

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

DH,		: NO. 07 – 21,186
	Petitioner	:
		: PACSES NO. 062109464
vs.		:
		: DOMESTIC RELATIONS SECTION
MLH,		:
	Respondent	: Exceptions

OPINION AND ORDER

Before the Court are cross-exceptions to the Family Court Order of October 15, 2007, which required Respondent to pay alimony pendente lite to Petitioner. Argument on the exceptions was heard February 19, 2007.

In awarding alimony pendente lite, the hearing officer reduced Respondent's obligation based on a consideration of payments he is making toward a mortgage and line of credit on the marital residence, in which he continues to reside. Both parties complain regarding that adjustment, Petitioner contending it should not have been given, and Respondent contending it should have been larger. Surprisingly, even though the Court does not agree with the method used by the hearing officer to determine an appropriate award, the Court's own method results in an amount sufficiently close as to warrant no change.

Inasmuch as the line of credit was incurred to finance credit card debt and car payments, and as Petitioner is also paying credit car debt and a car payment, the Court believes it is not appropriate to consider the line of credit payment in determining an appropriate adjustment to the alimony pendente lite award under Rule 1910.16-6(e).¹ Considering only the mortgage payment of \$710, and Respondent's income of \$2392 (after deducting the unadjusted apl amount of \$452), 25% of which is \$598, there is a \$112 difference. Since Petitioner has a reduced housing expense (\$250 for rent and utilities), the Court will adjust the alimony pendente lite award by the entire \$112 to arrive at an award of \$300 (\$452 - \$40 health insurance contribution - \$112 mortgage payment adjustment). The hearing officer entered an

¹ It is also noted that both payments will be subject to a request for contribution in equitable distribution.

award of \$301.92, however, a difference the Court finds *de minimus*, and the Court will therefore affirm the Order entered on October 15, 2007.

ORDER

AND NOW, this 26th day of February 2008, for the foregoing reasons, the exceptions of both parties are granted in part and denied in part, but the Order of October 15, 2007, is hereby affirmed.

BY THE COURT,

Dudley N. Anderson, Judge

cc: Family Court
Domestic Relations Section
Frederick D. Lingle, Esq.
Janice R. Yaw, Esq.
Gary Weber, Esq.
Hon. Dudley Anderson