

**NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37**

DOLLY L. EORI, BY HER ATTORNEY-IN-FACT, JOSEPH A. EORI

IN THE SUPERIOR COURT OF PENNSYLVANIA

Appellee

v.

RUSSELL EORI, NOW KNOWN AS, JOSHUA RYAN AND PAULETTE RUSH

Appellants

No. 1342 WDA 2014

Appeal from the Order Entered July 21, 2014  
In the Court of Common Pleas of Westmoreland County  
Civil Division at No(s): 5825 of 2013

BEFORE: PANELLA, J., SHOGAN, J., and OTT, J.

JUDGMENT ORDER BY PANELLA, J.

**FILED AUGUST 07, 2015**

Appellant,<sup>1</sup> Joshua Ryan, appeals from the order entered on July 21, 2014, in the Court of Common Pleas of Westmoreland County that mandates that he pay his mother, Dolly L. Eori, \$400.00 per month in filial support. We affirm.

The facts and procedural history are set forth at length in the trial court's opinion. We briefly note that Joseph A. Eori is the attorney-in-fact for his mother and is the brother of Joshua Ryan. Their mother, who is ninety years old, lives with Joseph full-time and requires extensive medical

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<sup>1</sup> Paulette Rush, Dolly L. Eori's daughter, is listed on the caption, but she is not a party to this appeal. She entered into a consent order to pay her mother \$400.00 per month in filial support.

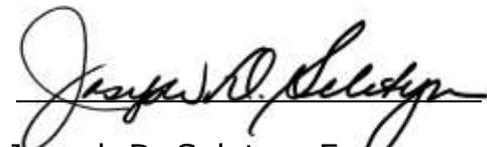
care. Joseph filed a complaint seeking filial support of their mother. **See** 23 Pa.C.S.A. § 4603(c)(2). After a two-day hearing, the trial court awarded support. **See id.**, at § (a)(1)(ii). This timely appeal followed.

“Our standard of review in support matters is well settled; absent an abuse of discretion, we will not disturb on appeal a properly entered support order.” **Savoy v. Savoy**, 641 A.2d 596, 598 (Pa. Super. 1994) (citation and internal quotation marks omitted).

We have examined the briefs, the trial court’s opinion, our standard of review, and the certified record, and find that the trial court’s well-written opinion, authored by the Honorable Christian F. Scherer, adequately addresses the claims. We affirm based on that opinion. **See** Trial Court Opinion, filed 10/10/14, at 1-15.

Order affirmed.

Judgment Entered.

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Joseph D. Seletyn, Esq.  
Prothonotary

Date: 8/7/2015

IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PENNSYLVANIA CIVIL DIVISION-DIVORCE

DOLLY L. EORI, by her Attorney-in-Fact JOSEPH A. EORI, Plaintiff, vs. RUSSELL EORI, N/K/A JOSHUA RYAN and PAULETTE RUSH, Defendants. No. 5825 of 2013

OPINION

BY THE COURT: (Opinion of Scherer, J.)

Facts and Procedural History

A Complaint for Filial Support pursuant to 23 Pa. C.S.A. §4603 was filed on behalf of Dolly Eori (hereinafter referred to as "Ms. Eori" or "Mother") by her Attorney in Fact, Joseph Eori (hereinafter referred to as "Plaintiff"). A durable power of attorney was previously signed by Dolly Eori and Joseph Eori on April 12, 2012. Dolly Eori is 90 years old. She is a widow and the mother of three adult children; Joseph Eori, Paulette Rush, and Joshua Ryan (hereinafter referred to as "Defendant").<sup>1</sup> The initial complaint named both Paulette Rush and Joshua Ryan as defendants in the matter.

On December 18, 2013, counsel for Ms. Eori motioned the Court to schedule a hearing on the complaint. It was initially scheduled for February 11, 2014 but was

<sup>1</sup> Joshua Ryan was initially named in the caption as Russell Eori. Although his birth name was Russell Eori, it was subsequently learned by Plaintiff that Russell Eori obtained a legal name change to Joshua Ryan. As a result, the caption was amended to reflect the name change.

APPENDIX "C"

rescheduled to March 4, 2014 at the request of Paulette Rush. The parties appeared on March 4, 2014. At that time, Paulette Rush entered into a consent Order of Court to pay Ms. Eori \$400 per month in filial support. The matter then proceeded as to Joshua Ryan. After hearing testimony from Plaintiff, the parties agreed to continue the remainder of the hearing until matters regarding discovery were completed and options were discussed regarding Ms. Eori's care. A second hearing date was scheduled and eventually held on June 5, 2014, where the Court heard further testimony. At the conclusion of said hearing, both parties were given an opportunity to submit a memorandum of law in support of their position. Both parties submitted same.

After a review of the record and the memorandums submitted, the Court entered an Order dated July 18, 2014 granting the Complaint for Filial Support and ordering Defendant to pay Dolly Eori \$400 per month in support.

Defendant's counsel filed a Notice of Appeal on August 18, 2014. The Court then issued an Order dated August 19, 2014 ordering the filing of a 1925(b) statement. The Court received said statement from Defendant's counsel on September 18, 2014. The following opinion is in support of the Order entered on July 18, 2014:

Applicable Law

Filial Support is governed by 23 Pa. C.S.A. §4603, which states as follows:

(a) Liability:

- 1) Except as set forth in paragraph (2), all of the following individuals have the responsibility to care for and maintain or financially assist an indigent person, regardless of whether the indigent person is a public charge:
  - (i) The spouse of the indigent person.
  - (ii) A child of the indigent person.
  - (iii) A parent of the indigent person.

2) Paragraph (1) does not apply in any of the following cases:

- (i) If an individual does not have sufficient financial ability to support the indigent person.
- (ii) A child shall not be liable for the support of a parent who abandoned the child and persisted in the abandonment for a period of ten years during the child's minority.

(b) Amount

1) Except as set forth in paragraph (2), the amount of liability shall be set forth by the court in the judicial district in which the indigent person resides.

The Superior Court's standard of review in support matters is an abuse of discretion. "[A]bsent an abuse of discretion, we will not disturb on appeal a properly entered support order." *Savoy v. Savoy*, 641 A.2d 596 (Pa. Super. 1994). In addition, "[i]n passing upon the testimony in a proceeding for support, the Court may take into consideration all the surrounding circumstances shedding any light upon the ability of the defendant to comply with the order and may draw reasonable inferences therefrom in fixing an order for support." *Com. ex. rel. Shire v. Cliff*, 176 A.2d 822 (Pa. Super. 1935).

In regards to credibility of witnesses, the "fact finder is entitled to weigh the evidence presented and assess its credibility." *Miller v. Miller*, 744 A.2d 778, 787 (Pa. Super. 1999). It is then for the fact finder to "believe all, part, or none of the evidence and the Superior Court will not disturb the credibility determinations of the Court below." *Id.* at 787.

#### Discussion

The Defendant's Statement of Errors Complained of on Appeal can be summarized into three arguments. They are whether Dolly Eori is indigent, whether Joshua Ryan is financially capable of paying support to Dolly Eori, and whether Joshua

Ryan was abandoned by Dolly Eori and therefore had a valid defense against the payment of support to his mother.

The term indigent is not defined in 23 Pa. C.S.A. §4603. There is a common law definition of indigent, and the courts have used that common law definition in case law relating to filial support. The common law definition of indigent is:

“the indigent person need not be helpless and in extreme want, so completely destitute of property, as to require assistance from the public. Indigent persons are those who do not have sufficient means to pay for their own care and maintenance.” *HRC v. Pittas*, 46 A.3d 719, 724 (Pa.Super. 2012).

The definition is meant to include “those persons who have some limited means, but whose means are not sufficient to adequately provide for their maintenance and support.” *Id.* at 724.

Ms. Eori’s income was clearly established on the record. She receives \$1789 in social security income each month. This is directly deposited into her bank account, which was evidenced by bank statements submitted by both parties. Defendant argued in his eighth error that the Court failed to consider the income provided by Ms. Eori’s daughter. This is incorrect. This Court did in fact consider that Ms. Eori now receives \$400 each month from her daughter in court ordered support. Therefore, her total monthly gross income is \$2,189.<sup>2</sup> The Trial Court had to determine whether that gross income was sufficient to cover her monthly expenses.

<sup>2</sup> Plaintiff also applied for Veteran Benefits on behalf of Ms. Eori. (N.T. 3/4/14 pg. 11, lines 17-23). At the time of the Court hearing, the application was still being processed and there was no guarantee of receiving the benefits. (N.T. 5/4/14 pg. 11, lines 24-25 and pg. 12, lines 1-3). The case of *HRC v. Pittas*, 46 A.3d 719 (Pa.Super. 2012) supports the fact that a decision can be made without considering the pending assistance because there is “nothing in the statute that requires a movant or a court to consider other sources of income or to stay its determination pending the resolution of a claim for medical assistance.” *Id.* at 723.

In regards to expenses, Plaintiff testified that his mother is diagnosed with cancer, dementia and Alzheimer's disease and requires twenty-four hour care. (N.T. 6/5/14 pg. 6, lines 6-10). During the day, she goes to Senior Life adult day care. (N.T. 3/4/14 pg. 10, lines 15-25). For the remaining hours, Plaintiff is responsible for ensuring that someone is available to care for his Mother. There are currently three individuals that provide that care, and he pays each of them in cash. He pays them a total of \$1,722 per month for the care. According to Plaintiff's testimony, he has not been able to obtain care for his mother on weekends because she cannot afford it. (N.T. 3/4/14 pg. 26, lines 19-24). Therefore, the total amount is not even reflective of the full care that Ms. Eori needs.

In addition to the caregiver costs, Plaintiff estimates that Ms. Eori spends an additional \$1,000 per month on hygiene items, cleaning expenses, and diapers. (N.T. 6/5/14 pg. 31, lines 17-25). The electric bill is an additional \$250 per month (N.T. 6/5/14, pg. 33, lines 17-21) and there is a deduction evidenced on her bank statements for Verizon at approximately \$95 per month. These basic needs already total more than Ms. Eori's monthly income, and the bank statements submitted by Defendant evidence additional expenses for medical needs, such as a payment of \$773 to Prime Medical Group in July 2012 and another \$115 payment in September 2012. To further show the disparity between Ms. Eori's income and expenses, Plaintiff admitted a bank statement for January 2014 showing a deposit of \$1789 and a withdrawal of \$1779.67. (N.T. 3/4/14 pg. 19, lines 20-25 and pg. 20, lines 1-11). Based on the evidence and testimony presented, the Court determined that Ms. Eori does in fact satisfy the common law definition of indigent. Although she is not extremely destitute, she has sought financial

assistance in the past<sup>3</sup> and does not have sufficient income to provide for her maintenance and support.

In Defendant's first error complained of on appeal, he argues that Ms. Eori is not indigent because there is no evidence of unpaid or outstanding medical bills or other liabilities owed by Ms. Eori. Although there are filial support cases that involve such unpaid medical bills, such as HRC v. Pittas, 46 A.3d 719 (Pa.Super. 2012), the clear language of the statute does not impose an obligation of establishing unpaid medical bills or liabilities to justify a claim for filial support. Also, the definition of indigent does not state that outstanding debt is necessary for an individual to qualify as indigent. It just requires an inability to provide for ones own maintenance and support with the income received. The mere fact that Ms. Eori has been able to remain out of debt does not eliminate her from the definition of an indigent person. One does not have to be "helpless" or in "extreme want." Therefore, the Court did not err in finding Ms. Eori indigent merely because there was no evidence of unpaid or outstanding medical bills or other liabilities.

Defendant also argues that the Trial Court erred in finding Ms. Eori indigent when there was no medical evidence presented that twenty-four hour care is a necessity. However, Plaintiff's testimony was credible and supported this requirement. He testified to his Mother's diagnosis of cancer, dementia, and Alzheimer's disease. He is the one that takes her to the doctor appointments and is aware of their specialties in dementia and cancer treatment. (N.T. 3/4/14 pg. 9, lines 21-25 and pg. 10, lines 1-4). Those are ailments that impact both her physical and mental capabilities in providing her own care.

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<sup>3</sup> Plaintiff testified that in 2013 Mother's care was paid for by Public Partnerships. (N.T. 6/5/14 pg. 7, lines 12-21).

Plaintiff further testified that Ms. Eori receives care at a Senior Life adult day care and that they will not drop off his mother at home unless someone is there to take care of her. In fact, they send someone three times a day to ensure that she is not alone. (N.T. 3/4/14 pg. 21, lines 7-10). Plaintiff also provided examples of the incidents that occur when his mother is left without care on the weekends. He explained that she empties all the food from the freezer and fridge and leaves it out to defrost. (N.T. 3/4/14 pg. 39, lines 8-18). She also makes unnecessary phone calls to 911 and 411. (N.T. 3/4/14 pg. 25, lines 21-25 and pg. 26, lines 1-3). Also, Ms. Eori has accidents on the carpet when not being monitored and that requires the expense of carpet cleaning.

In addition to the examples of what occurs while Ms. Eori is left alone, there was testimony regarding meetings to discuss full-time residential care in a senior citizen home. Defendant was a part of those meetings, and preferred placing his mother in a full-time home. (N.T. 6/5/14 pg. 105, lines 3-18 and pg. 106, lines 5-14). In fact, part of the reason for the Court adjourning on the first day of testimony was for Defendant to explore options for Ms. Eori and to determine if he wanted to take over her care. If Defendant thought Ms. Eori should be placed in a twenty-four hour facility, then he must agree that she needs full time care. Also, there was no evidence presented that placing her in such care would be cheaper than the current care that Plaintiff is providing for her. Based on the testimony presented, the Court did not err in accepting the need for Ms. Eori to receive twenty-four hour care and utilizing that information in determining her status as an indigent person.

Defendant next argues that the Trial Court erred in finding Ms. Eori indigent because a great amount of her monthly expenses are for luxuries rather than actual

necessities. There was no evidence to support a finding that the luxury expenses were “great” as Defendant characterizes them. Plaintiff explained the reasoning for some of the alleged luxury purchases. For example, Defendant questioned Plaintiff about two television purchases. Plaintiff testified that those purchases were made because Ms. Eori smashed prior television sets when she was left alone. (N.T. 3/4/14 pg. 36, lines 20-25 and pg. 37, lines 1-5). This tends to further support the fact that Ms. Eori cannot be left alone, and perhaps those purchases would not have occurred if she had the care needed on the days the television sets were smashed. The only other luxury expense raised by Defendant was Ms. Eori’s trips to the salon. This Court does not find the simple pleasantries of a ninety-year-old woman maintaining her appearance to be excessive or a “great” amount. Therefore, the expenditures did not negate this Court’s determination that Ms. Eori is indigent.

In Defendant’s fourth error complained of on appeal, he argues that the Trial Court erred in failing to consider that Plaintiff, as power of attorney for Ms. Eori, claimed her as a dependent on his 2013 Federal Income Tax return. Defendant argues that this requires Plaintiff to be responsible for at least fifty percent of Ms. Eori’s expenses. While this may be true for federal income tax purposes, Defendant failed to argue how that impacted the determination that Ms. Eori is indigent. If her son has to provide at least fifty percent of her expenses to maintain her daily needs, then she, on her own, is clearly indigent.

In conjunction with the above, Defendant also argues in his eighth error complained of on appeal that the Trial Court erred in failing to consider the amount Plaintiff contributes to Ms. Eori’s support. From 2012 to 2014, Ms. Eori’s bank account

has never had a negative balance. However, the positive balance is not a result of Ms. Eori's income. Plaintiff testified that he uses his personal money to maintain a \$2800 balance in case of an emergency and because there are no burial plans for his Mother. (N.T. 6/5/14 pg. 6, lines 6-10). He further testified that there is a \$2,000 shortfall between his Mother's income and the costs for her medical necessities each month. (N.T. 3/4/14 pg. 13, lines 14-18). Although Plaintiff admits that he claims his mother as a dependent as a result of said use of his personal funds, case law does not support the consideration of his contributions as income for purposes of filial support. In the case of Com. ex. rel. Price v. Campbell, 119 A.2d 816 (Pa. Super. 1996), a Mother was seeking support from her son. She also had a daughter, but she was not included as a party to the case. The daughter was voluntarily contributing support to her mother. In analyzing the daughter's contributions, the Court stated that "an unenforceable obligation of another child cannot be considered as an available source of income." *Id.* at 817.

In this case, Plaintiff is voluntarily contributing his income to maintain his Mother's account. There is no obligation for him to continue those payments, and therefore no assurance that he would be able to continue to contribute the same funds. He even testified that if he failed to make contributions from his own income, the Mother's account would immediately go into the negative. (N.T. 6/5/14 pg. 42, lines 4-10). Based on the applicable law, the Court viewed Plaintiff's contributions in the same manner and therefore did not err in finding Ms. Eori as indigent despite Plaintiff's contributions.

Defendant also claims that the Trial Court erred in finding Ms. Eori indigent when there are no receipts to support the costs of Mother's care. However, it is the Court's job,

as fact finder, to assess the credibility of witnesses. Miller v. Miller, 744 A.2d 778, 787 (Pa. Super. 1999). This Court found that Plaintiff was credible as to the needs of his mother and he appeared honest and sincere about her needs. It is clear from the testimony presented that Mother needs twenty-four hour care. It is clear from the testimony presented that said care results in expenses that exceed Mother's monthly net income. Therefore, it is clear that Ms. Eori is indigent under the common law definition, as her income is not sufficient to maintain her bank account balance and pay her monthly expenses without the voluntary contributions of Plaintiff. On the basis of the above arguments, Defendant's errors complained of on appeal relating to the determination of Mother as indigent should be denied and the Court's determination upheld.

Defendant's fifth error complained of on appeal pertains to Defendant's defense that he is incapable of financially supporting his Mother. This Court found that Plaintiff satisfied the burden of establishing that Defendant was in fact capable of financially supporting Ms. Eori. This determination was based on the evidence presented and the credibility of the witnesses. Defendant testified that he is a registered master plumber and has worked for his own business, One Call Plumbing, for twelve years. (N.T. 6/5/4 pg. 72, lines 21-25 and pg. 73, lines 1-5). He has five employees that work for him. His Wife is also employed by the business and handles the accounting for \$10 an hour. (N.T. 6/5/14 pg. 121, lines 2-5 and pg. 123 lines 5-6). Defendant could not answer questions relating to his own income, stating that his Wife handled the books and had those answers. The only answer that he could provide was that his 2012 tax return did show gross wages of \$77,199. (N.T. 6/5/14 pg. 82, lines 3-7). Despite his lack of knowledge, he is the one in charge of his own income. He knows that his hourly rate is \$125 and he

is the one that prepares the estimates for each job. (N.T. 6/5/14 pg. 81, line 25; pg. 82, lines 1-13; pg. 83, lines 2-25; pg. 84, line 1). He is also the only shareholder in the company. (N.T. 6/5/14 pg. 133, lines 7-16).

Even if he does not pay attention to his annual income, Defendant's Wife arbitrarily determines his yearly income and entitlement to bonuses. Wife testified that she pays him a salary of \$60,000 a year. (N.T. 6/5/14 pg. 132, lines 22-25). She decided that income and could not testify as to a reason for that amount other than saying it is what she would pay someone else to do the job. She also decided that Defendant does not get a percentage of the business, does not vary in income based on revenue, and does not receive bonuses. (N.T. 6/5/14 pg. 132, lines 22-25; pg. 133, lines 1-6; pg. 134, lines 23-25; and pg. 135 line 1). She even testified that if she has enough revenue, the bonuses go to the employees and not to Defendant. (N.T. 6/5/14 pg. 135, lines 16-21).

Defendant and his Wife both claim that he has medical issues with his kidneys that impact his ability to work on a regular basis, and he estimated that his income was shorted by thirty percent in 2013 because of his health. (N.T. 6/5/14 pg. 82, lines 3-7). Despite these medical conditions, revenues were sufficient for the past three years to give bonuses to the employees of the business and Defendant's income has remained steady at \$60,000 a year. (N.T. 6/5/14 pg. 141, lines 22-24). Therefore, it appears that Defendant makes a steady income each year and he has access to potentially more income through his business if financial matters were controlled differently.

In regards to his expenses, they are once again handled by Wife and include expenses for two children that are not biologically Defendant's children. Defendant has a \$1200 mortgage, car payments that include a \$500 and \$205 monthly payment, \$4000 in

insurance that also covers Wife's children, and credit card bills of approximately \$1100 per month. (N.T. 6/5/14 pg.125, lines 24-25 and pg. 126, lines 1-12). They own two luxury cars including a 2011 Mercedes and a 2000 Corvette. (N.T. 6/5/14 pg. 153, lines 1-6). The two other car payments are for Wife's children. Defendant also argued that he does not have income to support his Mother because he helps pay the college tuition for Wife's son. It is not his biological son and there is no legal obligation for Defendant to provide for such expenses even if it were his biological son. However, there is a legal obligation to provide for his Mother.

In determining whether a child has sufficient financial ability to contribute to the support of their parent, the Superior Court has held that it is for the lower court to determine the weight to be credited to the child's testimony. Com. ex. rel. Price v. Campbell, 119 A.2d 816, 817 (Pa.Super. 1996). Based on the evidence presented, this Court found that Defendant's testimony regarding his finances was not credible, in that he was not aware of any of his own income or expenses despite owning his own business. He is capable of paying money for luxury cars, supporting two children that are not his own, and paying bonuses to his employees. On that basis, this Court found that Defendant is financially capable of providing support for his mother and does not have an adequate defense pursuant to 23 Pa. C.S.A. §4603(2)(i).

Defendant's next error complained of on appeal pertains to the second defense outlined in 23 Pa. C.S.A. §4603(2)(ii), which negates the obligation of filial support when it is established that the parent seeking support abandoned the child during a ten year period of the child's minority. In this case, the Defendant argued that he was abandoned and raised as error number six that the trial court failed to consider said testimony. The

term “abandoned” is not defined in the act itself. However, the Custody Act at 23 Pa. C.S.A. §5402 defines “abandoned” as “left without provision for reasonable and necessary care or supervision.” Defendant testified that he did not have the greatest family growing up and he wanted to get away. (N.T. 6/5/14 pg. 66, lines 8-13). He testified that his grandmother cared for him more than his Mother; however, they were never far apart because he testified that his grandmother either lived with Mother or beside Mother. (N.T. 6/5/14 pg. 61, lines 21-25 and pg. 62, lines 1-7). Although he testified that Mother was abusive, left and caused them to move many times, and was either gone or fighting, he never established that she left for a ten year period. He did not provide details or time periods on any of the testimony presented. Therefore, it was not clear from his testimony that Mother ever left for a ten year period without provision for his reasonable and necessary care or supervision. Although it may not have been an ideal childhood, there was no evidence of abandonment to release Defendant from his obligation to support Mother.

In regards to the amount of support ordered, this Court set Defendant’s obligation at \$400 per month. 23 Pa. C.S.A. §4603 does not establish a set formula for establishing an amount of support. It states that “the amount of liability shall be set by the Court in the judicial district in which the indigent person resides.” In addition, the Superior Court has held that “the amount [of support] is a matter of discretion with the lower court and this Court will not interfere unless an abuse of discretion is shown.” Com. ex. rel. Home for the Jewish Aged v. Kotzker, 118 A.2d 271, 273 (Pa. Super. 1995). Also, “absent an abuse of discretion, [the Superior Court] will not disturb on appeal a properly entered support order.” Savoy v. Savoy, 641 A.2d 596 (1994). Furthermore, “[i]n passing upon

the testimony in a proceeding for support, the Court may take into consideration all the surrounding circumstances shedding any light upon the ability of the defendant to comply with the order and may draw reasonable inferences therefrom in fixing an order for support.” *Com. ex. rel. Shire v. Cliff*, 176 A.2d 822 (Pa.Super. 1935). This Court based its decision as to the \$400 amount of support on the credibility of the witnesses, the income of Defendant, and Mother’s expenses. Also, Plaintiff testified that in 2013 Defendant did in fact provide \$100 per week for the care of Ms. Eori, and was therefore capable of providing same. (N.T. 3/4/14 pg. 14, lines 2-8). Therefore, the Court did not abuse its discretion in setting the support amount at \$400 and it should not be disturbed on appeal.

#### Conclusion

Ms. Eori presented to this Court as an individual that needed financial assistance in meeting her daily needs. She may not have been destitute, but she certainly needed extra income from Plaintiff to meet her expenses each month and satisfies the definition of indigent as outlined above. Her son, Plaintiff in this matter, was doing his best in providing for his mother on a daily basis. He arranges daily care, pays for her daily needs, and maintains her bank account to avoid a negative balance. Although he paid in cash and did not always keep records, he was credible and honest in testifying and presented a situation to the Court of trying to make the best out of the situation at hand and get by each day with the finances that both he and his Mother had. Although he is a child of Ms. Eori and would potentially be obligated under the statute to provide support, the statute does not limit the obligation to one child. The parties have had their family

differences and their relationship is certainly not ideal. However, Defendant is also a son of Ms. Eori that has an obligation to provide support and has the financial ability to provide that support. Therefore, this Court did not abuse its discretion in entering the Order of Court dated July 18, 2014 ordering Defendant to pay Mother \$400 in support each month.

A handwritten signature in black ink, appearing to read "Chris Scherer", written in a cursive style. The signature is positioned above a horizontal line.

Chris Scherer, Judge