MEMORANDUM

DATE: NOVEMBER 15, 2006

TO: PRACTICING ATTORNEYS IN THE PERRY COUNTY COURT

FROM: HONORABLE C. JOSEPH REHKAMP, P.J. CJR

RE: MOTIONS FOR A MASTER

Please be advised that effective immediately Motions for appointment of a Master must be in conformance with Rule 1920.74 of the Rules of Civil Procedure. If the Motion does not meet the form, the Motion may be returned to you.

Thank you for your cooperation in this matter.

Rule 1920.75 prescribes a form of inventory and appraisement. The form contains the information required by Rule 1920.33(a). In addition, the form contains a list of assets which are commonly found in cases involving distribution of property as well as a list of liabilities. Assets and liabilities involved in a particular case must be checked on the lists. The lists will serve as a convenient guide for the attorney preparing the inventory and appraisement.

The final form is a decree prescribed by Rule 1920.76. The language of the decree has been shortened, simplified and modernized. The second paragraph of the decree preserves the rights of the parties with respect to claims made but not disposed of prior to the entry of the final decree. The claims so preserved must be specifically set forth in the decree.

Explanatory Comment—1988

Rule 1920.73 is amended by adding new subdivision (a) which prescribes two form notices of intention to request entry of divorce decree. The first form of notice, contained in paragraph (a)(1), is directed to the defendant's attorney of record. If an attorney has entered an appearance on behalf of the defendant, this shorter form of notice is given only to the attorney. Paragraph (a)(2) provides a more detailed notice directed to the defendant himself when there is no attorney of record. In this instance, the notice advises the unrepresented defendant of the possible consequences of his failure to act promptly with respect to contesting the divorce or asserting economic claims. In addition, attached to the notice to an unrepresented defendant will be the form counteraffidavit required by Rule 1920.42(c)(2) and contained in Rule 1920.72(d) so that a defendant who wishes to oppose the divorce or to assert economic claims at this time readily may do so.

Rule 1920.74. Form of Motion for Appointment of Master. Order

(a) The motion for appointment of a master shall be substantially in the following form:

(Caption)

MOTION FOR APPOINTMENT OF MASTER

_____ (Plaintiff) (Defendant), moves the court to appoint a master with respect to the following claims:

( ) Divorce
( ) Annulment
( ) Alimony
( ) Alimony Pendente Lite
( ) Distribution of Property
( ) Support
( ) Counsel Fees
( ) Costs and Expenses

and in support of the motion states:

(1) Discovery (is) (is not) complete as to the claim(s) for which the appointment of a master is requested.

(2) The non-moving party (has) (has not) appeared in the action (personally) (by his attorney, _____, Esquire).

(3) The statutory ground(s) for divorce (is) (are) _____.

(4) Delete the inapplicable paragraph(s):

(a) The action is not contested.

(b) An agreement has been reached with respect to the following claims: _____.

(c) The action is contested with respect to the following claims: _____.

(5) The action (involves) (does not involve) complex issues of law or fact.

(6) The hearing is expected to take _____ (hours) (days).

(7) Additional information, if any, relevant to the motion: _____.

Date: _____

_____
Attorney for (Plaintiff) (Defendant)

(b) The order appointing a master shall be substantially in the following form:

(Caption)

ORDER APPOINTING MASTER

AND NOW, _____, 20__, _____, Esquire, is appointed master with respect to the following claims: _____

BY THE COURT:

_____

MOVING PARTY	NON-MOVING PARTY
Name:	Name:
Attorney's Name:	Attorney's Name:
Attorney's Address:	Attorney's Address:
Attorney's Telephone #:	Attorney's Telephone #:
Attorney's E-Mail:	Attorney's E-Mail
Party's Address and Telephone # if not represented by counsel:	Party's Address and Telephone # if not represented by counsel

Note: It is within the discretion of the court to determine the point at which a master should be appointed in a case. The court may appoint a master to deal with discovery issues.

Adopted Jan. 28, 1983, effective July 1, 1983; amended Oct. 31, 2002, imd. effective.

Explanatory Comment—1983

See Explanatory Comment following Rule 1920.73.