

DOCKET NO. 173

NUMBER	TERM	YEAR
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287 November 1960

Wilson Smeal and Vernon Smeal

t/d/b/a Smeal Bros.

VERSUS

Charles W. Cozadd

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

WILSON SMEAL and VERNON SMEAL
t/d/b/a SMEAL BROS.

VS

CHARLES W. COZADD

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:
:
:

No. 287 November Term, 1960

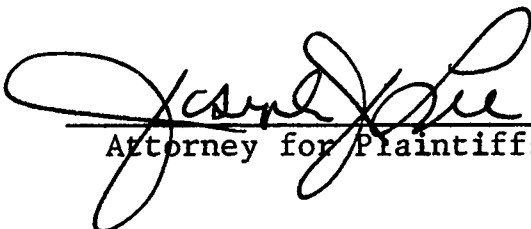
Trespass

P R A E C I P E

TO: WILLIAM T. HAGERTY, PROTHONOTARY

SIR:

More than twenty days having elapsed since the date of service of the Complaint and no appearance or Answer having been filed on behalf of the defendant, you are hereby ORDERED and DIRECTED to enter judgment in favor of the plaintiffs and against the defendant for failure to plead or enter an appearance, and to place the same before a Board of Arbitration for determination of damages - the amount in controversy being less than \$2000.00.


Attorney for Plaintiffs

Dated: September 12, 1961

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
No. 287 November Term, 1960
Trespass

WILSON SMEAL and VERNON SMEAL
t/d/b/a SMEAL BROS.

CHARLES W. COZADD
HARTER W. COZADD

VS
WILLIAM T. HAGERTY, PROTHONOTARY

CHARLES W. COZADD

P R A C T I C E

P R A C T I C E

HARTER W. COZADD

VS

WILSON SMEAL and VERNON SMEAL

WILSON SMEAL and VERNON SMEAL

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

Dated: September 12, 1961

WILSON SMEAL and VERNON SMEAL
t/d/b/a SMEAL BROS.

amount in controversy being less than \$2000.00.

before a Board of Arbitration for determination of damages - the

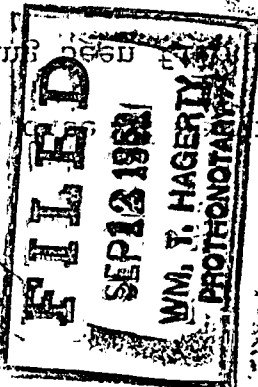
for failure to plead or enter an appearance, and to place the same

enter judgment in favor of the plaintiffs and against the defendant

behalf of the defendant, you are hereby ORDERED and DIRECTED to

of the complaint and no appearance or answer having been

More than twenty days having elapsed since the



Trespass

No. 287 November Term, 1960

#1-INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Deliver ONLY to addressee

☐ Show address where delivered

(Additional charges required for these services)

RETURN RECEIPT

Received the numbered article described on other side.

SIGNATURE OR NAME OF ADDRESSEE (must be the Commonwealth Secretary of Pennsylvania)

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

ADDRESS WHERE DELIVERED (must be the same as on request form # 1)

JAN 23 1967

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS



PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE \$3.00

DELIVERING OFFICE

INSTRUCTIONS: Fill in items below and complete #1 on other side, when applicable. Moisten gummed ends and attach to back of article. Print on front of article RETURN RECEIPT REQUESTED.

RETURN
TO

REGISTERED NO. 1352	NAME OF SENDER Charles E. Cummings
CERTIFIED NO.	STREET AND NO. OR P. O. BOX The City of Phila. Co.
INSURED NO.	CITY, ZONE AND STATE CLEARFIELD, PA.

POD Form 3811 Jan. 1958

CES-16-716A-4

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
No. 287 December Term, 1960
Trespass

WILSON SMEAL and VERNON SMEAL
t/d/b/a SMEAL BROS.

VS

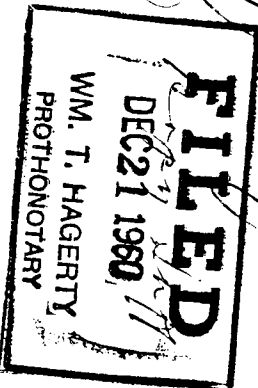
CHARLES W. COZADD

C O M P L A I N T

TO THE WITHIN NAMED DEFENDANT:

You are herewith notified to
answer to the within Complaint
within 20 days from service
hereof.

Wm. T. Hagerity
Attorney for Plaintiffs



JOSEPH J. LEE
ATTORNEY-AT-LAW
CLEARFIELD, PA.

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

WILSON SMEAL and VERNON SMEAL :
t/d/b/a SMEAL BROS. :

VS

: No. 287 *Nov.* ~~December~~ Term, 1960

CHARLES W. COZADD

: In Trespass

C O M P L A I N T

COME NOW, the plaintiffs, and by their attorney, Joseph J. Lee, bring this action in Trespass against the above named defendant upon a cause whereof the following is a statement:

(1). The plaintiffs, Wilson Smeal and Vernon Smeal, trading and doing business as Smeal Bros., reside and have their place of business at 112 E. Locust Street, Clearfield, Pennsylvania.

(2). The defendant, Charles W. Cozadd, is an individual and resides at R.D.2, Martinsburg, Pennsylvania.

(3). On or about May 18, 1960, at 6:20 A.M., the plaintiffs were the owners of a 1951 Model Ford Custom Two Door automobile.

(4). At the time and place aforesaid the said Ford automobile was being driven in an easterly direction on Route 322 approximately one-half mile east of Clearfield, Pennsylvania by Calvin J. Aughenbaugh.

(5). At the time and place aforesaid, the defendant was operating a 1959 Model Chevrolet automobile in a westerly direction on Route 322, and so negligently handled his automobile as to cause it to cross over the center line of the highway into the left lane of traffic, and as a consequence to collide with the plaintiffs' car which was travelling in the proper lane for

east bound traffic, causing extensive damage thereto as more fully set out hereinafter.

(6). The defendant was negligent in that:

(a). He failed to operate his car in the proper and lawful lane of traffic.

(b). He failed to maintain proper control of his automobile under the circumstances.

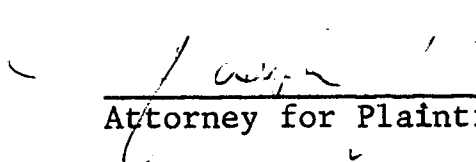
(c). He failed to observe the provisions of the Motor Vehicle Code requiring him to remain in the right hand lane of traffic.

(d). He was travelling at an excessive rate of speed under the circumstances.

(7). As a result of the aforesaid negligence the left front and left side of the defendant's automobile struck the left front and left side of the plaintiffs' automobile and caused such damage to the plaintiffs' automobile that it was rendered completely unfit for further use. The value of the plaintiffs' automobile was \$275.00; salvage thereon was \$41.50.

(8). The amount in controversy is less than \$2000.00.

WHEREFORE, the plaintiffs demand of the defendant the sum of \$223.50, with damages for delay.



Attorney for Plaintiffs

STATE OF PENNSYLVANIA:
:SS
COUNTY OF CLEARFIELD :

WILSON SMEAL and VERNON SMEAL, being duly sworn according to law, depose and say that the facts set forth in the foregoing Complaint are true and correct to the best of their knowledge, information and belief.

Wilson R. Smeal
(Wilson Smeal)
Vernon A. Smeal
(Vernon Smeal)

Subscribed and sworn to before
me this 20th day of December, 1960.

Cecelia H. Williams
Clearfield, Clearfield Co., Pa.
My commission expires July 31, 1961

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
No. *287* December Term, 1960
Trespass

WILSON SMEAL and VERNON
SMEAL t/d/b/a SMEAL BROS.

VS

CHARLES W. COZADD

C O M P L A I N T

TO THE WITHIN NAMED DEFENDANT:

You are herewith notified to
answer to the within Complaint
within 20 days from service
hereof.

Attorney for Plaintiffs

I hereby certify this to be a true and
attested copy of the original statement
filed in this case.

Attest:

Joseph J. Lee
Prothonotary

JOSEPH J. LEE
ATTORNEY-AT-LAW
CLEARFIELD, PA.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

Wilson Smeal and Vernon : No. 287 November Term, 1960
Smeal t/d/b/a Smeal Bros.

vs :

Charles W. Cozadd : Complaint In Trespass

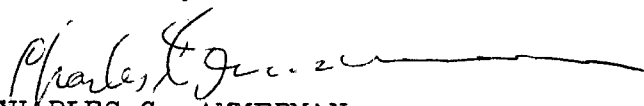
(SHERIFF'S RETURN)

NOW, January 25, 1961 service of the within Complaint In Trespass made upon Charles W. Cozadd, by sending by registered mail, return receipt requested, a true and attested copy of the original Complaint In Trespass to the Secretary of the Commonwealth of Pennsylvania, Harrisburg, Pennsylvania on the 24th day of January, 1961, accompanied by a filing fee of five (\$5.00) dollars. Return receipt for registered mail, signed by M. Bretz, agent for the Secretary of the Commonwealth and is hereto attached and made part of this return of service.

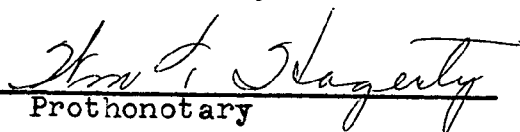
ALSO by sending by registered mail, return receipt requested, a true and attested copy of the original Complaint In Trespass with endorsement thereon showing that the Secretary of the Commonwealth of Pennsylvania had been served a true and attested copy of the original Complaint In Trespass to Charles Cozadd, 607 Jefferson Street, Hartford, Connecticut that being his last known address. Registered letter marked "Unknown" is hereto attached and made part of this return of service.

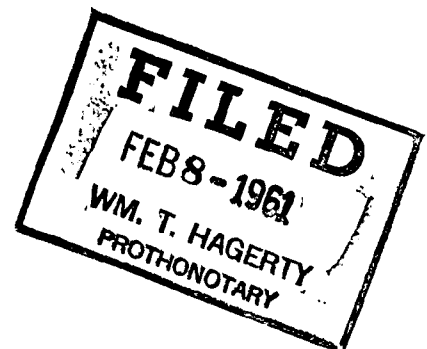
COSTS: Sheriff Ammerman \$10.32
Secretary of the Commonwealth of Pa. \$5.00
(Paid by Atty Lee)

So answers,


CHARLES G. AMMERMAN
Sheriff

Sworn to before me this 6th
day of February A. D. 1961.


Prothonotary



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF REVENUE
HARRISBURGRECEIVED Five DOLLARS
FROMNO. **BX 645322**Charles G. Ammerman, Sheriff
Clearfield, Penna.DATE February 1, 1961
ON ACCOUNT, TO WIT:Service of Process
Defendant: CHARLES W. COZADD
Court: C. P. Clearfield Co.
Term & Number: Nov. 1960 #287
Rec'd: Jan. 25, 1961 at 9:34 AM EST
Commission and Filing FeeCHECKS \$ 5.00 CURRENCY \$ **THIS IS YOUR RECEIPT**

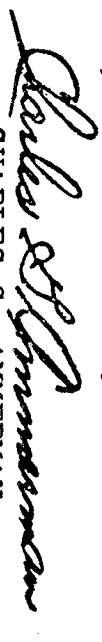
WHEN THIS RECEIPT INCLUDES CHECKS THE RECEIPT WILL NOT BE VALID UNTIL SAID CHECKS ARE PAID

John S. Rice

For Department of Revenue

Know all men by these presents, That I, Charles G. Ammerman
High Sheriff of Clearfield County, State of Pennsylvania, do hereby deputize Sheriff of
Blair County to execute this writ; this deputation being made at the
request and risk of the Plaintiff.

Given under my hand and seal this 21st day of December
A. D. 1960.


CHARLES G. AMMERMAN
Sheriff.

January 24, 1961

Secretary of the Commonwealth
of Pennsylvania
Harrisburg, Pennsylvania

Dear Sir:

I am enclosing herewith a copy of Complaint in
Trespass in the case of Wilson Smeal and Vernon Smeal,
t/d/b/a Smeal Brothers and would you to accept service
upon Charles Cozadd.

The present address of Charles Cozadd is 607 Jefferson
Street, Hartford, Connecticut.

I am also enclosing a check for five (\$5.00) dollars
to cover service fees.

Very truly yours,

CHARLES G. AMMERMAN
Sheriff



OFFICE OF THE
Sheriff of Clearfield County

CLEARFIELD, PA., December 21, 19⁶⁰

Wilson Smeal and Vernon

Smeal t/d/b/a Smeal Bros.

vs.

Charles W. Cozadd

November

Term, 19 60

No. 287

To the Sheriff of Blair County:

Dear Sir:

Enclosed please find writ Complaint In Trespass

to be served upon Charles W. Cozadd at

R. D. #2, Martinsburg, Pa. in your County.

Kindly make service thereof and return with the amount of your costs.

Yours truly,

Charles G. Ammerman
CHARLES G. AMMERMAN
Sheriff.

Deputies attempted service, and report that Mr. Cozadd moved to the State of Wisconsin in September of 1960.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

WILSON SMEAL and VERNON SMEAL :
t/d/b/a SMEAL BROS. :

VS :

CHARLES W. COZADD :

No. 287 *Hod.* December Term, 1960

In Trespass

COMPLAINT

COME NOW, the plaintiffs, and by their attorney, Joseph J. Lee, bring this action in Trespass against the above named defendant upon a cause whereof the following is a statement:

(1). The plaintiffs, Wilson Smeal and Vernon Smeal, trading and doing business as Smeal Bros., reside and have their place of business at 112 E. Locust Street, Clearfield, Pennsylvania.

(2). The defendant, Charles W. Cozadd, is an individual and resides at R.D.2, Martinsburg, Pennsylvania.

(3). On or about May 18, 1960, at 6:20 A.M., the plaintiffs were the owners of a 1951 Model Ford Custom Two Door automobile.

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(b). He failed to maintain proper control of his automobile under the circumstances.

(c). He failed to observe the provisions of the Motor Vehicle Code requiring him to remain in the right hand lane of traffic.

(d). He was travelling at an excessive rate of speed under the circumstances.

(7). As a result of the aforesaid negligence the left front and left side of the defendant's automobile struck the left front and left side of the plaintiffs' automobile and caused such damage to the plaintiffs' automobile that it was rendered completely unfit for further use. The value of the plaintiffs' automobile was \$275.00; salvage thereon was \$41.50.

(8). The amount in controversy is less than \$2000.00.

WHEREFORE, the plaintiffs demand of the defendant the sum of \$223.50, with damages for delay.

Joseph J. Lee
Attorney for Plaintiffs

Wilson R. Smeal
(Wilson Smeal)

Subscribed and sworn to before
me this 20th day of December, 1960.

Cecelia H. Williams
Clearfield, Clearfield Co., Pa.
My commission expires July 31, 1961

(SEAL)