

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PA

C.H.,	:	
Plaintiff	:	
	:	
v.	:	No. 91-21,261
	:	PACES NO. 061002366
T.B.,	:	
Defendant	:	

OPINION and ORDER

This opinion addresses the Exceptions filed by Father to the Master's order of January 29, 2004, in which Father was ordered to pay child support of \$284.37 per month.

Father requests a deviation based upon the high cost of living in Palm Beach, Florida, where Father resides. This exception will be denied. If Father chooses to live in an expensive area, he may freely do so; however, his child's needs remain the same, and the court will not reduce the child's support merely because of Father's voluntary lifestyle choice.

Father also objects to the Master's use of his year-to-date paystub to determine Father's income. Father, who is a painter, argues that he has inconsistent periods of work in that his work increases during the summer, when the winter snow birds have returned to their summer residences and want their winter residences painted. The paystub represents only a couple of months' income, as it apparently is a recent job.

This court has not been provided with a transcript, and the conference officer represented that Father agreed the court could use his year-to-date paystub to calculate his income, while preserving his right to request a deviation based upon his high cost of living. Therefore, the court sees nothing wrong with the income assessment, as determined from the paystub. Moreover, the court notes that the paystub covers

October and November, which are not summer months. Should Father's yearly income turn out to be significantly different than that calculated from the paystub, Father may certainly file a petition for modification.

ORDER

AND NOW, this _____ day of March, 2004, for the reasons stated in the foregoing opinion, Father's exceptions to the Master's order of January 29, 2004 are dismissed.

BY THE COURT,

Richard A. Gray, J.

cc: Dana Jacques, Esq., Law Clerk
Hon. Richard A. Gray
E.J. Rymysa, Esq.
Cassandra Harriman
231 S. Maynard St.
Williamsport, PA 17701
Domestic Relations (JJ)
Family Court
Gary Weber, Esq.