

00-1159-CD

Jerry Campbell vs G. Hawbaker

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00-1159-CD  
Jerry P. Campbell, et al. vs. Glen Hawbaker, Inc.

<i>Sherry B. Sherry</i> 23 EAST PARK AVENUE DUBOIS, PENNSYLVANIA 15801				
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THE PLANKENBORN CO., WILLIAMSPORT, PA.

**FILED**

SEP 18 2000

0/11:30/445  
William A. Shaw

Prothonotary *80*

*80-*

*1 CENT TO NTS*

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

52  
57 JERRY P. CAMPBELL and  
JUDY A. CAMPBELL,  
Plaintiffs

vs.

114  
GLEN HAWBAKER, INC.,  
Defendant

: No. 00 - 1159 - C.D.  
:  
: Type of Case: CIVIL  
:  
: Type of Pleading: COMPLAINT  
:  
: Filed on Behalf of: PLAINTIFF  
:  
: Counsel of Record for this Party:  
:  
: PAUL E. CHERRY, ESQ.  
: Supreme Court No. 42945  
:  
: CHERRY & CHERRY  
: 23 East Park Avenue  
: DuBois, PA 15801  
: (814) 371-3288

**FILED**

SEP 18 2000

William A. Shaw  
Prothonotary

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

JERRY P. CAMPBELL and  
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Plaintiffs

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GLEN HAWBAKER, INC.,  
Defendant

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: No. 00 - - C.D.  
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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 a written appearance personally or by attorney and filing in writing with the Court your defense or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. 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.

DAVID S. MEHOLICK, COURT ADMINISTRATOR  
Clearfield County Courthouse  
1 North Second Street  
Clearfield, PA 16830  
(814) 765-2641

JERRY P. CAMPBELL and  
JUDY A. CAMPBELL,  
Plaintiffs

VS.

No. 00 - - C.D.

GLEN HAWBAKER, INC.,  
Defendant

AND NOW, comes the Plaintiffs, JERRY P. CAMPBELL and JUDY A. CAMPBELL, by and through their attorneys, CHERRY & CHERRY, who file the within Complaint, averring as follows:

1. Plaintiff, JERRY P. CAMPBELL, is an adult individual, residing at 715 Treasure Lake, DuBois, Clearfield County, Pennsylvania 15801.
2. Plaintiff, JUDY A. CAMPBELL, is an adult individual, intermarried with Plaintiff, JERRY P. CAMPBELL, residing at 715 Treasure Lake,, DuBois, Clearfield County, Pennsylvania 15801.
3. Defendant, GLEN HAWBAKER, is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, having a facility and place of business at Route 255, P.O. Box D, DuBois, Clearfield County, Pennsylvania, 15801.
4. At all times mentioned herein, Plaintiffs, JERRY P. CAMPBELL and JUDY A. CAMPBELL, were the owners of certain real estate located at Lot No. 58, Section No. 23, in the Treasure Lake Subdivision in Sandy Township, Clearfield County, Pennsylvania ("property").
5. At all times mentioned herein, by virtue of the deed of conveyance to Plaintiffs, Plaintiff's premises are subject to The Declaration of Restrictions, Treasure Lake of Pennsylvania, Inc. recorded in Misc. Book Vol. 146, p. 476, all of said restrictions being covenants which run with the land.

6. The restrictive covenant inures to the benefit of each of the Plaintiffs and to their respective heirs and assigns, and each plaintiff has the right to enforce the restrictive covenant and prohibit defendant from any and all violations thereof.

7. The neighborhood wherein Plaintiffs reside is residential in character and is quiet and well adapted for residential purposes.

8. Defendant has been operating a stone quarry adjacent to and nearby Plaintiffs premises

9. The maintenance and operation of the stone quarry by Defendant is an offensive occupation within the meaning of the Restrictive covenant and will offend, disturb and annoy Plaintiffs as owners and occupants of their premises and will depreciate the value thereof.

10. As a result of said operation of the stone quarry, Defendant has caused great noise, dirt and dust to fall upon the premises and personal property of the Plaintiffs causing Plaintiffs harm and preventing them to enjoy their premises in a peaceful manner.

11. Plaintiffs have a right to the peaceful enjoyment of their premises.

12. Plaintiffs' right to the peaceful enjoyment of their premises is of great value to Plaintiffs' premises. Without it, the Plaintiffs' premises will not only be greatly depreciated in value as marketable property, but will become unfit for occupancy, inasmuch as the outside area of Plaintiffs' premises is a necessity for the peaceful and quiet enjoyment and occupancy of Plaintiff's premises.

13. Defendant is causing a nuisance which is destructive to Plaintiffs' property and their legal, peaceful and quiet enjoyment thereof which they are entitled to enjoy by causing excessive noise, dust and dirt to go upon Plaintiffs' property by virtue of the restrictive covenant in Plaintiffs' deed.

14. As a direct result of the operation of the stone quarry by Defendant, Plaintiffs have suffered severe emotional distress.

15. As a direct result of the operation of the stone quarry by Defendant, Plaintiffs have suffered pecuniary loss by virtue of the constant clean up of their property as a result of the dust and dirt thrust upon Plaintiffs' premises and upon Plaintiffs' personal property.

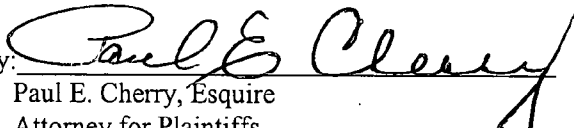
16. Defendant is liable to Plaintiffs in the amount in excess of Five Thousand (\$5,000.00) Dollars for their clean-up of their premises and personal property.

WHEREFORE, Plaintiffs prays:

- (a) That the stone quarry which Defendant is operating be declared a nuisance as against the restrictions in the deed to Plaintiffs' and Defendant's property, and that Defendant be ordered to abate the same;
- (b) That an injunction issue, preliminary until final hearing and permanent thereafter, restraining the Defendant from operating the stone quarry and continuing the nuisance;
- (c) Award Plaintiffs the monetary amount of Five Thousand (\$5,000.00) Dollars; and
- (d) Such other general relief as may be just and proper.

Respectfully submitted,

CHERRY & CHERRY

By:   
Paul E. Cherry, Esquire  
Attorney for Plaintiffs

We, JERRY P. CAMPBELL and JUDY A. CAMPBELL, verify that the statements made in this Complaint are true and correct. We understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

Date: 6-6-00

Jerry P. Campbell  
Jerry P. Campbell

Date: 6-6-00

Judy A. Campbell  
Judy A. Campbell



COPY

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**

November 10, 2005

FILED

NOV 10 2005

William A. Shaw  
Prothonotary, Clearfield County

RE: 00-1159-CD

Jerry P. Campbell and Judy A. Campbell

Vs.

Glen Hawbaker, Inc.

Dear Plaintiff/Defendant:

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, 230 East Market Street, Clearfield, Pennsylvania 16830. The Statement of Intention to Proceed must be filed on or before January 17, 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

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By the Court,

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

David S. Meholic  
Court Administrator

Court of Common Pleas of Clearfield County, Pennsylvania  
Civil Division

Jerry P. Campbell and Judy A. Campbell

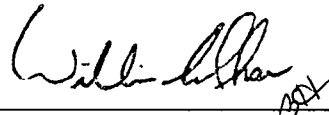
Vs.

00-1159-CD

Glen Hawbaker, Inc.

**Termination of Inactive Case**

This case is hereby terminated with prejudice  
this 17<sup>th</sup> day of January, 2006, as per Rule 230.2.



William A. Shaw  
Prothonotary

**FILED**

**JAN 17 2006**

William A. Shaw  
Prothonotary/Clerk of Courts