

01-184-CD
JOSEPH N. MANNERS -vs- GARY BAILEY

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

JOSEPH N. MANNERS, : NO. 2001-184-C.D.
: Plaintiff : TYPE OF CASE: CIVIL
VS. : : TYPE OF PLEADING: COMPLAINT
: : FILED ON BEHALF OF: PLAINTIFF
GARY BAILEY, : : COUNSEL OF RECORD:
: : CHRISTOPHER E. MOHNEY, ESQUIRE
Defendant : : SUPREME COURT NO.: 63494
: : BLAKLEY, JONES & MOHNEY
: : 90 BEAVER DRIVE, BOX 6
: : DU BOIS, PA 15801
: : (814) 371-2730

FILED

FEB 14 2001

William A. Shaw
Prothonotary

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

JOSEPH N. MANNERS, : NO. 2001 - - C.D.
: :
Plaintiff : :
: :
VS. : :
: :
GARY BAILEY, : :
: :
Defendant : :

NOTICE TO DEFEND

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 is 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 an order may be entered against you by the Court without further notice for any money claimed in the Complaint 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.**

Court Administrator
Clearfield County Courthouse
Second & Market Streets
Clearfield, Pennsylvania 16830
(814) 765-2641 Ext. 5982

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

JOSEPH N. MANNERS, : NO. 2001 - - C.D.
: Plaintiff :
: VS. :
: GARY BAILEY, :
: Defendant :

COMPLAINT

AND NOW, comes the Plaintiff, **JOSEPH N. MANNERS**, by his attorneys, **BLAKLEY, JONES & MOHNEY**, who files the within Complaint against the above-captioned Defendant and in support thereof avers the following:

1. Plaintiff **JOSEPH N. MANNERS** is an adult individual with an address at R.D. # 3, Box 240A, Reynoldsville, Jefferson County, Pennsylvania 15851.
2. Defendant **GARY BAILEY** is an adult individual with a last known address at R.D. # 1, Box 6, Clearfield, Clearfield County, Pennsylvania 16830.
3. On or about November 18, 1998, Defendant advised Plaintiff verbally that he was purchasing concessionaires for a contemplated Sugar Creek Lake Ampitheatre, to be operated by Mid-Atlantic Promotions.
4. Plaintiff and Defendant entered into a valid and enforceable oral agreement whereby Defendant offered to sell and Plaintiff agreed to purchase for \$20,000.00 from Defendant the right

to sell hot dogs and nachos for 18 to 25 shows at the amphitheater.

5. In December of 1998, Plaintiff wrote to Defendant personally a check for \$7,500.00, as down payment on the aforementioned valid and enforceable oral agreement to purchase from Defendant a portion of the concessionaires that Defendant was purchasing from Mid-Atlantic for the ampitheater.

6. Defendant advised Plaintiff that as consideration for the \$7,500.00 down payment, the valid and enforceable oral contract purchase price would be reduced to \$17,500.00.

7. Defendant's purchase of the concessionaires from Mid-Atlantic Promotions failed to consummate.

8. Defendant has failed to perform his promises and obligations owing Plaintiff under the valid and enforceable oral agreement, namely, he has failed to deliver or assure delivery of the right of Plaintiff's to sell hot dogs and nachos according to the valid and enforceable oral agreement set forth in paragraph 4 above.

9. Despite verbal and written demands from Plaintiff to Defendant for return of the \$7,500.00 payment towards purchase of certain of Defendant's concessionaire rights, Defendant has wilfully failed to return Plaintiff's money.

10. Plaintiff has incurred additional costs in filing suit before District Justice.

WHEREFORE, Plaintiff **JOSEPH N. MANNERS** prays this Honorable Court to enter judgment in his favor and against Defendant **GARY BAILEY** in the amount of \$7,500.00, plus

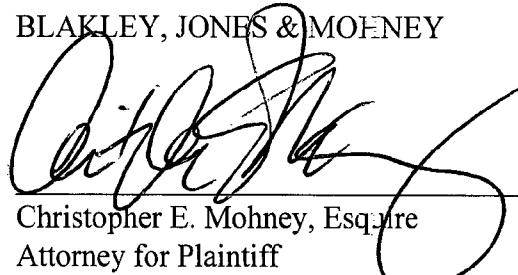
\$97.50 Magistrate costs of filing, plus costs of this suit, together with interest.

Respectfully submitted,

BLAKLEY, JONES & MOHNEY

BY:

Christopher E. Mohney, Esquire
Attorney for Plaintiff



VERIFICATION

I, **JOSEPH N. MANNERS**, being duly authorized to make this verification, have read the foregoing Complaint. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification is made subject to the penalties of 18 Pa. C. S. Section 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments we may be subject to criminal penalties.

Date: 2-9-01

Joseph Manners
JOSEPH N. MANNERS

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOSEPH N. MANNERS,

Plaintiff

VS.

GARY BAILEY,

Defendant

COMPLAINT

FILED 2 CC
01/10/1987
FEB 14 1987 *Ally Mohney*
William A. Shaw
Prothonotary

LAW OFFICES

BLAKLEY, JONES & MOHNEY
90 BEAVER DRIVE - BOX 6
DUBOIS, PA 15801

COURT OF COMMON PLEAS
of Clearfield County
JUDICIAL DISTRICT

46 TA

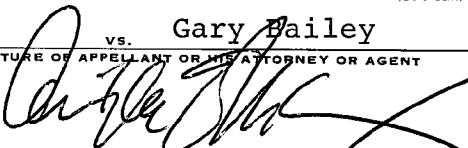
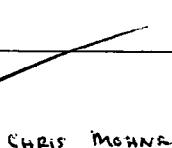
NOTICE OF APPEAL

FROM
DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 2001-184- CP

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.		
Joseph N. Manners		46-3-02		
ADDRESS OF APPELLANT		CITY	STATE	ZIP CODE
R.D. # 3, Box 240A,		Reynoldsville,	PA	15851
DATE OF JUDGMENT	IN THE CASE OF (Plaintiff)		(Defendant)	
1/17/01	Joseph N. Manners		Gary Bailey	
CLAIM NO.	vs.			
CV 10 425-00 LT 19	  CHRIS MCNAUL			

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.

Signature of Prothonotary or Deputy

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.

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 _____, appellee(s), to file a complaint in this appeal

Name of appellee(s)

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

RULE: To _____

Name of appellee(s)

Signature of appellant or his attorney or agent

(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: _____, 19 _____

Signature of Prothonotary or Deputy

FILED

FEB 07 2001

61101301ms

William A. Shaw
Prothonotary

Court of Common Pleas

PP

fc-

Dy ATT

mcnaul

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) _____, 19_____, 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_____.

I hereby certify and attest to the above statement filed in this case.

FEB 07 2001
Attest: *William J. How*
Prothonotary

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: CLEARFIELD

Case Dkt. No:

46-2-02

D/J Name: Hon.

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

Telephone (814) 765-5335 16830

JOSEPH N. MANNERS
RD3, BOX 240A
REYNOLDSVILLE, PA 15851

NOTICE

PLAINTIFF: NAME AND ADDRESS

MANNERS, JOSEPH N
RD3, BOX 240A
REYNOLDSVILLE, PA 15851

DEFENDANT: NAME AND ADDRESS

BAILEY, GARY
RD1, BOX 6
CLEARFIELD, PA 16830Docket No.: CV-0000425-00
Date Filed: 8/23/00

THIS IS TO NOTIFY YOU THAT:

" Judgment: FOR DEFENDANT

Judgment was entered for: (Name) BAILEY, GARY

Judgment was entered against: (Name) MANNERS, JOSEPH N

In the amount of \$ 0.00 on: (Date of Judgment) 1/17/01

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	\$.00
Judgment Costs	\$.00
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$.00
Post Judgment Credits	\$.00
Post Judgment Costs	\$.00
Certified Judgment Total	\$.00

Date:	Place:
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 PLEASE, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

JAN 18 2001

Date Rebecca A. Bailey, District Justice

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

Date Rebecca A. Bailey, District Justice

My commission expires first Monday of January.

2006

SEAL

AOPC 315-99

U.S. Postal Service	
CERTIFIED MAIL RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
Gary Bailey	
Postage	\$.34
Certified Fee	1.90
Return Receipt Fee (Endorsement Required)	1.50
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 3.74
Postmark Here	
2/8/01	
Recipient's Name (Please Print Clearly) (to be completed by mailer)	
Gary Bailey	
Street, Apt. No.; or PO Box No.	
R.D. # 1, Box 6	
City, State, ZIP-4	
Clearfield, PA 16830	

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.

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

The Honorable Richard Ireland

Postage	\$.34
Certified Fee	1.90
Return Receipt Fee (Endorsement Required)	1.50
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 3.74

Postmark
Here

2/8/01

Recipient's Name (Please Print Clearly) (to be completed by mailer)
The Honorable Richard Ireland
Street, Apt. No.; or P.O. Box No.
650 Leonard Street
City, State, ZIP+4
Clearfield, PA 16830

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:

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- 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.

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

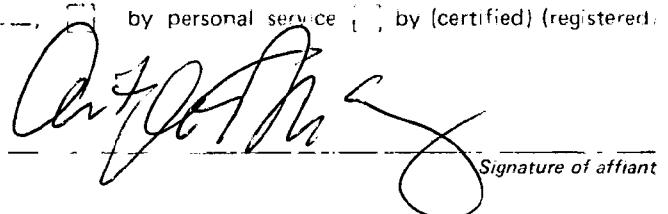
COUNTY OF CLEARFIELD _____ ; ss**AFFIDAVIT:** I hereby swear or affirm that I served

a copy of the Notice of Appeal, Common Pleas No. 2001-184 upon the District Justice designated therein on
 (date of service) February 8, XX 2001 by personal service by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) Gary Bailey _____ on
February 8, XX 2001 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 8th DAY OF February XX 2001Kristin D. Duttry

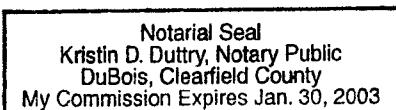
Signature of official before whom affidavit was made



Signature of affiant

Notary Public

Title of official

My commission expires on January 30, XX 2003**FILED**

FEB 12 2001

M/1/01 (ms)
 William A. Shaw
 Prothonotary

COURT OF COMMON PLEAS
of Clearfield County
JUDICIAL DISTRICT

46 LT.

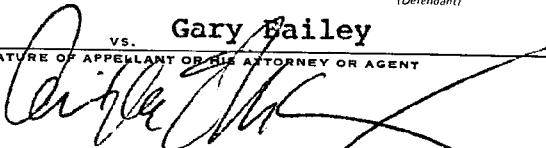
NOTICE OF APPEAL

FROM
DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 2001-184-C.D.

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 Joseph N. Manners		MAG. DIST. NO. OR NAME OF D.J. 46-3-02		
ADDRESS OF APPELLANT R.D. # 3, Box 240A,		CITY Reynoldsville,	STATE PA	ZIP CODE 15851
DATE OF JUDGMENT 1/17/01	IN THE CASE OF (Plaintiff) Joseph N. Manners	vs. Gary Bailey (Defendant)		
CLAIM NO. CV X9 425-00 LT 19	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT 			

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.

Signature of Prothonotary or Deputy

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.

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 _____, appellee(s), to file a complaint in this appeal
Name of appellee(s)

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

RULE: To _____, appellee(s)
Name of appellee(s) Signature of appellant or his attorney or agent

- (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: _____, 19_____


Signature of Prothonotary or Deputy

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

JOSEPH N. MANNERS, : NO. 2001 - 184 - C.D.
: Plaintiff : TYPE OF CASE: CIVIL
VS. : : TYPE OF PLEADING: CERTIFICATE
: : OF SERVICE
GARY BAILEY, : : FILED ON BEHALF OF: PLAINTIFF
: Defendant : : COUNSEL OF RECORD:
: : CHRISTOPHER E. MOHNEY, ESQUIRE
: : SUPREME COURT NO.: 63494
: : BLAKLEY, JONES & MOHNEY
: : 90 BEAVER DRIVE, BOX 6
: : DU BOIS, PA 15801
: : (814) 371-2730

FILED

FEB 16 2001

**William A. Shaw
Prothonotary**

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION
NO. 2001 - 184 - C.D.

JOSEPH N. MANNERS,

Plaintiff

VS./

GARY BAILEY,

Defendant

CERTIFICATE OF SERVICE

FILED 11/16/2001
FER 11/16/2001
10cc
621

William A. Shaw
Prothonotary

LAW OFFICES

BLAKLEY, JONES & MOHNEY
90 BEAVER DRIVE - BOX 6
DUBOIS, PA 15801

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:

MANNERS, JOSEPH N
NAME and ADDRESS
RD3, BOX 240A
REYNOLDSVILLE, PA 15851

DEFENDANT:

BAILEY, GARY
NAME and ADDRESS
RD1, BOX 6
CLEARFIELD, PA 16830

Docket No.: **CV-0000425-00**
Date Filed: **8/23/00**



THIS IS TO NOTIFY YOU THAT:

Judgment:

FOR DEFENDANT

01-184-CO

Judgment was entered for: (Name) BAILEY, GARY

Judgment was entered against: (Name) MANNERS, JOSEPH N

in the amount of \$.00 on: (Date of Judgment) 1/17/01

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>.00</u>
Judgment Costs	\$ <u>.00</u>
Interest on Judgment	\$ <u>.00</u>
Attorney Fees	\$ <u>.00</u>
Total	\$ <u>.00</u>
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
Certified Judgment Total \$ _____	

Date:	Place:
Time:	

FILED

*FEB 27 2001
MBS:an
William A. Shaw
Prothonotary*

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.

JAN 18 2001 Date Rhoda Ireland, District Justice

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

2/20/01 Date Rhoda Ireland, District Justice

My commission expires first Monday of January,

2006

SEAL

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

JOSEPH N. MANNERS,
Plaintiffs

VS

* No. 01 - 184 - C.D.

GARY BAILEY,
Defendant

* Type of Case: Civil

* Type of Pleading: Enter of
* Appearance

* Filed on Behalf of: Defendant

* Counsel of Record for this Party:
* CHRIS A. PENTZ, Esquire

* Supreme Court I.D. # 39232
* 211 1/2 East Locust Street
* P. O. Box 552
* Clearfield PA 16830
* 814 765-4000

FILED

MAR 19 2001

William A. Shaw
Prothonotary

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

JOSEPH N. MANNERS,

Plaintiff

*

*

vs

No. 01 - 184 - C.D.

*

*

GARY BAILEY,

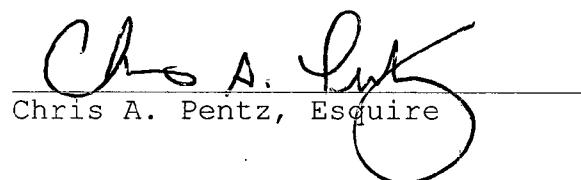
Defendant

*

*

Please enter my appearance as attorney of record
for the Defendant, GARY BAILEY.

Respectfully submitted this 19 day of March, 2001.


Chris A. Pentz, Esquire

FILED

MAR 19 2001

5234/1105
William A. Shaw
Prothonotary
KPA

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

JOSEPH N. MANNERS,
Plaintiffs

VS

* No. 01 - 184 - C.D.

GARY BAILEY,
Defendant

* Type of Case: Civil

* Type of Pleading: Answer to
* Complaint/Certificate of Service

* Filed on Behalf of: Defendant

* Counsel of Record for this Party:
* CHRIS A. PENTZ, Esquire

* Supreme Court I.D. # 39232
* 211 1/2 East Locust Street
* P. O. Box 552
* Clearfield PA 16830
* 814 765-4000

FILED

MAR 19 2001

William A. Shaw
Prothonotary

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

*

JOSEPH N. MANNERS,
Plaintiff

*

vs

*

No. 2001-184-CD

*

GARY BAILEY,
Defendant

*

*

ANSWER TO COMPLAINT

1. Paragraph 1 is admitted.
2. Paragraph 2 is admitted.
3. Paragraph 3 is admitted.
4. Paragraph 4 is denied. The Defendant agreed with Plaintiff that he would allow the Plaintiff to purchase from Mid-Atlantic Promotions Defendant's right to sell hot dogs and nachos for eighteen (18) to twenty-five (25) shows at the amphitheater.
5. Paragraph 5 is admitted in part and denied in part. It is admitted that Plaintiff wrote a check for \$7,500.00 as a down payment for the right set forth in Paragraph 4 above. It is denied that the purchase was from Defendant and was in fact a purchase from Mid-Atlantic Promotions.
6. Paragraph 6 is admitted in part and denied in part. It is admitted that the ultimate purchase price was \$17,500.00. It is denied that the purchase was between the Defendant and the Plaintiff.
7. Paragraph 7 is admitted.
8. Paragraph 8 is denied. The answer set forth in Paragraphs 4

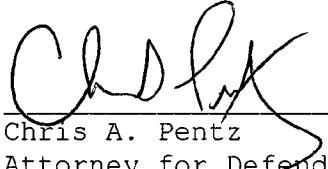
through 6 above are incorporated herein by reference as though set forth in full.

9. Paragraph 9 is admitted in part and denied in part. It is admitted that demand has been made for \$7500.00. It is denied that Defendant has any duty or legal obligation to pay the sum of \$7500.00 or any sums to the Plaintiff. The answers set forth in Paragraphs 4 through 6 are incorporated herein by reference as though set forth in full.

10. Paragraph 10 is admitted.

WHEREFORE, the Defendant, Gary Bailey, respectfully request Your Honorable Court to enter judgment in his favor.

Respectfully submitted this 19 day of March, 2001.



Chris A. Pentz
Attorney for Defendant

VERIFICATION

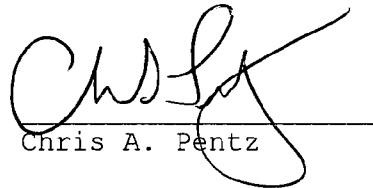
I, Chris A. Pentz, have read the foregoing Answer. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification is made subject to penalties of 18 Pa. C.S. §4904 relating to unsworn falsifications to authorities, which provides that if I knowingly make false averments, I may be subject to criminal penalties.

I am authorized to make this verification on behalf of Defendant because of my position as counsel of record.

Dated:

3-19-01



Chris A. Pentz

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

JOSEPH N. MANNERS,
Plaintiff

vs

GARY BAILEY,
Defendant

*

*

*

* No. 01-184-C.D.

*

*

*

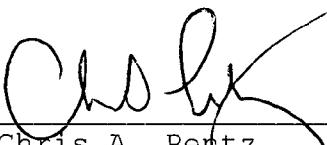
CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of
Answer to Complaint was served upon:

Christopher E. Mohney, Esquire
Attorney for Plaintiff
90 Beaver Drive Box 6
DuBois PA 15801

Service was made from the U.S. Post Office, Clearfield PA 16830
by regular mail, postage prepaid.

Service was made the 19 day of March, 2001.



Chris A. Pentz
Attorney for Defendant

FILED

MAR 19 2001

Q334110CC

William A. Shaw
Prothonotary

RPB

CA

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

JOSEPH N. MANNERS, : NO. 2001 - 184 - C.D.
: Plaintiff : TYPE OF CASE: CIVIL
: VS. : TYPE OF PLEADING: MOTION
: GARY BAILEY, : TO COMPEL RESPONSE TO
: Defendant : DISCOVERY SUBPOENA
: : FILED ON BEHALF OF: PLAINTIFF
: : COUNSEL OF RECORD:
: : CHRISTOPHER E. MOHNEY, ESQUIRE
: : SUPREME COURT NO.: 63494
: : BLAKLEY, JONES & MOHNEY
: : 90 BEAVER DRIVE, BOX 6
: : DU BOIS, PA 15801
: : (314) 371-2730

FILED

NOV 15 2001

William A. Shaw
Prothonotary

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

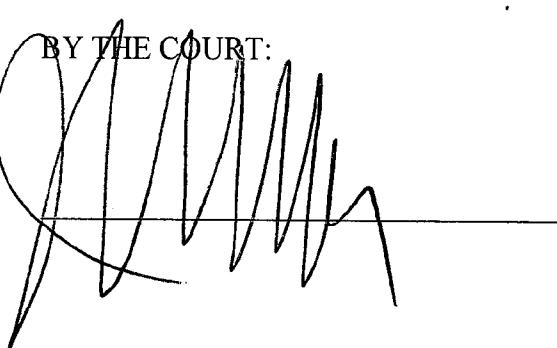
JOSEPH N. MANNERS, : NO. 2001 - 184 - C.D.
: Plaintiff :
VS. :
: GARY BAILEY, :
: Defendant :
:

RULE RETURNABLE

AND NOW, this 16th day of November, 2001, upon consideration of the foregoing Motion to Compel Response to Discovery Subpœna, it is the ORDER of this Court that a Rule be issued upon the Defendant to show cause why the Motion should not be granted.

RULE Returnable and Hearing thereon to be held the 18th day of December, 2001, at 2:30 o'clock PM. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania 16830.

BY THE COURT:



FILED

NOV 16 2001

William A. Shaw
Prothonotary

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

JOSEPH N. MANNERS, : NO. 2001 - 184 - C.D.
: Plaintiff :
VS. :
: GARY BAILEY, :
: Defendant :
:

MOTION TO COMPEL RESPONSE TO DISCOVERY SUBPOENA

AND NOW, comes Plaintiff **JOSEPH N. MANNERS**, by his attorneys, **BLAKLEY, JONES & MOHNEY, ESQUIRES**, and files the following Motion to Compel Response to Discovery Subpoena, and in support thereof, the following is averred:

1. Plaintiff **JOSEPH N. MANNERS** served on Defendant **GARY BAILEY**, through **BAILEY'S** counsel, Chris A. Pentz, Esquire, a Subpoena to Produce Documents or Things for Discovery Pursuant to Rule 4009.22. A copy of the Subpoena is attached to this Motion as Exhibit "A".
2. The Subpoena was issued after **BAILEY'S** non-response to letter to Attorney Pentz of July 12, 2001, requesting information agreed to be provided by **BAILEY** during his deposition on July 10, 2001. A copy of July 12, 2001, letter of undersigned to opposing counsel is attached hereto as Exhibit "B".
3. **BAILEY** has responded, albeit out of time, in a piecemeal manner to the Subpoena.
4. **BAILEY** has in no manner objected to the requested information of the Subpoena.

5. Certain of the information requested of **BAILEY**, namely bank records and/or confirmation of all money amounts received from non-party to the action has not been provided despite repeated requests.

6. The undersigned has written counsel for **BAILEY** asking for the requested information one last time prior to filing this Motion. A copy of letter of the undersigned dated November 1, 2001, is attached hereto as Exhibit "C".

7. **MANNERS** believes he has exercised patience and reasonable attempts short of Court intervention to obtain the requested information, without success.

8. **MANNERS** believes **BAILEY** is purposely delaying in responding to the Subpoena so as to prolong the litigation.

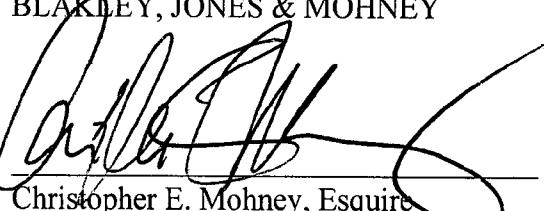
WHEREFORE, Plaintiff **JOSEPH N. MANNERS** prays this Honorable Court to Order and Decree Defendant **GARY BAILEY** to:

- (a) Not later than five (5) days from date of this Order comply with turning over all items subpoenaed him by Plaintiff **JOSEPH N. MANNERS**;
- (b) Pay attorney's fees to Plaintiff **JOSEPH N. MANNERS** in the amount of \$500.00 for causing the preparation and presentation of the within Motion to Compel; and
- (c) Such other relief as is deemed just and equitable.

Respectfully submitted,

BLAKLEY, JONES & MOHNEY

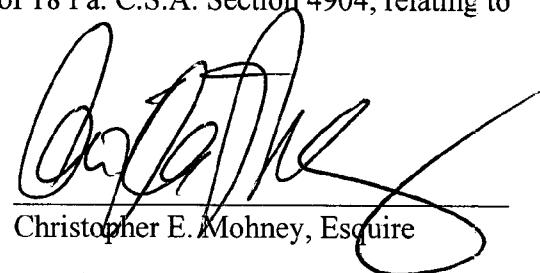
BY:


Christopher E. Mohney, Esquire
Attorney for Plaintiff Joseph N. Manners

Date: 11-15-01

I verify that the statements made in this Motion are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. Section 4904, relating to unsworn falsification to authorities.

DATE: 11-15-01



Christopher E. Mohney, Esquire

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Joseph N. Manners
Plaintiff(s)

Vs.

*

No. 2001-00184-CD

Gary Bailey
Defendant(s)

*

*

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY PURSUANT TO RULE
4009.22

TO: GARY BAILEY

(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things:
See attached list

(Address)

You may deliver or mail legible copies of the documents or produce things requested by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek in advance the reasonable cost of preparing the copies or producing the things sought.

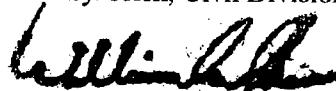
If you fail to produce the documents or things required by this subpoena within twenty (20) days after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Christopher E. Mohney, Esquire
ADDRESS: 90 Beaver Drive, Box 6
Du Bois, PA 15801
TELEPHONE: (814) 371-2730
SUPREME COURT ID # 63494
ATTORNEY FOR: Plaintiff

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division



Deputy

DATE: Tuesday, August 21, 2001
Seal of the Court

EXHIBIT "A"

1. All contracts between Mid-Atlantic and/or Mr. Cirelli and Mr. Bailey, including all signed and unsigned drafts;
2. Receipts for all payments made to Mid-Atlantic and/or Mr. Cirelli by Mr. Bailey in regard to the Sugar Creek Lake Amphitheater transaction, including copies of canceled checks, cash receipts, or other evidence of payment of cash if no receipt was issued; and
3. Receipts for all payments made to Mr. Bailey to Mid-Atlantic and/or Mr. Cirelli, including verification of deposit by Mr. Bailey.

BLAKLEY, JONES & MOHNEY

*Attorneys and Counselors at Law
90 Beaver Drive, Box 6
Du Bois, Pennsylvania 15801*

July 12, 2001

Telephone (814) 371-2730

Fax (814) 375-1082

Benjamin S. Blakley, III
Christopher E. Mohney

Chris A. Pentz, Esquire
211-1/2 East Locust Street
Marino Building
P.O. Box 552
Clearfield, PA 16830

**RE: Joseph N. Manners vs. Gary Bailey
No. 01-184-C.D.**

Dear Chris:

I received my copy of the Bailey deposition on July 10, 2001. In the transcript, it was agreed by Mr. Bailey that he would provide us certain discovery, and I presume that will be without formal discovery channels, such as Interrogatories.

Please provide us with the following items, pursuant to the deposition transcript:

1. All contracts between Mid-Atlantic and/or Mr. Cirelli and Mr. Bailey, including all signed and unsigned drafts;
2. Receipts for all payments made to Mid-Atlantic and/or Mr. Cirelli by Mr. Bailey in regard to the Sugar Creek Lake Amphitheater transaction, including copies of canceled checks, cash receipts, or other evidence of payment of cash if no receipt was issued; and
3. Receipts for all payments made to Mr. Bailey to Mid-Atlantic and/or Mr. Cirelli, including verification of deposit by Mr. Bailey.

Thank you. Should you have any questions or require further clarification, please call me.

Sincerely,

BLAKLEY, JONES & MOHNEY

Christopher E. Mohney, Esquire

CEM:kdm

copy to: Joseph N. Manners

EXHIBIT "B"



BLAKLEY, JONES & MOHNEY

*Attorneys and Counselors at Law
90 Beaver Drive, Box 6
Du Bois, Pennsylvania 15801*

November 1, 2001

**Telephone (814) 371-2730
Fax (814) 375-1082**

**Benjamin S. Blakley, III
Christopher E. Mohney**

Chris A. Pentz, Esquire
211-1/2 East Locust Street
Marino Building
P.O. Box 552
Clearfield, PA 16830

**RE: Joseph N. Manners vs. Gary Bailey
No. 01-184-C.D.**

Dear Chris:

Thank you for your letter of October 29, 2001, and enclosures. Mr. Bailey is close to complying with his obligations on the Subpoena, although he is being quite a bit slower than we had hoped.

I presume that the recent copies of checks were all payments made by Mr. Bailey to Mid-Atlantic and/or Mr. Cirelli or anybody affiliated with it/him in this transaction. If there are other payments made by cash, please indicate.

Finally, it would appear that all we need are documentation of all monies returned to Mr. Bailey by Cirelli, Mid-Atlantic or anybody affiliated with him regarding this transaction on this lawsuit.

Again, we would like compliance with the Subpoena. Please advise Mr. Bailey that I have a Motion to Compel ready to file. My client's patience are worn thin because this matter is moving slowly on account of Mr. Bailey's delays in complying with discovery.

If we do not have the rest of the information to totally comply with the Subpoena on or before the close of business on November 15, 2001, I will file the Motion to Compel which will seek attorney's fees.

Thank you.

Sincerely,

BLAKLEY, JONES & MOHNEY

Christopher E. Mohney, Esquire

CEM:kdm

copy to: Joseph N. Manners

EXHIBIT "C"



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

JOSEPH N. MANNERS, : NO. 2001 - 184 - C.D.
: Plaintiff :
VS. :
: GARY BAILEY, :
: Defendant :

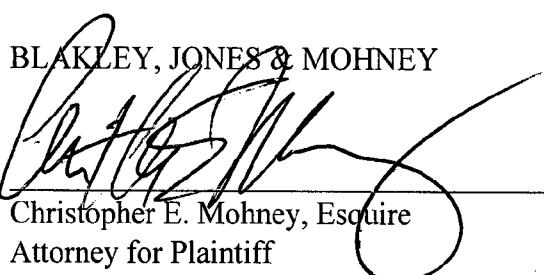
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Motion to Compel Response to Discovery Subpœna has been served upon the following individual by regular United States mail, postage prepaid, on this 15 day of November, 2001:

Chris A. Pentz, Esquire
211-1/2 East Locust Street
Marino Building
P.O. Box 552
Clearfield, PA 16830
Attorney for Defendant

BY:

BLAKLEY, JONES & MOHNEY


Christopher E. Mohney, Esquire
Attorney for Plaintiff
90 Beaver Drive, Box 6
Du Bois, PA 15801
(814) 371-2730

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION

JOSEPH N. MANNERS :

-vs-

: No. 01 - 184 - CD

GARY BAILEY :

ORDER

NOW, this 18th day of December, 2001, this being the day and date set for hearing into the above-captioned Motion to Compel Response to Discovery Subpoena, upon agreement, it is the ORDER of this Court that said matter be and is hereby continued for no less than 45 days to be rescheduled at the request of either counsel.

By the Court,

President Judge

FILED

DEC 18 2001

William A. Shaw
Prothonotary

**COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CIVIL TRIAL LISTING**

CERTIFICATE OF READINESS (To be executed by Trial Counsel Only)		TO THE PROTHONOTARY	
		January 8, 2002 DATE PRESENTED	
CASE NUMBER 2001-184-C.D. Date Complaint filed: February 14, 2002	TYPE TRIAL REQUESTED () Jury () Non-jury (X) Arbitration	ESTIMATED TRIAL TIME 1/2 DAYS	

PLAINTIFF(S)

JOSEPH N. MANNERS

()

DEFENDANT(S)

GARY BAILEY

()

ADDITIONAL DEFENDANT(S)

N/A

Check Block
if a Minor
is a Party
to the Case

()

JURY DEMAND FILED BY:

N/A

DATE JURY DEMAND FILED:

FILED

N/A

AMOUNT AT ISSUE

CONSOLIDATION

DATE CONSOLIDATION: JAN 08 2002

\$ 7,500.00 plus
interest and costs

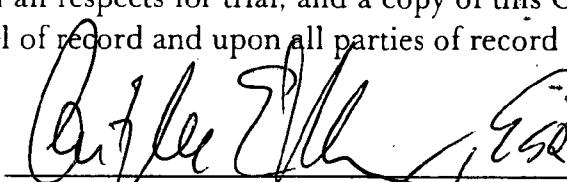
() Yes (X) No

N/A

William A. Shaw
Prothonotary

PLEASE PLACE THE ABOVE CAPTIONED CASE ON THE TRIAL LIST.

I certify that all discovery in the case has been completed; all necessary parties and witnesses are available; serious settlement negotiations have been conducted; the case is ready in all respects for trial, and a copy of this Certificate has been served upon all counsel of record and upon all parties of record who are not represented by counsel.


Signature of Trial Counsel
Christopher E. Mohney, Esquire

COUNSEL WHO WILL ACTUALLY TRY THE CASE

FOR THE PLAINTIFF <u>Christopher E. Mohney, Esquire</u>	TELEPHONE NUMBER (814) 371-2730
FOR THE DEFENDANT <u>Chris A. Pentz, Esquire</u>	TELEPHONE NUMBER (814) 765-4000
FOR ADDITIONAL DEFENDANT	TELEPHONE NUMBER

FILED

JAN 09 2002

M 12/03/03 Atty Mohr
William A. Shaw
Prothonotary
pd \$20.00

Copy to CA
no cc
EKA



OFFICE OF COURT ADMINISTRATOR
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

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

DAVID S. MEHOLICK
COURT ADMINISTRATOR

PHONE: (814) 765-2641
FAX: 1-814-765-~~8888~~ 7449

MARCY KELLEY
DEPUTY COURT ADMINISTRATOR

March 11, 2001

Christopher E. Mohney, Esquire
Blakley, Jones & Mohney
90 Beaver Drive, Box 6
DuBois, PA 15801

Chris A. Pentz, Esquire
Attorney at Law
Post Office Box 552
Clearfield, PA 16830

FILED

MAR 21 2002

RE: JOSEPH N. MANNERS

vs.
GARY BAILEY
No. 01-184-CD

William A. Shaw
Prothonotary

Dear Counsel:

The above case is scheduled for Arbitration Hearing to be held Tuesday, May 7, 2002. The following have been appointed to the Board of Arbitrators:

Richard A. Bell, Esquire
Earle D. Lees, Jr., Esquire
Mark A. Falvo, Esquire
Jeffrey S. DuBois, Esquire
Cynthia B. Stewart, Esquire

If you wish to strike an Arbitrator, you must notify the undersigned within seven (7) days from the date of this letter the name you wish stricken from the list.

You will be notified at a later date the exact time of the Arbitration Hearing.

Very truly yours,
Marcy Kelley
Marcy Kelley
Deputy Court Administrator



OFFICE OF COURT ADMINISTRATOR
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

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

DAVID S. MEHOLICK
COURT ADMINISTRATOR

PHONE: (814) 765-2641
FAX: 1-814-765-~~6680~~ 7649

MARCY KELLEY
DEPUTY COURT ADMINISTRATOR

March 21, 2002

Christopher E. Mohney, Esquire
Blakley, Jones & Mohney
90 Beaver Drive, Box 6
DuBois, PA 15801

Chris A. Pentz, Esquire
Attorney at Law
Post Office Box 552
Clearfield, PA 16830

RE: JOSEPH N. MANNERS
vs.
GARY BAILEY
No. 01-184-CD

Dear Counsel:

The above case is schedulec for Arbitration Hearing to be held Tuesday, May 7, 2002 at 8:30 A.M. The following have been appointed as Arbitrators:

Richard A. Bell, Esquire, Chairman
Earle D. Lees, Jr., Esquire
Mark A. Falvo, Esquire

Pursuant to Local Rule 1305A, you must submit your Pre-Trial Statement seven (7) days prior to the scheduled Arbitration. The original should be forwarded to the Court Administrator's Office and copies to opposing counsel and each member of the Board of Arbitrators. For you convenience, a Pre-Trial (Arbitration) Memorandum Instruction Form is enclosed as well as a copy of said Local rule of Court.

Very truly yours,
Marcy Kelley
Marcy Kelley
Deputy Court Administrator

cc: Richard A. Bell, Esquire
Earle D. Lees, Jr., Esquire
Mark A. Falvo, Esquire

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

JOSEPH N. MANNERS,
Plaintiff

VS

GARY BAILEY,
Defendant

* No. 01-184-C.D.

* Type of Case: Civil

* Type of Pleading: Certificate
* of Service

* Filed on Behalf of: Defendant

* Counsel of Record for this Party:

* CHRIS A. PENTZ, Esquire

* Supreme Court I.D. # 39232
* 211 1/2 East Locust Street
* P. O. Box 552
* Clearfield PA 16830
* 814 765-4000

FILED

MAY 01 2002
013421nac
William A. Shaw
Prothonotary
KED

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

JOSEPH N. MANNERS,
Plaintiff

vs

* No. 01-184-C.D.

GARY BAILEY,
Defendant

CERTIFICATE OF SERVICE

This is to certify that Defendant's PreTrial
Statement was served upon:

Christopher E. Mohney, Esquire
90 Beaver Drive Box 6
DuBois PA 15801

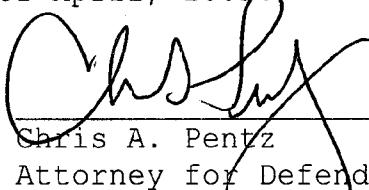
Earl D. Lees, Esquire
109 North Brady Street
DuBois PA 15801

Richard A. Bell, Esquire
318 East Locust Street
Clearfield PA 16830

Mark A. Falvo, Esquire
7 Bigler Road
Clearfield PA 16830

Service was made from the U.S. Post Office, Clearfield PA 16830
by regular mail, postage prepaid.

Service was made the 29th day of April, 2002.


Chris A. Pentz
Attorney for Defendant



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

Joseph N. Manners

vs.

Gary Bailey

No. 2001-00184-CD

OATH OR AFFIRMATION OF ARBITRATORS

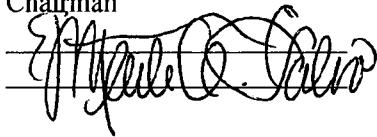
Now, this 7th day of May, 2002, we the undersigned, having been appointed arbitrators in the above case do hereby swear, or affirm, that we will hear the evidence and allegations of the parties and justly and equitably try all matters in variance submitted to us, determine the matters in controversy, make an award, and transmit the same to the Prothonotary within twenty (20) days of the date of hearing of the same.

Richard A. Bell, Esq.



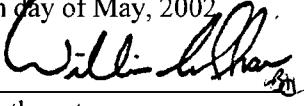
Chairman

Earle D. Lees, Jr., Esq.



Mark A. Falvo, Esq.

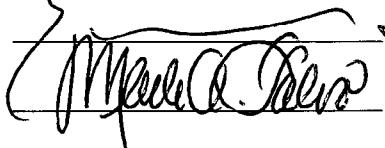
Sworn to and subscribed before me this
7th day of May, 2002


Prothonotary

AWARD OF ARBITRATORS

Now, this 7 day of May, 2002, we the undersigned arbitrators appointed in this case, after being duly sworn, and having heard the evidence and allegations of the parties, do award and find as follows:

*Award for Plaintiff and against Defendant in
the amount of \$ 7500.00 plus interest from June 17, 1999,
and costs of suit.*


Chairman

(Continue if needed on reverse.)

ENTRY OF AWARD

Now, this 7th day of May, 2002, I hereby certify that the above award was entered of record this date in the proper dockets and notice by mail of the return and entry of said award duly given to the parties or their attorneys.

WITNESS MY HAND AND THE SEAL OF THE COURT

FILED


Prothonotary
By _____

MAY 07 2002

William A. Shaw
Prothonotary

FILED

010:45^{AM} Notice to Atty Monroe, Atty Bentz
MAY 07 2002

cc
William A. Shaw
Prothonotary

COPY

Joseph N. Manners : IN THE COURT OF COMMON PLEAS
Vs. : OF CLEARFIELD COUNTY
Gary Bailey : No. 2001-00184-CD

NOTICE OF AWARD

TO: CHRIS A. PENTZ

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on May 7, 2002, and have awarded:

Award for Plaintiff and against Defendant in the amount of \$7,500.00 plus interest from June 17, 1999, and costs of suit.

William A. Shaw
Prothonotary
By _____

May 7, 2002
Date

In the event of an Appeal from Award of Arbitration within thirty (30) days of date of award.

COPY

Joseph N. Manners : IN THE COURT OF COMMON PLEAS
Vs. : OF CLEARFIELD COUNTY
: No. 2001-00184-CD
: :
Gary Bailey

NOTICE OF AWARD

TO: CHRISTOPHER E. MOHNEY

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on May 7, 2002, and have awarded:

Award for Plaintiff and against Defendant in the amount of \$7,500.00 plus interest from June 17, 1999, and costs of suit.

William A. Shaw
Prothonotary
By _____

May 7, 2002

Date

In the event of an Appeal from Award of Arbitration within thirty (30) days of date of award.

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

JOSEPH N. MANNERS, : NO. 2001 - 184 - C.D.
: Plaintiff : TYPE OF CASE: CIVIL
VS. : : TYPE OF PLEADING: PRAECIPE
: : FOR JUDGMENT
GARY BAILEY, : : FILED ON BEHALF OF: PLAINTIFF
: Defendant : : COUNSEL OF RECORD:
: : CHRISTOPHER E. MOHNEY, ESQUIRE
: : SUPREME COURT NO.: 63494
: : BLAKLEY, JONES & MOHNEY
: : 90 BEAVER DRIVE, BOX 6
: : DU BOIS, PA 15801
: : (814) 371-2730

FILED

JUN 12 2002

1/3/001 w

William A. Shaw
Prothonotary

104c 20.-

NOTICE TO

DEF

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

JOSEPH N MANNERS, : NO. 2001 - 184 - C.D.
: Plaintiff :
: VS. :
: GARY BAILEY, :
: Defendant :

PRAECIPE FOR JUDGMENT

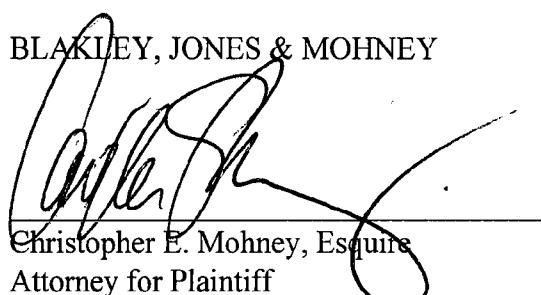
TO THE PROTHONOTARY:

Kindly enter judgment in favor of Plaintiff **JOSEPH N. MANNERS** and as against Defendant **GARY BAILEY** in the within captioned matter, pursuant to Notice of Award of Arbitrators, certified copy of which is attached hereto, and from which no appeal has been timely filed.

Respectfully submitted,

BLAKLEY, JONES & MOHNEY

BY:


Christopher E. Mohney, Esquire
Attorney for Plaintiff
90 Beaver Drive, Box 6
Du Bois, PA 15801
(814) 371-2730

Joseph N. Manners

Vs.

Gary Bailey

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY
No. 2001-00184-CD

NOTICE OF AWARD

TO: CHRISTOPHER E. MOHNEY

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on May 7, 2002, and have awarded:

Award for Plaintiff and against Defendant in the amount of \$7,500.00 plus interest from June 17, 1999, and costs of suit.

William A. Shaw

Prothonotary

By William A. Shaw

May 7, 2002

Date

In the event of an Appeal from Award of Arbitration within thirty (30) days of date of award.

William A. Shaw
Prothonotary

JUN 12 2002

FILED

IN THE COURT OF COMMON PLEAS OF

CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL DIVISION

NO. 2001 - 184 - C.D.

JOSEPH N. MANNERS,

Plaintiff

VS.

GARY BAILEY,

Defendant

PRAECIPE FOR JUDGMENT

LAW OFFICES

BLAKLEY, JONES & MOHNEY
90 BEAVER DRIVE - BOX 6
DUBOIS, PA 15801

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY ,
PENNSYLVANIA
STATEMENT OF JUDGMENT

Joseph N. Manners
Plaintiff(s)

No.: 2001-00184-CD

Real Debt: \$7,500.00

Atty's Comm:

Vs.

Costs: \$

Int. From: June 17, 1999

Gary Bailey
Defendant(s)

Entry: \$20.00

Instrument: Judgment from Arbitrators Award

Date of Entry: June 12, 2002

Expires: June 12, 2007

Certified from the record this June 12, 2002

William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

Received on _____, _____, of defendant full satisfaction of this Judgment,
Debt, Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

Plaintiff/Attorney

NOTICE OF JUDGMENT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION

Joseph N. Manners

Vs.

No. 2001-00184-CD

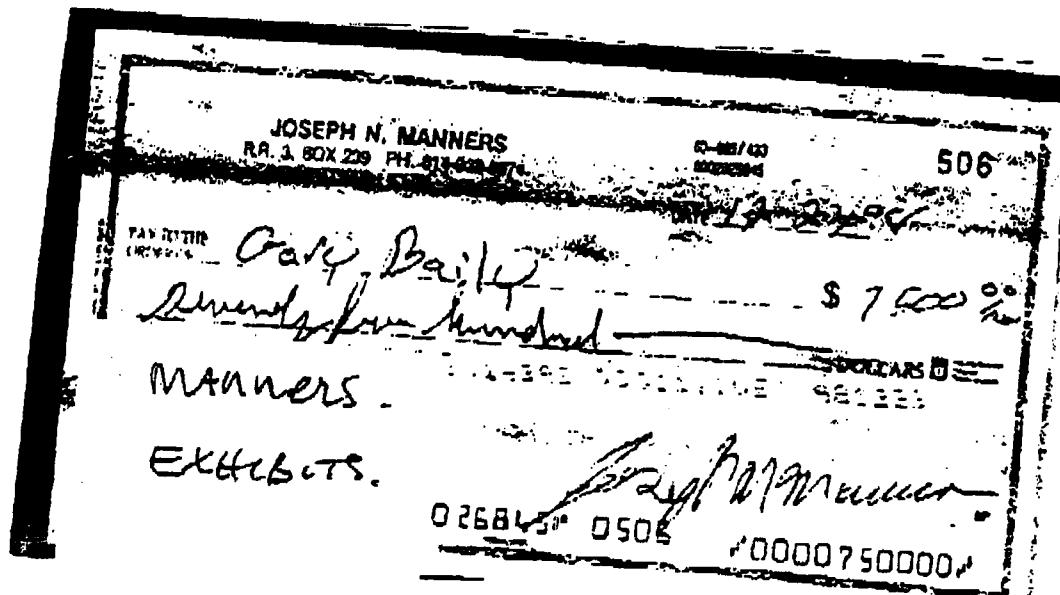
Gary Bailey

To: DEFENDANT(S)

NOTICE is given that a JUDGMENT in the above captioned matter has been entered against you in the amount of \$7,500.00 plus interest from June 17, 1999, on the June 12, 2002.

William A. Shaw
Prothonotary

William A. Shaw



Plaintiff
Exhibit #1



CHRIS A. PENTZ
ATTORNEY AT LAW
211 1/2 EAST LOCUST STREET
MARINO BUILDING
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

Arb 5702-830

TELEPHONE
(814) 765-4000

FAX
(814) 765-8142

April 29, 2002

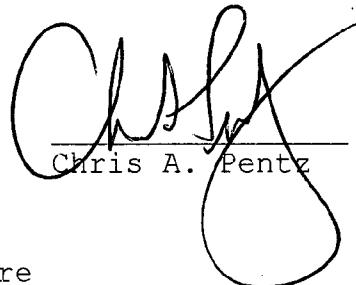
Office of Court Administrator
230 East Market Street
Clearfield PA 16830
HAND DELIVER

In Re: Manners vs Bailey/No. 01-184-C.D.

Dear Sirs or Madam:

Enclosed is the Defendant's PreTrial Statement. I am providing the Arbitrators and opposing counsel copies of this Statement by carbon copy of this letter. If you need anything further, please advise.

Sincerely,



Chris A. Pentz

CAP/jms
cc: Christopher E. Mohney, Esquire
Richard A. Bell, Esquire
Earle D. Lees, Jr., Esquire
Mark Falvo, Esquire
Mr. Gary Bailey
file

RECEIVED

APR 29 2002

**COURT ADMINISTRATORS
OFFICE**

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

*

JOSEPH N. MANNERS,
Plaintiff

*

vs

*

No. 01-184 -C.D.

*

GARY BAILEY,
Defendant

*

*

DEFENDANT'S PRE-TRIAL STATEMENT

a. BRIEF STATEMENT OF THE CASE:

The Defendant advised the Plaintiff that he was entering into an exclusive food vending rights for a yet-to-be-built amphitheater in Kittanning, Pennsylvania from Mid-Atlantic Promotions. The Plaintiff requested the Defendant to advise Mid-Atlantic that Plaintiff was interested in also obtaining exclusive rights to sell food products at the amphitheater. The Defendant contacted Mid-Atlantic and acted as a conduit for the agreement between the Plaintiff and Mid-Atlantic Promotions. The Defendant never at any time was or represented to be an agent of either the Plaintiff or Mid-Atlantic Promotions. Mid-Atlantic Promotions failed to build the Amphitheater in question and both Plaintiff and Defendant failed to receive any refund of money from Mid-Atlantic Promotions.

b. CITATION TO APPLICABLE CASES OR STATUTES:

This matter does not present any unique questions of law. General contract and agency law apply.

RECEIVED

APR 29 2002

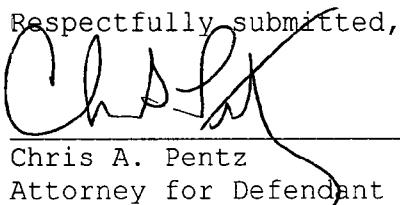
**COURT ADMINISTRATORS
OFFICE**

c. WITNESSES:

- i. Gary Bailey
2322 Third Avenue
Altoona PA 16602
- ii. George Kozak
25 Elm Street
Holidaysburg PA 16648
- iii. Carol Kozak
25 Elm Street
Holidaysburg PA 16648
- iv. Nick Socoski
R. D. # 1 Box 55A
Frenchville PA 16836
- v. Kevin Clocecielo
Punxsutawney PA 15767

d. STATEMENT OF DAMAGES:

N/A

Respectfully submitted,

Chris A. Pentz
Attorney for Defendant

Arb-5-7-02

BLAKLEY, JONES & MOHNEY
Attorneys and Counselors at Law
90 Beaver Drive, Box 6
Du Bois, Pennsylvania 15801

April 29, 2002

Telephone (814) 371-2730
Fax (814) 375-1082

Benjamin S. Blakley, III
Christopher E. Mohney

Marcy Kelley
Deputy Court Administrator
Office of the Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

**RE: Joseph N. Manners vs. Gary Bailey
No. 2001-184-C.D.**

Dear Marcy:

Please file the enclosed Pre-Arbitration Memorandum on behalf of Plaintiff Joseph N. Manners in the above stated case.

By copy of this letter, I am serving opposing counsel and the panel of Arbitrators with a true and correct copy of the enclosed original document for filing.

Thank you.

Sincerely yours,

BLAKLEY, JONES & MOHNEY

Christopher E. Mohney, Esquire

CEM:djf

Enclosure

copy to: Chris A. Pentz, Esquire (w/enc.)
Earle D. Lees, Esquire (w/enc.)
Richard A. Bell, Esquire (w/enc.)
Mark A. Falvo, Esquire (w/enc.)
Joseph N. Manners (w/enc.)

RECEIVED

APR 30 2002

**COURT ADMINISTRATION
OFFICE**



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

JOSEPH N. MANNERS, : NO. 2001 - 184 - C.D.
Plaintiff :
VS. : TYPE OF CASE: CIVIL
GARY BAILEY, :
Defendant : TYPE OF PLEADING:
: PRE-ARBITRATION MEMORANDUM
: FILED ON BEHALF OF: PLAINTIFF
: COUNSEL OF RECORD:
: CHRISTOPHER E. MOHNEY, ESQUIRE
: SUPREME COURT NO.: 63494
: BLAKLEY, JONES & MOHNEY
: 90 BEAVER DRIVE, BOX 6
: DU BOIS, PA 15801
: (814) 371-2730

RECEIVED

APR 30 2002

**COURT ADMINISTRATOR'S
OFFICE**

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

JOSEPH N. MANNERS, : NO. 2001 - 184 - C.D.
: Plaintiff :
VS. :
: GARY BAILEY, :
: Defendant :

PRE-ARBITRATION MEMORANDUM

AND NOW, comes Plaintiff **JOSEPH N. MANNERS**, by and through his attorney, **CHRISTOPHER E. MOHNEY, ESQUIRE**, and presents the following Pre-Arbitration Memorandum in compliance with Clearfield County Local Rule 1306 A (a):

I. BRIEF STATEMENT OF CASE

This is a breach of contract case.

Defendant **GARY BAILEY** approached Plaintiff **JOSEPH MANNERS** indicating that **BAILEY** was purchasing the rights for concessions for a contemplated Sugar Creek Ampitheatre. The Ampitheatre was to be operated by Mid-Atlantic Promotions, which had a contract with Defendant **GARY BAILEY** regarding the concessions.

BAILEY approached **MANNERS** and the two gentlemen entered into a valid oral contract where **MANNERS** was going to buy from **BAILEY** the rights to sell hot dogs and nachos for 18 to

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

JOSEPH N. MANNERS, : NO. 2001 - 184 - C.D.
Plaintiff :
VS. :
GARY BAILEY, :
Defendant :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Plaintiff's Pre-Arbitration Memorandum has been served upon the following individuals by regular United States mail, postage prepaid, on this 29th day of April, 2002:

Chris A. Pentz, Esquire
211-1/2 East Locust Street
Marino Building
P.O. Box 552
Clearfield, PA 16830
Attorney for Defendant

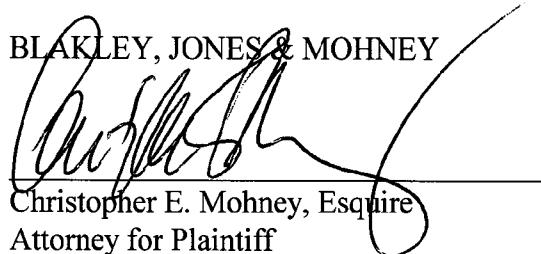
Richard A. Bell, Esquire
Bell, Silberblatt & Wood
318 East Locust Street
P.O. Box 670
Clearfield, PA 16830
Arbitrator

Earle D. Lees, Jr., Esquire
109 North Brady Street
P.O. Box 685
Du Bois, PA 15801
Arbitrator

Mark A. Falvo, Esquire
7 Bigler Road
Clearfield, PA 16830
Arbitrator

BY:

BLAKLEY, JONES & MOHNEY


Christopher E. Mohney, Esquire
Attorney for Plaintiff
90 Beaver Drive, Box 6
Du Bois, PA 15801
(814) 371-2730

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOSEPH N. MANNERS,

Plaintiff

vs.

GARY BAILEY,

Defendant

PRE-ARBITRATION MEMORANDUM

LAW OFFICES

BLAKLEY, JONES & MOHNEY
90 BEAVER DRIVE - BOX 6
DUBOIS, PA 15801

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

JOSEPH N. MANNERS, : Docket No. 2001-00184-C.D.
Plaintiff, :
vs. : Type of Pleading:
: PRAECIPE FOR WRIT OF
: EXECUTION
GARY BAILEY, : Filed on behalf of: Plaintiff
Defendant. :
and : Counsel of Record for this Party:
: THE BROOKS LAW GROUP
: Benjamin J. Vrobel, Esquire
: Atty. I.D. No. 92603
: 194 Main Street, Suite II
: Brookville, PA 15825
: (814) 849-4037
COUNTY NATIONAL BANK, :
Garnishee. :

FILED

AUG 05 2005 (13)
04:00/

William A. Shaw
Prothonotary

1 CEN to SHPF

1 CEN to ATTY.

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

JOSEPH N. MANNERS, : Docket No. 2001-00184-C.D.
Plaintiff, :
vs. : Type of Pleading:
: PRAECIPE FOR WRIT
: OF EXECUTION
GARY BAILEY, :
Defendant. : Filed on behalf of: Plaintiff
: and
: County NATIONAL BANK, :
Garnishee. :
:

PRAECIPE FOR WRIT OF EXECUTION

TO THE PROTHONOTARY:

Kindly issue a Writ of Execution in the above captioned matter:

1. Direct to the Sheriff of Clearfield County;
2. In favor of Plaintiff, Joseph N. Manners;
3. Against Gary Bailey, Defendant; and,
4. Against County National Bank, Garnishee

5. Amount Due: \$ 7,500.00
6. Interest from 06/17/1999- \$ 2,737.50
7. Costs to be added: \$ _____
8. Total: \$ _____

By:


THE BROOKS LAW GROUP,
Benjamin J. Vrobel, Esquire
Attorney I.D. No. 92603
194 Main Street, Suite II
Brookville, PA 15825
(814) 849-4037

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

JOSEPH N. MANNERS, : Docket No. 2001-00184-C.D.
Plaintiff, :
: vs.
: :
GARY BAILEY, :
Defendant. :
: :
and :
: :
COUNTY NATIONAL BANK, :
Garnishee. :
:

WRIT OF EXECUTION

Commonwealth of Pennsylvania :
County of Clearfield :
:

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against **GARY BAILEY** (Defendant):

1. You are directed to levy upon the property of the Defendant and to sell (his, her, their, its) interest(s) therein;
2. You are also directed to attach the property of the Defendant(s) not levied upon in the possession of **COUNTY NATIONAL BANK** (Garnishee), and to notify the Garnishee(s) that:
 - a. an attachment has been issued;
 - b. the Garnishee(s) is enjoined from paying any debt to or for the account of the Defendant and from delivering any property of the Defendant or otherwise disposing thereof.
 - c. If Social Security funds are directly deposited into an account of the Defendant, the levy and attachment shall not include any funds that may be traced to Social Security direct deposits.
3. If property of the Defendant(s) not levied upon and subject to attachment is found in the possession of anyone other than a named Garnishee(s), you are directed to notify (him, her, them, it) that (he, she, they, it) has (have) been added as a Garnishee(s) and is/are enjoined as above stated.

Amount Due	\$7,500.00
Interest from 6/17/99-	\$2,737.50
Costs to be added:	\$ _____

Prothonotary costs

\$140.00

CLEARFIELD COUNTY ROTHONOTARY

By:-

Date: *6-5-03*

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

JOSEPH N. MANNERS,
Plaintiff,
Docket No. 2001-00184-C.D.

vs.

GARY BAILEY,
Defendant.

and

COUNTY NATIONAL BANK,
Garnishee.

W^RI^T OF EXECUTION

Damages	\$ 10,237.50
Attorney	\$ _____
Prothonotary	\$ _____
Sheriff	\$ _____


Benjamin J. Vrobel, Esquire

Attorney for Plaintiff
THE BROOKS LAW GROUP
194 Main Street, Suite II
Brookville, PA 15825
(814) 849-4037

This Writ is issued subject to subsection 302
of Article III of the act of Congress, approved
on October 17, 1940, as to validity of sales
of sales of confessed judgments against persons in
the military service.

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

JOSEPH N. MANNERS, : Docket No. 2001-00184-C.D.
Plaintiff, :
vs. : Type of Pleading:
GARY BAILEY, : PRAECIPE
Defendant. : Filed on behalf of: Plaintiff
and : Counsel of Record:
COUNTY NATIONAL BANK, : Benjamin J. Vrobel, Esquire
Garnishee. : Atty. I.D. 92603
: THE BROOKS LAW GROUP
: 194 Main Street, Suite II
: Brookville, PA 15825
: (814) 849-4037

FILED

AUG 08 2005
O'Neal @
William A. Shaw
Prothonotary/Clerk of Courts

1 copy to Mr. Vrobel

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

JOSEPH N. MANNERS,
Plaintiff,

Docket No. 2001-00184-C.D.

vs.

Type of Pleading:
PRAECIPE

GARY BAILEY,
Defendant.

and

COUNTY NATIONAL BANK,
Garnishee.

PRAECIPE

TO THE PROTHONOTARY:

Kindly withdraw my appearance on behalf of the Plaintiff in the above-captioned case, term and number.

Respectfully Submitted:

By:

Christopher E. Mahoney, Esquire
90 Beaver Drive, Suite 111-B
DuBois, PA 15801
(814) 849-375-1044

PRAECIPE

TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of the Plaintiff in the above-captioned case, term and number.

Respectfully Submitted:

THE BROOKS LAW GROUP,

By:

Benjamin J. Vrobel, Esquire
Atty. I.D. No. 92603
194 Main Street, Suite II
Brookville, PA 15825
(814) 849-4037

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

JOSEPH N. MANNERS, : Docket No. 2001-00184-C.D.
Plaintiff, :
vs. : Type of Pleading:
GARY BAILEY, : PRAECIPE FOR CERTIFICATION
Defendant. : OF JUDGMENT
: Filed on behalf of: Plaintiff
: Counsel of Record for this Party:
: THE BROOKS LAW GROUP
: Benjamin J. Vrobel, Esquire
: Atty. I.D. No. 92603
: 194 Main Street, Suite II
: Brookville, PA 15825
: (814) 849-4037

FILED

E.W.
AUG 12 2005
01:55 PM
William A. Shaw
Prothonotary/Clerk of Courts
1 Cents To Any

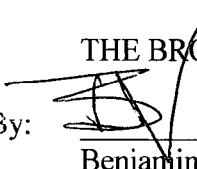
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

JOSEPH N. MANNERS, : Docket No. 2001-00184-C.D.
Plaintiff, :
vs. : Type of Pleading:
* : PRAECIPE FOR CERTIFICATION
* : OF JUDGMENT
GARY BAILEY, :
Defendant. : Filed on behalf of: Plaintiff
* :
* :
* :
* :
* :

PRAECIPE FOR CERTIFICATION OF JUDGMENT

TO THE PROTHONOTARY:

Kindly Issue a Certification of Judgment in the above captioned matter.

THE BROOKS LAW GROUP,
By: 

Benjamin J. Vrobel, Esquire
Attorney I.D. No. 92603
194 Main Street, Suite II
Brookville, PA 15825
(814) 849-4037

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
OFFICE OF THE PROTHONOTARY

Joseph N. Manners

Vs.

NO. 2001-00184-CD

Gary Bailey
County National Bank

CERTIFICATION OF DOCKET ENTRIES AND JUDGMENT

I, William A. Shaw, Prothonotary of the Court of Common Please of Clearfield County, Pennsylvania, do hereby certify that the attached is a certified and full copy of the docket entries in the above captioned case.

I further certify that a Judgment was entered in the above captioned matter in favor of Joseph N. Manners, Plaintiff and against Gary Bailey, Defendant on June 12, 2005, in the amount of 7,500.00.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the said Court, on the 12th day of August, A.D., 2005.

William A. Shaw
Prothonotary

BY: 

Deputy

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

Date: 08/12/2005

Time: 11:37 AM

Page 2 of 2

Clearfield County Court of Common Pleas

Complete Case History

Case: 2001-00184-CD

User: BILLSHAW

Joseph N. Manners vs. Gary Bailey, et al.

Register of Actions

05/01/2002	Certificate of Service, PreTrial Statement upon Atty. Mohney, Lees, R. Bell and Falvo. Filed by s/Chris A. Pentz, Esq. no cc	Reilly, John K. Jr.
05/07/2002	Oath or Affirmation of Arbitrators, filed. Award of Arbitrators, Now, this 7 day of May, 2002, find as follows: Award for Plaintiff and against Defendant in the amount of \$7,500.00 plus interest from June 17, 1999, and costs of suit. s/Richard A. Bell, Chairman s/Earle Lees, Esq. s/Mark Falvo, Esq. Entry of Award, Witness My Hand and the Seal of the Court, William A. Shaw, Prothonotary	Reilly, John K. Jr.
06/12/2002	Filing: Praeclipe for Judgment from Award of Arbitrators Paid by: Mohney, Christopher E. (attorney for Manners, Joseph N.) Receipt number: 1843916 Dated: 06/12/2002 Amount: \$20.00 (Check) Judgment entered against Gary Bailey in the amount of \$7,500.00 plus interest from June 17, 2001 Notice to Defendant's Atty.	Reilly, John K. Jr.
08/05/2005	Filing: Praeclipe for Writ of Execution Paid by: Brooks Law Group Receipt number: 1906158 Dated: 8/5/2005 Amount: \$20.00 (Check) 1 Cert. to Sheriff w/6 writs. and 1 cert. to Atty. Vrobel with writ.	Reilly, John K. Jr.
08/08/2005	Praeclipe To Withdraw and Enter Appearance, on behalf of Plaintiff, withdraw appearance of Christopher E. Mohney Esquire; enter appearance of Benjamin J. Vrobel, Esquire. 1CC Atty. Vrobel	Reilly, John K. Jr.

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



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

AUG 12 2005

Attest

John K. Reilly
Prothonotary/
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100718
NO: 01-184-CD
SERVICE # 1 OF 1
WRIT OF EXECUTION; INTERROGATORIES TO

GARNISHEE

PLAINTIFF: JOSEPH N. MANNERS

vs.

DEFENDANT: GARY BAILEY

TO: COUNTY NATIONAL BANK, GARNISHEE

SHERIFF RETURN

NOW, August 10, 2005 AT 1:04 PM SERVED THE WITHIN WRIT OF EXECUTION; INTERROGATORIES TO GARNISHEE ON COUNTY NATIONAL BANK DEFENDANT AT 101 INDUSTRIAL PARK ROAD, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO ROBIN MCKEOWN, TELLER A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION; INTERROGATORIES TO GARNISHEE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING / DEHAVEN

FILED
03:07:00
AUG 17 2005
SN

William A. Shaw
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	BROOKS	1193	10.00
SHERIFF HAWKINS	BROOKS	1193	20.00

Sworn to Before Me This

So Answers,

____ Day of _____ 2005

*Chester A. Hawkins
by Marilyn Harris*
Chester A. Hawkins
Sheriff

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

JOSEPH N. MANNERS,
Plaintiff,

Docket No. 2001-00184-C.D.

vs.

GARY BAILEY,
Defendant.

and

COUNTY NATIONAL BANK,
Garnishee.

WRIT OF EXECUTION

Commonwealth of Pennsylvania :
County of Clearfield :

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against GARY BAILEY (Defendant):

1. You are directed to levy upon the property of the Defendant and to sell (his, her, their, its) interest(s) therein;
2. You are also directed to attach the property of the Defendant(s) not levied upon in the possession of COUNTY NATIONAL BANK (Garnishee), and to notify the Garnishee(s) that:
 - a. an attachment has been issued;
 - b. the Garnishee(s) is enjoined from paying any debt to or for the account of the Defendant and from delivering any property of the Defendant or otherwise disposing thereof.
 - c. If Social Security funds are directly deposited into an account of the Defendant, the levy and attachment shall not include any funds that may be traced to Social Security direct deposits.
3. If property of the Defendant(s) not levied upon and subject to attachment is found in the possession of anyone other than a named Garnishee(s), you are directed to notify (him, her, them, it) that (he, she, they, it) has (have) been added as a Garnishee(s) and is/are enjoined as above stated.

Amount Due	\$7,500.00
Interest from 6/17/99-	\$2,737.50
Costs to be added:	\$ _____

Read 8/8/05-23/30pm
Chester A. Bauchenshaw
by Maury Hamer
Date: 8-5-05

By:-

CLEARFIELD COUNTY ROTHNOTARY

Prothonotary costs

\$ 140.00

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

Docket No. 2001-00184-C.D.

JOSEPH N. MANNERS,
Plaintiff,

vs.

GARY BAILEY,
Defendant.

and

COUNTY NATIONAL BANK,
Garnishee.

WRIT OF EXECUTION

Damages	\$ 10,237.50
Attorney	\$ _____
Prothonotary	\$ _____
Sheriff	\$ _____
M	

Benjamin J. Vrobel, Esquire

Attorney for Plaintiff
THE BROOKS LAW GROUP
194 Main Street, Suite II
Brookville, PA 15825
(814) 849-4037

This Writ is issued subject to subsection 302
of Article III of the act of Congress, approved
on October 17, 1940, as to validity of sales
of sales of confessed judgments against persons in
the military service.

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

JOSEPH N. MANNERS, : Docket No. 2001-00184-C.D.
Plaintiff, :
vs. :
GARY BAILEY, :
Defendant. :
and :
COUNTY NATIONAL BANK, :
Garnishee. :
:

WRIT OF EXECUTION

Commonwealth of Pennsylvania :
County of Clearfield :
:

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against **GARY BAILEY** (Defendant):

1. You are directed to levy upon the property of the Defendant and to sell (his, her, their, its) interest(s) therein;
2. You are also directed to attach the property of the Defendant(s) not levied upon in the possession of **COUNTY NATIONAL BANK** (Garnishee), and to notify the Garnishee(s) that:
 - a. an attachment has been issued;
 - b. the Garnishee(s) is enjoined from paying any debt to or for the account of the Defendant and from delivering any property of the Defendant or otherwise disposing thereof.
 - c. If Social Security funds are directly deposited into an account of the Defendant, the levy and attachment shall not include any funds that may be traced to Social Security direct deposits.
3. If property of the Defendant(s) not levied upon and subject to attachment is found in the possession of anyone other than a named Garnishee(s), you are directed to notify (him, her, them, it) that (he, she, they, it) has (have) been added as a Garnishee(s) and is/are enjoined as above stated.

Amount Due	\$7,500.00
Interest from 6/17/99-	\$2,737.50
Costs to be added:	\$ _____

Prothonotary costs
\$140.00

Recd 8-8-05 @ 3:30 pm
Chester A. Naufer Sheriff
By Mayor H. A. H. 8-5-05
Date: _____

CLEARFIELD COUNTY ROTHONOTARY
By: Willie

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

JOSEPH N. MANNERS,
Plaintiff,
Docket No. 2001-00184-C.D.

vs.
GARY BAILEY,
Defendant.

and

COUNTY NATIONAL BANK,
Garnishee.

WRIT OF EXECUTION

Damages \$ 10,237.50
Attorney \$ _____
Prothonotary \$ _____
Sheriff \$ _____


Benjamin J. Vrobel, Esquire
Attorney for Plaintiff
THE BROOKS LAW GROUP
194 Main Street, Suite II
Brookville, PA 15825
(814) 849-4037

This Writ is issued subject to subsection 302
of Article III of the act of Congress, approved
on October 17, 1940, as to validity of sales
of sales of confessed judgments against persons in
the military service.

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

JOSEPH N. MANNERS, : Docket No. 2001-00184-C.D.
Plaintiff, :
: vs.
: GARY BAILEY, :
Defendant. :
: and :
: COUNTY NATIONAL BANK, :
Garnishee. :
:

WRIT OF EXECUTION

Commonwealth of Pennsylvania :
County of Clearfield :
:

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against **GARY BAILEY** (Defendant):

1. You are directed to levy upon the property of the Defendant and to sell (his, her, their, its) interest(s) therein;
2. You are also directed to attach the property of the Defendant(s) not levied upon in the possession of **COUNTY NATIONAL BANK** (Garnishee), and to notify the Garnishee(s) that:
 - a. an attachment has been issued;
 - b. the Garnishee(s) is enjoined from paying any debt to or for the account of the Defendant and from delivering any property of the Defendant or otherwise disposing thereof.
 - c. If Social Security funds are directly deposited into an account of the Defendant, the levy and attachment shall not include any funds that may be traced to Social Security direct deposits.
3. If property of the Defendant(s) not levied upon and subject to attachment is found in the possession of anyone other than a named Garnishee(s), you are directed to notify (him, her, them, it) that (he, she, they, it) has (have) been added as a Garnishee(s) and is/are enjoined as above stated.

Amount Due	\$7,500.00
Interest from 6/17/99-	\$2,737.50
Costs to be added:	\$ _____

Prothonotary costs \$140.00

Rec'd 8-8-05 @ 3:30pm
Clerk A. Hanley Shultz
By Maryann Harr
Date: 8-3-05

By:-

CLEARFIELD COUNTY ROTHNOTARY.

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

JOSEPH N. MANNERS, : Docket No. 2001-00184-C.D.

Plaintiff,

vs.

GARY BAILEY, :
Defendant.

and

COUNTY NATIONAL BANK,
Garnishee.

WRIT OF EXECUTION

Damages	\$ 10,237.50
Attorney	\$ _____
Prothonotary	\$ _____
Sheriff	\$ _____
M	


Benjamin J. Vrobel, Esquire

Attorney for Plaintiff
THE BROOKS LAW GROUP
194 Main Street, Suite II
Brookville, PA 15825
(814) 849-4037

This Writ is issued subject to subsection 302
of Article III of the act of Congress, approved
on October 17, 1940, as to validity of sales
of sales of confessed judgments against persons in
the military service.

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

JOSEPH N. MANNERS, :
vs. Plaintiff :
GARY BAILEY :
and Defendant(s) :
COUNTY NATIONAL BANK :
Garnishee : No. 2001-00184-CD

FILED
01205874
AUG 19 2005
WM

William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

I, Peter F. Smith, attorney for County National Bank in the above-captioned matter, hereby certify that I served an original of the Answers to Interrogatories filed in this matter to Attorney Benjamin J. Vrobel by U.S. First Class Mail and true and correct copy on the Defendant by U.S. Certified Mail & U.S. First Class Mail Postage Prepaid at the following addresses: on August 19, 2005.

U.S. FIRST CLASS MAIL
Benjamin J. Vrobel, Esquire
The Brooks Law Group
194 Main Street, Suite II
Brookville, PA 15825

CERTIFIED MAIL
& First Class Mail Postage Prepaid
Gary Bailey
36 A Sylvan Drive
Hollidaysburg, PA 16648-2718

Respectfully submitted,



Peter F. Smith,
Attorney for County National Bank

Date: August 19, 2005

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

JOSEPH N. MANNERS,
Plaintiff,

vs.

GARY BAILEY,
Defendant.

: Docket No. 2001-00184-C.D.

:
: Type of Pleading:
: PRAECIPE TO SATISFY
: JUDGMENT AND WRIT
: OF EXECUTION
: Filed on behalf of: Plaintiff

:
: Counsel of Record for this Party:
: THE BROOKS LAW GROUP
: Benjamin J. Vrobel, Esquire
: Atty. I.D. No. 92603
: 194 Main Street, Suite II
: Brookville, PA 15825
: (814) 849-4037

FILED
M 11:05 AM SEP 15 2005
One CC, Cert.
of Sat, Cert. of
Disc. to Atty
William A. Shaw
Prothonotary/Clerk of Courts
Copy of Disc.
to CIA
60

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

JOSEPH N. MANNERS, : Docket No. 2001-00184-C.D.
Plaintiff, :
vs. : Type of Pleading:
: CERTIFICATE OF SERVICE
: :
GARY BAILEY, : Filed on behalf of: Plaintiff
Defendant. :
:

CERTIFICATE OF SERVICE

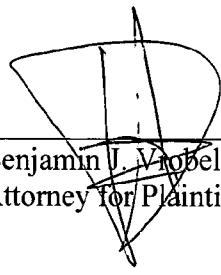
I hereby certify that on this 12th day of September, 2005, I served a true and correct copy of Plaintiff's Praecipe to Satisfy Judgment and Writ of Execution upon the following persons and in the following manner indicated:

Service by First Class Mail, Postage Prepaid,
Addressed as Follows:

Gary A. Bailey
36 A Sylvan Drive
Hollidaysburg, PA 16648-2718
Defendant

Joseph Manners
RD#3 Box 240-A
Reynoldsville, PA 15851
Plaintiff

Benjamin J. Viobel, Esquire
Attorney for Plaintiff



IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

 COPY

CERTIFICATE OF SATISFACTION OF JUDGMENT

No.: 2001-00184-CD

Joseph N. Manners

Debt: \$10,237.50

Vs.

Atty's Comm.:

Gary Bailey
County National Bank

Interest From:

Cost: \$7.00

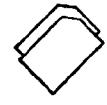
NOW, Thursday, September 15, 2005 , directions for satisfaction having been received, and all costs having been paid, SATISFACTION was entered of record.

Certified from the record this 15th day of September, A.D. 2005.

Prothonotary

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

 COPY

Joseph N. Manners

Vs. **No. 2001-00184-CD**
Gary Bailey
County National Bank

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on September 15, 2005, marked:

Discontinued

Record costs in the sum of \$162.00 have been paid in full by Benjamin J. Vrobel and Christopher E. Mohney.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 15th day of September A.D. 2005.

William A. Shaw, Prothonotary