

**IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA**

KMF,	:	NO. 00-20,570
Petitioner	:	
	:	
vs.	:	DOMESTIC RELATIONS SECTION
	:	Exceptions
SAT,	:	
Respondent	:	

OPINION AND ORDER

Before the Court are Respondent's exceptions to the Family Court Order dated May 24, 2001, in which Respondent's request for credit for a mortgage payment was denied. Argument on the exceptions was heard July 25, 2001.

Respondent is required to pay child support to Petitioner pursuant to an Order dated May 19, 2000. Petitioner and the parties' four (4) minor children reside in a residence owned by Respondent. The parties are not, and have never been, married. Petitioner has no legal interest in the residence. Respondent has continued to make the mortgage payment on the residence and has requested credit against his child support obligation for making that mortgage payment. His request was denied by the Family Court officer apparently on the grounds that the credit would reduce Petitioner's cash available child support to \$157.00 per month.<sup>1</sup> Since Petitioner and the children are living in the residence, however, the mortgage payment has become Petitioner's obligation and if Respondent pays that obligation, he should receive credit therefor.

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<sup>1</sup>The mortgage payment is \$305.09 per month and Respondent's child support obligation is \$462.97 per month.

ORDER

AND NOW, this 15<sup>th</sup> day of August, 2001, for the foregoing reasons Respondent's exceptions are hereby granted and the Order of May 24, 2001 is hereby vacated. Respondent shall provide verification to the Domestic Relations Office that he has made the mortgage payments on the residence in which Petitioner and the children are residing and upon receipt of that verification, the Domestic Relations Office is directed to provide him a credit for the amount of the mortgage payments. To the extent this creates a credit on Respondent's child support obligation, as long as Petitioner and the children continue to reside in the house, and as long as Respondent continues to make the mortgage payment, Respondent's \$157.00 child support payment shall be reduced to \$100.00 per month. At such time as Petitioner and the children are no longer residing in the residence, Respondent's \$462.00 child support obligation shall be reduced to \$300.00 per month, until the credit is consumed.

By the Court,

Dudley N. Anderson, Judge

cc: Family Court  
Domestic Relations  
KF  
Brad Hillman, Esq.  
Dana Jacques, Esq.  
Gary Weber, Esq.  
Hon. Dudley N. Anderson