

## INSTRUCTIONS

### MOTION FOR THE APPOINTMENT OF A MASTER

#### WITH RESPECT TO EQUITABLE DISTRIBUTION, ALIMONY, AND/OR COUNSEL FEES, COSTS, AND EXPENSES (PURSUANT TO 23 Pa.C.S. 3502, 3701, and/or 3702)

#### **Purpose of Form**

Use this form to appoint a master to hear claims for equitable distribution, alimony, counsel fees, costs, and/or expenses. Remember, you **must** establish grounds for divorce or annulment before you can proceed with your economic claims. If you file this motion **before** you establish grounds for divorce, you may lose some or all of your appointment fee.

#### **Definitions**

DMO – The Divorce Masters Office.

Moving Party – The party who is filing the motion to appoint a master.

Responding Party – The party who is not filing the motion.

Substantially Complete – When used to describe the status of discovery (Paragraph 13), means that both parties have all of the documents and other information necessary to proceed to trial, except that account statements may be updated at trial to reflect balance changes.

#### **Appointment Fee**

You must pay a fee of \$350 to the Prothonotary before you present this motion to the DMO. The Prothonotary will initial the payment certification on your original Motion and give you a receipt. This fee covers the first twelve hours that the master spends with the parties and/or counsel. Additional fees will be imposed if the case requires more of the master's time.

#### **Presenting the Motion**

Present the original motion to the DMO with your filing receipt and three additional copies of the motion. See the instructions for Paragraphs 10 thru 12, below, concerning your client's Income Statement, Rule 1920.31 Expense Statement, and Inventory.

**Remember**, YCCiv. 1920.31(a) requires you to file your Income Statement and Rule 1920.31 Expense Statements with the Prothonotary prior to appointing a master for any economic claims other than equitable distribution. Pa.R.C.P. 1920.31(a)(1) requires you to present proof of income with your Motion to Appoint on these claims. See YCCiv. 205.1(d), which deals with protecting personal information such as Social Security Numbers, account numbers, etc.

YCCiv. 1920.33(a) requires you to file an Inventory with the Prothonotary prior to appointing a master for equitable distribution. Since you have already completed discovery (See Paragraph 12 of the Motion), you should be able to include both current and date-of-separation values for the various assets and balances for the various liabilities. If you can't, then you haven't completed discovery.

## **Specific Instructions**

### Cover sheet.

If the case has already been assigned to a master, insert the master's name on the cover sheet in the blank provided. Otherwise, leave this space blank, to be filled in by the Divorce Masters Office.

Related Cases refer to the underlying divorce action (the "02" number), and custody, PFA, and/or support actions involving the same parties. Provide the docket number, DRS number and PACSES number for related support actions.

It's OK to fill in "n/a" for your fax number and e-mail address if you don't want to receive communications by fax or email. It's also OK to fill in "n/a" for the opposing Attorney's fax number and e-mail address if unknown.

### Pages 2-4.

No separate caption is required.

In Paragraphs 1 & 2, please provide **current** mailing addresses for both parties in addition to the **address of record** for the non-moving party. This will help us obtain service and avoid delays in the initial conference.

Paragraph 3 is self-explanatory.

Paragraphs 4 thru 7 go to the underlying authority of the master to act. Please provide the requested information so that the appointment won't be delayed while the DMO staff retrieves and reviews the Prothonotary's file.

Fill in Paragraph 8(a) if you have established grounds for divorce under Section 3301(a) or (b) of the Divorce Code. Leave Paragraph 8(a) blank if you have established grounds under Section 3301(c) or (d) or if you have established grounds for annulment.

Fill in Paragraph 8(b) if you have established grounds for divorce under Section 3301(c) of the Divorce Code. Leave Paragraph 8(b) blank if you have established grounds under Section 3301(a), (b) or (d) or if you have established grounds for annulment.

Fill in Paragraph 8(c) if you have established grounds for divorce under Section 3301(d) of the Divorce Code. Leave Paragraph 8(c) blank if you have established grounds under Section 3301(a), (b) or (c) or if you have established grounds for annulment.

Fill in Paragraph 8(d) if you have established grounds for annulment of a void marriage under Section 3304 of the Divorce Code (very rare). Leave Paragraph 8(d) blank if you have established grounds for divorce or if you have established grounds for annulment of a voidable marriage under Section 3305 of the Divorce Code.

Fill in Paragraph 8(e) if you have established grounds for annulment of a voidable marriage under Section 3305 of the Divorce Code. Leave Paragraph 8(e) blank if you have established grounds for divorce or if you have established grounds for annulment of a void marriage under Section 3304 of the Divorce Code.

**If you cannot fill in one of the subsections of Paragraph 8, then you cannot appoint a master to hear economic claims.** You may, however, be able to appoint a master for interim relief. Please see the Motion for Appointment for Interim Relief and the related instructions.

Paragraph 9 asks you to fill in the dates on which the underlying pleadings were filed in which the economic claims were raised. It is only necessary to give the date for the **first** pleading raising the claim. This will save time in processing your request.

Paragraph 10 asks for the dates on which your client's Income Statement, Expense Statement, and Inventory were filed and served. You must **file and serve** these documents at least **thirty days** prior to appointing a master for economic claims. By providing the dates, you make it possible for the DMO staff to access them directly through the Prothonotary's document imaging system and you won't need to provide paper copies to the master. If you have **not** filed these documents at least **thirty days** prior to presenting your motion, then your motion will be summarily dismissed.

Paragraph 11 asks for the dates on which the opposing party's Income Statement, Expense Statement, and Inventory were filed. There are serious sanctions that will be imposed if these documents have not been filed within **twenty days** after you served your client's Income Statement, Expense Statement, and Inventory. Please extend courtesy to opposing counsel and give him or her a "heads up" if this deadline has been missed.

Paragraph 12 is your certification that all discovery is substantially complete. **You must be able to certify that all discovery is substantially complete before you can appoint a master to hear economic claims.** That means talking to the other attorney/party to make sure that his/her discovery is also complete. If you need help in completing discovery, move for Interim Relief to mediate your discovery issues. See the Motion for Interim Relief.

Certification/Verification.

While the form is titled as a Motion, it contains at least one averment of fact not of record in the underlying divorce action. Therefore, it must be certified (if filed by an attorney) or verified (if filed by a pro-se party). Use whichever signature block is applicable to your situation.