04/07/2010

ORIGINAL RECIPIENT ONLY - Please acknowledge receipt by signing, dating, and returning the enclosed copy of this certificate to our office. Copy recipients (noted below) need not acknowledge receipt.

Very truly yours,

Eleanor R. Valecko
Deputy Prothonotary

/bbc

Enclosure

cc: The Honorable Paul E. Cherry, Judge
James A. Naddeo, Esq.
Frederick Michael Neiswender, Esq.

IN RE: PETITION FOR CHANGE OF : IN THE SUPERIOR COURT OF
NAME OF NATHAN JOSEPH CLARK : PENNSYLVANIA
:
APPEAL OF: TIFFANY L. CLARK : No. 150 WDA 2009

Appeal from the Order December 30, 2008
In the Court of Common Pleas of Clearfield County
Civil Division at No. 2008-1061-CD

08-1061-CD

BEFORE: BENDER, SHOGAN and FITZGERALD,* JJ.

MEMORANDUM: FILED: MARCH 2, 2010

Tiffany L. Clark ("Mother") appeals from the order entered in the Clearfield County Court of Common Pleas, granting the petition of Curtis E. Finney ("Father") to change the surname of their minor child ("Child") from Nathan Joseph Clark to Nathan Joseph Finney. We reverse.

The trial court summarized its findings of fact as follows:

This matter comes before the Court by the filing of a Petition by Curtis E. Finney seeking to change the last name of the minor child, Nathan Joseph Clark, (d.o.b. 05-26-05). The petitioner, Curtis E. Finney, is the Father of the minor child. The minor child was born out of wedlock to petitioner and respondent, Tiffany L. Clark. The relationship of the parents has been on again, off again, for approximately seven years. The minor child has been in the primary custody of Mother since his birth. The testimony set forth that Father was present for the birth of the child. After the birth of the child, the relationship between Mother and Father deteriorated. However, for a short period of time, Mother, Father and the minor child resided together as a family. Subsequent to living together as a family, Father was not permitted by Mother to see the child.

* Former Justice specially assigned to the Superior Court.

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2010

[Mother] testified at [the] hearing that the reasons the Court should not grant the petition were that [Father] was never there for the minor child, was not a stable person, that the minor child lives with her and she is a Clark and that it takes a lot more than a name to make one a dad.

Trial Ct. Op. at 1.

The trial court granted Father's petition, having found the following:

In this matter, there was absolutely no evidence nor testimony presented before the Court which would permit the Court to determine that the child understands the significance of a name change. The child is three years of age. Although the child is quite young, the Court finds that he has reached a comfort level with Father.

The Court is satisfied that no evidence was presented that the name "Finney" carries with it any social stigma within the community. Testimony was presented that [Father] has no prior convictions of a crime and that the name Finney is a respectable last name. The Court finds that Father indeed loves his son very much and wants to share the same last name.

The Court is satisfied from review of the testimony that [Father] has played a role in the child's life by frequent contact with the minor child as well as having resided with the minor child for at least a one year period over the life of the child.

This Court is also satisfied that a strong bond does indeed exist between Father and the minor child and that this bond will be strengthened by the sharing of Father's surname. No credible evidence was presented that use of the name Finney would have any detrimental effect on the child.

This Court also takes note that Mother is quite biased against Father at this time for many reasons unrelated to his bond with the child and his desire to have the child have his surname. Mother testified that the reasons the child should bare [sic] her surname is that the child lives with her and she is a Clark. This Court does not accept Mother's reasoning.

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 Father has pursued his custody rights. Mother's beliefs are unfounded and selfish.

Trial Ct. Op. at 2-3. Mother's instant appeal followed.

Mother raises the following issues for our review:

- I. Whether the trial court failed to consider the best interest of the child by granting the petition for change of name[?]
- II. Whether the trial court abused its discretion by shifting the burden of proof from [Father] to [Mother?]

Mother's Brief at 4.

We address Mother's issues together.

We first note our standard of review. In the case of ***In re Petition of Schidlmeier***, 344 Pa. Super. 562, 496 A.2d 1249, 1253 (1985), we held, "[t]he child's best interests unquestionably must control [the trial court's discretion] in a proceeding to change a minor's surname." Further, the party petitioning for the minor child's change of name has the burden of coming forward with evidence that the name change requested would be in the child's best interest, and that where a petition to change a child's name is contested, the court must carefully evaluate all of the relevant factual circumstances to determine if the petitioning parent has established that the change is in the child's best interest. **See *In re Montenegro***, 365 Pa. Super. 98, 528 A.2d 1381, 1382-1383 (1987) (citing ***Schidlmeier***, 496 A.2d at 1253). In that evaluation, neither parent is to be accorded a presumption. ***Montenegro***, 528 A.2d at 1382-1383.

Our Supreme Court adopted the "best interests of the child" standard of review in appeals from the grant of a petition for change of name of a minor child by a non-custodial parent in ***In re Grimes***, 530 Pa. 388, 609 A.2d 158 (1992). In ***Grimes***, our Supreme Court noted:

Specific guidelines [for a child's best interests] are difficult to establish, for the circumstances in each case will be unique, as each child has individual physical, intellectual, moral, social and spiritual needs. **However, general considerations 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.**

Grimes, 530 Pa. 388 at 394, 609 A.2d 158 at 161 (citations and footnotes omitted) (emphasis added).

We described the "best interest of the child standard" in **Sawko v. Sawko**, 425 Pa. Super. 450, 625 A.2d 692 (1993), as follows:

The "best interests [of the child]" standard, decided on a case-by-case basis, considers all factors which legitimately have an effect upon the child's physical, intellectual, moral and spiritual well-being. On appeal, our scope of review is broad in that we are not bound by deductions and inferences drawn by the trial court from the facts found, nor are we required to accept findings which are wholly without support in the record. On the other hand, our broad scope of review does not authorize us to nullify the fact-finding function of the trial court in order to substitute our judgment for that of the trial court. Rather, we are bound by findings supported in the record, and may reject conclusions drawn by the trial court only if they involve an error of law, or are unreasonable in light of the sustainable findings of the trial court.

Sawko, 625 A.2d at 693.

In re Name Change of C.R.C., 819 A.2d 558, 560-61 (Pa. Super. 2003) (footnote omitted).

Mother contends that Father's evidence was insufficient to support a name change. She argues that Father has not been a stable presence in Child's life and that he should have filed a petition for name change three years ago. She contends Father presented no evidence that a name change would actually be in Child's best interests. Mother also complains that the trial court impermissibly shifted the burden of proving whose name Child should bear from the petitioning parent to the responding parent. We agree that the evidence does not prove a name-change is in Child's best interests, and that the trial court impermissibly shifted the burden from Father to Mother.

The trial court's opinion finds sufficient evidence to support a name change by citing the "general considerations" cited by our Supreme Court in **Grimes**, namely that Father has a natural bond with Child, his name has no negative social stigma, and Child is not of sufficient age to understand any impact of a name change. **Compare** Trial Ct. Op. at 2-3, **with Grimes**, 530 Pa. at 394, 609 A.2d at 161. Our Supreme Court considered the **Grimes** factors, however, to be "general considerations." **See Grimes**, 530 Pa. at 394, 609 A.2d at 161. While the trial court "should include" these "general considerations," it is not limited by these factors, as evidenced by the **Grimes** Court's holding that "each case will be unique." **See id.** Thus, although we agree with the trial court's findings regarding the general

considerations, we may examine other factors to determine whether a name change is actually in Child's best interests.

More importantly, we conclude that **Grimes** does not limit the general considerations to only the petitioning parent. Rather, the trial court should apply the **Grimes** factors to both parents and determine whether any of the factors favor one parent over the other. A conclusion that only the petitioning parent need satisfy the **Grimes** factors would lead to circular results, as the other parent could also satisfy the **Grimes** factors upon filing his or her own petition for a name change. In the instant case, the record does not indicate that either Mother's or Father's name carries a social stigma. Similarly, Child appears to have a natural bond with both Mother and Father. Because none of these factors favor either parent to a significant degree, we cannot agree with the trial court that Father has proven a name change would be in Child's best interest.

Father nonetheless argues that Mother conceded to the possibility she may change her name if she re-marries at some point in the future. We cannot agree that such a consideration is appropriate. As this Court observed in **Schidlmeier, supra**, reliance on "tradition and custom" that a child bear the paternal surname is insufficient to warrant a name change to the paternal surname. **See Schidlmeier**, 496 A.2d at 1254. Instantly, consideration of Mother's future marital prospects would lead indirectly to the concerns delineated by **Schidlmeier**, since all single mothers would be

at an immediate disadvantage upon a father's petition for a name change. Accordingly, we find Father's argument meritless.

Having concluded that the **Grimes** factors favor neither Mother nor Father to a significant degree, we examine whether other factors favor one parent over the other. The record indicates that Mother has primary custody of Child, and Child spends most of his time with Mother. Even if the lack of time Father spends with Child is attributed to Mother's interference, as the trial court found and which finding is supported by the record, it is undisputed that the majority of Child's life is spent with Mother, and it does not appear that arrangement will change in the near future. Because Child will be spending most of his time with Mother, and the record indicates no blemishes in Mother's surname, we conclude that Father failed to prove a name change would be in Child's best interests.¹

Our conclusion today also resolves Mother's claim that the trial court impermissibly shifted the burden to her. As we have concluded **supra**, a mere finding that a petitioning parent's name does not have a social stigma attached to it, and that the petitioning parent has a bond with Child, does not satisfy the petitioning parent's burden of proof. Rather, as the **C.R.C.**

¹ The trial court also opined that changing Child's name would strengthen the bond between Father and Child. We conclude, however, that this is an inappropriate consideration because **Grimes** already requires the trial court to consider the petitioner's bond with the child when determining whether the petitioning parent has met his or her burden.

Court noted, "the party petitioning for the minor child's change of name has the burden of coming forward with evidence that the name change requested would be in the child's best interest. . . ." **C.R.C.**, 819 A.2d at 560. **Grimes** and **C.R.C.**, therefore, require a trial court to find that an order denying a name change is the default, and the burden is on the petitioning parent to prove why changing the name is the best option. **Grimes** and **C.R.C.** do not sanction an alteration of the status quo merely because the petitioning parent proves he or she has a reputable name and a bond with the child. Accordingly, we agree with Mother that the trial court impermissibly put the burden on Mother to prove why Child's name should not be changed.

Order reversed. Case remanded. Jurisdiction relinquished.

Judge Bender files a Dissenting Memorandum.

Judgment Entered:



Deputy Prothonotary

DATE: MARCH 2, 2010

IN RE: PETITION FOR CHANGE OF : IN THE SUPERIOR COURT OF
NAME OF NATHAN JOSEPH CLARK : PENNSYLVANIA
:
APPEAL OF: TIFFANY L. CLARK : No. 150 WDA 2009

Appeal from the Order December 30, 2008
In the Court of Common Pleas of Clearfield County
Civil Division at No. 2008-1061-CD

BEFORE: BENDER, SHOGAN and FITZGERALD*, JJ.

DISSENTING MEMORANDUM BY BENDER, J.:

Because I conclude that Father carried his burden of proof that his son's name change would be in the child's best interest, I dissent.

As espoused in ***In re Petition of Schidlmeier***, 496 A.2d 1249 (Pa. Super. 1985), the Majority acknowledges that reliance on tradition and custom that a child bear the paternal surname is not a sufficient reason to warrant a name change. The Majority also recognizes the emphasis placed on the existence of a bond between parent and child as discussed in ***In re Grimes***, 609 A.2d 158 (Pa. 1992). However, the Majority overlooks Father's testimony regarding these significant considerations, *i.e.*, that he is seeking the name change not because of tradition and custom, but because of his strong bond with his son despite Mother's attempts to interfere with the father/son relationship and blaming Father's work schedule to show a lack of interest on Father's part. Father is not seeking the name change as the starting point to develop a strong bond as in ***In re Name Change of C.R.C.***, 819 A.2d 558 (Pa. Super. 2003); rather, he has already forged a

*Former Justice specially assigned to the Superior Court.

bond, pays support and has had to seek court ordered partial custody due to Mother's lack of cooperation. I believe that the Majority has overlooked the guiding principal that we "may reject conclusions drawn by the trial court only if they involve an error of law, or are unreasonable in light of the sustainable findings of the trial court." **C.R.C.**, 819 A.2d 561 (quoting **Sawko v. Sawko**, 625 A.2d 692, 693 (Pa. Super. 1993)). The trial court has neither erred as a matter of law nor drawn unreasonable conclusions based on this record. Accordingly, I would affirm the order granting the name change.

12002
William A. Stasy
Prothonotary/Clerk of Courts

CA

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

IN THE MATTER OF PETITION
FOR CHANGE OF NAME OF
NATHAN JOSEPH CLARK, a
minor child.

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No. 08-1061-CD

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Type of Pleading:

*

**PRAECIPE FOR STATUS
CONFERENCE**

*

*

Filed on behalf of:

*

Plaintiff

*

*

Counsel of Record for
this party:

*

*

*

James A. Naddeo, Esq.

*

Pa I.D. 06820

*

*

Naddeo & Lewis, LLC
207 E. Market Street
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

*

*

FILED

01/10/37641
APR 12 2010

Att'y Naddeo

William A. Shaw
Prothonotary/Clerk of Courts

60

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

IN THE MATTER OF PETITION *
FOR CHANGE OF NAME OF *
NATHAN JOSEPH CLARK, a *
minor child. * No. 08-1061-CD
*
*
*
*

PRAECIPE FOR STATUS CONFERENCE

TO THE PROTHONOTARY:

Dear Sir:

Please schedule a status conference in the above-captioned case.

NADDEO & LEWIS, LLC

By James A. Naddeo
James A. Naddeo, Esquire
Attorney for Petitioner

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

IN THE MATTER OF PETITION *
FOR CHANGE OF NAME OF *
NATHAN JOSEPH CLARK, a *
minor child. * No. 08-1061-CD
*
*
*
*

O R D E R

AND NOW, this 13th day of August 2010, it is the
ORDER of this Court that a hearing is scheduled upon
Petitioner's Praecipe for Status Conference for the 27th day of
October, 2010, at 1:30p.m. in Courtroom No. 2,
Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,

Paul E. Cleary

5 **FILED** 1CC
08/15/2010 Atty
AUG 16 2010
William A. Shaw
Prothonotary/Clerk of Courts
Meddeo
(60)

FILED

AUG 16 2010

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 8/16/10

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

IN THE MATTER OF PETITION *
FOR CHANGE OF NAME OF *
NATHAN JOSEPH CLARK, a *
minor child. * No. 08-1061-CD
*
*
*

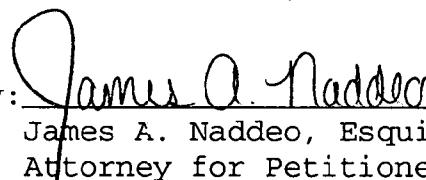
CERTIFICATE OF SERVICE

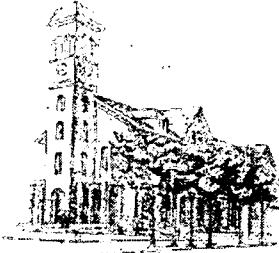
I, James A. Naddeo, Esquire, do hereby certify that a certified copy of Praeclipe for Status Conference filed in the above-captioned action was served on the following person and in the following manner on the 18th day of August, 2010:

First-Class Mail, Postage Prepaid

Frederick M. Neiswender, Esquire
Neiswender & Kubista
211 ½ North Second Street
Clearfield, PA 16830

NADDEO & LEWIS, LLC

By: 
James A. Naddeo, Esquire
Attorney for Petitioner



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

Jacki Kendrick
Deputy Prothonotary/Clerk of Courts

Bonnie Hudson
Administrative Assistant

David S. Ammerman
Solicitor

PO Box 549, Clearfield, PA 16830 • Phone: (814) 765-2641 Ext. 1330 • Fax: (814) 765-7659 • www.clearfieldco.org

COPY

Paul E. Cherry, Judge
Court of Common Pleas
230 E. Market Street
Clearfield, PA 16830

James A. Naddeo, Esq.
PO Box 552
207 East Market Street
Clearfield, PA 16830

Frederick M. Neiswender, Esq.
211 1/2 North Second Street
Clearfield, PA 16830

In Re: Petition for Change of Name of Nathan Joseph Clark

Court No. 08-1061-CD; Superior Court No. 150 WDA 2009

Dear Counsel:

Please be advised that the above referenced record was forwarded to the Superior Court of Pennsylvania on March 19, 2009.

Sincerely,


William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

No. 08-1061-CD

In Re: Petition for Change of Name of Nathan Joseph Clark

ITEM NO.	DATE OF FILING	NAME OF DOCUMENT	NO. OF PAGES
01	06/10/08	Petition for Name Change with Order scheduling hearing and Notice filed 6/13/08	07
02	06/24/08	Affidavit of Service	03
03	08/25/08	Order, Re: letter briefs to be filed	01
04	12/30/08	Opinion and Order, Petition for Change of Name Granted	03
05	12/31/08	Certificate of Service	02
06	01/28/09	Notice of Appeal to Higher Court	04
07	01/30/09	Order, Re: Concise Statement to be filed	01
08	02/06/09	Appeal Docket Sheet, Superior Court Number 150 WDA 2009	03
09	02/20/09	Statement of Matters Complained of on Appeal	04
10	03/16/09	Transcript of Proceedings, Petition for Change of Name	Separate Cover

Date: 3/19/2009

Clearfield County Court of Common Pleas

User: BHUDSON

Time: 10:04 AM

ROA Report

Page 1 of 1

Case: 2008-01061-CD
Current Judge: Paul E. Cherry

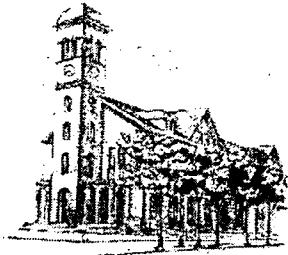
In Re:Nathan Joseph Clark, et al

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

MAR 19 2009

Civil In Re-COUNT

Date		Judge Attest.	William Cherry Prothonotary/ Clerk of Courts
3/10/2008	New Case Filed. Filing: Petition for Name Change, Paid by: Naddeo & Lewis Receipt number: 1924424 Dated: 6/10/2008 Amount: \$95.00 (Check) 3 cert. to Atty.	No Judge	
3/13/2008	Order, this 13th day of June, 2008, on the motion of petitioner, it is Ordered Paul E. Cherry that a hearing on the Petition for Change of Name is fixed for the 19th day of August, 2008, at 2:30 p.m. in Courtroom 2. By The Court, /s/ Paul E. Cherry Judge. 3CC Atty. Naddeo Notice is hereby given that on the 10th day of June, 2008, the petition of Paul E. Cherry Curtis E. Finney was filed requesting an order to change the name of Nathan Joseph Clark to Nathan Joseph Finney. The Court has fixed the 19th day of August, 2008, at 2:30 p.m. in Courtroom 2. By The Court, /s/ Paul E. Cherry, Judge. 3CC Atty. Naddeo	No Judge	
3/24/2008	Affidavit of Service filed. That a certified copy of the Petition for Change of Name was served upon Defendant, Tiffany L. Clark by first class restricted delivery on June 17, 2008, filed by s/ Trudy G. Lumadue Esq. No CC.	Paul E. Cherry	
3/25/2008	Order, this 19th day of August, 2008, following hearing on Petition for Change of Name, it is Ordered that counsel provide the Court with letter brief within no more than 20 days from today's date. by The Court, /s/ Paul E. Cherry, Judge. 4CC Atty. Naddeo	Paul E. Cherry	
12/30/2008	Opinion and Order, NOW, this 29th day of Dec., 2008, it is Ordered that Petition for Change of Name is Granted and the child known as Nathan Joseph Clark shall be known as Nathan Joseph Finney. by The Court, /s/ Paul E. Cherry, Judge. 3CC Atty. Naddeo; 1CC D. Mikesell; 1CC Law Library (without memo)	Paul E. Cherry	
12/31/2008	Certificate of Service, a certified copy of Opinion and Order dated Dec. 29, 2008 was served on Richard H. Milgrub, Esquire, by First Class Mail on the 31st day of Dec., 2008. Filed by s/ James A. Naddeo, Esquire. No CC	Paul E. Cherry	
1/28/2009	Filing: Appeal to High Court Paid by: Neiswender, Frederick M., Esquire Receipt number: 1927728 Dated: 1/28/2009 Amount: \$50.00 (Check) For: [NONE] Notice of Appeal, Tiffany L. Clark, Respondent, appeals to the Superior Court Paul E. Cherry of Penna. from the Order entered in this matter on the 30th day of Dec., 2008. filed by s/ Frederick M. Neiswender, Esquire. 5CC Atty & 1 CC w/ 60.00 to Superior Court.	Paul E. Cherry	
1/30/2009	Order, this 30th day of Jan., 2008, Appellant shall file a concise statement of the matters complained of on Appeal no later than 21 days herefrom and the Statement shall be filed of record and shall be served upon the Judge pursuant to paragraph (b)(1). Any issue not properly included in the Statement timely filed and served pursuant to subdivision (b) shall be deemed waived. by the Court, /s/ Paul E. Cherry, Judge. 2CC Atts: Naddeo & Neiswender	Paul E. Cherry	
1/6/2009	Appeal Docket Sheet, filed. Superior Court Number 150 WDA 2009. No C Paul E. Cherry		
1/20/2009	Statement of Matters Complained of on Appeal, filed by s/ Frederick M. Neiswender Esq. 4CC Atty Neiswender.	Paul E. Cherry	
1/16/2009	Transcript of Proceedings on Petition for Change of Name held August 19, 2008, filed.	Paul E. Cherry	



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

Jacki Kendrick
Deputy Prothonotary/Clerk of Courts

Bonnie Hudson
Administrative Assistant

David S. Ammerman
Solicitor

PO Box 549, Clearfield, PA 16830 □ Phone: (814) 765-2641 Ext. 1330 □ Fax: (814) 765-7659 □ www.clearfieldco.org

March 19, 2009

COPY

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

RE: In Re: Petition for Change of Name
of Nathan Joseph Clark
No. 08-1061-CD
Superior Court No. 150 WDA 2009

Dear Prothonotary:

Enclosed you will find the above referenced complete record appealed to your office. Please also find enclosed one transcript.

Sincerely,

William A. Shaw
Prothonotary

FILED
01/02/2009
MAR 19 2009

William A. Shaw
Prothonotary/Clerk of Courts

Appeal Docket Sheet**Superior Court of Pennsylvania****Docket Number: 150 WDA 2009****Page 1 of 3****February 4, 2009**

In Re: Petition For Change Of Name Of Nathan Joseph Clark

08-1061-CD

Appeal Of: Tiffany L. Clark

Initiating Document: Notice of Appeal

Case Status: Active

Case Processing Status: February 4, 2009

Awaiting Original Record

Journal Number:

Case Category: Civil

CaseType: Other

Consolidated Docket Nos.:**Related Docket Nos.:****SCHEDULED EVENT**

Next Event Type: Receive Docketing Statement

Next Event Due Date: February 18, 2009

Next Event Type: Original Record Received

Next Event Due Date: March 30, 2009

FILED
 M/T/16/2011 NO
 FEB 06 2009
 S
 William A. Shaw
 Prothonotary/Clerk of Courts
 GIC

Appeal Docket Sheet**Superior Court of Pennsylvania****Docket Number: 150 WDA 2009****Page 2 of 3****February 4, 2009****COUNSEL INFORMATION****Appellant** Clark, Tiffany L

Pro Se: Appoint Counsel Status:

IPF Status: No

Appellant Attorney Information:

Attorney: Neiswender, Frederick Michael

Bar No.: 74456 Law Firm: Neiswender & Kubista

Address: 211 1/2 N 2nd Street

Clearfield, PA 16830-2538

Phone No.: (814)765-6500 Fax No.: (814)765-7205

Receive Mail: Yes

E-Mail Address: nklaw@verizon.net

Receive E-Mail: No

Appellee Finney, Curtis E

Pro Se: Appoint Counsel Status:

IPF Status: No

Appellee Attorney Information:

Attorney: Naddeo, James A.

Bar No.: 6820 Law Firm: Law Office of Naddeo & Lewis, LLC

Address: 207 East Market Street

PO Box 552

Clearfield, PA 16830

Phone No.: (814)765-1601 Fax No.: (814)765-8142

Receive Mail: Yes

E-Mail Address:

Receive E-Mail: No

FEE INFORMATION

Fee Date	Fee Name	Fee Amt	Paid Amount	Receipt Number
1/28/09	Notice of Appeal	60.00	60.00	2009SPRWD000100

TRIAL COURT/AGENCY INFORMATION

Court Below: Clearfield County Court of Common Pleas

County: Clearfield

Division: Civil

Date of Order Appealed From: December 30, 2008

Judicial District: 46

Date Documents Received: February 4, 2009

Date Notice of Appeal Filed: January 28, 2009

Order Type: Order

OTN:

Judge: Cherry, Paul E.
Judge

Lower Court Docket No.: 2008-1061-CD

ORIGINAL RECORD CONTENTS

Appeal Docket Sheet**Superior Court of Pennsylvania****Docket Number: 150 WDA 2009****Page 3 of 3****February 4, 2009**

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
February 4, 2009	Notice of Appeal Filed	Appellant	Clark, Tiffany L
February 4, 2009	Docketing Statement Exited (Civil)		Western District Filing Office

CERTIFICATE AND TRANSMITTAL OF RECORD UNDER PENNSYLVANIA
RULE OF APPELLATE PROCEDURE 1931(c)

To the Prothonotary of the Appellate Court to which the within matter has been appealed:

THE UNDERSIGNED, Clerk (or Prothonotary) of the Court of Common Pleas of Clearfield County, the said Court being a court of record, does hereby certify that annexed hereto is a true and correct copy of the whole and entire record, including an opinion of the Court as required by Pa. R.A.P. 1925, the original papers and exhibits, if any, on file, the transcript of the proceeding, if any, and the docket entries in the following matter:

008-1061-CD

In Re: Petition for Change of Name of Nathan Joseph Clark

In compliance with Pa. R.A.P. 1931 (c).

The documents comprising the record have been numbered from **No. 1 to**
11, and attached hereto as Exhibit A is a list of the documents correspondingly numbered and identified with reasonable definiteness, including with respect to each document, the number of pages comprising the document.

The date on which the record had been transmitted to the Appellate Court is
March 18, 2009.



William A. Shaw
Prothonotary/Clerk of Courts

(seal)

In Re:Nathan Joseph Clark, et al

Civil In Re-COUNT

Date	Judge
6/10/2008	New Case Filed. No Judge
	Filing: Petition for Name Change, Paid by: Naddeo & Lewis Receipt number: 1924424 Dated: 6/10/2008 Amount: \$95.00 (Check) 3 cert. to Atty. No Judge
3/13/2008	Order, this 13th day of June, 2008, on the motion of petitioner, it is Ordered Paul E. Cherry that a hearing on the Petition for Change of Name is fixed for the 19th day of August, 2008, at 2:30 p.m. in Courtroom 2. By The Court, /s/ Paul E. Cherry Judge. 3CC Atty. Naddeo
	Notice is hereby given that on the 10th day of June, 2008, the petition of Paul E. Cherry Curtis E. Finney was filed requesting an order to change the name of Nathan Joseph Clark to Nathan Joseph Finney. The Court has fixed the 19th day of August, 2008, at 2:30 p.m. in Courtroom 2. By The Court, /s/ Paul E. Cherry, Judge. 3CC Atty. Naddeo
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12/30/2008	Opinion and Order, NOW, this 29th day of Dec., 2008, it is Ordered that Petition for Change of Name is Granted and the child known as Nathan Joseph Clark shall be known as Nathan Joseph Finney. by The Court, /s/ Paul E. Cherry, Judge. 3CC Atty. Naddeo; 1CC D. Mikesell; 1CC Law Library (without memo) Paul E. Cherry
12/31/2008	Certificate of Service, a certified copy of Opinion and Order dated Dec. 29, 2008 was served on Richard H. Milgrub, Esquire, by First Class Mail on the 31st day of Dec., 2008. Filed by s/ James A. Naddeo, Esquire. No CC Paul E. Cherry
1/28/2009	Filing: Appeal to High Court Paid by: Neiswender, Frederick M., Esquire Paul E. Cherry Receipt number: 1927728 Dated: 1/28/2009 Amount: \$50.00 (Check) For: [NONE] Paul E. Cherry
	Notice of Appeal, Tiffany L. Clark, Respondent, appeals to the Superior Court Paul E. Cherry of Penna. from the Order entered in this matter on the 30th day of Dec., 2008. filed by s/ Frederick M. Neiswender, Esquire. 5CC Atty & 1 CC w/ 60.00 to Superior Court.
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1/6/2009	Appeal Docket Sheet, filed. Superior Court Number 150 WDA 2009. No CC Paul E. Cherry
1/20/2009	Statement of Matters Complained of on Appeal, filed by s/ Frederick M. Neiswender Esq. 4CC Atty Neiswender. Paul E. Cherry
1/16/2009	Transcript of Proceedings on Petition for Change of Name held August 19, 2008, filed. Paul E. Cherry

Date: 3/19/2009

Time: 10:10 AM

Page 2 of 2

Clearfield County Court of Common Pleas

User: BHUDSON

ROA Report

Case: 2008-01061-CD

Current Judge: Paul E. Cherry

In Re:Nathan Joseph Clark, et al

Civil In Re-COUNT

Date	Judge
3/19/2009	March 19, 2009, Mailed Appeal to Superior Court. March 19, 2009, Letters, Re: Notification of mailing appeal mailed to James A, Naddeo, Esq. and Frederick M. Neiswender, Esq. with certified copies of docket sheet and Document listing required by Pa.R.A.P. 1931(c). Paul E. Cherry

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

MAR 19 2009

Attest,

William E. Cherry
Prothonotary/
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

No. 08-1061-CD

In Re: Petition for Change of Name of Nathan Joseph Clark

ITEM NO.	DATE OF FILING	NAME OF DOCUMENT	NO. OF PAGES
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06	01/28/09	Notice of Appeal to Higher Court	04
07	01/30/09	Order, Re: Concise Statement to be filed	01
08	02/06/09	Appeal Docket Sheet, Superior Court Number 150 WDA 2009	03
09	02/20/09	Statement of Matters Complained of on Appeal	04
10	03/16/09	Transcript of Proceedings, Petition for Change of Name	Separate Cover
11	03/19/09	Letters, Re: Notification of mailing appeal mailed to James A. Naddeo, Esq. and Frederick M. Neiswender, Esq. with certified copies of docket sheet and Document listing required by Pa.R.A.P. 1931(c)	03

Date: 3/9/2009

Clearfield County Court of Common Pleas

User: BHUDSON

Time: 05:02 PM

ROA Report

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Case: 2008-01061-CD

Current Judge: Paul E. Cherry

In Re:Nathan Joseph Clark, et al

Civil In Re-COUNT

Date	Judge
6/10/2008	New Case Filed. No Judge
	1 Filing: Petition for Name Change, Paid by: Naddeo & Lewis Receipt number: 1924424 Dated: 6/10/2008 Amount: \$95.00 (Check) 3 cert. to Atty. No Judge
6/13/2008	Order, this 13th day of June, 2008, on the motion of petitioner, it is Ordered Paul E. Cherry that a hearing on the Petition for Change of Name is fixed for the 19th day of August, 2008, at 2:30 p.m. in Courtroom 2. By The Court, /s/ Paul E. Cherry Judge. 3CC Atty. Naddeo
	Notice is hereby given that on the 10th day of June, 2008, the petition of Paul E. Cherry Curtis E. Finney was filed requesting an order to change the name of Nathan Joseph Clark to Nathan Joseph Finney. The Court has fixed the 19th day of August, 2008, at 2:30 p.m. in Courtroom 2. By The Court, /s/ Paul E. Cherry, Judge. 3CC Atty. Naddeo
6/24/2008	2 Affidavit of Service filed. That a certified copy of the Petition for Change of Name was served upon Defendant, Tiffany L. Clark by first class restricted delivery on June 17, 2008, filed by s/ Trudy G. Lumadue Esq. No CC.
8/25/2008	Order, this 19th day of August, 2008, following hearing on Petition for Change of Name, it is Ordered that counsel provide the Court with letter brief within no more than 20 days from today's date. by The Court, /s/ Paul E. Cherry, Judge. 4CC Atty. Naddeo
12/30/2008	Opinion and Order, NOW, this 29th day of Dec., 2008, it is Ordered that Petition for Change of Name is Granted and the child known as Nathan Joseph Clark shall be known as Nathan Joseph Finney. by The Court, /s/ Paul E. Cherry, Judge. 3CC Atty. Naddeo; 1CC D. Mikesell; 1CC Law Library (without memo)
12/31/2008	5 Certificate of Service, a certified copy of Opinion and Order dated Dec. 29, 2008 was served on Richard H. Milgrub, Esquire, by First Class Mail on the 31st day of Dec., 2008. Filed by s/ James A. Naddeo, Esquire. No CC
1/28/2009	Filing: Appeal to High Court Paid by: Neiswender, Frederick M., Esquire Paul E. Cherry Receipt number: 1927728 Dated: 1/28/2009 Amount: \$50.00 (Check) For: [NONE]
	6 Notice of Appeal, Tiffany L. Clark, Respondent, appeals to the Superior Court Paul E. Cherry of Penna. from the Order entered in this matter on the 30th day of Dec., 2008. filed by s/ Frederick M. Neiswender, Esquire. 5CC Atty & 1 CC w/ 60.00 to Superior Court.
1/30/2009	7 Order, this 30th day of Jan., 2008, Appellant shall file a concise statement of the matters complained of on Appeal no later than 21 days herefrom and the Statement shall be filed of record and shall be served upon the Judge pursuant to paragraph (b)(1). Any issue not properly included in the Statement timely filed and served pursuant to subdivision (b) shall be deemed waived. by the Court, /s/ Paul E. Cherry, Judge. 2CC Atty: Naddeo & Neiswender
2/6/2009	8 Appeal Docket Sheet, filed. No CC 150 w/ 3 Paul E. Cherry
2/20/2009	9 Statement of Matters Complained of on Appeal, filed by s/ Frederick M. Neiswender Esq. 4CC Atty Neiswender. 4 Paul E. Cherry