

08-1746-CD
In Re: Karsen Wyette Voigt

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

IN RE: KARSEN WYETTE VOIGT :
(d.o.b. 3/15/08) :

JNo. 2008-1746-CD

PETITION FOR CHANGE OF NAME

Filed on behalf of

Petitioner

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 Pd \$95.00 Att
0/10:40m 3cc Att
SEP 17 2008 K. Kubista
LTM

William A. Shaw
Prothonotary/Clerk of Courts

Original
upstairs

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

IN RE: KARSEN WYETTE VOIGT :
(d.o.b. 3/15/08) :

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SEP 17 2008 K. Kubista
LH

William A. Shaw
Prothonotary/Clerk of Courts

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

IN RE: KARSEN WYETTE VOIGT :
 (d.o.b. 3/15/08) : No.

NOTICE

A Petition or Motion has been filed against you in Court. If you wish to defend against the claims set forth in the following pages, you must take action on or before _____ by entering a written appearance personally or by attorney and filing (Rule Returnable) in writing with the Court your defenses or objections to the matter set forth against you. You are warned that if you fail to do so the case may proceed without you and an order may be entered against you by the Court without further notice for relief requested by Petitioner or Movant. You may lose rights important to you.

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

Court Administrator
Clearfield County Courthouse
Market & Second Streets
Clearfield, PA 16830
(814) 765-2641, Ext. 5982

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

IN RE: KARSEN WYETTE VOIGT :
(d.o.b. 3/15/08) :

No. 2008-1746-CD

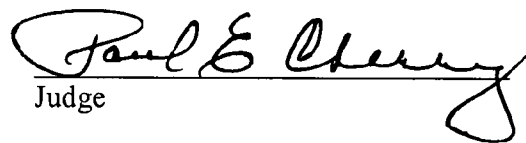
RULE

AND NOW, this 19th day of September, 2008

upon consideration of the attached Petition, it is hereby ORDERED and DIRECTED that a rule be issued upon Respondent to show cause why said Petition should not be granted.

Rule returnable and a hearing thereon the 19th day of November, 2008, at 9:30 A.m. at the Clearfield County Courthouse, Courtroom 2. 1 hour has been allotted for this hearing.

BY THE COURT


Judge

FILED 300
012:29/01
SEP 19 2008

William A. Shaw
Prothonotary/Clerk of Courts

(610)

FILED

SEP 19 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 9/19/08

☒ 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: KARSEN WYETTE VOIGT :
 (d.o.b. 3/15/08) : No.

PETITION FOR CHANGE OF NAME

NOW COMES the Petitioner, CHRISTIAN H. KIRK, JR., by and through his attorneys, Belin, Kubista & Ryan LLP, and sets forth the following Petition for Change of Name, and in support thereof would aver as follows:

1. That Petitioner is Christian H. Kirk, Jr., a single individual, currently residing at 212 Zimmerman Avenue, Clearfield, Clearfield County, Pennsylvania.
2. That Karsen Wyette Voigt is six (6) months old (d.o.b. March 15, 2008) born out of wedlock to Sholynn R. Voigt, natural mother and Christian H. Kirk, Jr., natural father.
3. That upon his birth, Karsen Wyette Voigt was given the last name of his natural mother.
4. That the natural mother is Sholynn R. Voigt, currently residing at 125 Loop Road, West Decatur, Clearfield County, Pennsylvania.
5. That Christian H. Kirk, Jr. and Sholynn R. Voigt were never married and do not intend to marry.

6. That the Petitioner is desirous of legally changing the last name of Karsen Wyyette Voigt in order that the child may bear his natural father's last name.

7. That during the course of the child's life, he has resided with Sholynn R. Voigt, at 125 Loop Road, West Decatur, Pennsylvania.

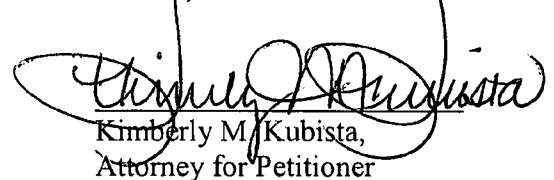
8. That the natural father, Petitioner herein, took affirmative steps to establish paternity of the child as well as establishing custodial rights to the child.

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

10. That there are no judgments or decrees of record or any other matter of like character against Karsen Wyyette Voigt.

WHEREFORE, Petitioner, Christian H. Kirk, Jr., respectfully requests your Honorable Court, pursuant to Act of December 16, 1982, P.L. 1309 No. 295 Section 2 (54) Pa.C.S.A. Section 701, to set a hearing on this Petition for purposes of considering a decree to change the name of Karsen Wyyette Voigt to Karsen Wyyette Kirk.

BELIN, KUBISTA & RYAN LLP


Kimberly M. Kubista,
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.

9/16/08
Date

Christian H. Kirk, Jr.
Christian H. Kirk, Jr.

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

IN RE: KARSEN WYETTE VOIGT :
(d.o.b. 3/15/08) :

No. 08-1746-CD

CERTIFICATE OF SERVICE

File on behalf of

Plaintiff

Counsel of Record for
this Party:

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

BELIN, KUBISTA & RYAN LLP
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED

03:01 P.M. GK

SEP 24 2008

no cc

William A. Shaw
Prothonotary/Clerk of Courts

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

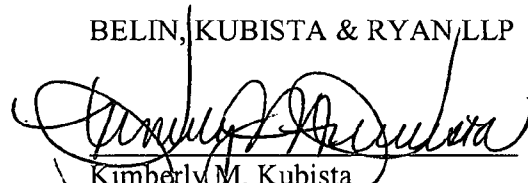
IN RE: KARSEN WYETTE VOIGT :
 (d.o.b. 3/15/08) : No. 08-1746-CD

CERTIFICATE OF SERVICE

This is to certify that I have served a certified copy of Petition for Change of Name and Rule scheduling hearing in the above captioned matter by certified mail, restricted delivery on the 23rd day of September, 2008 to the following:

Sholynn R. Voigt
125 Loop Road
West Decatur, PA 16878

BELIN, KUBISTA & RYAN/LLP


Kimberly M. Kubista
Attorney for Plaintiff

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Sholynn R. Voigt
125 Loop Road
West Decatur, PA 16878

2. A
0

7008 1300 0001 0530 8112

PS Form 3811, February 2004

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Signature]*

B. Received by (Printed Name)
Sholynn Voigt

☐ Agent
☐ Addressee

C. Date of Delivery
92308

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

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☒ C.O.D.

4. Restricted Delivery? (Extra Fee) ☒ Yes

102595-02-M-1540

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

IN RE: KARSEN WYETTE VOIGT :
(d.o.b. 3/15/08) :

No. 08-1746-CD

AFFIDAVIT OF SERVICE

Filed on behalf of

Petitioner

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

9
FILED No CC
013:1967
OCT 14 2008
William A. Shaw
Prothonotary/Clerk of Courts

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


IN RE: KARSEN WYETTE VOIGT :
(d.o.b. 3/15/08) : No. 08-1746-CD

AFFIDAVIT OF SERVICE

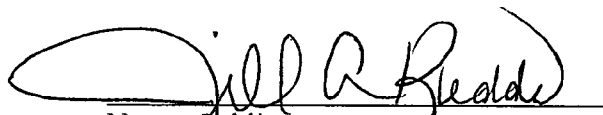
COMMONWEALTH OF PENNSYLVANIA)
) SS.
COUNTY OF CLEARFIELD)

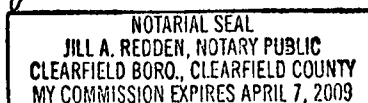
KIMBERLY M. KUBISTA, attorney for the Petitioner, being duly sworn according to law, deposes and states that Notice of hearing on Petition for Change of Name was served upon all interested parties by publication in The Progress newspaper on September 25, 2008, as evidenced by the Proof of Publication dated October 8, 2008, attached hereto AND by publication in the Clearfield County Legal Journal on September 26, 2008, as evidenced by the Proof of Publication dated September 26, 2008, attached hereto.

BELIN, KUBISTA & RYAN LLP


Kimberly M. Kubista
Attorney for Petitioner

SWORN AND SUBSCRIBED before me this 14th day of Oct.,
2008.


Notary Public



NOTICE IS HEREBY GIVEN that the Petition of KARSEN WYETTE VOIGT, by his natural father, CHRISTIAN H. KIRK, JR., has filed in the Court of Common Pleas of Clearfield County, Pennsylvania, to Civil Division No. 08-1746-CD praying for a decree to change his name to KARSEN WYETTE KIRK. The Courts have fixed the 19th day of November, 2008 at 9:30 a.m. in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania, as the time and place of hearing of the said Petition, when and where all persons interested may appear and show cause, if any they have, why the prayer of said Petition should not be granted.

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiffs. You may lose money or property or other rights important to you. YOU SHOULD TAKE THIS PARTICULAR TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641, Ext. 5982
Kimberly M. Kubista, Esquire
15 North Front Street
P.O. Box 1
Clearfield, Pennsylvania 16830
(814) 765-8972
9:25-1d-b

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA
COUNTY OF CLEARFIELD
SS:

On this 8th day of October, A.D. 20 08, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Margaret E. Krebs, who being duly sworn according to law, deposes and says that she is the President of The Progressive Publishing Company, Inc., and Associate Publisher of The Progress, a daily newspaper published at Clearfield, in the County of Clearfield and State of Pennsylvania, and established April 5, 1913, and that the annexed is a true copy of a notice or advertisement published in said publication in the regular issues of September 25, 2008 And that the affiant is not interested in the subject matter of the notice or advertising, and that all of the allegations of this statement as to the time, place, and character of publication are true.

Margaret E. Krebs
Sworn and subscribed to before me the day and year aforesaid.

Charles J. Robinson
Notary Public
Clearfield, Pa.

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Cheryl J. Robinson, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires Oct. 31, 2011
Member, Pennsylvania Association of Notaries



OPEN HOUSE
WHERE: 189 DAIRY LANE,
CLEARFIELD
WHEN: SUNDAY,
SEPTEMBER 28, 2008
TIME: 2 P.M. - 4 P.M.



LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the Petition of KARSEN WYETTE VOIGT, by his natural father, CHRISTIAN H. KIRK, JR., has filed in the Court of Common Pleas of Clearfield County, Pennsylvania, to Civil Division No. 08-1746-CD praying for a decree to change his name to KARSEN WYETTE KIRK.

The Courts have fixed the 19th day of November, 2008 at 9:30 a.m. in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania, as the time and place of hearing of the said Petition, when and where all persons interested may appear and show cause, if any they have, why the prayer of said Petition should not be granted.

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiffs. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Court Administrator, Clearfield County Courthouse, Clearfield, PA 16830, (814) 765-2641, Ext. 5982.

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

Penalope M. Dematteo 2008-870-CD
\$24,827.28

Green Oil Company vs. Al Galentine
2008-1749-CD \$2,760.04

REPORT OF JUDGMENTS
September 18, 2008

Clearfield Bank & Trust Co. vs. C.
Russell Peterson, Josephine F. Peterson
2008-729-CD \$28,891.69

Commonwealth of Pennsylvania vs.
Charles A. Smith 2008-1754-CD \$1,100.82

Commonwealth Financial Systems vs.
Teresa L. Suhoney 2008-1757-CD
\$4,257.85

Household Auto Finance, JMMMP
Company vs. Jeffrey L. Irvin, Dawn Irvin
2008-1759-CD \$3,731.61

REPORT OF JUDGMENTS
September 19, 2008

Asset Backed Funding Corp., LaSalle
Bank National Association, Litton Loan
Servicing LP vs. Dorothy S. Allison 2006-
1574-CD \$66,093.42

Chapman Village, Myrna Ward, Ronald
Ward vs. Sharan L. Zartman 2007-1122-CD
\$8,325

JP Morgan Chase Bank vs. John
McCormack, Michael Solomon-McCormack
2008-1039-CD \$34,691.87

Commonwealth of PA vs. Whitaker
Concrete, Larry Whitaker, Jason Whitaker
2008-1771-CD \$819.31

Commonwealth of PA vs. Whitaker
Concrete, Larry Whitaker, Jason Whitaker
2008-1773-CD \$1,032.47


ESTATE NOTICES

Notice is hereby given that in the estates
of the decedents set forth below the Register
of Wills has granted letters testamentary or
of administration to the persons named. All
persons having claims or demands against
said estates are requested to make payment

PROOF OF PUBLICATION

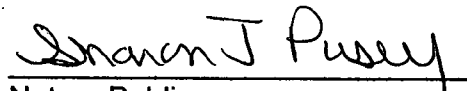
STATE OF PENNSYLVANIA :
:
COUNTY OF CLEARFIELD :

On this 26th day of September AD 2008, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro editor of the Clearfield County Legal Journal of the Courts of Clearfield County, and that the annexed is a true copy of the notice or advertisement published in said publication in the regular issues of Week of September 26, 2008, Vol. 20, No. 39. And that all of the allegations of this statement as to the time, place, and character of the publication are true.



Gary A. Knaresboro, Esquire
Editor

Sworn and subscribed to before me the day and year aforesaid.



Notary Public
My Commission Expires

NOTARIAL SEAL SHARON J. PUSEY, Notary Public Houtzdale, Clearfield County, PA My Commission Expires, April 7, 2011

Kimberly M. Kubista Esquire
15 North Front Street
P.O. Box 1
Clearfield PA 16830

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

Christian H. Kirk, Jr
(Plaintiff)

212 Zimmerman Ave
(Street Address)

Clearfield PA 16830
(City, State ZIP)

VS.

Shelynn M Voigt
(Defendant)

125 Loop Rd
(Street Address)

West Decatur PA 16878
(City, State ZIP)

CIVIL ACTION

No. 08-954-CD & 2008-1746 CD

Type of Case: Custody

Type of Pleading: Response

Filed on Behalf of:

Shelynn M Voigt
(Plaintiff/Defendant)

Shelynn Voigt
(Filed by)

125 Loop Rd West Decatur
(Address) PA 16878

814-762-4167
(Phone)

FILED ^{2cc}
09:31 AM
NOV 14 2008
Amy Jarrett

William A. Shaw
Prothonotary/Clerk of Courts

[Signature]
(Signature)



STEPHEN B. JARRETT, ESQUIRE

468 Nimitz Ave

State College, PA. 16801

814-496-8243

IN THE COURT OF COMMON PLEAS for CLEARFIELD COUNTY

DOMESTIC DIVISION

Christian Kirk

No.08-945-CD

v

No. 2008-1746 CD (Name Change)

Sholynn Voigt

MOTION TO CONTINUE and CONSOLIDATE HEARINGS

NOW COMES, Sholynn Voigt, by and through pro-bono counsel, Stephen Jarrett, Esquire and respectfully requests that all outstanding motions filed by Christian Kirk be consolidated into one hearing of court and continued until January of 2009. In support thereof, respondent states as follows:

1. In zealous representation of her client, Kirk; Counsel Kubista has filed both a motion to change the surname of the minor child (listed Nov. 19, 2008) and an Emergency Petition for Custody, alleging that mother will not let father visit the child (listed date unknown).
2. Respondent/Mother's Pro-Bono Counsel has a trip planned on the date of the name change hearing to North Carolina to see his daughter who is enrolled in U.N.C., Wilmington.
3. Regarding the Emergency Petition; respondent represents that father is able to and does visit with the minor child on an at will basis, as does do the PGM and PGF.
4. Those visits will continue pursuant to previous written arrangements.

5. Petitioner Kirk may have not disclosed the frequency and content of phone calls made to respondent, which will have a bearing on any Emergency Motion.
6. Respondent is in the process of finding an entity to transfer the content of these calls from her wireless phone service to a form which will be provided to Counsel Kubista and played for the court at hearing. These calls reflect pickup and drop-off of the minor child.
7. Respondent's counsel is also seeking phone records that will validate (and authentic) times, dates and contents of calls transferring the minor child between the parties.
8. Respondent's cellular provider informs her that such records will be unavailable until the end of November at the soonest.

WHEREFORE , any previous written custody arrangements will (continued to) be obeyed to the letter, and name change does not constitute an emergency it is respectfully respected that with the proviso that visits continue uninterrupted, these matters be continued and consolidated; and relisted for the January term of court.

Respectfully,



Stephen Jarrett, Esquire

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

CHRISTIAN H. KIRK, JR.,
Plaintiff

Vs.

RULE
SHOLYNN R. VOIGT,
Defendant

No. 08-945-CD

No. 2008-1746CD

AND NOW, this ____ day of _____, 2008 upon
consideration of the attached Petition, it is hereby ORDERED and
DIRECTED that a rule be issued upon Respondant to show cause why
said Petition should not be granted.

Rule returnable and a hearing thereon the ____ day of _____
, 200__, at _____.m. at the Clearfield County Courthouse, Courtroom2. ____
hour has been allotted for this hearing.

BY THE COURT

Judge

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

CHRISTIAN H. KIRK, JR.

V.

SHOLYNN R. VOIGT

: NO. 08-945-CD
: NO. 08-1746-CD
:
:
:
:

ORDER

AND NOW, this 14th day of November, 2008, upon consideration of the Defendant's Motion for Continuance and Consolidation of Hearings, it is the ORDER of this Court that said Motion be and is hereby DENIED.

BY THE COURT,

/s/ Paul E. Cherry

PAUL E. CHERRY,
JUDGE

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

NOV 17 2008

Attest.

William A. Shaw
Prothonotary/
Clerk of Courts

FILED
NOV 17 2008
4cc
Any Jarrett
William A. Shaw
Prothonotary/Clerk of Courts

FILED

NOV 17 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 11/17/08

X 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:

UP

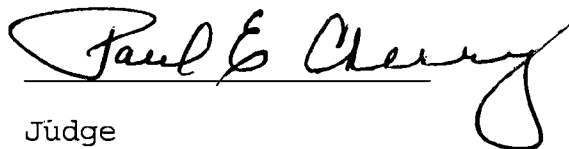
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

IN RE: :
KARSEN WYETTE VOIGT : NO. 08-1746-CD

O R D E R

AND NOW, this 19th day of November, 2008, following hearing on Petition for Change of Name and taking of testimony, it is the ORDER of this Court that counsel provide the Court with letter brief by no later than Friday, December 5, 2008.

BY THE COURT,


Judge

FILED

012:18:30
NOV 21 2008

2cc Attys:
K. Kubista
Jarrett

William A. Shaw
Prothonotary/Clerk of Courts

FILED

NOV 21 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 11/21/08

 You are responsible for serving all appropriate parties.

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

 Plaintiff(s) X Plaintiff(s) Attorney Other

 Defendant(s) X Defendant(s) Attorney

 Special Instructions:

FILED

JUN 30 2009

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

William A. Shaw

Prothonotary/Clerk of Courts

2cc Atty K. Kubista
1cc Atty Jarrett
1cc Sholynn Voigt
125 Loop Road
West Decatur, PA
16878

IN RE: KARSEN WYETTE VOIGT : NO. 08-1746-CD
(D.O.B. 03-15-08) :

1cc D. Miksell
1cc Law Library
(610)

OPINION

The parties to this action come before the Court by the filing of a Petition by Christian H. Kirk, Jr. seeking to change the name of the minor child, Karsen Wyette Voigt, (d.o.b. 03-15-08). The Petitioner, Christian H. Kirk, Jr., is the Father of the minor child. The child was born out of wedlock to Petitioner and Respondent, Sholynn R. Voigt. The relationship of the parents ended prior to the birth of Karsen Wyette Voigt. Father was, however, at the hospital and did hold the child following birth but was prohibited from actually witnessing the child's birth. Following the child's birth, Father pursued confirming paternity through the Clearfield County Domestic Relations Section. Upon receiving confirmation that he was indeed the Father of said child, Father filed a Petition for Custody and the parties reached an Agreement and Consent Order but Mother failed to sign said Order. Father and the Paternal Grandmother have seen the child at Mother's discretion. An Emergency Petition was filed with the Court and the parties entered into an Agreement at the time of the hearing on said Petition.

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 interest of the minor child. These decisions are left to the Court's discretion. Petition of Christjohn, 428 A.2d 597, 286 Pa. 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 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, 160, (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: Name Change of C.R.C. 819 A.2d 558 (Pa. Super 2003).

In this matter, there was absolutely no evidence or 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 only one year of age. All of the testimony presented through the witnesses established that Father had demonstrated that he and the child have bonded and that there is an established relationship between them. Mother herself testified that there was a bond between Father and Son. Testimony further established that the child was very comfortable with his Father. The Court is satisfied that despite being young, the child has reached a comfort level with his Father.

The Court is satisfied that no evidence was presented that the name Kirk carries with it any social stigma within the community and the last name "Kirk" is a respectable last name. The Court is well aware that Kirk is a very common name in the Clearfield County area.

The Court is satisfied that from review of the testimony that Christian H. Kirk, Jr. has played a role in the child's life by frequent contact with the minor child and by establishing a comfortable bond with the child. The Court is quite satisfied that a bond does exist between Father and his son. No credible evidence was presented that use of the

name Kirk would have any detrimental effect on the child. The Court is satisfied that Father has aggressively pursued his paternity rights and custody rights with regard to the minor child. The Court finds that Mother's position and conduct in this matter is unfounded and quite selfish on her part. Therefore, the Court is satisfied that Petitioner has shown that a change of name would be in his child's best interests and his Petition for Name Change must therefore be GRANTED.

Based upon the foregoing Opinion, the Court enters the following Order:

ORDER

AND NOW, this 30th day of June, 2009, following hearing on Petition for Change of Name, the taking of testimony and the timely receipt of Briefs and upon consideration of same, it is the ORDER of this Court that said Petition for Change of Name shall be and is hereby GRANTED and the child shall be known hereinafter by the name of Karsen Wytte Kirk.

BY THE COURT,


PAUL E. CHERRY,
JUDGE