

00 1227-00
TIMOTHY J. BRITTON d/b/a--vs- CLEVAS HELLER.
TIM BRITTON CONSTRUCTION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

TIMOTHY J. BRITTON, d/b/a/
TIM BRITTON CONSTRUCTION,
Plaintiff

vs.

CLETAS HELLER,
Defendant

No. 00-1554-CD

Type of Pleading: Mechanic's
Lien Claim

Filed on behalf of: Plaintiff

Counsel of Record for this party:

LEA ANN HELTZEL, ESQUIRE
Attorney at Law
Supreme Court No. 83998

900 Beaver Drive
DuBois, Pennsylvania 15801

(814) 375-0300

FILED

DEC 13 2000

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

TIMOTHY J. BRITTON, d/b/a/	:		
TIM BRITTON CONSTRUCTION,	:		
Plaintiff	:		
	:		
vs.	:	No.	-CD
	:		
CLETAS HELLER,	:		
Defendant	:		

NOTICE

TO: DEFENDANT

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 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. 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.

Office of the Court Administrator
Clearfield County Courthouse
1 North Second Street
Clearfield, PA 16830
(814) 765-2641 (ext. 5982)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

TIMOTHY J. BRITTON, d/b/a/ TIM BRITTON CONSTRUCTION, Plaintiff	:		
	:		
	:		
	:		
vs.	:	No.	-CD
	:		
CLETAS HELLER, Defendant	:		

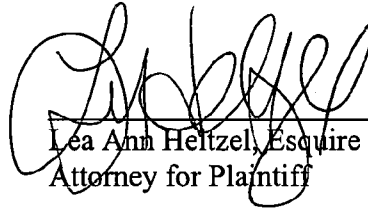
MECHANIC LIEN CLAIM

AND NOW, comes Claimant, Timothy J. Britton d/b/a Tim Britton Construction, by and through his attorneys, The Hopkins Law Firm, and files this claim against the improvements and property located on Division Street, DuBois for the payment of debt due to Claimant as a contractor for the labor and materials furnished by Claimant in the improvements and in support thereof makes the following statement:

1. The owner of the property is Cletas Heller who resides at 82 Treasure Lake, DuBois, Clearfield County, Pennsylvania.
2. The improvements in the property which are subject to this claim is the repair and replacement of the loading dock area's roof of the U.P.S. building located on Division Street, DuBois. See attached Exhibit "A".
3. The labor and material consisted of the following: See attached Exhibit "B".
4. Claimant completed his work at the property on September 6, 2000 which is less than the four (4) months before filing of the claim.

5. Claimant has been paid \$15,572.75 toward the debt due for the labor and materials and there is a due and owing balance of \$17, 172.52 for which claim is made of \$17,172.52.


Respectfully submitted,



Lea Ann Heltzel, Esquire
Attorney for Plaintiff

VERIFICATION

I, Lea Ann Heltzel, Esquire, do hereby state that I am the attorney for the Defendant, Timothy J. Britton, that I am authorized to make this Verification on behalf of the Defendant, and the facts set forth in the foregoing Mechanics Lien Claim are true and correct, not at my own knowledge, but from information supplied to me from the Defendant, and that the purpose of this Verification is to expedite the litigation, and that the Verification of the Defendant, Timothy J. Britton, will be supplied, if demanded, also, subject to the penalties of 18 Pa.C.S.A. §4904, relating to unsworn falsification to authorities.



Lea Ann Heltzel, Esquire



Tim Britton Construction Services

109 MAIN STREET
FALLS CREEK, PA 15840
(814) 375-9388 or Fax 375-5653

August 4, 2000

Job name/ Location: U.P.S Building
Division Street
DuBois, PA 15801

Owner: Cleatus Heller
RD #8
DuBois, PA 15801
371-4504

Proposal

Scope of work: Repair of Deteriorated Loading Dock Area of Roof.

Contractor shall remove existing roofing, plywood and gravel, 4-ply tar and old insulation over damaged area.

Contractor shall install 1/2" insulation recovery board mechanically fastened with roof plates and screws.

Contractor shall install new E.P.D.M .060ml rubber roofing fully adhered.

Contractor shall clean, flash and caulk all seams.

Contractor shall install new pipe flashings.

Contractor shall re-use existing gravel stop and paint white with two (2) coats of Super Tough Coat exterior paint.

Contractor shall install new roof drain near corner; all other existing vents to remain.

Contractor shall install rubber between the two buildings.

Any carpentry work, painting of structure or beams, any gravel stop or steel substrate that needs replaced, and all temporary repairs to be done at time and material with labor @ \$25.00/hr.

Scope of work: General.

All work to meet or exceed manufacturer's standards.

All labor and materials included.

Contractor is fully insured.

All materials resulting from job shall be cleaned up and discarded daily.

Contractor shall protect building, grounds and parking lot during construction.

During construction, Contractor's office will avail itself to assist Owner with any questions regarding project.

Total amount of proposal. \$27,900.00

Payment: 50% to start 1/2 when 1/2 completed and balance upon completion of job.

Respectfully Submitted.

Contractor:

Acceptance of proposal,

X Client:

Date:

8/4/00 [Signature]

Tim Britton Construction

109 Main Street
Falls Creek, PA 15840
(814)375-9388

Invoice

DATE	INVOICE #
9/6/2000	161

BILL TO
Cletas Heller 82 Treasure Lake DuBois, PA-15801

P.O. NO.	TERMS	PROJECT

QUANTITY	DESCRIPTION	RATE	AMOUNT
	Proposal to fix UPS Building Roof	27,900.00	27,900.00
	Contract completed on 9/6/00		
	Payment 8/23/00	-15,572.75	-15,572.75
	Interest due on past due amount($\$12,327.25 \times 18\% / 365 \times 75$ days)	455.25	455.25
	PA Sales Tax	6.00%	0.00
		Total	\$12,782.50

Tim Britton Construction

109 Main Street
Falls Creek, PA 15840
(814)375-9388

Invoice

DATE	INVOICE #
9/1/2000	174

BILL TO
Cletas Heller 82 Treasure Lake DuBois, PA 15801

P.O. NO.	TERMS	PROJECT

QUANTITY	DESCRIPTION	RATE	AMOUNT
	Time and material work to repair and replace 32'x32' and 12'x6' areas of roof. Removed debris down to steel and replaced steel. Contract was completed on 9/1/00 Screws to fasten materials	16.75	16.75T
2	Pieces of steel 36 1/4"x144"	63.71	127.42T
2	Tubes construction adhesive	2.22	4.44T
32	Sheets OSB Board	7.54	241.28T
8	Treated 2x4x12	5.77	46.16T
4	Treated 2x4x10	4.99	19.96T
	Rental of stud driver to install steel planks	59.19	59.19T
111	Hours to remove and replace damaged areas.	25.00	2,775.00
	Interest on past due balance (\$3,321.11 x 18%/365 x 67 days)	109.21	109.21
	PA Sales Tax	6.00%	30.91
Total			\$3,430.32

Tim Britton Construction

109 Main Street
Falls Creek, PA 15840
(814)375-9388

Invoice

DATE	INVOICE #
9/2/2000	176

BILL TO
Cletas Heller 82 Treasure Lake DuBois, PA 15801

P.O. NO.	TERMS	PROJECT

QUANTITY	DESCRIPTION	RATE	AMOUNT
	Replacement and painting of gravel stop at U.P.S. Building. Painted 199 sq. ft. of sheeting. This work completed on 9/2/00 Interest due on past due balance (\$930. x .18%/365 x 66 days)	930.00 29.70	930.00 29.70
		Total	\$959.70

FILED
Attg pd. 20.00
DEC 13 2000
1 cc Attg
William A. Shaw
Prothonotary

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

TIMOTHY J. BRITTON, d/b/a/
TIM BRITTON CONSTRUCTION,
Plaintiff

vs.

CLETAS HELLER,
Defendant

NO. 00-1554 C.D.

Type of Case: Civil

Type of Pleading: Preliminary
Objections

Filed on behalf of: Defendant

Counsel of Record for this Party:
David P. King, Esquire
23 Beaver Drive
P. O. Box 1016
DuBois, PA 15801
(814) 371-3760

Supreme Court No. 22980

FILED

FEB 23 2001

William A. Shaw
Prothonotary

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

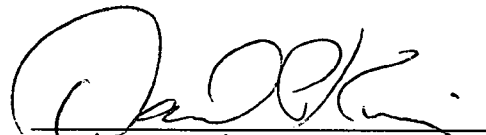
TIMOTHY J. BRITTON, d/b/a/ :
TIM BRITTON CONSTRUCTION, :
Plaintiff :
vs. : NO. 00-1554 C.D.
CLETAS HELLER, :
Defendant :

PRELIMINARY OBJECTIONS

AND NOW, comes the Defendant, CLETAS HELLER, through his Attorney, David P. King, and files Preliminary Objections in this case, and in support thereof avers as follows:

1. That the case at this term and number is in actuality a Claim of Mechanic's Lien.
2. That there is no provision for response or answering a Claim of Mechanic's Lien under Pennsylvania rules and law.
3. Notwithstanding, the Plaintiff has notified the Defendant that because no responsive pleading has been filed, within ten days of February 19, 2001, a judgment may be taken.
4. The same Plaintiff has instituted a separate Complaint against the Defendant at No. 01-104-C.D. regarding the same matter, and the property upon which the Claim of Mechanic's Lien has been filed.
5. It is in that latter case only upon which a judgment for Plaintiff or Defendant can be entered.

WHEREFORE, Defendant prays your Honorable Court to enter the appropriate Order preventing the Plaintiff from taking judgment at the term and number at this case for the same would not be in compliance with the laws of the Commonwealth.



David P. King
Attorney for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

TIMOTHY J. BRITTON, d/b/a/
TIM BRITTON CONSTRUCTION,
Plaintiff

vs.

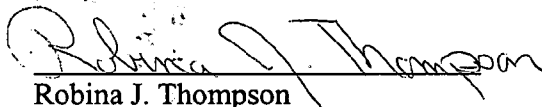
CLETAS HELLER,
Defendant

No. 00-1554 C.D.

AFFIDAVIT OF SERVICE


I, Robina J. Thompson hereby certify that I have personally served the Mechanic
Lien Claim and Notice in the above referenced matter on Cletas Heller, on December 20,
2000 at the following address:

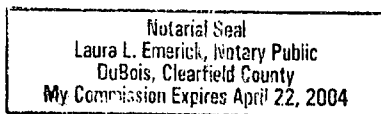
82 Treasure Lake
DuBois, PA 15801


Robina J. Thompson

Sworn to and subscribed before me

this 20th day of Dec., 2000.


Notary Public



FILED

JAN 02 2001

William A. Shaw
Prothonotary

FILED
01/10/15
JAN 12 2001
William A. Shaw
Prothonotary

FILED
JAN 12 2001
William A. Shaw
Prothonotary



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

COPY

Notice of Proposed Termination of Court Case

November 10, 2005

FILED

NOV 10 2005

William A. Shaw
Prothonotary/Clerk of Courts

RE: 00-1554-CD

Timothy J. Britton d/b/a Tim Britton Construction

Vs.

Cletas Heller

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. 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

November 10, 2005

RE: 00-1554-CD

Timothy J. Britton d/b/a Tim Britton Construction

Vs.

Cletas Heller

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,

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

David S. Meholic
Court Administrator

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

TIMOTHY D. BRITTON, d/b/a TIM : CIVIL ACTION - LAW
BRITTON CONSTRUCTION, Plaintiff

: NO. 00-1554-CD

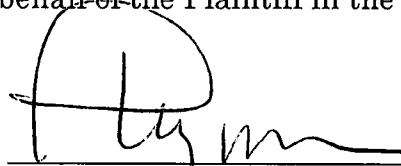
Vs.

CLETAS HELLER,
Defendant

ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Please enter my appearance on behalf of the Plaintiff in the above matter.



Thomas G. Wagner, Attorney
Supreme Court ID #17404
Meyer & Wagner
115 Lafayette Street
St. Marys, Pa. 15857
(814) 781-3445

FILED

JAN 09 2006

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

TIMOTHY D. BRITTON, d/b/a TIM : CIVIL ACTION - LAW
BRITTON CONSTRUCTION, Plaintiff

: NO. 00-1554-CD

Vs.

CLETAS HELLER,
Defendant

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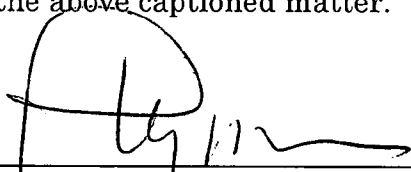
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STATEMENT OF INTENTION TO PROCEED


TO THE COURT:

Plaintiff intends to proceed with the above captioned matter.

Date: January 6, 2006



Thomas G. Wagner, Attorney for Plaintiff

FILED *no ec*
m/12:51 BOK
JAN 09 2006 
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

TIMOTHY J. BRITTON, d/b/a/
TIM BRITTON CONSTRUCTION,
Plaintiff

vs.

No. 00-1554 C.D.

CLETAS HELLER,
Defendant

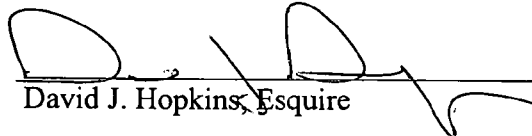
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FEB 08 2006
William A. Shaw
Prothonotary/Clerk of Courts
Copy to CIA

WITHDRAWAL OF APPEARANCE

TO THE PROTHONOTARY:

Please withdraw my appearance for Plaintiff, Timothy J. Britton, d/b/a Tim Britton Construction, in the above-captioned matter and enter the appearance of counsel as set forth below.

Date: 1-31-2006

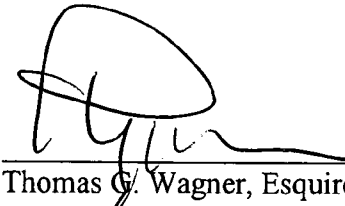

David J. Hopkins, Esquire

ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Please enter my appearance for Plaintiff, Timothy J. Britton, d/b/a Tim Britton Construction, in the above-captioned matter.

Date: 2-1-06


Thomas G. Wagner, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

TIMOTHY J. BRITTON, d/b/a/
TIM BRITTON CONSTRUCTION,
Plaintiff

vs.

CLETAS HELLER,
Defendant

No. 00-1554 C.D.

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FEB 08 2008

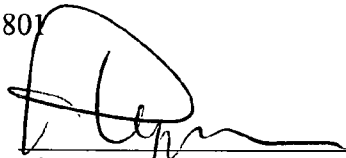
William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Withdrawal of
Appearance and Entry of Appearance has been served all counsel of record by first-class
mail, postage prepaid addressed as follows:

David P. King, Esquire
23 Beaver Drive
P.O. Box 1016
DuBois, PA 15801

Dated: 2-1-06


Thomas G. Wagner, Esquire