

00-1130-CD  
Fullington vs R. Heberling et al

00

00-1130-CD  
FULLINGTON BUICK-OLDS-CADILLAC GMC -vs- RICHARD HEBERLING d/b/a  
BIGLER BOYZ

1

COURT OF COMMON PLEAS

46TH

JUDICIAL DISTRICT

CLEARFIELD COUNTY

FROM

## DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No.

00-1130-CO

## NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the District Justice on the date and in the case mentioned below.

NAME OF APPELLANT Richard Heberling DBA Bigler Boyz		MAG. DIST. NO. OR NAME OF D.J. 46-3-02 D.J. Ireland	
ADDRESS OF APPELLANT P.O. Box 381		CITY Bigler	STATE PA.
DATE OF JUDGMENT 8/21/00		ZIP CODE 16825	
CLAIM NO. CV 18 0000312-00 LT 19		SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT Fullington Buick-Olds-Cadillac-GMC vs. Richard Heberling DBA Bigler Boyz F. Caty. Beh III	

This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.

This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.

If appellant was CLAIMANT (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.

Signature of Prothonotary or Deputy

## PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

(This section of form to be used ONLY when appellant was DEFENDANT (see Pa. R.C.P.J.P. No. 1001(7) in action before District Justice. IF NOT USED, detach from copy of notice of appeal to be served upon appellee).

## PRAECIPE: To Prothonotary

Enter rule upon Fullington Buick-OLds-Cadillac-GMC, appellee(s), to file a complaint in this appeal

Name of appellee(s)

(Common Pleas No. 00-1130-CO) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Signature of appellant or his attorney or agent

**RULE:** To Fullington Buick-Olds-Cadillac-GMC, appellee(s).

Name of appellee(s)

(1) You are notified that a rule is hereby entered upon you to file a complaint in this appeal within twenty (20) days after the date of service of this rule upon you by personal service or by certified or registered mail.

(2) If you do not file a complaint within this time, a JUDGMENT OF NON PROS WILL BE ENTERED AGAINST YOU.

(3) The date of service of this rule if service was by mail is the date of mailing.

Date: Sept. 13, 2000

FILED

SEP 13 2000

William A. Shaw  
Prothonotary

880.00  
cc to atty Bell

Signature of Prothonotary or Deputy

---

## PROOF OF SERVICE OF NOTICE OF APPEAL AND RULE TO FILE COMPLAINT

(This proof of service MUST BE FILED WITHIN TEN (10) DAYS AFTER filing the notice of appeal. Check applicable boxes)

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF \_\_\_\_\_ ; ss

**AFFIDAVIT:** I hereby swear or affirm that I served

- ☐ a copy of the Notice of Appeal, Common Pleas No. \_\_\_\_\_, upon the District Justice designated therein on (date of service) \_\_\_\_\_, ☐ by personal service ☐ by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) \_\_\_\_\_, on \_\_\_\_\_, 19\_\_\_\_ ☐ by personal service ☐ by (certified) (registered) mail, sender's receipt attached hereto.
- ☐ and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to whom the Rule was addressed on \_\_\_\_\_, 19\_\_\_\_, ☐ by personal service ☐ by (certified) (registered) mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_  
*Signature of affiant*

\_\_\_\_\_  
*Signature of official before whom affidavit was made*

\_\_\_\_\_  
*Title of official*

My commission expires on \_\_\_\_\_, 19\_\_\_\_

1	COURT OF COMMON PLEAS 46TH JUDICIAL DISTRICT CLEARFIELD COUNTY
---	---

FROM

## DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No.

00-1130-CO

## NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the District Justice on the date and in the case mentioned below.

NAME OF APPELLANT <b>Richard Heberling DBA Bigler Boyz</b>		MAG. DIST. NO. OR NAME OF D.J. <b>46-3-02 D.J. Ireland</b>	
ADDRESS OF APPELLANT <b>P.O. Box 381</b>		CITY <b>Bigler</b>	STATE <b>PA.</b>
DATE OF JUDGMENT <b>8/21/00</b>		ZIP CODE <b>16825</b>	
IN THE CASE OF (Plaintiff) <b>Fullington Buick-Olds-Cadillac-GMC vs. Richard Heberling DBA</b>			
(Defendant)			
CLAIM NO. <b>CV 18 0000312-00</b> LT 19		SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT <b>Bigler Boyz</b> <i>F. Caty Beh III</i>	

This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.

This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.

If appellant was CLAIMANT (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.

\_\_\_\_\_  
Signature of Prothonotary or Deputy

## PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

(This section of form to be used ONLY when appellant was DEFENDANT (see Pa. R.C.P.J.P. No. 1001(7) in action before District Justice. IF NOT USED, detach from copy of notice of appeal to be served upon appellee).

PRAECIPE: To Prothonotary

Enter rule upon Fullington Buick-Olds-Cadillac-GMC, appellee(s), to file a complaint in this appeal  
Name of appellee(s)

(Common Pleas No. 00-1130-CO) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

*F. Caty Beh III*  
Signature of appellant or his attorney or agent

RULE: To Fullington Buick-Olds-Cadillac-GMC, appellee(s).  
Name of appellee(s)

(1) You are notified that a rule is hereby entered upon you to file a complaint in this appeal within twenty (20) days after the date of service of this rule upon you by personal service or by certified or registered mail.

(2) If you do not file a complaint within this time, a JUDGMENT OF NON PROS WILL BE ENTERED AGAINST YOU.

(3) The date of service of this rule if service was by mail is the date of mailing.

Date: Sept. 13, 192000

*William L. Beh*  
Signature of Prothonotary or Deputy

FILED

SEP 22 2000

011127  
William A. Shaw  
Prothonotary

00-1130-60

**PROOF OF SERVICE OF NOTICE OF APPEAL AND RULE TO FILE COMPLAINT**

(This proof of service MUST BE FILED WITHIN TEN (10) DAYS AFTER filing the notice of appeal. Check applicable boxes)

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF Clearfield ; ss

**AFFIDAVIT:** I hereby swear or affirm that I served

- ☒ a copy of the Notice of Appeal, Common Pleas No. 00-1130-CD, upon the District Justice designated therein on  
(date of service) September 18, 2000 ; ☐ by personal service ☒ by (certified) (registered) mail, sender's  
receipt attached hereto, and upon the appellee, (name) Fullington Buick-Olds-Cadillac-GMC, on  
September 18, 2000 ☐ by personal service ☒ by (certified) (registered) mail, sender's receipt attached hereto.
- ☒ and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to whom  
the Rule was addressed on September 18, 2000 ☐ by personal service ☒ by (certified) (registered)  
mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS 21<sup>st</sup> DAY OF September, xx 2000

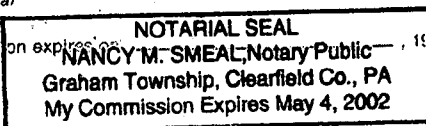
F. C. B. III

Signature of affiant

Nancy M. Smeal  
Signature of official before whom affidavit was made

Title of official

My commission expires on

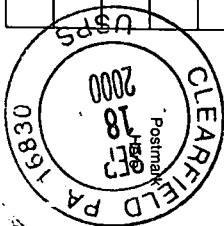


**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:

District Justice Richard Ireland

Postage	\$ 1.33
Certified Fee	1.40
Return Receipt Fee (Endorsement Required)	1.25
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 2.98



Name (Please Print Clearly) (to be completed by mailer)

DT Richard Ireland

Street, Apt. No., or PO Box No.

650 Leonard Street

City, State, ZIP+4

Clearfield, PA 16830

PS Form 3800, July 1999

See Reverse for Instructions

7099 3400 0002 2588 4718

### **Certified Mail Provides:**

mailing receipt

■ A unique identifier for your mailpiece

■ A signature upon delivery

■ A record of delivery kept by the Postal Service for two years

### **Important Reminders:**

■ Certified Mail may ONLY be combined with First-Class Mail or Priority Mail.

■ Certified Mail is not available for any class of international mail.

■ NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.

■ For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS postmark on your Certified Mail receipt is required.

■ For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "Restricted Delivery".

■ If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

**IMPORTANT: Save this receipt and present it when making an inquiry.**

PS Form 3800, July 1995 (Reverse)

102595-99-M-2087



**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:

Fullington Buick Olds Cadillac GMC

Postage	\$ .32
Certified Fee	1.40
Return Receipt Fee (Endorsement Required)	1.25
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 2.98

Name (Please Print Clearly) (to be completed by mailer)  
Fullington Buick Olds Cadillac GMC  
Street, Apt. No., or PO Box No.  
Rt. 5794, T80, P.O. Box 211  
City, State, ZIP+4  
Clearfield, PA 16830

PS Form 3800, July 1999 See Reverse for Instructions

7099 3400 0002 7588 4688

### **Certified Mail Provides:**

- A mailing receipt
- A unique identifier for your mailpiece
- A signature upon delivery
- A record of delivery kept by the Postal Service for two years

### **Important Reminders:**

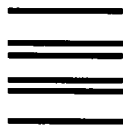
- Certified Mail may **ONLY** be combined with First-Class Mail or Priority Mail.
- Certified Mail is **not** available for any class of international mail.
- **NO INSURANCE COVERAGE IS PROVIDED** with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "Restricted Delivery".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

**IMPORTANT: Save this receipt and present it when making an inquiry.**

PS Form 3800, July 1995 (Reverse)

102595-99-M-2087

UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

F. CORTEZ BELL, III, ESQUIRE  
BELL, SILBERBLATT & WOOD  
318 E. LOCUST STREET,  
P.O. BOX 670  
CLEARFIELD, PA 16830

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Fullington Buick-Olds-  
Cadillac-GMC  
Rt. 879 1/2 I80  
P.O. Box 211  
Clearfield, PA 16830

**RECEIVED SEP 20 2000**

2. Article Number (Copy from service label)

7099 3400 0002 7588 4688

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) <u>WALT FRY</u>	B. Date of Delivery <u>6-19-00</u>
C. Signature <u>[Signature]</u>	
<input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If YES, enter delivery address below:	

3. Service Type	
<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input checked="" type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input type="checkbox"/> No	

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

District Justice Richard Ireland  
650 Leonard Street  
Clearfield, PA 16830

RECEIVED SEP 20 2000

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) B. Date of Delivery

*John Doe* *SEP 19 2000*

C. Signature

*John Doe* ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
- ☐ Registered ☒ Return Receipt for Merchandise
- ☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

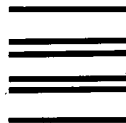
7099 3400 0002 7588 4718

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

UNITED STATES POSTAL SERVICE



First-Class Mail<sup>®</sup>  
Postage & Fees Paid  
USPS  
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

F. CORTEZ BELL, III, ESQUIRE  
BELL, SILBERBLATT & WOOD  
318 E. LOCUST STREET  
P.O. BOX 670  
CLEARFIELD, PA 16830

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:	<b>46-3-02</b>
DJ Name: Hon.	<b>RICHARD A. IRELAND</b>
Address:	<b>650 LEONARD STREET CLEARFIELD, PA</b>
Telephone:	<b>(814) 765-5335 16830</b>

**RICHARD A. IRELAND  
650 LEONARD STREET  
CLEARFIELD, PA 16830**

**NOTICE OF JUDGMENT/TRANSCRIPT  
CIVIL CASE**

PLAINTIFF: NAME and ADDRESS  
**FULLINGTON BUICK-OLDS-CADILLAC-GMC  
RT 879 & I80  
PO BOX 211  
CLEARFIELD, PA 16830**

VS.  
DEFENDANT: NAME and ADDRESS  
**RICHARD HEBERLING DBA BIGLER BOYZ  
GRAYHAMPTON RD  
PO BOX 381  
BIGLER, PA 16825**

Docket No.: **CV-0000312-00**  
Date Filed: **6/21/00**



00-1130-00

**THIS IS TO NOTIFY YOU THAT:**

Judgment:

**DEFAULT JUDGMENT PLTF**

☒ Judgment was entered for: (Name) **FULLINGTON BUICK-OLDS-CADILLAC**

☒ Judgment was entered against: (Name) **RICHARD HEBERLING DBA BIGLER BOYZ**

in the amount of \$ **883.40** on: (Date of Judgment) **8/21/00**

☐ Defendants are jointly and severally liable. (Date & Time) \_\_\_\_\_

☐ Damages will be assessed on:

☐ This case dismissed without prejudice.

☐ Amount of Judgment Subject to Attachment/Act 5 of 1996 \$ \_\_\_\_\_

☐ Levy is stayed for \_\_\_\_\_ days or ☐ generally stayed.

☐ Objection to levy has been filed and hearing will be held:

Amount of Judgment	\$ <u><b>804.05</b></u>
Judgment Costs	\$ <u><b>79.35</b></u>
Interest on Judgment	\$ <u><b>.00</b></u>
Attorney Fees	\$ <u><b>.00</b></u>
<b>Total</b>	<b>\$ <u><b>883.40</b></u></b>
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
<b>Certified Judgment Total</b>	<b>\$ _____</b>

Date:	Place:	<b>FILED</b> <b>SEP 27 2000</b> 012301 ver <b>ES</b>
Time:		

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

**8-21-00** Date **Richard Ireland**, District Justice

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.  
**9-19-00** Date **Richard Ireland**, District Justice

My commission expires first Monday of January,

**2006**

SEAL

**ACHILLE, ELLERMEYER & FRENCH**

379 Main Street  
Brookville, PA 15825-1221

(814) 849-6701  
Fax: (814) 849-2889

*Attorneys at Law*



**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA**

FULLINGTON BUICK-OLDS-  
CADILLAC-GMC,

Plaintiffs,

vs.

RICHARD HEBERLING, d/b/a BIGLER  
BOYZ,

Defendant.

CIVIL ACTION - Law

No. 00 - 1130, C.D.

Type of Pleading:  
**COMPLAINT**

Filed on behalf of Plaintiff

Counsel of Record for this Party:

John G. Achille, Esquire  
ACHILLE, ELLERMEYER & FRENCH  
379 Main Street  
Brookville, PA 15825  
814-849-6701  
I.D. No. 28431

**FILED**

JUN 12 2001

William A. Shaw  
Prothonotary

John G. Achille, Esquire  
ACHILLE, ELLERMEYER & FRENCH  
379 Main Street  
Brookville, PA 15825  
814-849-6701  
I.D. No. 28431

Attorney for PLAINTIFF

FULLINGTON BUICK-OLDS-  
CADILLAC-GMC,

Plaintiffs,

vs.

RICHARD HEBERLING, d/b/a BIGLER  
BOYZ,

Defendants.

: IN THE COURT OF COMMON PLEAS  
: OF CLEARFIELD COUNTY,  
: PENNSYLVANIA

:  
:  
: Civil Division

:  
: No. 00 - 1130, C.D.  
:  
:  
:

### NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff(s). You may lose money or property or other rights important to you.

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

COURT ADMINISTRATOR  
Clearfield County Courthouse  
Second & Market Streets  
Clearfield, PA 16830  
(814) 765-2641 Ext. 50-51

John G. Achille, Esquire  
ACHILLE, ELLERMEYER & FRENCH  
379 Main Street  
Brookville, PA 15825  
814-849-6701  
I.D. No. 28431

Attorney for PLAINTIFF

FULLINGTON BUICK-OLDS- CADILLAC-GMC,	:	IN THE COURT OF COMMON PLEAS
	:	OF CLEARFIELD COUNTY,
	:	PENNSYLVANIA
Plaintiffs,	:	
	:	
vs.	:	Civil Division
	:	
RICHARD HEBERLING, d/b/a BIGLER BOYZ,	:	No. 00 - 1130, C.D.
	:	
Defendants.	:	

### COMPLAINT

AND NOW comes the Plaintiff, Fullington Buick-Olds-Cadillac-GMC, by a through its attorney, John G. Achille, Esquire, and files the following complaint:

1. The Plaintiff is Fullington GMC Sales, Inc., d/b/a Fullington Buick-Olds-Cadillac-GMC, a Pennsylvania corporation at all relevant times and located at Route 879 and Interstate 80, P.O. Box 211, Clearfield, Clearfield County, Pennsylvania.

2. The Defendant is Richard Heberlinger, an adult individual d/b/a Bigler Boyz, with his principle place of business located at P.O. Box 381, 2320 North 7<sup>th</sup> Avenue, Bigler, Pennsylvania.

3. The Plaintiff is in the business of selling and servicing automobiles and providing automotive parts and supplies.

4. At the special oral insistence and request of the Defendant, the Plaintiff sold automotive parts at the times, quantities, description, and for the prices set forth in the true and

correct copies of invoices for the same which are attached hereto as Exhibit A and Exhibit B and are made a part hereof. Defendant at all relevant times contacted Plaintiff.

5. On September 14, 1999, Plaintiff provided parts to the Defendant as listed on the invoice and in the amount of \$705.34. A true and correct copy of the invoice is attached at Exhibit A and incorporated by reference.

6. On September 27, 1999, Plaintiff provided parts to the Defendant as listed on the invoice and in the amount of \$98.71. A true and correct copy of the invoice is attached at Exhibit B and incorporated by reference.

7. The prices charged by the Plaintiff were the fair and reasonable charge for said parts, which the Defendant agreed to pay.

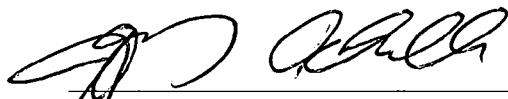
8. The Plaintiff sold and the Defendant accepted the same without objection.

9. The full amount due for Eight-hundred four dollars and 05/100 (\$804.05) has been due since Invoice 3991 (Exhibit B) dated September 27, 1999.

10. Despite repeated demands, Defendant has failed to pay and continues to fail to pay the full amount due and owing the Plaintiff.

WHEREFORE, Plaintiff requests this Honorable Court enter judgement for Plaintiff and against Defendant in the amount of Eight-hundred sixty dollars and 05/100 (\$804.05) plus costs, attorney fees, and interest from September 27, 1999, forward. Pursuant to Local Rule 1301, this suit is subject to compulsory arbitration.

Respectfully submitted,



---

John G. Achille  
Attorney for PLAINTIFF

**DISCLAIMER OF WARRANTIES**

Any warranties on the product sold hereby are those made by the manufacturer. The seller hereby expressly disclaims all warranties, either express or implied, including any implied warranty of merchantability or fitness for a particular purpose, and the seller neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of said products. Any limitation contained herein does not apply where prohibited by law.

FULLINGTON BUICK  
ROUTE 879 & I-80  
CLEARFIELD, PA 16830

TAX EXEMPT

0 b BIGLER BOYZ

RR 1

00 WOODLAND, PA 1600000

DATE	INVOICE NUMBER	CUSTOMER NUMBER	REPAIR ORDER NUMBER
09/14/99	3959	251	0

*Thank You!*  
WE APPRECIATE  
YOUR  
PATRONAGE

COST	WARRANTY
265.23	.00
239.85	.00
9.18	.00
26.40	.00
21.26	.00
6.03	.00
TAX IDENTIFICATION	
567.95	.00

QTY.	PART NUMBER / DESCRIPTION	BIN	LIST	NET	AMOUNT
1	22638038 -PANEL A		442.05	331.54	331.54
1	12365474 -WHL- 15		369.00	295.20	295.20
1	22588636 -MLDG R/		15.30	11.48	11.48
1	22588624 -MLDG F/		44.00	33.00	33.00
1	12399153 -MLDG KI		35.44	26.58	26.58
1	14021386 -TRUNNIO		10.05	7.54	7.54

SOLD BY		CUSTOMER PURCHASE ORDER NO.		CASH	CHG	WWSL	RTL	INTL	QTR	RTW
JIM ENGLISH					X	X				
TERMS										
NO RETURNS ON ELECTRICAL OR SPECIAL ORDER ITEMS. A RESTOCKING CHARGE WILL BE APPLIED ON ALL MERCHANDISE RETURNED FOR CREDIT. NO RETURNS AFTER 30 DAYS.										
RECEIVED BY <i>Jim English</i>										
AMOUNT										
SUB TOTAL										
TAX										
FREIGHT										
TOTAL AMOUNT DUE										
705.34										
705.34										
.00										
.00										
705.34										

**DISCLAIMER OF WARRANTIES**

Any warranties on the product sold hereby are those made by the manufacturer. The seller hereby expressly disclaims all warranties, either express or implied, including any implied warranty of merchantability or fitness for a particular purpose, and the seller neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of said products. Any limitation contained herein does not apply where prohibited by law.

FULLINGTON BUICK  
ROUTE 879 & I-80  
CLEARFIELD, PA 16830

TAX EXEMPT

SOLD BY

D BIGLER BOYZ

TO

WHEELAND 164610000

DATE

09/27/99

INVOICE NUMBER

3991

CUSTOMER NUMBER

251

REPAIR ORDER NUMBER

0

Thank You!  
WE APPRECIATE  
YOUR  
PATRONAGE

COST	WARRANTY	QTY.	PART NUMBER / DESCRIPTION	BIN	LIST	NET	AMOUNT
6.50	1.00	1	40627879		1-1103	1.00	6.50
1.50	1.00	1	15714661	D-2	1-145	1.00	1.50
7.140	1.00	1	5977947		116106	89.25	89.25
TAX IDENTIFICATION							
78.54	0.00						78.54
AMOUNT							78.54
SUB TOTAL							78.54
TAX							0.00
FREIGHT							0.00
TOTAL AMOUNT DUE							78.54

JIM ENGLISH

NO RETURNS ON ELECTRICAL OR SPECIAL ORDER ITEMS. A RESTOCKING CHARGE WILL BE APPLIED ON ALL MERCHANDISE RETURNED FOR CREDIT. NO RETURNS AFTER 30 DAYS.

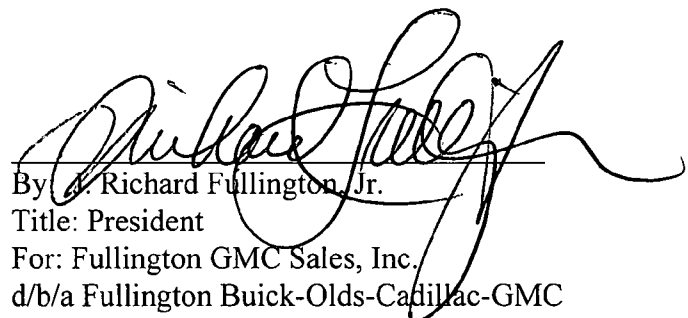
RECEIVED BY

### VERIFICATION

I, J. Richard Fullington, Jr., depose and say that I am the President of Fullington GMC Sales, Inc., d/b/a Fullington Buick-Olds-Cadillac-GMC, and verify that the statements made in the foregoing Complaint are true and correct to the best of my knowledge, information and belief. I understand that the statements therein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

Date

6/8/01

By  J. Richard Fullington, Jr.

Title: President

For: Fullington GMC Sales, Inc.

d/b/a Fullington Buick-Olds-Cadillac-GMC

FILED

JUN 12 2001

0122002cc  
William A. Shaw  
Prothonotary

atg Achille

22



IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION  
No. 00-1130-CD

FULLINGTON BUICK-OLDS-CADILLAC-  
GMC,

Plaintiff

vs.

RICHARD HEBERLING, d/b/a BIGLER  
BOYZ,

Defendant

ANSWER TO PLAINTIFF'S COMPLAINT;  
NEW MATTER AND COUNTERCLAIM

FILED

5 CC

01:55 PM  
JUL 19 2001

Atty

William A. Shaw  
Prothonotary

BELL, SILBERBLATT & WOOD  
ATTORNEYS AT LAW  
318 EAST LOCUST STREET  
P. O. BOX 670  
CLEARFIELD, PA. 16830

COMMERCIAL PRINTING CO., CLEARFIELD, PA.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

FULLINGTON BUICK-OLDS-  
CADILLAC-GMC,

Plaintiff

vs.

RICHARD HEBERLING, d/b/a  
BIGLER BOYZ,

Defendant

No. 00-1130-CD

Type of Case: Civil

Type of Pleading:

Answer to Plaintiff's Complaint; New  
Matter and Counterclaim

Filed on Behalf of:

Richard D. Heberling, d/b/a  
Bigler Boyz

Counsel of Record for this Party:

F. Cortez Bell, III, Esquire  
I.D. #30183

Bell, Silberblatt & Wood  
318 East Locust Street  
P.O. Box 670  
Clearfield, PA 16830  
Telephone: (814)765-5537

**FILED**

JUL 19 2001

**William A. Shaw**  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

FULLINGTON BUICK-OLDS-  
CADILLAC-GMC,

Plaintiff

vs.

No. 00-1130-CD

RICHARD HEBERLING, d/b/a  
BIGLER BOYZ,

Defendant

NOTICE TO PLEAD

TO THE WITHIN PLAINTIFF, FULLINGTON BUICK-OLDS-CADILLAC-GMC:

You are hereby notified to file a written response to the enclosed New Matter and Counterclaim within twenty (20) days from service hereof or a judgment may be entered against you.

BELL, SILBERBLATT & WOOD

By,

7-19-2001

F. Cortez Bell, III  
F. Cortez Bell, III, Esquire  
Attorney for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

FULLINGTON BUICK-OLDS-  
CADILLAC-GMC,

Plaintiff

vs.

No. 00-1130-CD

RICHARD HEBERLING, d/b/a  
BIGLER BOYZ,

Defendant

ANSWER TO PLAINTIFF'S COMPLAINT, NEW  
MATTER AND COUNTERCLAIM

NOW comes the Defendant, Richard D. Heberling, doing business as Bigler Boyz, by and through his attorney, F. Cortez Bell, III, Esquire, who respectfully sets forth the Defendant's Answer to the Plaintiff's Complaint, New Matter and Counterclaim and avers as follows:

ANSWER TO PLAINTIFF'S COMPLAINT

1. Paragraph 1 of the Complaint is admitted.
2. Paragraph 2 of the Complaint is admitted to the extent stated. It would be further averred that the true and correct name of the Defendant is Richard D. Heberling. In admitting to the contents of Paragraph 2 of the Plaintiff's Complaint the Defendant would assert that his true name is not Richard Heberlinger as set forth in the Complaint as well as that his principle place of business is not located at 2320 North Seventh Avenue as set forth in the Complaint.
3. Paragraph 3 of the Complaint is admitted.
4. Paragraph 4 of the Complaint would be admitted in part and denied in part. It would be admitted that the Defendant on various occasions purchased parts from the Plaintiff and that

the Defendant was to be billed on a monthly basis upon which certain payments would be made. It would be specifically denied that said billings were specifically required on a monthly basis and that the Defendant made monthly payments. It would be further specifically denied that the opening of an account with the Plaintiff was done at the special oral insistence and request of the Defendant and that the Defendant at all relevant times contacted the Plaintiff. Strict proof of the denied averments of Paragraph 4 of the Plaintiff's Complaint would be demanded at time of trial or hearing in this matter.

5. Paragraph 5 of the Plaintiff's Complaint would be admitted to the extend stated.

6. Paragraph 6 of the Plaintiff's Complaint would be admitted to the extend stated.

7. Paragraph 7 of the Plaintiff's Complaint would be admitted.

8. Paragraph 8 of the Plaintiff's Complaint would be admitted.

9. Paragraph 9 of the Plaintiff's Complaint would be denied. It would be specifically denied that the Defendant owes the Plaintiff the sum of \$804.05 as well as that the Defendant owes the Plaintiff any service charge or interest with regard to said amount. Strict proof of the denied averment of Paragraph 9 of the Plaintiff's Complaint would be demanded at time of trial or hearing in this matter.

10. Paragraph 10 of the Plaintiff's Complaint would be denied. It would be specifically denied that the Defendant has failed to pay and/or continues to fail to pay any amounts due and owing the Plaintiff. All amounts due and owing the Plaintiff have been paid in full and there are no balances owed to the Plaintiff. Strict proof of the denied averments of Paragraph 10 of the Plaintiff's Complaint would be demanded at time of trial or hearing in this matter.

WHEREFORE, the Defendant respectfully requests that your Honorable Court grant

judgment in favor of the Defendant as to the Plaintiff's Complaint as well as award Defendant counsel fees, costs and expenses associated with regard to the defense of the instant matter.

NEW MATTER

NOW comes the Defendants, Richard D. Heberling, doing business as Bigler Boyz, by and through his attorney, F. Cortez Bell, III, Esquire, who respectfully sets forth the Defendant's New Matter to the Plaintiff's Complaint and avers as follows:

11. The averments of Paragraph 1 through 10 of the Defendant's Answer to the Plaintiff's Complaint are incorporated herein by reference as if the same were set forth in full at length and the same is made a part hereof.

12. That during the course of the relationship between the Plaintiff and the Defendant and at the special oral insistence and request of the Plaintiff, the Defendant sold automotive parts and accessories at the times, quantities, description and for the prices set forth in the true and correct copies of invoices for the same which are attached hereto as Exhibits A through C and are made a part hereof.

13. That the Plaintiff has failed to make payment as to said invoices and as a result thereof the Plaintiff owes the Defendant the sum of \$696.00.

14. That the Defendant would further aver that attached hereto and incorporated herein by reference as Exhibit D is a true and correct copy of a document evidencing that all sums due and owing the Plaintiff have been paid in full.

15. That the Plaintiff has failed to make payment in the amount of \$696.00 and has failed to do so despite requests and demands from the Defendant that payment be made.

WHEREFORE, the Defendant respectfully requests that your Honorable Court dismiss the Complaint filed on behalf of the Plaintiff and enter judgment in favor of the Defendant in the amount of \$696.00 together with interest, service charge, counsel fees, costs and expenses associated with regard to the instant matter.

### COUNTERCLAIM

NOW comes the Defendant, Richard D. Heberling, doing business as Bigler Boyz, by and through his attorney, F. Cortez Bell, III, Esquire, who respectfully sets forth the Defendant's Counterclaim to the Plaintiff's Complaint and avers as follows:

16. The averments of Paragraph 1 through 15 of the Defendant's Answer and New Matter to the Plaintiff's Complaint are incorporated herein by reference as if the same were set forth in full at length and the same is made a part hereof.

17. That the Plaintiff is Fullington GMC Sales, Inc., d/b/a Fullington Buick-Olds-Cadillac-GMC, a Pennsylvania corporation at all relevant times with a place of business located at Route 879 and Interstate 80, P.O. Box 211, Clearfield, Clearfield County, Pennsylvania.

18. That the Defendant is Richard D. Heberling, d/b/a Bigler Boyz, with a principle place of business being located within the village of Bigler, Clearfield County, Pennsylvania and having a mailing address of P.O. Box 381, Bigler, Clearfield County, Pennsylvania.

19. That the Defendant is in the business of selling and providing automotive parts, supplies and accessories as well as the installation thereof.

20. That at the special oral insistence and request of the Plaintiff, the Defendant sold automobile parts, supplies, accessories and services to the Plaintiff at the times, quantities, description

and for the prices set forth in the true and correct copies of invoices for the same which are attached hereto as Exhibits A through C and are made a part hereof.

21. That said invoices set forth within Exhibits A through C establish that the Defendant provided automotive parts, supplies, accessories or services to the Plaintiff in the total amount of \$696.00.

22. That the prices charged by the Defendant were the fair and reasonable charges for said automotive parts, supplies, accessories and/or services which the Plaintiff agreed to pay.

23. That the Defendant sold and the Plaintiff accepted the same without objection.

24. That the full amount due and owing the Defendant from the Plaintiff is the sum of \$696.00 together with interest and service charges since April 20, 2000.

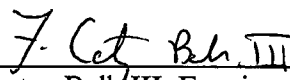
25. That despite repeated demands, Plaintiff has failed to pay and continues to fail to pay the full amount due and owing the Defendant.

WHEREFORE, Defendant requests your Honorable Court to enter judgment for Defendant and against Plaintiff in the amount of \$696.00 plus costs, counsel fees and interest from April 20, 2000.

Respectfully submitted,

BELL, SILBERBLATT & WOOD

By,

  
\_\_\_\_\_  
F. Cortez Bell, III, Esquire  
Attorney for Defendant



VERIFICATION

I, F. CORTEZ BELL, III, ESQUIRE, verify that the statements made within the foregoing Answer to Plaintiff's Complaint; New Matter and Counter are true and correct to the best of my knowledge, information and belief based upon the facts supplied to me by the Defendants herein as well as the documents which have been attached as Exhibits.

This verification is made subject to the penalties of 18 Pa. C.S.A., Section 4904, relating to unsworn falsifications to authorities.

Date: 7-19-2001

F. Cortez Bell III  
F. Cortez Bell, III, Esquire

# INVOICE

BIGLER BOYZ  
BOX 331  
BIGLER, PA 16825  
(814) 857-7871

614091

SOLD TO		<i>FULLINGTON GMC</i>		SHIP TO			
ADDRESS				ADDRESS		<i>BUTCH - GOLD LB</i>	
CITY, STATE, ZIP				CITY, STATE, ZIP			
CUSTOMER ORDER NO.		SOLD BY		TERMS		F.O.B.	
						<i>10/27/99</i>	
						<i>11/5/99</i>	
ORDERED	SHIPPED	DESCRIPTION			PRICE	UNIT	AMOUNT
		<i>OVER - PANDA SR LIVER</i>					<i>165 -</i>
		<i>CUT OUT POCKETS</i>					<i>17 -</i>
		<i>BUSHIELD</i>					<i>55 -</i>
		<i>VISORS</i>					<i>36 -</i>
		<i>22 BOARDS</i>					<i>220 -</i>
		<i>PAN STRIPE - 1/4 x 1/8 PURPLE</i>					<i>35 -</i>
							<i>528 -</i>

Adams 5840

313184

**Adams**  
5805

Exhibit B

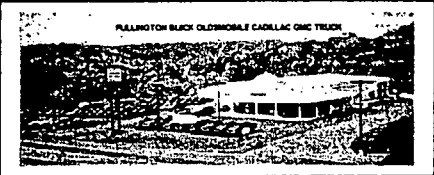
BIGLER BOYZ  
BOX 331  
BIGLER, PA 16825  
(814) 657-7371

042727

CUSTOMER'S ORDER NO.		DEPARTMENT		DATE 3/20/00	
NAME FULLINGTON GMC					
ADDRESS					
CITY, STATE, ZIP					
SOLD BY		CASH	C.O.D.	CHARGE	ON ACCT.
		MOOSE RETD		PAID OUT	
QUANTITY	DESCRIPTION			PRICE	AMOUNT
1	R & I CAP				
2					35-
3	MODIFY BED LINER FOR				
4	CAP				
5					
6	PRICE ADJUSTMENT OVER RAIL				
7	INSTEAD OF UNDER RAIL				8-
8					
9					
10					
11					
12					43-
13					
14					
15	CUSTOMER ADVISES FULLINGTON				
16	WAS TO ORDER OVER RAIL - NOT				
17	UNDER RAIL.				
18					
19					
20					
RECEIVED BY					

Adams  
5805

KEEP THIS SLIP FOR REFERENCE

<b>FULLINGTON BUICK OLDSMOBILE CADILLAC GMC</b>		<b>STATEMENT</b>	
PO BOX 211		DATE 9/30/99	
CLEARFIELD, PA 16830		BIGLERBOYZ	
814-768-1001, FAX 814-768-1005			
BILL TO:			
Bigler Boyz			
PO Box 381			
Bigler, PA 16825			
THIS STATEMENT INCLUDES ANY PREVIOUS BALANCE			
PREVIOUS BALANCE		\$3,869.51	
THIS MONTHS CHARGES		\$804.05	
THIS MONTHS CHECKS RECEIVED		\$804.05	
TOTAL AMOUNT DUE THIS MONTH		<del>\$4,673.56</del>	3869.51
		AMOUNT DUE	
		3869.51 <del>\$4,673.56</del>	
<b>THANKS FOR ALLOWING US TO SERVE YOU</b>			
TO INSURE PROPER CREDIT PLEASE DETACH BOTTOM AND SEND IN WITH CHECK. THANK-YOU			
Bigler Boyz		PREVIOUS BAL	\$3,869.51
PO Box 381		CHARGES FOR MONTH	\$804.05
Bigler, PA 16825		CHECKS RECEIVED	<del>80.00</del>
		AMOUNT DUE	3869.51 <del>\$4,673.56</del>
BIGLERBOYZ		BIGLERBOYZ	
		AMOUNT REMITTED	

- 10950 CREDIT 11/5

11/9/99 CK 3381  
BAL 3760.01

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

FULLINGTON BUICK-OLDS-  
CADILLAC-GMC,

Plaintiff

vs.

No. 00-1130-CD

RICHARD HEBERLING, d/b/a  
BIGLER BOYZ,

Defendant

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a copy of the foregoing Answer to Plaintiff's  
Complaint; New Matter and Counterclaim upon the following person by mailing such copy first class  
mail, postage prepaid to:

John G. Achille, Esquire  
Achille, Ellermeyer & French  
379 Main Street  
Brookville, PA 15825

F. Ct. Bell III  
F. Cortez Bell, III, Esquire  
Attorney for Defendant

Date: 7-19-2001



OFFICE OF COURT ADMINISTRATOR  
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

CLEARFIELD COUNTY COURTHOUSE  
SUITE 228, 230 EAST MARKET STREET  
CLEARFIELD, PENNSYLVANIA 16830

DAVID S. MEHOLICK  
COURT ADMINISTRATOR

PHONE: (814) 765-2641  
FAX: 1-814-765-7649


MARCY KELLEY  
DEPUTY COURT ADMINISTRATOR

**Notice of Proposed Termination of Court Case**

**FILED**

OCTOBER 29, 2004

OCT 29 2004

 William A. Shaw  
Prothonotary/Clerk of Courts

RE: 00-1130-CD

Fullington Buick-Olds-Cadillac-GMC vs. Richard Heberling et al

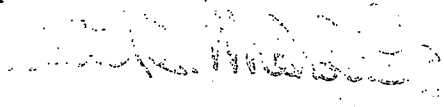
Dear John G. Achille, Esquire:

Please be advised that the Court intends to terminate the above captioned case without notice, because the Court records show no activity in the case for a period of at least two years.

You may stop the Court terminating the case by filing a Statement of Intention to Proceed. The Statement of Intention to Proceed must be filed with the **Prothonotary of Clearfield County, PO Box 549, Clearfield, Pennsylvania 16830**. The Statement of Intention to Proceed must be filed on or before **January 7, 2005**.

If you fail to file the required statement of intention to proceed within the required time period, the case will be terminated.

By the Court,

  
David S. Meholic  
Court Administrator



OFFICE OF COURT ADMINISTRATOR  
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

CLEARFIELD COUNTY COURTHOUSE  
SUITE 228, 230 EAST MARKET STREET  
CLEARFIELD, PENNSYLVANIA 16830

DAVID S. MEHOLICK  
COURT ADMINISTRATOR

PHONE: (814) 765-2641  
FAX: 1-814-765-7649

MARCY KELLEY  
DEPUTY COURT ADMINISTRATOR

**Notice of Proposed Termination of Court Case**

OCTOBER 29, 2004

RE: 00-1130-CD

Fullington Buick-Olds-Cadillac-GMC vs. Richard Heberling et al

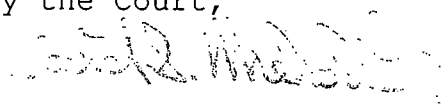
Dear F. Cortez Bell, III, Esquire:

Please be advised that the Court intends to terminate the above captioned case without notice, because the Court records show no activity in the case for a period of at least two years.

You may stop the Court terminating the case by filing a Statement of Intention to Proceed. The Statement of Intention to Proceed must be filed with the **Prothonotary of Clearfield County, PO Box 549, Clearfield, Pennsylvania 16830**. The Statement of Intention to Proceed must be filed on or before **January 7, 2005**.

If you fail to file the required statement of intention to proceed within the required time period, the case will be terminated.

By the Court,

  
David S. Meholick  
Court Administrator



Court of Common Pleas of Clearfield County, Pennsylvania  
Civil Division

Fullington Buick-Olds-Cadillac-GMC

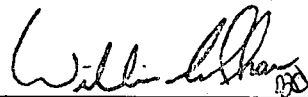
Vs.

00-1130-CD

Richard Heberling, et al

**Termination of Inactive Case**

This case is hereby terminated with prejudice  
this 21st day of January, 2005, as per Rule 230.2



William A. Shaw  
Prothonotary

FILED

JAN 21 2005

William A. Shaw  
Prothonotary/Clerk of Courts