

TESTA & PAGNANELLI, LLC
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Attorney for Defendant,
Stephen Boerner

MELISSA BEMER

:COURT OF COMMON PLEAS
:DELAWARE COUNTY, PA

v.

:
:FAMILY COURT DIVISION

STEPHEN BOERNER

:IN DIVORCE
:NO. 2024-007234

**ANSWER TO PLAINTIFF'S COMPLAINT IN DIVORCE AND COUNTER-CLAIM IN
DIVORCE**

ANSWER TO PLAINTIFF'S COMPLAINT IN DIVORCE

1. Admitted.
2. Denied. By way of further response, Defendant's address is Rock Hall Landing, 21090 W. Sharp Street, Unit #132, Rock Hall, Maryland 21661.
3. Admitted. By way of further response, while Plaintiff may have been a bonafide resident of Pennsylvania for a period of one (1) month prior to the filing, Plaintiff still does not meet the jurisdictional requirements to file a divorce in Pennsylvania.
4. Admitted.
5. Admitted.
6. Admitted.
7. No response required.

COUNT I

8. No response required.
9. Admitted.
10. Denied. By way of further response, Defendant has no firsthand knowledge as to what Plaintiff believes.

11. Denied. By way of further response, Defendant has no firsthand knowledge as to what Plaintiff has been advised.

COUNT II

12. No response required.

13. Admitted.

14. No response required.

15. Denied. By way of further response, Defendant has no firsthand knowledge as to what Plaintiff has been advised.

COUNT III

16. No response required.

17. Admitted.

18. Denied. By way of further answer, after reasonable investigation, Defendant is without information, knowledge or belief as to the truth of the averment.

COUNT IV

19. No response required.

20. Admitted.

21. Denied. By way of further answer, after reasonable investigation, Defendant is without information, knowledge or belief as to the truth of the averment.

22. Denied. By way of further answer, after reasonable investigation, Defendant is without information, knowledge or belief as to the truth of the averment.

COUNT V

23. No response required.

24. Admitted.

25. Denied. By way of further of further response, Plaintiff is a nurse and more than capable of working and supporting herself.

26. Denied.

27. Denied. By way of further answer, after reasonable investigation, Defendant is without information, knowledge or belief as to the truth of the averment.

COUNTER-CLAIM IN DIVORCE

The above-captioned Plaintiff shall be the Defendant in the Counterclaim and the above-captioned Defendant shall be the Plaintiff in the Counterclaim.

Plaintiff, by and through his attorney, Maria N. Testa, Esquire respectfully requests the herein relief:

COUNT I
REQUEST FOR A NO-FAULT DIVORCE UNDER
SECTION 3301(c) OF THE DIVORCE CODE

28. The prior paragraphs of this Answer and Counterclaim are incorporated herein by referenced thereto.

29. The marriage is irretrievably broken.

30. After ninety (90) days have elapsed from the date of the service of this Answer and Counterclaim, counterclaim Plaintiff intends to file an affidavit consenting to the divorce. Counterclaim Plaintiff believes that Counterclaim Defendant may also file such an Affidavit.

WHEREFORE, if both parties file affidavits consenting to a divorce after ninety (90) days have elapsed from the date of the service of this Complaint, Counterclaim Plaintiff respectfully requests the Court to enter a decree of divorce pursuant to Section 3301(c) of the Divorce Code.

COUNT II
REQUEST FOR A NO-FAULT DIVORCE UNDER
SECTION 3301(d) OF THE DIVORCE CODE

31. The prior paragraphs of this Answer and Counterclaim are incorporated herein by reference thereto.

32. The marriage of the parties is irretrievably broken.

33. The parties are living separate and apart, and at the time of the hearing, Counterclaim Plaintiff may submit an affidavit alleging that the parties have lived separate and apart for at least one year.

WHEREFORE, Counterclaim Plaintiff respectfully requests the Court to enter a decree in divorce pursuant to Section 3301 (d) of the Divorce Code.

COUNT III
REQUEST FOR EQUITABLE DISTRIBUTION OF MARITAL PROPERTY
UNDER § 3502(a) OF THE DIVORCE CODE

15. The prior paragraphs of this Answer and Counterclaim are incorporated herein by reference thereto.

16. Counterclaim Plaintiff and Counterclaim Defendant have legally and beneficially acquired property, both real and personal, during their marriage through the parties' date of separation.

17. Counterclaim Plaintiff and Counterclaim Defendant have been unable to agree as to an equitable division of said property to the date of the filing of the Complaint.

WHEREFORE, Counterclaim Plaintiff respectfully requests this Honorable Court to enter an Order of Equitable Distribution of marital property pursuant to Section 3502(a) of the Divorce Code.

COUNT IV
REQUEST FOR APPROVAL OF ANY SETTLEMENT AGREEMENT AND INCORPORATION
THEREOF IN DIVORCE DECREE UNDER
§ 3104(A)(1) AND (4) OF THE DIVORCE CODE

18. The prior paragraphs of this Answer and Counterclaim are incorporated herein by reference thereto.

19. The public policy of the Commonwealth of Pennsylvania encourages parties to a marital dispute to negotiate a settlement of their differences.

20. While no settlement has been reached as of the date of the filing of this Complaint, Counterclaim Plaintiff is and has always been willing to negotiate a fair and reasonable settlement of all matters with Counterclaim Defendant.

21. To the extent that a written settlement agreement might be entered into between the parties prior to the time of hearings on this Answer and Counterclaim, Counterclaim Plaintiff desires that such written agreement

be approved by the Court and incorporated, but not merged, in any divorce decree which may be entered dissolving the marriage between the parties.

WHEREFORE, if a written settlement agreement is reached between the parties prior to the time of hearings on this Answer and Counterclaim, Counterclaim Plaintiff respectfully requests that pursuant to Sections 3104(a) (1) and (4) of the Divorce Code, the Court approve such agreement and incorporate it, but not merge it, in the final divorce decree which may be entered between the parties.

COUNT V
SPOUSAL SUPPORT AND ALIMONY PENDENTE LITE

22. The prior paragraphs of this Answer and Counterclaim are incorporated herein by reference thereto.

23. Counterclaim Plaintiff avers that he lacks sufficient property and is unable to support and maintain himself, both while proceeding with the Divorce, and requires alimony pendente lite during the pendency of this matter.

24. Counterclaim Defendant has failed to provide adequate support to Counterclaim Plaintiff, Counterclaim Plaintiff is unable to sustain himself during the course of this litigation.

25. Petitioner has employed counsel but is unable to pay necessary and reasonable attorney fees for said counsel.

26. Petitioner seeks temporary support for himself.

27. Plaintiff is not receiving public assistance.

28. There is currently no order for support for the Plaintiff.

WHEREFORE, Petitioner prays for an Order in the amount which the Court deems appropriate after a hearing in this matter.

COUNT VI
REQUEST FOR ALIMONY
SECTIONS 3701 OF THE DIVORCE CODE

29. The prior paragraphs of this Complaint are incorporated herein by reference as though set forth in full.

30. Counter-Plaintiff lacks sufficient property to provide for his reasonable needs and is unable to support himself through appropriate employment.

31. Counter-Plaintiff requires reasonable support to adequately maintain himself in accordance with the standard of living established during the marriage.

WHEREFORE, Counter-Plaintiff respectfully requests this Honorable Court to enter an award of alimony in his favor pursuant to Section 3701 of the Divorce Code.

COUNT V
REQUEST FOR ATTORNEY'S FEES, COSTS AND EXPENSES

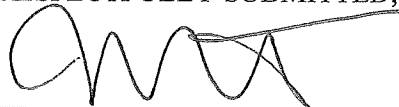
32. The prior paragraphs of this Complaint are incorporated herein by references thereto.

33. Plaintiff has employed Maria N. Testa, Esquire as counsel, but is unable to pay the necessary and reasonable attorney's fees for said counsel.

34. In order to adequately prosecute and/or defend their case, the Counter-Plaintiff will need to retain the services of appraisers and experts for purposes of valuing marital and non-marital assets, and Plaintiff is unable to pay the necessary fees for such costs.

WHEREFORE, Counter-Plaintiff respectfully requests that this Honorable Court enter an award of temporary counsel fees, costs and expenses until final hearing and thereupon award such additional counsel fees, costs and expenses as are deemed appropriate.

RESPECTFULLY SUBMITTED,



MARIA N. TESTA, ESQUIRE
Attorney for STEPHEN BOERNER

TESTA & PAGNANELLI, LLC
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:NO. 2024-007234

CERTIFICATION OF SERVICE

I, Maria N. Testa, Esquire, the undersigned, hereby certify that a true and correct copy of the Defendant's Answer to Plaintiff's Complaint in Divorce and Counterclaim was served on the following to:

MELISSA BEMER
c/o Carolyn R. Mirabile, Esquire
700 American Avenue, Suite 206
King of Prussia, PA 19406

BY:



Maria N. Testa, Esquire
325 Swede Street, Suite 201
Norristown, PA 19401
610.239.1000

Signature & Date

VERIFICATION

I, Stephen J. Boerner, verify that the statements made in this Pleading are true and correct to the best of my knowledge, understanding and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsification to authorities.



Date: September 8th, 2024

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY PENNSYLVANIA
CIVIL ACTION-LAW

MELISSA BEMER

NO. 2024-007234

VS.

STEPHEN BOERNER

IN DIVORCE

NOTICE TO DEFEND AND CLAIM RIGHTS

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take prompt action. You are warned that if you fail to do so, the case may proceed without you, and a decree of divorce or annulment may be entered against you by the court. A judgment may also be entered against you by another claim or relief requested in these papers by the plaintiff. You may lose money or property or other rights important to you, including custody or visitation of your children.

When the ground for the divorce is indignities or irretrievable breakdown of the marriage, you may request marriage counseling. A list of marriage counselors is available in the Office of Judicial Support 1st floor of the Government Center Building at the Delaware County Court House, 201 West Front Street, Media, Pennsylvania.

IF YOU DO NOT FILE A CLAIM FOR ALIMONY, DIVISION OF PROPERTY, LAWYER'S FEES OR EXPENSES BEFORE A FINAL DECREE OF DIVORCE OR ANNULMENT IS GRANTED, YOU MAY LOSE THE RIGHT TO CLAIM ANY OF THEM.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER A ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE LISTED BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP

**DELAWARE COUNTY LAWYERS REFERENCE SERVICE
FRONT AND LEMON STREETS
MEDIA, PENNSYLVANIA 19063
610-566-6625**