

TERMS

As soon as the property is knocked down to a purchaser, 10% of the purchase price plus 2% Transfer Tax, or 10% of all costs, whichever may be the higher, shall be delivered to the Sheriff. If the 10% payment is not made as requested, the Sheriff will direct the auctioneer to resell the property. The balance due shall be paid to the Sheriff by NOT LATER THAN Monday, September 17, 1984 at 4:00 P.M., E.D.S.T. Otherwise all money previously paid will be forfeited and the property will be resold on Friday, September 21, 1984 at 1:00 P.M., E.D.S.T. in the Franklin County Courthouse, 3rd Floor, Jury Assembly Room, Chambersburg, Pennsylvania, at which time the full purchase price or all costs, whichever may be higher, shall be paid in full.

Sheriff's Real Estate Sales
for 1984

Raymond Z. Hussack
Sheriff

Franklin County, Chambersburg, PA
8/17, 8/24, 8/31/84

TALHELM V. TALHELM, C.P., Franklin County Branch, F.R.
1984 - 11

Divorce - Bifurcation - Parties Inability to Deposit Master's Fees

1. Bifurcation is permissible where it will benefit the parties in the resolution of any economic issues related to the marriage.
2. The party who petitioned for a determination of the economic issues and may be required to advance these costs.

Courtney J. Graham, Esquire, Attorney for Plaintiff

Kenneth F. Lee, Esquire, Attorney for Defendant

MEMORANDUM AND ORDER

EPPINGER, P.J., April 27, 1984:

Roger and Janet Talhelm were married on April 6, 1968. After a period of marital discord they separated in January, 1980. Roger filed a complaint for divorce on January 6, 1984, under §201(d) of the Pennsylvania Divorce Code, 23 Pa. C.S.A. §101, et seq. In her answer, Janet requested equitable distribution of the marital property, alimony pendente lite, expenses and attorney fees. With these economic matters pending, Roger has petitioned us to bifurcate the divorce from the economic issues.

Bifurcation is permissible where it will benefit the parties in the resolution of any economic issues related to the marriage. *Wolk v. Wolk*, Pa. Super _____, 464 A.2d 1359, 1362 (1983). Both parties agree to the need for a Master to resolve the economic issues. However, our rules require that upon application for the appointment of a Master, \$225 be deposited with the Prothonotary. Both claim to be unable to put up the funds. The evidence shows that there is property to be divided and that the property will produce a fund from which the expenses of the resolution of the matters may be paid.

Bifurcation would be a great benefit to both parties. Absent a private settlement¹, it is doubtful that the economic issues can be resolved without undue delay, unless the divorce is granted. This is contrary to the objective of the Code to accelerate the dissolution of a marriage irretrievably broken to permit the parties to restructure their lives. *Wolk*, supra, at 1360. To deny the motion of bifurcation would have the effect of holding the parties hostage to the economic issues of the marriage. *Id.*, at 1361.

Janet is employed at a clothing manufacturer. Roger is employed as a bartender, after having been laid off indefinitely from a crane manufacturing firm. Neither can afford extra expenses, but on the other hand, neither is without the resources or ability to make the deposit. Roger has offered to pay \$112.50. We think this is a fair offer and believe that Janet should likewise make a deposit of \$112.50. Then the matter can go forward. Absent Roger's offer, it would have been proper to require Janet to pay the money. While in determining who should advance the Master's fees, we should consider the financial circumstances of both parties, *Orsuto v. Orsuto*, 171 Pa. Super., 532, 540, 91 A.2d 284, 288 (1952), reaffirmed in *Merlin v. Merlin*, 203 Pa. Super. 16, 20, 198 A.2d 362, 364 (1964), Janet is the party who petitioned for a determination of the economic issues and may be required to advance these costs. See 23 Pa. C.S.A. §502.

ORDER OF COURT

April 27, 1984, H. Roger Talhelm's petition to bifurcate the divorce from the resolution of economic issues is granted. The divorce decree may be signed upon proper motion being made. A Master shall be appointed on motion of either party to recommend resolution of the economic issues after each party has deposited \$112.50 with the Prothonotary. The parties are each given 20 days to make the deposit. The costs of this proceeding shall be assessed with other costs in the case.

1. At the hearing, Roger expressed a strong desire to settle the property matters, while Janet seems to have failed to actively pursue her claims in order to delay the divorce in the hope of receiving a better settlement.



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