

1 **2.3 LINEAL CONSANGUINITY OF PLAINTIFFS**

2 b. XXXXXXXXXXX XXXXXXXXXXX attests XXXXXXXXXXX XXXXXXXXXXX and XXXXXXXXXXX
3 XXXXXXXXXXX are her maternal grandmother and grandfather,
4 respectively, by birth.

5 c. XXXXXXXXXXX XXXXXXXXXXX attests that XXXXXXXXXXX XXXXXXXXXXX and XXXXXXXXXXX
6 XXXXXXXXXXX are his maternal great-grandmother and great-grandfather,
7 respectively, by birth.

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9 **3. JURISDICTION AND VENUE**

10 **3.1 JURISDICTION**

11 1) Article 5, Section 5, of the Constitution of the Commonwealth of
12 Pennsylvania establishes the Common Pleas Court as the court of
13 general jurisdiction in the Commonwealth.

14 **3.2 VENUE**

15 1) Venue is proper in the Court of Common Pleas of Luzerne County,
16 Orphans Division as marriage license is a document issued by the
17 Court of Common Pleas, Orphans' Division, Luzerne County,
18 Commonwealth of Pennsylvania.

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20 **4. CAUSE OF ACTION**

21 **4.1 RECORD REQUIRED**

22 a. The Plaintiff requires a corrected certified copy of said
23 Certificate of Marriage for inclusion in an application before the
24 Consulate General of the Republic of Italy in Washington, District
25 of Columbia, United States of America, for recognition of dual
26 American-Italian citizenship *jure sanguinis*.

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28 **4.2 REQUIREMENTS FOR CHANGE**

29 a. The Defendant requires that the Plaintiff produce a Court Order from
30 a judge or magistrate of the Court of Common Pleas, Orphans'
31 Divison, of Luzerne County, to make the requested correction.
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5. STATEMENT OF FACTS

5.1 DATE AND PLACE OF PLAINTIFF'S MARRIAGE

a. Marriage occurred in City of XXXXXXXXXX, in the County of Luzerne and Commonwealth of Pennsylvania, between XXXXXXXXXX XXXXXXXXXX and XXXXXXXXXX XXXXXXXXXX.

5.2 LOCATION WHERE CERTIFICATE OF MARRIAGE WAS ISSUED

a. Certificate of Marriage was issued by the Clerk of the Orphans' Court of the County of Luzerne, Commonwealth of Pennsylvania.

5.3 LOCATION WHERE CERTIFICATE OF MARRIAGE IS MAINTAINED

a. The Certificate of Marriage appears and is maintained in the records of the Registrar of Wills, County of Luzerne, Commonwealth of Pennsylvania (a certified copy of which is hereto attached as Exhibit 1).

5.4 ERRORS

- a. That said record is incorrect as to the following facts, viz:
1. The first name of the bridegroom as shown on the record of marriage as XXXXXX, is in error,
 2. The last name of the bride as shown on the record of marriage as XXXXXXXXXX, is in error,
 3. The father's name of the bridegroom, shown on the record of marriage as XXXXXXXXXX, in is error,
 4. The mother's name of the bridegroom, shown on the record of marriage as XXXXXXXXXX XXXXXXXXXX, is in error; and,

5.5 FACTS

- a. That said erroneous facts in said record should correctly appear as follows, to wit:
1. the correct and true name of the bridegroom as XXXXXXXXXX XXXXXXXXXX XXXXXXXXXX,

- 1 2. the correct and true name of the bride as XXXXXXXXXX,
- 2 3. the correct and true name of the bridegroom's father as XXXXXXXXXX
- 3 XXXXXXXXXX XXXXXXXXXXXX,
- 4 4. the correct and true name of the bridegroom's mother as XXXXXXXXXX
- 5 XXXXXXXXXX XXXXXXXXXXXX; and,
- 6

7 **5.6 EVIDENCE OF FACTS**

8 a. In support of the request, Petitioners supply the following

9 documents demonstrating the correct information of the bridegroom:

10 1. The Certificate of Marriage for XXXXXXXXXXX XXXXXXXXXXX (where

11 XXXXXXXXXXX is his Confirmation Name for the Catholic Church and is

12 also the Latin translation of XXXXXXXXXXX) and XXXXXXXXXXX XXXXXXXXXXX

13 (a copy of which is hereto attached as Exhibit 2), as issued and

14 certified by the XXXXXXXXXXX XXXXXXXXXXX Roman Catholic Church,

15 XXXXXXXXXXX XXXXXXXXXXX, Luzerne County, Commonwealth of

16 Pennsylvania, demonstrates on the XXth day of May 1700:

- 17 i. the correct last name and spelling of the bridegroom is
- 18 XXXXXXXXXX;
- 19 ii. the correct last name and spelling of the bride is
- 20 XXXXXXXXXX;
- 21 iii. makes note of the marriage license number, as issued by
- 22 the Registrar of Wills, County of Luzerne, Commonwealth
- 23 of Pennsylvania, is XXXXXXXXXXX;
- 24 iv. the parents are XXXXXXXXXXX XXXXXXXXXXX and Maria XXXXXXXXXXX
- 25 XXXXXXXXXX (misrecorded as XXXXXXXXXXX);
- 26 v. XXXXXXXXXXX XXXXXXXXXXX was baptized in XXXXXXXXXXX,
- 27 XXXXXXXXXX, Kingdom of Italy; and,

28 b. The Certificate of Birth for XXXXXXXXXXX XXXXXXXXXXX (a copy of

29 which is hereto attached as Exhibit 3, and translation as

30 Exhibit 3a), showing birth name prior to naturalization in the

31 United States, confirms the correct first name and spelling

32 for the bridegroom (XXXXXXXXXX), in addition to the correct

1 names and spellings of the mother (XXXXXXXXX XXXXXXXXXXX) and
2 father (XXXXXXXXX XXXXXXXXXXX) of the bridegroom; and,

3 c. The Oath of Allegiance required for naturalization as a United
4 States citizen for XXXXXXXXXXX XXXXXXXXXXX (showing name at
5 naturalization in the United States, wife's name as XXXXXXXXXXX,
6 place of birth XXXXXXXXXXX, Kingdom of Italy, and date of birth
7 as XX January 1700, a copy of which is hereto attached as
8 Exhibit 4), confirms the correct first name and spelling for
9 the bridegroom (XXXXXXXXX); and,

10 d. The ship's manifest for XXXXXXXXXXX XXXXXXXXXXX (a copy of which
11 is hereto attached as Exhibit 5) shows corresponding age and
12 destination as XXXXXXXXXXX, confirms the correct name and
13 spelling for the bridegroom, as well as the correct name of
14 the mother of the bridegroom (XXXXXXXXX XXXXXXXXXXX); and,

15 e. The Certificate of Marriage for XXXXXXXXXXX XXXXXXXXXXX and
16 XXXXXXXXXXX XXXXXXXXXXX (a copy of which is hereto attached as
17 Exhibit 6, and translation as Exhibit 6a), confirms the
18 correct names and spellings of the mother (XXXXXXXXX
19 XXXXXXXXXXX) and father (XXXXXXXXX XXXXXXXXXXX) of the bridegroom
20 (XXXXXXXXX).

21 22 23 6. RELIEF

24 6.1 RELIEF REQUESTED

25 a. WHEREFORE, it is respectfully requested that Your Honorable Court
26 enter an Order directing the Registrar of Wills and Clerk of the
27 Orphans' Court of Luzerne County to correct the Certificate of
28 Marriage for XXXXXXXXXXX XXXXXXXXXXX and XXXXXXXXXXX XXXXXXXXXXX:

- 29 1. to record the first name of the bridegroom as XXXXXXXXXX;
- 30 2. to record the last name of the bride as XXXXXXXXXX;
- 31 3. to record the name of the bridegroom's father as XXXXXXXXXX
- 32 XXXXXXXXXX;

- 1 4. to record the name of the bridegroom's mother as XXXXXXXXXX
2 XXXXXXXXXX; and,
3 5. issue a new certified long form copy of corrected record to
4 each Petitioner within fourteen (14) days of receipt of the
5 Court Order by the Registrar of Wills for the County of
6 Luzerne, Commonwealth of Pennsylvania; or,
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8 If the Court finds that a hearing is warranted, the Petitioners respectfully
9 request to fix a hearing on this Petition at the earliest possible
10 convenience.
11

12 Respectfully submitted and DATED this Xth day of XXXXXXXXXXXX, 2009.
13

14 _____
15 Plaintiff - XXXXXXXXXXXX XXXXXXXXXXXX
16

17 _____
18 Plaintiff - XXXXXXXXXXXX XXXXXXXXXXXX
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21 **NOTARY PUBLIC**

22 The undersigned, being a Notary Public certified in the State of Maryland,
23 declares that this Petition was subscribed, sworn to, and acknowledged before
24 me by XXXXXXXXXX XXXXXXXXXXXX, Plaintiff, this ____ day of _____, 2009.
25 The person making this Petition (the Plaintiff) appears to me to be of sound
26 mind and free from duress.
27

28 WITNESS MY HAND AND SEAL this _____ day of _____, 2009.
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30
31 _____
32 Notary Public

Commission Expiration Date