

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

8

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

COMMONWEALTH OF PENNSYLVANIA

NOTICE OF APPEAL

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	MAG. DIST. NO. OR NAME OF D.J.		
Richard Heberling DBA Bigler Boyz	46-3-02	D.J. Ireland	
ADDRESS OF APPELLANT	CITY	STATE	ZIP CODE
P.O. Box 381	Bigler	PA.	16825
DATE OF JUDGMENT	(IN THE CASE OF (Plaintiff))		
8/21/00	Fullington Buick-Olds-Cadillac-GMC vs. Richard Heberling DBA		
CLAIM NO.	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT		
CV X 0000312-00 LT 19	F. Caty - B.M. III		
<p>This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.</p> <p>This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.</p> <p>Signature of Prothonotary or Deputy</p>			
<p>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.</p>			

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 - B.M. 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, 2000

FILED

SEP 13 2000
09/13/00 at Bell pd
William A. Shaw
Prothonotary
\$80.00
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_____

COMMONWEALTH OF PENNSYLVANIA

1
COURT OF COMMON PLEAS
46TH
JUDICIAL DISTRICT
CLEARFIELD COUNTY

NOTICE OF APPEAL

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		MAG. DIST. NO. OR NAME OF D.J.		
Richard Heberling DBA Bigler Boyz		46-3-02 D.J. Ireland		
ADDRESS OF APPELLANT		CITY	STATE	ZIP CODE
P.O. Box 381		Bigler	PA.	16825
DATE OF JUDGMENT	IN THE CASE OF (Plaintiff)	(Defendant)		
8/21/00	Fullington Buick-Olds-Cadillac-GMC	vs. Richard Heberling DBA		
CLAIM NO.	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT			
CV 19 0000312-00	Bigler Boyz			
LT 19	F. Cat Bm III			
<p>This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.</p> <p>This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.</p>				
<p>Signature of Prothonotary or Deputy</p>				
<p>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.</p>				

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. Cat Bm 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, 19 2000

William J. O'Brien

Signature of Prothonotary or Deputy

FILED

SEP 22 2000

01/127
William A. Shaw *frs*
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 ; 88

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 21st DAY OF September, 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 19
NOTARIAL SEAL
NANCY M. SMEAL, Notary Public
Graham Township, Clearfield Co., PA
My Commission Expires May 4, 2002

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

Article Sent To:

District Justice Richard Ireland
4718

Postage	\$ 1.33	CLEAR
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)

DJ Richard Ireland
Street, Apt. No. or P.O. Box No.
650 Leonard Street
City, State, Zip+4
Cleaves End, PA 16830

See Reverse for Instructions

PC Form 9000, July 1990

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 38-11) 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.

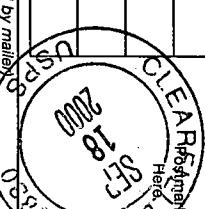
PS Form 3800, July 1999 (Reverse)
102595-99-M-2087

卷之三

SENT MAIL RECALL
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:

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) Halliestan Black-Oaks-Cadillac GMC Street, Apt. No., or P.O. Box No. City, State, Zip + 4	
 DA 28180 16500 CLEA R Postmark H.H.	

See Reverse for Instructions

PS Form 3800 July 1968

PS Form 3800 July 1968

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:

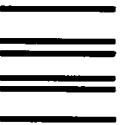
- Certified Mail may ONLY be combined with First-Class Mail or Priority Mail.
- Certified Mail is *not* available for any class of international mail.
- NO INSURANCE COVERAGE IS PROVIDED WITH CERTIFIED MAIL. FOR VALUABLES, PLEASE CONSIDER INSURED OR REGISTERED MAIL.
- FOR AN ADDITIONAL FEE, A RETURN 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.

102565-99-M-2087

PS Form 3800, July 1999 (Reverse)

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:

Fullerton Buick-Olds
Cadillac-GMC
Rt. 879 : I-80
P.O. Box 211
Clearfield, PA 16830

RECEIVED SEP 20 2000

COMPLETE THIS SECTION ON DELIVERY

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

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

2. Article Number (Copy from service label)

7099 3400 0002 7588 4688
PS Form 3811, July 1999

Domestic Return Receipt

02595-99-M-1789

SENDER: COMPLETE THIS SECTION**COMPLETE THIS SECTION ON DELIVERY**

- 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.

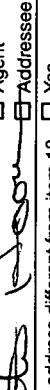
1. Article Addressed to:

District Justice Richard J. Clark
650 Leonard Street
Clearfield, PA 16830

A. Received by (Please Print Clearly) **SEP 19 2000**

B. Date of Delivery

C. Signature



D. Is delivery address different from item 1? Yes
 No

If YES, enter delivery address below:

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

Domestic Return Receipt

PS Form 3811, July 1999

102595-98-M-1789

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

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: CLEARFIELD

Mag. Dist. No.:

46-3-02

DJ Name: Hon.

RICHARD A. IRELAND
Address: **650 LEONARD STREET**
CLEARFIELD, PA

Telephone: **(814) 765-5335** **16830**

RICHARD A. IRELAND
650 LEONARD STREET
CLEARFIELD, PA 16830

NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE

PLAINTIFF:

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

DEFENDANT:

RICHARD HEBERLING DBA BIGLER BOYZ
NAME and ADDRESS
GRAYHAMPTON RD
PO BOX 381
BIGLER, PA 16825

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



00-1130-C0

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	\$ 804.05
Judgment Costs	\$ 79.35
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 883.40
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
Certified Judgment Total \$ _____	

Date:	Place:	FILED
Time:		SEP 27 2000 2:30 P.M. <i>EAS</i>

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 *R. 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 *R. Ireland*, District Justice

My commission expires first Monday of January,

2006

SEAL

ACHILLE, ELLERMEYER & FRENCH

379 Main Street
Brookville, PA 15825-1221

Attorneys at Law

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

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

FULLINGTON BUICK-OLDS-	:	CIVIL ACTION - Law
CADILLAC-GMC,	:	
	:	
Plaintiffs,	:	No. 00 - 1130, C.D.
	:	
vs.	:	Type of Pleading:
	:	COMPLAINT
RICHARD HEBERLING, d/b/a BIGLER	:	
BOYZ,	:	Filed on behalf of Plaintiff
	:	
Defendant.	:	Counsel of Record for this Party:
	:	
	:	John G. Achille, Esquire
	:	ACHILLE, ELLERMAYER & 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, ELLERMAYER & FRENCH
379 Main Street
Brookville, PA 15825
814-849-6701
I.D. No. 28431

Attorney for PLAINTIFF

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

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- : IN THE COURT OF COMMON PLEAS
CADILLAC-GMC, : OF CLEARFIELD COUNTY,
Plaintiffs, : PENNSYLVANIA
vs. : Civil Division
RICHARD HEBERLING, d/b/a BIGLER : No. 00 - 1130, C.D.
BOYZ,
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 7th 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

Exhibit A

DISCI AIMÉB OEW WABBA NTIES

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 BUTCH
ROUTE 879 & I-80
CLEARFIELD, PA 16830

TAX EXEMPT

		SUB TOTAL	TAX	FREIGHT	TOTAL AMOUNT DUE
JIM ENGLISH	TELEBAS	X	X		

Exhibit E

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.

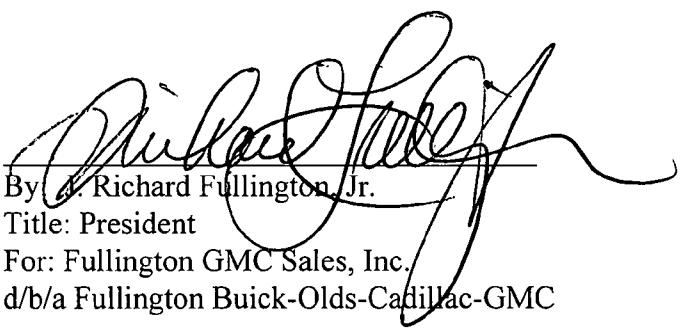
Date

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

012300000000
William A. Shaw
Prothonotary

AP

Atty Achille

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

FULLINGTON BUTICK-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
AUG 11 2001
11:55 AM
William A. Shaw
Prothonotary

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

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.

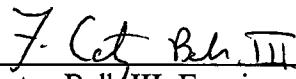
24. That the full amount due and owing the Defendant from the Plaintiff is the sum of \$696.00 together with interest and service charges since April 20, 2000.

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

BIGLER BOYZ
BOX 681
BIGLER, PA 16825
(814) 857-7871

614091

INVOICE

SOLD TO <i>FILLINGDALE GMC</i>		SHIP TO			
ADDRESS		ADDRESS <i>BUTCH - GOGO LB</i>			
CITY, STATE, ZIP		CITY, STATE, ZIP			
CUSTOMER ORDER NO.		SOLD BY	TERMS	F.O.B.	
				<i>10/27/99</i>	
				DATE <i>11/5/99</i>	
ORDERED	SHIPPED	DESCRIPTION	PRICE	UNIT	AMOUNT
		<i>OVER - FENDA SR LIVER</i>			<i>165 -</i>
		<i>CUT OUT POCKETS</i>			<i>17 -</i>
		<i>BIKESHIELD</i>			<i>55 -</i>
		<i>VISORS</i>			<i>36 -</i>
		<i>DZ BACKS</i>			<i>220 -</i>
		<i>PIN STRIPE - 1/4 X 1/8 PURPLE</i>			<i>35 -</i>
					<i>528 -</i>

Adams 5840

BIGLER BOYZ
BOX 331
BIGLER, PA 16325
(914) 857-7571

313184

CUSTOMER'S ORDER NO.	DEPARTMENT	DATE				
NAME <i>Fullderton GMC</i>		<i>12/21/99</i>				
ADDRESS						
CITY, STATE, ZIP <i>PA</i>						
SOLD BY	CASH	C.O.D.	CHARGE	ON ACCT.	MDSE RETD	PAID OUT
QUANTITY	DESCRIPTION			PRICE	AMOUNT	
1	<i>2500020 Poly Liner</i>					
2					<i>125 -</i>	
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20						
RECEIVED BY						

Adams
5805

KEEP THIS SLIP FOR REFERENCE

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

042727

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

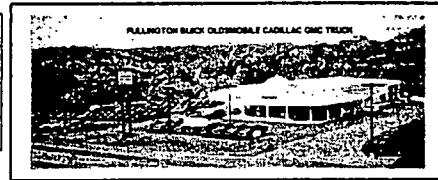
Adams
5805

KEEP THIS SLIP FOR REFERENCE

FULLINGTON BUICK OLDSMOBILE CADILLAC GMC	STATEMENT
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	\$4,673.56	3869.51

AMOUNT DUE

3869.51 \$4,673.56

**THANKS FOR ALLOWING
US TO SERVE YOU**

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	80.00
	AMOUNT DUE	3869.51 - \$4,673.56
BIGLERBOYZ		804.05
AMOUNT REMITTED		

- 109.50 CREDIT 11/5

11/9/99 OK 338
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. Cortez 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,

A handwritten signature in black ink, appearing to read "DAVID S. MEHOLICK".
David S. Meholick
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:

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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,

A handwritten signature in black ink, appearing to read "David S. Meholick".

David S. Meholick
Court Administrator

Court of Common Pleas of Clearfield County, Pennsylvania
Civil Division

Fullington Buick-Olds-Cadillac-GMC

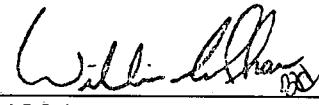
Vs.

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
William A. Shaw
Prothonotary

FILED

JAN 21 2005

William A. Shaw
Prothonotary/Clerk of Courts