

08-2319-CD
In Re: Molly Marie Martell

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

IN RE: **MOLLY MARIE MARTELL** * No. 2008- 2319 -CD
b. 09/09/1999 *
* *

PETITION FOR CHANGE OF NAME
OF MINOR CHILD

Code: Civil

Filed on behalf of:

JULIE CHRISTINE TOBIAS
f/k/a **JULIE CHRISTINE MARTELL**
Petitioner

Counsel of Record for this
party:

TIMOTHY E. DURANT, ESQUIRE
Pa. I.D. No. 21352
201 North Second Street
Clearfield, PA 16830
(814) 765-1711

FILED
01/14/04 3CC
DEC 03 2008 Atty Durant
S William A. Shaw Atty pd.
Prothonotary/Clerk of Courts \$95.00

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

IN RE: **MOLLY MARIE MARTELL** * No. 2008-
b. 09/09/1999 * -CD
* *

PETITION FOR CHANGE OF NAME OF MINOR CHILD

The petitioner, JULIE CHRISTINE TOBIAS f/k/a JULIE CHRISTINE MARTELL (hereinafter "Petitioner"), through her under signed counsel, requests that this Court order a change of name for her minor daughter MOLLY MARIE MARTELL d.o.b. 09-09-1999, pursuant to 54 Pa Cons Stat §701 et seq, and in support thereof represents as follows:

1. Petitioner, JULIE CHRISTINE TOBIAS f/k/a JULIE CHRISTINE MARTELL, is a resident of Pennsylvania and has resided at 100 4th Avenue, Apt. 109, Curwensville, Clearfield County, Pennsylvania 16833 during the 5 years preceding the filing of this petition.

2. Petitioner was formerly married to Richard James Martell, Jr. from whom she was divorced on November 16, 2001 by order filed to Clearfield County Civil Action No. 01-1145-CD.

3. Both Petitioner and Richard James Martell, Jr. are the natural parents of Molly Marie Martell who is presently 9 years of age. A photocopy of the birth certificate for Molly Marie Martell is attached hereto as Exhibit "A" and incorporated herein by reference as if set out in full.

4. On December 3, 2001 a Notice of Election To Resume Prior Name was filed by Petitioner to Clearfield County No. 01-1145-CD pursuant to 23 Pa. C. S. §702 and Pa. C. S. §704. A copy of said notice is attached hereto as Exhibit "B" and incorporated herein by reference as if set out in full.

5. Molly Marie Martell refuses to use the surname Martell and requests of all that she be known by the surname Tobias. Such request has continued for at least a year.

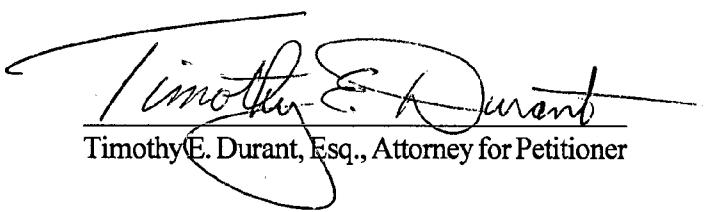
6. There are no judgments or decrees of like character of record against Molly Marie Martell who is a minor person.

7. Richard James Martell, Jr. Has consented to the requested change of name as evidenced by the affidavit of consent attached hereto as Exhibit "C" and incorporated herein by reference as if set out in full.

8. Petitioner believes it is in the best interests of her daughter Molly to permit her to change her surname to Tobias.

WHEREFORE, petitioner requests that this Court enter a decree changing the name of her minor daughter MOLLY MARIE MARTELL to MOLLY MARIE TOBIAS pursuant to 54 Pa Cons Stat §701 et seq.,

Respectfully Submitted,


Timothy E. Durant, Esq., Attorney for Petitioner

December 3, 2008

VERIFICATION

I verify that the statements made in this Pleading are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

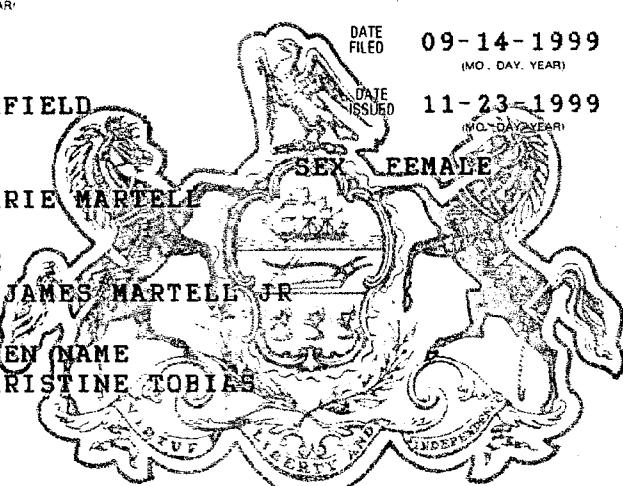
DATED: Nov. 4, 2008



JULIE CHRISTINE TOBIAS

A

COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF HEALTH
VITAL RECORDS
Certification of Birth

DATE OF BIRTH	09-09-1999	FILE NO	3850040-1999
(MO. DAY, YEAR)			
COUNTY OF BIRTH			
	DATE FILED	09-14-1999	(MO. DAY, YEAR)
	DATE ISSUED	11-23-1999	(MO. DAY, YEAR)
NAME	MOLLY MARIE MARTELL		
FATHERS NAME	RICHARD JAMES MARTELL JR		
MOTHERS MAIDEN NAME	JULIE CHRISTINE TOBIAS		
<p>This is to certify that this is a true copy of the record which is on file in the Pennsylvania Department of Health, in accordance with Act 66, P.L. 334, approved by the General Assembly, June 29, 1953.</p> <p><i>Charles Hardester</i> CHARLES HARDESTER STATE REGISTRAR</p> <p>H105.105 (REV. 01-99)</p>			
<p>WARNING: IT IS ILLEGAL TO DUPLICATE THIS COPY BY PHOTOSTAT OR PHOTOGRAPH</p>			



KES

9802385

EXHIBIT "A" Pg. 1 of 1

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

JULIE CHRISTINE MARTELL,
Plaintiff,

vs.

RICHARD JAMES MARTELL, JR.,
Defendant.

*
*
*
* NO. 01-1145-CD
*
*
*

NOTICE OF ELECTION TO RESUME PRIOR NAME

Notice is hereby given that, a final decree in divorce having been granted on the 16th day of November, 2001, Defendant hereby elects to resume her prior name of **JULIE CHRISTINE TOBIAS**, and gives this written notice of her intention in accordance with the provision of 23 Pa. C. S. Section 702, and 54 Pa. C. S. Section 704.


Julie Christine Martell

FILED

to be known as

REC'D 03 2001

William A. Shaw
Prothonotary

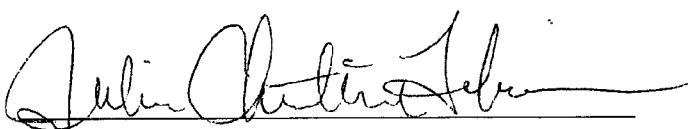

Julie Christine Tobias

EXHIBIT "B" Pg. 1 of 2

COMMONWEALTH OF PENNSYLVANIA)
ss.:
COUNTY OF CLEARFIELD)

On this 30th day of November, 2001, before me, a notary public, personally appeared JULIE CHRISTINE MARTELL known to me (or satisfactorily proven) to be the person whose name is subscribed to the within document and acknowledged that she executed the foregoing for the purpose therein contained.

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

Barbara J. Hugney-Shope
Notary Public

My Commission Expires:

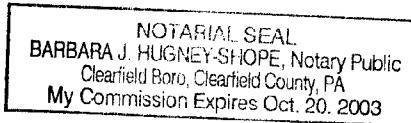


EXHIBIT "B" Pg. 2 of 2

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

IN RE: **MOLLY MARIE MARTELL**
b. 09/09/1999

* No. 2008-
*
*

-CD

AFFIDAVIT OF CONSENT OF NATURAL PARENT

I, Richard James Martell, Jr. being the natural father of Molly Marie Martell, a minor, hereby consent to the change of name for my daughter to Molly Marie Tobias.

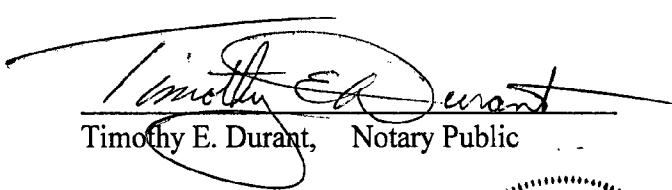


Richard James Martell, Jr.

COMMONWEALTH OF PENNSYLVANIA :
CLEARFIELD COUNTY :

SS:

Subscribed and sworn to before me this 29 day of OCTOBER, 2008.



Timothy E. Durant

Timothy E. Durant, Notary Public

My Commission Expires: 10/10/09

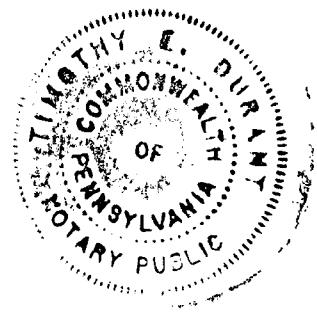
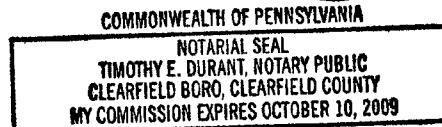
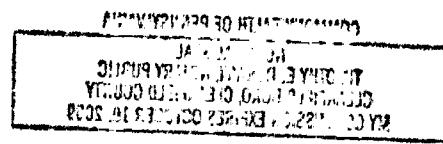


EXHIBIT "C" Pg. 1 of 1

FILED
DEC 03 2008

William A. Shaw
Prothonotary/Clerk of Court



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

IN RE:

MOLLY MARIE MARTELL
b. 09/09/1999

*
*
* No.2008- 2319 -CD

NOTICE

Notice is hereby given that, on _____, 2008, the petition of JULIE CHRISTINE TOBIAS a/k/a JULIE CHRISTINE MARTELL was filed in the above-named court, requesting an order to change the name of her minor daughter MOLLY MARIE MARTELL to MOLLY MARIE TOBIAS.

The Court has fixed the day of _____, 200____ at _____.m. in Courtroom No. _____, of the Clearfield County Courthouse, Clearfield, Pennsylvania as the time and place for the hearing on said petition, when and where all interested parties may appear and show cause, if any, why the request of the petitioner should not be granted.

By the Court:

J.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

IN RE:

MOLLY MARIE MARTELL
b. 09/09/1999

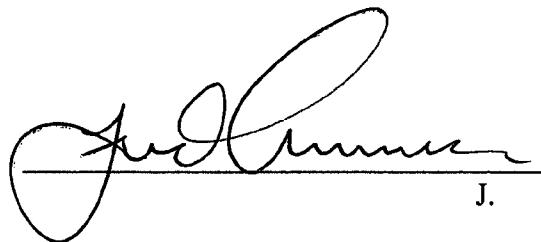
*
*
*
* No.2008-2319 -CD

AND NOW, this 5th day of December, 2008, ORDER
Petition for Change of Name is fixed for January 28, 2009, at 9:30 A.m., in
Courtroom 1 of the Clearfield County Court House, 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 Clearfield 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 non-petitioning parent of a child whose name will be affected by publication in two newspapers of general circulation in Clearfield County, one of which may be the official paper for the publication of legal notices in this county.

By the Court:



J. J. Durant

FILED 100
13:35pm Atty Durant
DEC 05 2008
S (610)
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

IN RE: **MOLLY MARIE MARTELL** * No. 2008-2319-CD
b. 09/09/1999 *

*

CERTIFICATE OF SERVICE

I, Michael Luongo, verify that on December 18, 2008, I did deposit in the United States mail a true and correct copy of the ORDER, which set a hearing date, in the above captioned matter. The Order was sent to Richard James Martell, Jr., the natural father of Molly Marie Martell, at his last known address which is Clearfield County Prison, 115 21st Street, Clearfield, PA 16830.

I understand that false statements herein are made subject to the penalties of 18 PA. C.S. §4904, relating to unsworn falsification to authorities.



Michael Luongo

Dated: December 18, 2008

5
FILED
01/15/2009
DEC 18 2008
Atty Durant
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

IN RE: **MOLLY MARIE MARTELL** * No. 2008-2319-CD
b. 09/09/1999 *
* *

PROOF OF PUBLICATION

Code: Civil

Filed on behalf of:

JULIE CHRISTINE TOBIAS
f/k/a **JULIE CHRISTINE MARTELL**
Petitioner

Counsel of Record for this
party:

TIMOTHY E. DURANT, ESQUIRE
Pa. I.D. No. 21352
201 North Second Street
Clearfield, PA 16830
(814) 765-1711

S **FILED** NO CC
01/21/34801
JAN 16 2009
W.A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

IN RE: **MOLLY MARIE MARTELL** * No. 2008-2319-CD
b. 09/09/1999 *
* *

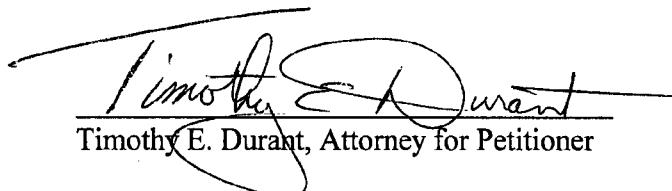
PROOF OF PUBLICATION

Attached hereto pertaining to the publication of Notice of Name Change is:

1. The original affidavit from a newspaper of general circulation in Clearfield County (i.e. The Progress) showing publication on December 24, 2008, marked as Exhibit "A", and
2. The original affidavit from the official paper for the publication of legal notices in this county (i.e. the Clearfield County Legal Journal) from Volume 21 No. 1 of said Legal Journal, dated January 2, 2009 marked as Exhibit "B".

These documents are offered to prove that publication in this matter has been made as required by law and order of this Court.

Date: January 14, 2009



Timothy E. Durant, Attorney for Petitioner

RECEIVED

JAN 13 2009

T.E. DURANT, ATTY

NOTICE

Notice is hereby given that, on December 3, 2008, the petition of JU-LIE CHRISTINE TOBIAS f/k/a JU-LIE CHRISTINE MARTELL was refiled in the above-named court, requesting an order to change the name of her minor daughter MOLLY MARIE MARTELL to MOLLY MARIE TOBIAS.

The Court has fixed the day of January 28, 2009 at 9:30 a.m. in Courtroom No. 1, of the Clearfield County Courthouse, Clearfield, Pennsylvania as the time and place for the hearing on said petition, when and where all interested parties may appear and show cause, if any, why the request of the petitioner should not be granted.

12:24-1d-b

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA

: SS:

COUNTY OF CLEARFIELD

On this 12th day of January, A.D. 20 09, 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 December 24, 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.

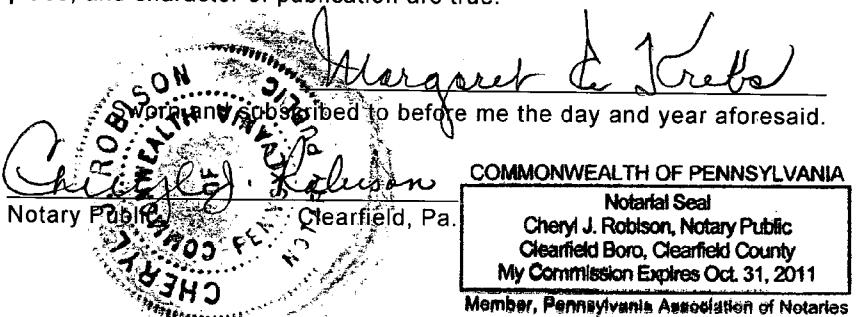


Exhibit "A"

FILED

JAN 16 2009

William A. Shaw
Prothonotary/Clerk of Courts

NOTICE

Notice is hereby given that, on December 3, 2008, the petition of JULIE CHRISTINE TOBIAS f/k/a JULIE CHRISTINE MARTELL was filed in the above-named court, requesting an order to change the name of her minor daughter MOLLY MARIE MARTELL to MOLLY MARIE TOBIAS.

The Court has fixed the day of January, 28, 2009 at 9:30 a. m. in Courtroom No. 1, of the Clearfield County Courthouse, Clearfield, Pennsylvania as the time and place for the hearing on said petition, when and where all interested parties may appear and show cause, if any, why the request of the petitioner should not be granted.

Timothy E. Durant, Esquire, 201 North Second Street, Clearfield, PA 16830.

PROOF OF PUBLICATION

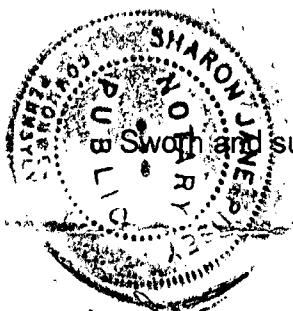
STATE OF PENNSYLVANIA : :

COUNTY OF CLEARFIELD : :

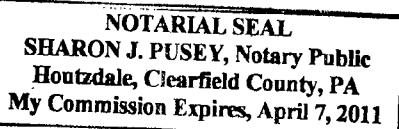
On this 2nd day of January AD 2009, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro editor of the Clearfield County Legal Journal of the Courts of Clearfield County, and that the annexed is a true copy of the notice or advertisement published in said publication in the regular issues of Week of January 2, 2009, Vol. 21, No. 1. 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



Sharon J. Pusey
Notary Public
My Commission Expires



Timothy E Durant Esquire
201 North Second St
Clearfield PA 16830

Exhibit "B"

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

IN RE: **MOLLY MARIE MARTELL** * No. 2008-2319-CD
b. 09/09/1999 *

S **FILED** NOCC.
03:40pm
JAN 26 2009

William A. Shaw
Prothonotary/Clerk of Courts

AFFIDAVIT OF NO LIENS OR JUDGEMENTS

I, Michael Luongo hereby certify that after a thorough search of the records in Clearfield
County, Pennsylvania that I have found no liens, judgements or lawsuits filed against Mollie
Marie Martell.

Michael Luongo
Michael Luongo

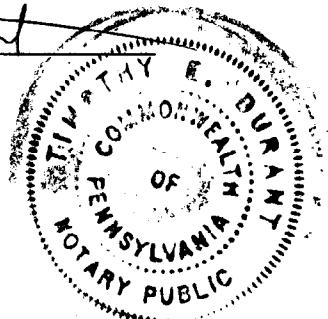
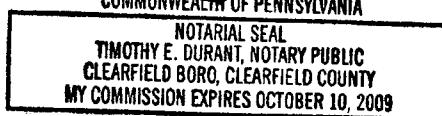
COMMONWEALTH OF PENNSYLVANIA :
SS:
COUNTY OF CLEARFIELD :

On this, the 18th day of December, 2008, before me, Timothy E. Durant, a Notary Public,
personally appeared, MICHAEL LUONGO, known to me (or satisfactorily proven) to be the person
whose name is subscribed to the within instrument, and acknowledged he has executed the same for the
purposes therein contained.

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

Timothy E. Durant
Timothy E. Durant, Notary Public

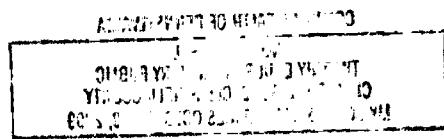
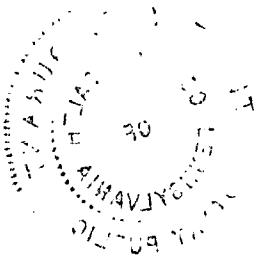
My Commission Expires: 10/10/2009



FILED

JAN 26 2009

William A. Shaw
Prothonotary/Clerk of Courts



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

IN RE:

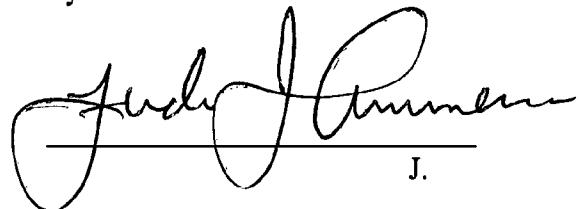
MOLLY MARIE MARTELL
b. 09/09/1999

*
*
* No.2008- 2319 -CD
*

ORDER

AND NOW, this 28th day of January, 2009 on consideration of the attached petition of JULIE CHRISTINE TOBIAS a/k/a JULIE CHRISTINE MARTELL for change of name of her minor daughter MOLLY MARIE MARTELL, and upon presentation of proof of publication of notice as required by law, together with proof that there are no judgments or decrees of record or any other matter of like character against the child, and it appearing that there is no lawful objection to the request of the petitioner, it is hereby ORDERED that the name of MOLLY MARIE MARTELL is changed to MOLLY MARIE TOBIAS.

By the Court:



J.

S **FILED** 4CC
01/09/09
JAN 28 2009 Atty Durant
William A. Shaw (610)
Prothonotary/Clerk of Courts