


STATE OF NEW YORK
FAMILY COURT COUNTY OF WAYNE

In the Matter of a Proceeding for Support
Under Article 4 of the Family Court Act

JOHN MURTARI,

Petitioner,

vs.


Respondent.

DECISION

Docket No. F-00446-09/09A
File Unit No. 10762

STEPHEN R. SIRKIN, J.


The Petitioner in the above captioned action filed written objections to the Order of Dismissal of Support Magistrate, Deborah Gerber Farber, dated May 4, 2009, which Order dismissed Petitioner's request for a modification of an existing Order of Support.

Considering the deference accorded to the findings of the Support Magistrate (see, *Litchfield v. Litchfield*, 195 A.D.2d 747, 750, 600 N.Y.S.2d 163), and based upon a review of the record and file, this Court is satisfied that the evidence before the Support Magistrate supported the Order of Dismissal dated May 4, 2009.

The Order of Dismissal is hereby affirmed, on the reasons set forth by the Support Magistrate.

This decision shall constitute the Order of the Court.

DATED: November 23, 2009.
Lyons, New York



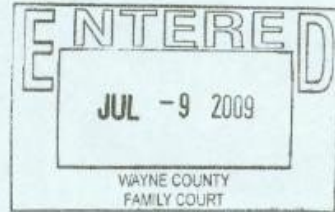
HON. STEPHEN R. SIRKIN
Family Court Judge

At a term of the Family Court of the State of
New York held in and for the County of Wayne
at Lyons, New York on May 4, 2009.

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF WAYNE

PRESENT: Deborah Gerber Farber, Support Magistrate

In the Matter of a Proceeding for Support
Under Article 4 of the Family Court Act



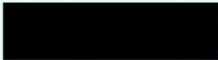
John Murtari

Petitioner

FINDINGS OF FACT

vs.

Docket No. F-00446-09/09A
File No. 10762



Respondent

Appearances:
John Murtari, Petitioner
Maureen Walsh, Esq., Attorney for Respondent

On March 16, 2009 the Petitioner filed a petition seeking a modification of an existing order of support. The matter appeared in court on May 4, 2009. The Petitioner appeared pro se. Attorney Maureen Walsh appeared on behalf of the Respondent.

After examination into the facts and circumstances of this case and after hearing the testimony of the witnesses and reviewing the evidence related thereto, the court makes the following Findings of Fact:

There is an Adjusted Order of Support dated February 20, 2007 which requires the Petitioner to pay \$144.00 per week for the support of the parties' son: Domenic Murtari.

All of the changes of circumstances alleged in the petition occurred prior to the date of the Adjusted Order of Support.

There has been no change of circumstances alleged since the last order.

The petition for modification is dismissed.

Dated: 7/7/09

Deborah Gerber Farber
Deborah Gerber Farber, Support Magistrate

At a term of the Family Court of the State of New York, held in and for the County of Wayne at Lyons, New York on May 4, 2009.

PRESENT: Deborah Gerber Farber
Wayne County Support Magistrate


In the Matter of a Proceeding under the Family Court Act

John Murtari

ORDER OF DISMISSAL

Docket No.: F-00446-09/09A
File No.: 10762

-against-



SPECIFIC WRITTEN OBJECTIONS TO THIS ORDER
MAY BE FILED WITH THIS COURT WITHIN 30 DAYS
AFTER ENTRY OF THIS ORDER.

Petitioner having filed a petition in this court, and the matter having duly come on to be heard before a Support Magistrate of this Court;

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

ORDERED that the Petition herein is hereby dismissed with (out) prejudice,

_____ As said child, _____, is hereby emancipated.

_____ For the Petitioner's failure to appear and prosecute.

_____ Petitioner agrees to withdraw the petition based on the DNA / BGT results.

_____ There has been no change in circumstances.

_____ Petition is withdrawn.

OTHER: Failure of John Murtari to allege a change in circumstances since entry of last Court order.

Dated: May 4, 2009.

ENTER

Deborah Gerber Farber
SUPPORT MAGISTRATE