

old order

PRESENT: John J. Warner, Jr. Hearing Examiner

STATE OF NEW YORK
FAMILY COURT

COUNTY OF SCHENECTADY

-----x

In the Matter of a Proceeding for Support
Under Article 4 of the Family Court Act

ARLENE COLLINS,
Petitioner,

ORDER
Docket #672-F-86

-against-

CHARLES E. COLLINS, III,
Respondent.

-----x

Upon the origination of the proceedings in Saratoga County thereafter transferred to Schenectady County for Trial, and upon the disqualification of the hearing examiner, and upon the trial of the pending Petitions having been held in Family Court in Schenectady on May 16 1986, June 20, and June 23, 1986, July 18, 1986, August 11, 1986, September 8, 1986 and October 3, 1986, and the attorneys for the parties having submitted proposed findings of fact to said Court by October 31, 1986 and the decision having been reserved pending the receipt for said proposals, it is;

ORDERED, that the Court having been unable to adopt either of the proposed findings making it necessary for the review of prior testimony and the exhibits introduced, and neither side having clearly proven or disproven the other's allegations, and the Court thereafter having to decipher said testimony and exhibits to determine an appropriate order, it is;

ORDERED, that respondent CHARLES COLLINS is directed to continue to provide the current principal interest and taxes on the residence at which petitioner ARLENE COLLINS and their three(3) children reside, in the amount of

RECEIVED

MAR 3 1987

SCHENECTADY COUNTY
FAMILY COURT

\$967.02 per month or substantially similar residence for their minor children, and it is;

ORDERED, that support is based on the standard of living enjoyed by the three (3) children prior to the separation of the parties and it is fitting that the children remain in the said home purchased by the respondent CHARLES COLLINS and it is;

ORDERED, that CHARLES COLLINS is directed to continue to pay utilities in the amount of \$150.00 per month on the children's residence, and it is;

ORDERED, that the parties' children shall continue to receive a parochial school education as part of their total support package and respondent is absolved of any liability for monies owed to Kenwood Academy on behalf of Everett and the parochial school debt shall be satisfied by petitioner ARLENE COLLINS, and it is;

ORDERED, that respondent CHARLES COLLINS is directed to continue to provide medical coverage for petitioner until she can obtain her own, and it is;

ORDERED, that both parties shall be directed to pay one half(50%) of the past due medical expenses in the total amount of \$1,600.00; to wit; \$800.00 to be paid by petitioner and \$800.00 to be paid by respondent, and it is;

ORDERED, that respondent is directed to pay his share of the said past due medical expenses with thirty (30) days of the entry of this Order, and it is;

ORDERED, that the future medical and/or dental expenses not covered by insurance shall be paid as follows:

71% by respondent and 29% by petitioner and it is;

ORDERED, that the parties child AIMEE COLLINS ' orthodontist bill in the estimated amount of \$1,325.00 shall also be paid 71% by respondent and 29%

by petitioner and respondent is hereby directed to make payment directly to the provider in the amount of his portion as soon as a determination of insurance coverage is made by petitioner's insurer, and it is;

ORDERED, that the monthly expenses include petitioner and their three (3) children in the amount of \$1,682.00 and said figure being reduced by one quarter($\frac{1}{4}$) to wit; a total of \$1,261.00, said figure plus the cost of \$250.00 a month for parochial school and \$20.00 month for recreation and miscellaneous expenses for each child and the cost of approximately \$200.00 for child care, the total monthly expenses are \$1,771.00 and it is ;

ORDERED, that respondent CHARLES COLLINS is directed to pay 71% of the said monthly amount in the sum of \$1,257.41 and petitioner is directed to pay 29% of the monthly amount in the sum of \$513.59 and it is;

ORDERED, that respondent CHARLES COLLINS is directed to continue to pay the monthly mortgage/tax payments including the utilities and his weekly payments to the petitioner is hereby reduced to \$30.00, to become effective on the 6th day of February, 1987 and it is;

ORDERED, that petitioner's request for attorneys fees is hereby denied and each party is hereby directed to pay their own counsel fees.

ENTERED:
DATED: February 27, 1987
Albany, New York

John J. Warner, Jr.
HEARING EXAMINER