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At a term of the Family Court of the State of New York, held in and for the County of Saratoga, at Saratoga County Municipal Center, 35 W. High St., Ballston Spa, NY 12020-0600, on July 15, 2010

**PRESENT:** Donald H. Clark Jr., Support Magistrate

In the Matter of a **Support** Proceeding

**File #:** 10720

**Docket #:** F-05996-99/10D

**Charles E Collins III,**

Petitioner,

**ORDER OF DISMISSAL**

- against -

**Arlene M Carella,**

Respondent.

A petition under Article 4 of the Family Court Act, having been filed in this Court on June 24, 2010 for the following: Modification of Order of Support;

And the matter having duly come on to be heard before this Court and Charles E Collins III and Arlene M Carella having been notified not to appear;

NOW, after examination and inquiry into the facts and circumstances of the case, it is hereby

ADJUDGED that the petition is dismissed due to failure to state cause of action as there is no basis in law for reassigning child support arrears which have already accrued to a third party, even the children; it is therefore

ORDERED that the petition herein is dismissed with prejudice.

SPECIFIC WRITTEN OBJECTIONS TO THIS ORDER MAY BE FILED WITH THIS COURT WITHIN 30 DAYS OF THE DATE THE ORDER WAS RECEIVED IN COURT OR BY PERSONAL SERVICE, OR IF THE ORDER WAS RECEIVED BY MAIL, WITHIN 35 DAYS OF THE MAILING OF THE ORDER.

**Dated:** July 15, 2010

NOTICE OF ENTRY  
PLEASE TAKE NOTICE that the within is a true copy of an order entered in the office of the Clerk of the Family Court of the State of New York in the County of Saratoga.

JUL 15 2010

*Donald H. Clark Jr.*  
Chief Clerk of the Court

**ENTER**

**/S/Donald H. Clark, Jr.**

**Donald H. Clark Jr., Support Magistrate**

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**Check applicable box:**

- Order mailed on [specify date(s) and to whom mailed]: \_\_\_\_\_
- Order received in court on [specify date(s) and to whom given]: \_\_\_\_\_

CC: Saratoga County Support Collection Unit, Interested Party  
Arlene M Carella, Respondent  
Charles E Collins III, Petitioner