

01-190-CD
ROBERT J. FLECK -vs- DAVID P. KING

COURT OF COMMON PLEAS
Clearfield Co.
JUDICIAL DISTRICT

46

NOTICE OF APPEAL

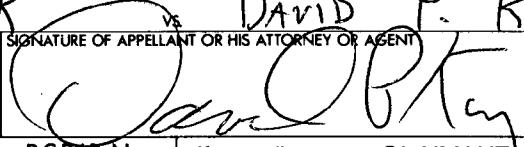
FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 2001-190-CD

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	DAVID P. KING			MAG. DIST. NO. OR NAME OF D.J.	46-3-01 (FORD)
ADDRESS OF APPELLANT	23 Beaver Drive	PO Box 1016	CITY	STATE	PA
DATE OF JUDGMENT	1/9/01	IN THE CASE OF (Plaintiff)	Robert J. Fleck	(Defendant)	15801
CLAIM NO.	CV 19	CV-0000813-00	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT		
	LT 19				
<p>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.</p>			<p>If appellant was CLAIMANT (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.</p>		
Signature of Prothonotary or Deputy					

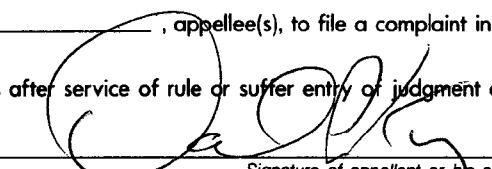
PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

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

PRAECIPE: To Prothonotary

Enter rule upon Robert J. Fleck, Name of appellee(s)

(Common Pleas No. 2001-190-CD) within twenty (20) days after service of rule or suffer entry of judgment of non pros.



Signature of appellant or his attorney or agent

RULE: To Robert J. Fleck, Name of appellee(s).

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

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

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

Date: FEB. 7, 2001



Signature of Prothonotary or Deputy

FILED

*Feb 7 2001
01:00pm
William A. Shaw
Prothonotary
by ATTY KIN
COPY TO ATTY*

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

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

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF _____ ; ss

AFFIDAVIT: I hereby swear or affirm that I served

a copy of the Notice of Appeal, Common Pleas No. _____, upon the District Justice designated therein on
(date of service) _____, by personal service by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, *(name)* _____, on
_____, 19____ by personal service by (certified) (registered) mail, sender's receipt attached hereto.

and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to whom the Rule was addressed on _____, 19____ by personal service by (certified) (registered) mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

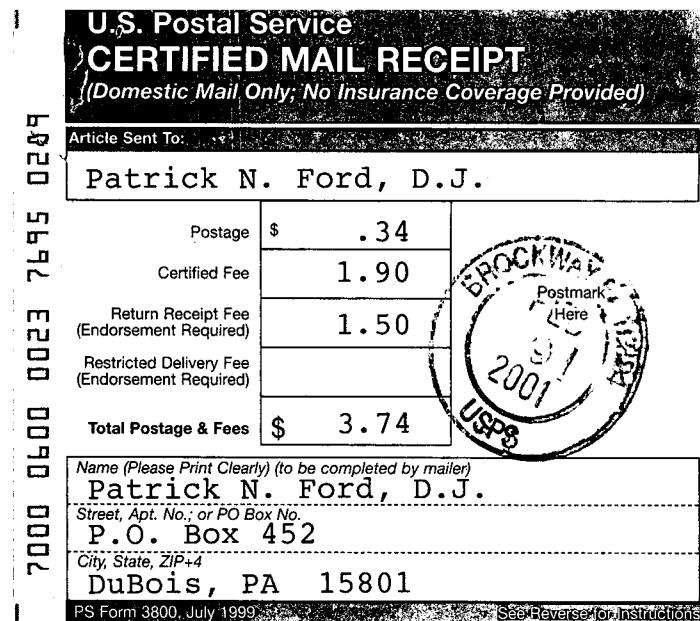
THIS _____ DAY OF _____, 19_____

Signature of affiant

Signature of official before whom affidavit was made

Title of official

My commission expires on _____, 19_____



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)

Article Sent To:

Robert J. Fleck

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



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

Robert J. Fleck

Street, Apt. No.; or P.O. Box No.

R. D. 3, Box 75

City, State, ZIP+4

DuBois, PA 15801

PS Form 3800, July 1999. See Reverse for Instructions.

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.

SENDER: COMPLETE THIS SECTION

PLACE STICKER AT TOP OF ENVELOPE

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

1. Article Addressed to:

Patrick N. Ford, D.J.
109 North Brady Street
P. O. Box 452
DuBois, PA 15801

A. Received by (Please Print Clearly)

R Shaffer

B. Date of Delivery

16 02-13-01

C. Signature

X R Shaffer Agent
 AddresseeD. Is delivery address different from item 1? YesIf YES, enter delivery address below: No

3. Service Type

<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

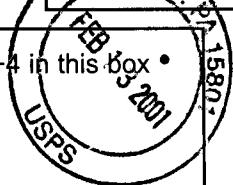
2. Article Number (Copy from service label)

7000 0600 0023 7695 0289

FOLD AT DOTTED LINE
UNITED STATES POSTAL SERVICE



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



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

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

+

SENDER: COMPLETE THIS SECTION		RECEIVER: COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Received by (Please Print Clearly) <i>Robert J. Fleck</i> B. Date of Delivery <i>2/26/91</i></p> <p>C. Signature <i>Robert J. Fleck</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p> <p>1. Article Addressed to: Robert J. Fleck Bomar Real Estate R. D. 3, Box 75 DuBois, PA 15801</p> <p>2. Article Number (Copy from service label) 7000 0600 0023 7695 0265</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	

UNITED STATES POSTAL SERVICE



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

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

David P. King, Esquire

P. O. Box 1016

DuBois, PA 15801

COURT OF COMMON PLEAS
Clearfield Co.
JUDICIAL DISTRICT

46

NOTICE OF APPEAL

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 2001-190-CO

NOTICE OF APPEAL

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

NAME OF APPELLANT	DAVID P. KING			MAG. DIST. NO. OR NAME OF D.J.	46-3-01 (FORD)
ADDRESS OF APPELLANT	23 Beaver Drive	PO Box 1016	CITY	STATE	PA
DATE OF JUDGMENT	11/9/01	IN THE CASE OF (Plaintiff)	Robert J. Fleck	(Defendant)	15801
CLAIM NO.	CV 19	CV-0000813-00	vs.	DAVID P. KING	
			SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT	<i>David P. King</i>	
			This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.		
			This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.		
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 Robert J. Fleck, appellee(s), to file a complaint in this appeal
(Name of appellee(s))

(Common Pleas No. 2001-190-CO) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Robert J. Fleck
Signature of appellant or his attorney or agent

RULE: To Robert J. Fleck, appellee(s).
(Name of appellee(s))

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

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

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

Date: FEB. 7, 2001

Robert J. Fleck
Signature of Prothonotary or Deputy

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

FEB 07 2001

Attest.

William J. Brown
Prothonotary

COURT FILE

01-190-CD

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

AFFIDAVIT: I hereby swear or affirm that I served

a copy of the Notice of Appeal, Common Pleas No. 2001-190-CD, upon the District Justice designated thereon on
(date of service) 2/9/2001 by personal service by (certified) (registered) mail, sender's
receipt attached hereto, and upon the appellee, (name) Robert J. Fleck on
2/9/2001 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 2/9/2001, 19 by personal service by (certified) (registered)
mail, sender's receipt attached hereto

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS 9th DAY OF February, 2001

Margaret J. Thompson

Signature of Notary Public, whom affidavit was made

Notary Public

Title of Notary

My commission expires on 10/31/02

Notarial Seal
Margaret J. Thompson, Notary Public
DuBois, Clearfield County
My Commission Expires Oct. 31, 2002
Member, Pennsylvania Association of Notaries

Janet P. Kuy
Signature of affiant

FILED

FEB 13 2001

on 110-461ncc

William A. Shaw

Prothonotary

878

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-01

DJ Name: Hon.

PATRICK N. FORD

Address: **109 NORTH BRADY STREET
P.O. BOX 452
DUBOIS, PA**

Telephone: **(814) 371-5321 15801**

**PATRICK N. FORD
109 NORTH BRADY STREET
P.O. BOX 452
DUBOIS, PA 15801**

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF: **FLECK, ROBERT J** NAME and ADDRESS

**RD 3 BOX 75
D/B/A BOMAR REALESTATE
DUBOIS, PA 15801**

VS.

DEFENDANT: NAME and ADDRESS

**KING ESQ, DAVID P
23 BEAVER DRIVE
P.O. BOX 1016
DUBOIS, PA 15801**

Docket No.: **CV-0000813-00**
Date Filed: **12/05/00**



THIS IS TO NOTIFY YOU THAT:

Judgment:

DEFAULT JUDGMENT PLATE

01/09/00

Judgment was entered for: (Name) **FLECK, ROBERT J**

Judgment was entered against: (Name) **KING ESQ, DAVID P**

in the amount of \$ **1,006.00** on: (Date of Judgment) **1/09/01**

Defendants are jointly and severally liable. **FILED** (Date & Time) _____

Damages will be assessed on: _____

This case dismissed without prejudice. **FEB 20 2001**
William A. Shaw **1/11/52 E**
Prothonotary

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	\$ 950.00
Judgment Costs	\$ 56.00
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 1,006.00
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
Certified Judgment Total \$ _____	

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 PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

1-9-01 Date **Patrick N. Ford PNF**, District Justice

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

Date _____, District Justice

My commission expires first Monday of January,

2006

SEAL

COMMONWEALTH OF PENNSYLVANIA
/ OF: CLEARFIELD

CIVIL COMPLAINT

Dist. No.:
46-3-01

DJ Name: Hon.

PATRICK N. FORD
Address: 109 NORTH BRADY STREET
P.O. BOX 452
DUBOIS, PA 15801
Telephone: (814) 371-5321

PLAINTIFF:

NAME and ADDRESS

Robert J. Fleck d/b/a
BOMAR REALESTATE APPRAISAL
SERVICES
R.D. #3, Box 75, DUBOIS, PA 15801
VS.

DEFENDANT:

NAME and ADDRESS

DAVID P. KING
23 BEAVER DR. ME
DUBOIS, PA 15801

Docket No.: CV 813-00
Date Filed:

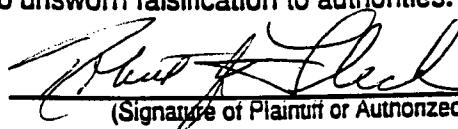


	AMOUNT	DATE PAID
FILING COSTS	\$ 56 -	/ /
SERVING COSTS	\$ _____	/ /
TOTAL	\$ _____	/ /

TO THE DEFENDANT: The above named plaintiff(s) asks judgment against you for \$ 950.00 together with costs upon the following claim (Civil fines must include citation of the statute or ordinance violated):

Non-payment for Appraisal Services Rendered.

I, Robert J. Fleck verify that the facts set forth in this complaint are true and correct to the best of my knowledge, information, and belief. This statement is made subject to the penalties of Section 4904 of the Crimes Code (18 PA. C.S. § 4904) related to unsworn falsification to authorities.


(Signature of Plaintiff or Authorized Agent)

Plaintiff's Attorney: _____ Address: _____

Telephone: _____

IF YOU INTEND TO ENTER A DEFENSE TO THIS COMPLAINT, NOTIFY THIS OFFICE IMMEDIATELY AT THE ABOVE TELEPHONE NUMBER. YOU MUST APPEAR AT THE HEARING AND PRESENT YOUR DEFENSE. UNLESS YOU JUDGMENT WILL BE ENTERED AGAINST YOU BY DEFAULT.

If you have a claim against the plaintiff which is within district justice jurisdiction and which you intend to assert at the hearing, you must file it on a complaint form at this office at least five (5) days before the date set for the hearing. If you have a claim against the plaintiff which is not within district justice jurisdiction, you may request information from this office as to the procedures you may follow. If you are disabled and require assistance, please contact the Magisterial District office at the address:

David P. King, Esq.

Law Offices
DAVID P. KING
23 Beaver Drive
P.O. Box 1016
DuBois, PA 15801

Phone (814) 371-3760
Telecopier (814) 371-4874

February 19, 2001

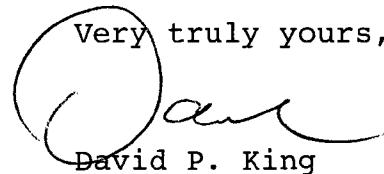
William A. Shaw, Prothonotary
Clearfield County Courthouse
P. O. Box 549
Clearfield, PA 16830

Re: Fleck vs. King
No. 2001-190-C.D.

Dear Bill:

In reference to the above, please find enclosed the two (2) green return receipt cards from Patrick N. Ford, D.J. and Robert J. Fleck.

Please make these a matter of record.

Very truly yours,

David P. King

DPK:pp

Enclosures

FILED

FEB 21 2001

M 10:20

William A. Shaw
Prothonotary

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

ROBERT J. FLECK,
Plaintiff

vs. : No. 01-190 C.D.

DAVID P. KING, ESQUIRE
Defendant

: Type of Pleading: Complaint

: Filed by: Robert J. Fleck

: R.D. #3, Box 75
: DuBois, PA 15801
: (814) 375-4647

FILED

MAR 01 2001

William A. Shaw
Prothonotary

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

ROBERT J. FLECK,
Plaintiff

vs. : No. 01-190 C.D.

DAVID P. KING, ESQUIRE
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)

ROBERT J. FLECK, :
Plaintiff :
vs. : No. 01-190 C.D.
DAVID P. KING, ESQUIRE :
Defendant :
:

COMPLAINT

AND NOW, comes Plaintiff, Robert J. Fleck, and files the within Complaint against the Defendant as follows:

COUNT I

1. Robert J. Fleck is an adult individual who maintains a business address at R.D. #3, Box 75, DuBois, Pennsylvania 15801.
2. Defendant, David P. King, Esquire, is an adult individual who maintains a business address at 23 Beaver Drive, P.O. Box 1016, DuBois, Pennsylvania 15801.
3. Plaintiff is engaged in a business of supplying appraisal services for individuals and entities through the Commonwealth of Pennsylvania.
4. Defendant is a practicing attorney in the Commonwealth of Pennsylvania.
5. Defendant did request Plaintiff to perform appraisal services of two (2) pieces of property for a client of Defendant.
6. At the time said request by Defendant, Plaintiff gave the Defendant an estimated cost of \$650.00 and \$300.00 for the work which Defendant requested. Defendant guaranteed payment of Plaintiff's bills.

7. Plaintiff performed two (2) appraisals as the Defendant requested and delivered same to the Defendant in a timely manner.

8. Plaintiff billed Defendant the quoted price of \$650.00 and \$300.00. Plaintiff has made repeated requests of Plaintiff for payment which Defendant has refused to tender.

9. The actions of the Defendant constitute breach of contract entitling Plaintiff to an award of damages in the amount of \$950.00.

10. Plaintiff has incurred District Magistrate filing fees of \$56.00 for which Plaintiff is entitled to reimbursement.

WHEREFORE, Plaintiff demands judgment against the Defendant, David P. King, Esquire, in the amount of \$1,006.00.

COUNT II

QUANTUM MERUIT

11. Plaintiff repeats and incorporates the allegations of Count I as if set forth at length herein.

12. Plaintiff provided appraisal services to Defendant.

13. Defendant has received the benefit of Plaintiff's work, the fair market value of which is \$950.00. Defendant has failed to pay Plaintiff in full. Plaintiff is entitled to recovery under the theory of quantum meruit.

14. Plaintiff has incurred District Magistrate filing fees of \$56.00 for which Plaintiff is entitled to reimbursement.

WHEREFORE, Plaintiff demands judgment in its favor against Defendant David P. King, Esquire, in the amount of \$1,006.00, together with pre-judgment and post-judgment interest, costs of suit, attorneys fees and such other and further relief as the Court deems fair and equitable.

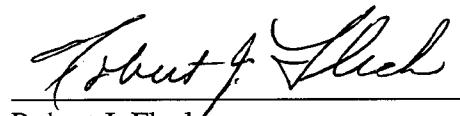
COUNT III

UNJUST ENRICHMENT

15. Plaintiff repeats and incorporates the allegations of Count I and Count II as if set forth at length herein.
16. Plaintiff is entitled to recovery under the theory of unjust enrichment.
17. Plaintiff has incurred District Magistrate filing fees of \$56.00 for which Plaintiff is entitled to reimbursement.

WHEREFORE, Plaintiff demands judgment in its favor against Defendant David P. King, Esquire, in the amount of \$1,006.00, together with pre-judgment and post-judgment interest, costs of suit, attorneys fees and such other and further relief as the Court deems fair and equitable.

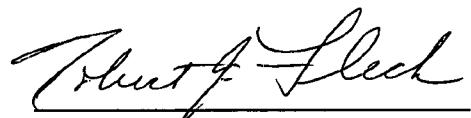
Respectfully submitted



Robert J. Fleck

VERIFICATION

I hereby verify that the statements made in this pleading 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.



Robert J. Fleck

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

ROBERT J. FLECK,	:	
	:	
Plaintiff	:	
	:	
vs.	:	No.
	:	
DAVID P. KING, ESQUIRE	:	
	:	
Defendant	:	

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the Complaint filed by Robert J. Fleck, was forwarded on the 1st day of March, 2001, by U.S. Mail, postage prepaid, to David P. King, addressed as follows:

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



Robert J. Fleck

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

ROBERT J. FLECK,
Plaintiff

NO. 01-190 C.D.

vs.

DAVID P. KING, ESQUIRE,
Defendant

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

APR 10 2001

William A. Shaw
Prothonotary

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

ROBERT J. FLECK, :
Plaintiff :
: :
vs. : NO. 01-190 C.D.
: :
DAVID P. KING, ESQUIRE, :
Defendant :
:

PRELIMINARY OBJECTIONS

AND NOW, comes the Defendant, and files the following
Preliminary Objections to Plaintiff's Complaint which in concise
manner are stated as follows:

PRELIMINARY OBJECTION I
(MOTION TO STRIKE)

1. The essence of Plaintiff's Complaint is contained in
Paragraph 5 thereof which states verbatim as follows: "Defendant
did request Plaintiff to perform appraisal services of two (2)
pieces of property for a client of Defendant." (emphasis ours)

2. Plaintiff then goes on in his Complaint to set forth
three independent theories of recovery. These being quantum
meruit and unjust enrichment, in addition to breach of contract.

3. Without regard to the merits of the allegations, the
theory of quantum meruit is as to damages based on the reasonable
value of services rendered regardless of any agreement as to value.

4. However, Plaintiff fails to set forth facts which show
that services were rendered for anyone other than the clients of
the Defendant.

5. Plaintiff makes a bare statement without particularity that the Defendant received the benefit of Plaintiff's work and its fair market value.

6. Plaintiff states no facts in his entire Complaint which shows any benefit to the Defendant.

WHEREFORE, Defendant moves your Honorable Court to strike COUNT II of Plaintiff's Complaint for failure to state a cause of action.


David P. King, Esquire

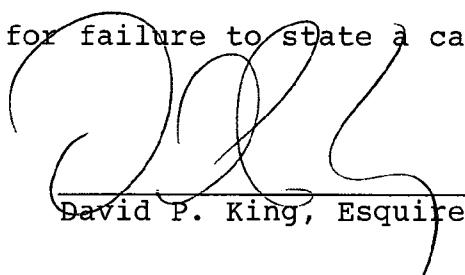
PRELIMINARY OBJECTION II
(MOTION TO STRIKE)

7. In COUNT III of Plaintiff's Complaint, the theory of unjust enrichment is set forth.

8. Unjust enrichment is the doctrine that a person shall not be allowed to profit or enrich himself inequitably at another's expense.

9. Other than a bare statement of the theory of unjust enrichment, Plaintiff has pled no facts which show that the Defendant benefited from Plaintiff's appraisal work.

WHEREFORE, Defendant moves your Honorable Court to strike COUNT III of Plaintiff's Complaint for failure to state a cause of action.


David P. King, Esquire

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

ROBERT J. FLECK,
Plaintif

vs. : No. 01-190 C.D.

DAVID P. KING, ESQUIRE
Defendant

: Type of Pleading
Amended Complaint

: Filed by: Robert J. Fleck

: R.D. #3, Box 75
DuBois, PA 15801
: (814) 375-4647

FILED

APR 18 2001

William A. Shaw
Prothonotary

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

ROBERT J. FLECK,	:	
Plaintiff	:	
vs.	:	No. 01-190 C.D.
DAVID P. KING, ESQUIRE	:	
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)

ROBERT J. FLECK, :
Plaintiff :
: vs. : No. 01-190 C.D.
: :
DAVID P. KING, ESQUIRE :
Defendant :
:

COMPLAINT

AND NOW, comes Plaintiff, Robert J. Fleck, and files the within Complaint against the Defendant as follows:

COUNT I

1. Robert J. Fleck is an adult individual who maintains a business address at R.D. #3, Box 75, DuBois, Pennsylvania 15801.
2. Defendant, David P. King, Esquire, is an adult individual who maintains a business address at 23 Beaver Drive, P.O. Box 1016, DuBois, Pennsylvania 15801.
3. Plaintiff is engaged in a business of supplying appraisal services for individuals and entities through the Commonwealth of Pennsylvania.
4. Defendant is a practicing attorney in the Commonwealth of Pennsylvania.
5. Defendant did request Plaintiff to perform appraisal services of two (2) pieces of property for a client of Defendant.
6. At the time said request by Defendant, Plaintiff gave the Defendant an estimated cost of \$650.00 and \$300.00 for the work which Defendant requested. Defendant guaranteed payment of Plaintiff's bills.

7. Plaintiff performed two (2) appraisals as the Defendant requested and delivered same to the Defendant in a timely manner.

8. Plaintiff billed Defendant the quoted price of \$650.00 and \$300.00. Plaintiff has made repeated requests of Plaintiff for payment which Defendant has refused to tender.

9. The actions of the Defendant constitute breach of contract entitling Plaintiff to an award of damages in the amount of \$950.00.

10. Plaintiff has incurred District Magistrate filing fees of \$56.00 for which Plaintiff is entitled to reimbursement.

WHEREFORE, Plaintiff demands judgment against the Defendant, David P. King, Esquire, in the amount of \$1,006.00.

COUNT II

QUANTUM MERUIT

11. Plaintiff repeats and incorporates the allegations of Count I as if set forth at length herein.

12. Plaintiff provided appraisal services for Defendant.

13. Defendant requested appraisal services from the Plaintiff in reference to legal services Defendant was rendering on behalf of a client. Presumably Defendant needed, and therefore benefited from, said appraisal services so Defendant could provide effective legal representation to Defendant's client that benefited, or at least not damage, Defendant's law firm.

14. Defendant has received the benefit of Plaintiff's work, the fair market value of which is \$950.00.

15. Defendant has failed to pay Plaintiff in full. Plaintiff is entitled to recovery under the theory of quantum meruit.

16. Plaintiff has incurred District Magistrate filing fees of \$56.00 for which Plaintiff is entitled to reimbursement.

WHEREFORE, Plaintiff demands judgment in its favor against Defendant David P. King, Esquire, in the amount of \$1,006.00, together with pre-judgment and post-judgment interest, costs of suit, attorneys fees and such other and further relief as the Court deems fair and equitable.

COUNT III

UNJUST ENRICHMENT

17. Plaintiff repeats and incorporates the allegations of Count I and Count II as if set forth at length herein.

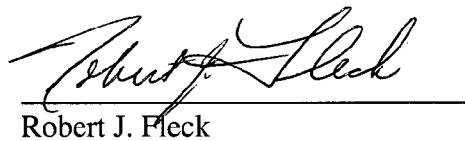
18. Plaintiff is entitled to recovery under the theory of unjust enrichment.

19. Defendant requested appraisal services from the Plaintiff in reference to legal services Defendant was rendering on behalf of a client. Presumably Defendant needed, and therefore benefited from, said appraisal services so Defendant could provide effective legal representation to Defendant's client that benefited, or at least not damage, Defendant's law firm.

20. Plaintiff has incurred District Magistrate filing fees of \$56.00 for which Plaintiff is entitled to reimbursement.

WHEREFORE, Plaintiff demands judgment in its favor against Defendant David P. King, Esquire, in the amount of \$1,006.00, together with pre-judgment and post-judgment interest, costs of suit, attorneys fees and such other and further relief as the Court deems fair and equitable.

Respectfully submitted



Robert J. Fleck

VERIFICATION

I hereby verify that the statements made in this pleading 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.



Robert J. Fleck

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

ROBERT J. FLECK, :
Plaintiff :
: :
vs. : No.
: :
DAVID P. KING, ESQUIRE :
Defendant :
:

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the Complaint filed by Robert J. Fleck, was forwarded on the 18th day of April, 2001, by U.S. Mail, postage prepaid, to David P. King, addressed as follows:

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



Robert J. Fleck

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

ROBERT J. FLECK,
Plaintiff

NO. 01-190 C.D.

vs.

Type of Case: Civil

DAVID P. KING, ESQUIRE,
Defendant

Type of Pleading: Answer with
New Matter

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

JUN 21 2001

William A. Shaw
Prothonotary

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

ROBERT J. FLECK,	:
Plaintiff	:
	:
vs.	: NO. 01-190 C.D.
	:
DAVID P. KING, ESQUIRE,	:
Defendant	:

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Answer with New Matter 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 Answer with New Matter or for any other claim or relief requested by the Defendant. 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
1 North Second Street
Clearfield, PA 16830
(814) 765-2641 Ext. 5982

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

ROBERT J. FLECK, :
Plaintiff :
: :
vs. : NO. 01-190 C.D.
: :
DAVID P. KING, ESQUIRE, :
Defendant :
:

ANSWER

AND NOW, comes the Defendant, DAVID P. KING, ESQUIRE, and files the within Answer to Defendant's Complaint which is as follows:

COUNT I

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. The Defendant did request, as has been past practice, to perform appraisal services on behalf of two clients.
6. The averments in Plaintiff's Paragraph 6 are denied in that although there was an estimated cost of \$650.00, an estimated cost of \$300.00 was not given. Notwithstanding, although Plaintiff states that Defendant guaranteed payment, the same is specifically denied in that no such guarantee was made either orally or in writing.
7. Plaintiff did perform the appraisals as mentioned.

8. It is admitted that the Plaintiff billed the total sum of \$950.00, but denied in that the same infers that such bill is valid and the obligation of the Defendant herein for the reasons as set forth above as well as hereafter.

9. Defendant denies that there exists a breach of contract titling Plaintiff to damages as prayed for, for all of the reasons as set forth above as well as hereafter.

10. Although Plaintiff may have incurred filing fees, the averments in Plaintiff's Paragraph 10 are denied in that the same infers an obligation to the Plaintiff for reimbursement for the same.

WHEREFORE, Defendant demands a judgment against the Plaintiff and in his favor.

COUNT II

QUANTUM MERUIT

11. The Defendant answers the same as set forth in Paragraphs 1 through 10 above.

12. Denied. The Plaintiff did not provide appraisal services for Defendant.

13. Appraisal services were requested from the Defendant on behalf of clients. Defendant, however, did not benefit from such services despite Plaintiff's speculation.

14. Again, Defendant denies benefit conferred. Fair market value is thus irrelevant.

15. It is denied that the Plaintiff is entitled to recovery under the theory of quantum meruit.

16. Again, the averments in Plaintiff's Paragraph 16 are denied in that the same infers an obligation on the Defendant to the Plaintiff.

WHEREFORE, Defendant asks judgment in his favor and against the Plaintiff.

COUNT III

UNJUST ENRICHMENT

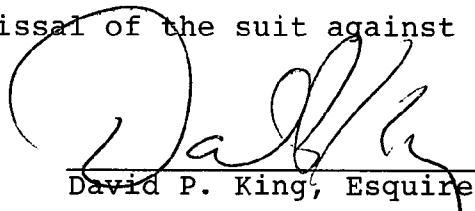
17. Defendant incorporates the Answers in Paragraphs 1 through 16 above.

18. The averments in Plaintiff's Paragraph 18 are a legal conclusion, but notwithstanding are denied for all of the reasons as set forth above as well as hereafter.

19. For the same reason as set forth above as well as hereafter, Defendant denies unjust enrichment.

20. For the same reason as set forth above as well as hereafter, Defendant has no obligation to the Plaintiff for such filing fees.

WHEREFORE, Defendant asks for judgment in his favor and against the Plaintiff and the dismissal of the suit against him.



David P. King, Esquire

NEW MATTER

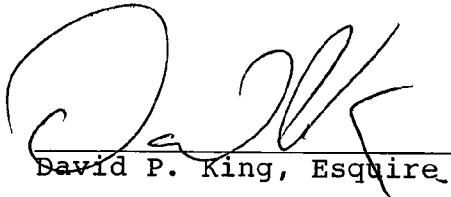
21. Plaintiff's cause of action, in essence, alleges guaranteeement of payment.

22. The Defendant did not guarantee payment either in writing or orally.

23. Additionally, past practices between the Plaintiff and Defendant were such that when appraisal services were performed, and when such clients paid, such payment and check would then be given to the Plaintiff.

24. There was no difference in the arrangements and the expectations of the parties in the appraisals and transactions which are the subject matter of this lawsuit.

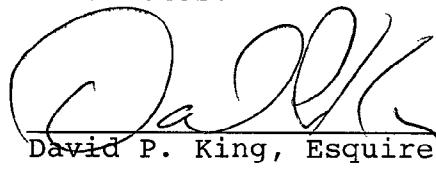
WHEREFORE, Defendant prays your Honorable Court to enter judgment in his favor and against the Plaintiff, and otherwise that the case be dismissed in its entirety, and he will so ever pray.



David P. King, Esquire

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

Date: 6/18/01



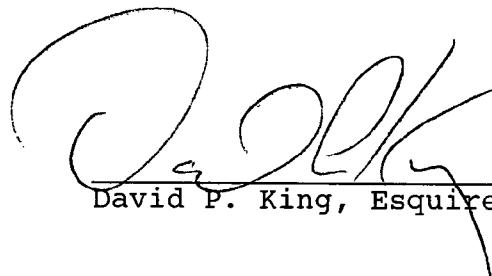
David P. King, Esquire

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

ROBERT J. FLECK, :
Plaintiff :
: :
vs. : NO. 01-190-C.D.
: :
DAVID P. KING, ESQUIRE, :
Defendant :
:

CERTIFICATE OF SERVICE

The undersigned, David P. King, Esquire, hereby certifies that a certified copy of Defendant's Answer with New Matter was served upon the Plaintiff, Robert J. Fleck, by sending the same to him by first class mail, postage prepaid, on the 26th day of June, 2001, to his business address as pled in the Complaint to be R. D. 3, Box 75, DuBois, PA 15801. Said Answer with New Matter contained a Notice to Plead.



David P. King, Esquire

FILED

27 2001
010:14/noc
William A. Shaw
Prothonotary

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

ROBERT J. FLECK,
Plaintif

vs.

No. 01-190 C.D.

DAVID P. KING, ESQUIRE
Defendant

Type of Pleading: Answer to
New Matter

Filed by: Robert J. Fleck

R.D. #3, Box 75
DuBois, PA 15801
(814) 375-4647

FILED

JUL 12 2001

William A. Shaw
Prothonotary

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

ROBERT J. FLECK, :
Plaintiff :
vs. : No. 01-190 C.D.
DAVID P. KING, ESQUIRE :
Defendant :

ANSWER TO NEW MATTER

AND NOW, comes Plaintiff, Robert J. Fleck, and answers the New Matter of David P. King, Esquire, as follows:

21. Denied. Defendant specifically advised Plaintiff that Defendant would pay for the appraisal.

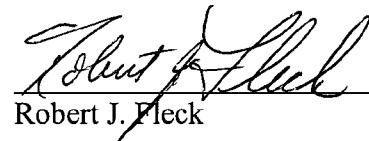
22. Denied. Defendant specifically advised Plaintiff that Defendant would pay for the appraisal.

23. Denied. Plaintiff specifically advised Defendant that the individual whose property was appraised advised that he could not pay for the appraisal. Defendant then orally advised Plaintiff that Defendant would pay for the appraisal inasmuch as same was needed for litigation.

24. Denied. Plaintiff specifically advised Defendant that the individual whose property was appraised advised that he could not pay for the appraisal. Defendant then orally advised Plaintiff that Defendant would pay for the appraisal inasmuch as same was needed for litigation.

WHEREFORE, Plaintiff prays your Honorable Court to dismiss Defendant's New Matter with prejudice.

Respectfully submitted



Robert J. Fleck

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

ROBERT J. FLECK, :
Plaintiff :
vs. : No. 01-190 C.D.
DAVID P. KING, ESQUIRE :
Defendant :

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the Answer to
New Matter of Defendant David P. King, Esquire, filed by Robert J. Fleck, was
forwarded on the 11th day of July, 2001, by U.S. Mail, postage prepaid, to David P.
King, addressed as follows:

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



Robert J. Fleck

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

CERTIFICATE OF READINESS (To be executed by Trial Counsel Only)		TO THE PROTHONOTARY	
		7-12-01 DATE PRESENTED	
CASE NUMBER 01-190 C.D. Date Complaint filed:	TYPE TRIAL REQUESTED () Jury () Non-jury (XX) Arbitration	ESTIMATED TRIAL TIME 1 DAY(S) HOUR	

PLAINTIFF(S)

ROBERT J. FLECK

()

DEFENDANT(S)

DAVID P. KING, ESQUIRE

()

Check Block
if a Minor
is a Party
to the Case

ADDITIONAL DEFENDANT(S)

()

JURY DEMAND FILED BY:

DATE JURY DEMAND FILED:

N/A

N/A

AMOUNT AT ISSUE

CONSOLIDATION

DATE CONSOLIDATION ORDERED

\$ 1,006.00

() Yes (X) No

N/A

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
Robert J. Fleck, Pro Se

FILED

JUL 17 2001

William A. Shaw
Prothonotary

COUNSEL WHO WILL ACTUALLY TRY THE CASE

FOR THE PLAINTIFF Robert J. Fleck.	TELEPHONE NUMBER 375-4647
--	---

FOR THE DEFENDANT David P. King, Esquire	TELEPHONE NUMBER 371-3760
--	---

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Robert J. Fleck
R.D. #3, Box 75
DuBois, PA 15801

2. Article Number (Copy from service label)
7000 0600 0023 6398 0985

PS Form 3811, July 1999

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

Robert J. Fleck

C. Signature

Robert J. Fleck

X

D. Is delivery address different from item 1?

If YES, enter delivery address below:

 Agent
 Addressee
 Yes
 No

3. Service Type

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

4. Restricted Delivery? (Extra Fee)

 Yes

102595-99-M-1789

Domestic Return Receipt

01-190-C

FILEDOCT 08 2001 NO CC
OCT 03 2001William A. Shaw
Prothonotary



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: 1-814-765-6089 7649

MARCY KELLEY
DEPUTY COURT ADMINISTRATOR

September 7, 2001

Robert J. Fleck
R.D. #3, Box 75
DuBois, PA 15801

David P. King, Esquire
Attorney at Law
23 Beaver Drive
DuBois, PA 15801

RE: ROBERT J. FLECK
vs.
DAVID P. KING, ESQUIRE
No 01-190-CD

Dear Mr. Fleck and Mr. King:

The above case is scheduled for Arbitration Hearing to be held Monday, November 5, 2001. The following have been appointed to the Board of Arbitrators:

J. Richard Mattern, II, Esquire
John A. Ayres, Jr., Esquire
Mark S. Weaver, Esquire
Frederick M. Neiswender, 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

FILED

OCT 03 2001

William A. Shaw
Prothonotary



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-~~5659~~ 7649

MARCY KELLEY
DEPUTY COURT ADMINISTRATOR

September 26, 2001

Robert J. Fleck
R.D. #3, Box 75
DuBois, PA 15801

David P. King, Esquire
Attorney at Law
23 Beaver Drive
DuBois, PA 15801

RE: ROBERT J. FLECK
vs.
DAVID P. KING, ESQUIRE
No. 01-190-CD

Dear Mr. Fleck and Mr. King:

The above case is scheduled for Arbitration Hearing to be held Monday, November 5, 2001 at 9:00 A.M. The following have been appointed as Arbitrators:

John A. Ayres, Jr., Esquire, Chairman
Mark S. Weaver, Esquire
Frederick M. Neiswender, Esquire

Pursuant to Local Rule 1306A, 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 the Board of Arbitrators. For your 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: John A. Ayres, Jr., Esquire
Mark S. Weaver, Esquire
Frederick M. Neiswender, Esquire

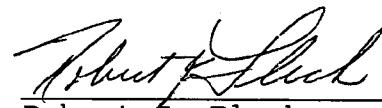
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

ROBERT J. FLECK, :
Plaintiff :
vs. : NO. 01-190 C.D.
DAVID P. KING, ESQUIRE, :
Defendant :
:

PRAECIPE

TO THE PROTHONOTARY:

Please mark the above captioned case settled and
discontinued.


Robert J. Fleck
Plaintiff Pro Se

FILED

NOV 02 2001

William A. Shaw
Prothonotary

FILED

NOV 02 2001

M134110t Dc. to (2)

William A. Shaw

Notary Public

Copy CA

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

COPY

CIVIL DIVISION

Robert J. Fleck

vs. **No. 2001-00190-CD**
David P. King Esq

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 November 2, 2001 marked:

Settled and Discontinued

Record costs in the sum of \$100.00 have been paid in full by Robert J. Fleck, Pro Se.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 2nd day of November A.D. 2001.

William A. Shaw, Prothonotary

Arb - 11-5-01

October 29, 2001

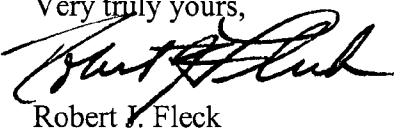
Ms. Marcy Kelley
Deputy Court Administrator
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830

Re: Robert J. Fleck vs. David P. King, Esquire
No. 01-190 C.D.

Dear Ms. Kelley:

Enclosed herewith please find the original Pre-Trial Memorandum for the above referenced case. Should you require any additional information, please feel free to contact me.

Very truly yours,



Robert J. Fleck

Enclosure

cc: David P. King, Esquire
John A. Ayres, Jr., Esquire
Mark S. Weaver, Esquire
Frederick M. Neiswender, Esquire

RECEIVED

OCT 30 2001

COURT AL MURKIN'S
OFFICE

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

ROBERT J. FLECK,
Plaintif

vs.

No. 01-190 C.D.

DAVID P. KING, ESQUIRE
Defendant

Type of Pleading: Pre-trial Memorandum

Filed by: Robert J. Fleck

R.D. #3, Box 75
DuBois, PA 15801
(814) 375-4647

RECEIVED

OCT 30 2001

**COURT ADMINISTRATOR'S
OFFICE**

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

ROBERT J. FLECK, :
Plaintiff :
vs. : No. 01-190 C.D.
DAVID P. KING, ESQUIRE :
Defendant :
.

PRE-TRIAL MEMORANDUM

AND NOW, comes Plaintiff, Robert J. Fleck, and files the within Pre-Trial Memorandum as follows:

I. **BRIEF STATEMENT OF THE CASE.**

See attached sequence of events.

II. **CITATION TO APPLICABLE CASE OR STATUTES.**

None.

III. **LIST OF WITNESSES**

1. Robert J. Fleck
2. David P. King, Esquire
3. David Simmons
4. Judith Simmons
5. Jeanne Park

IV. **STATEMENT OF DAMAGES.**

\$1,006.00.

V. **EXHIBITS.**

See attached Exhibit "A" through Exhibit "K".

Respectfully submitted



Robert J. Fleck

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

ROBERT J. FLECK, :
Plaintiff :
vs. : No. 01-190 C.D.
DAVID P. KING, ESQUIRE :
Defendant :

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the Pre-Trial Memorandum, filed by Robert J. Fleck, was forwarded on the 29th day of October, 2001, by U.S. Mail, postage prepaid, to David P. King, addressed as follows:

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

John A. Ayres, Jr., Esquire
101 South Second Street
Clearfield, PA 16830

Mark S. Weaver, Esquire
P.O. Box 170
Clearfield, PA 16830

Frederick M. Neiswender, Esquire
501 East Market Street, Suite 3
Clearfield, PA 16830



Robert J. Fleck

Sequence Of Events

- 1) February +/- 1999, appraisal report for Simmons property ordered by Attorney King per telephone
- 2) Physical inspection of subject property made on 2/25/99
- 3) At time of inspection, appraiser had conversation with property owner and was led to believe property owner was encountering financial difficulties. Upon returning to office, Bob Fleck contacted Attorney King by phone regarding this situation. Attorney King stated that the appraisal was necessary for his case and also stated that he would make sure I would be paid for services. Without this guaranty, or if Mr. Simmons would have been my Client, partial or full payment would have been required prior to beginning assignment.
- 4) March 3, 1999, Letter from Attorney King regarding property (Exhibit A)
Also noted on property survey, "my clients" in pencil hand written by Attorney King
- 5) Appraisal report completed on 3/24/99, delivered to Attorney King the following day with invoice attached. Fee of \$650 was pre-established with Attorney King (Exhibit B).
- 6) April +/- 1999, Attorney King called office and discussed Parks appraisal
- 7) 5/17/99 appraisal called into office by Attorney King. Hand written note from office associate described client to be Attorney King (Exhibit C)
- 8) 5/17/99 confirmed request on phone with Attorney King telling me to proceed. At this time I gave Attorney King range of \$200 to \$300 to complete assignment. When questioning Attorney King about property I was told to call Mrs. Parks for information, not about bill.
- 9) 6/17/99 property inspection was made. Called Mrs Parks about physical characteristics of property. Mrs Parks had no idea what I was talking about. Relayed this information to Attorney King who stated that Mrs. Parks is a nice lady, but not too smart
- 10) Appraisal report completed on 6/24/99, delivered to Attorney King the following day with invoice attached. Fee charged was \$300, within range of fee quoted. (Exhibit D)
- 11) 10/1/99 - Reminder of non-payment sent Attorney King regarding Simmons report - no response (Exhibit E)
- 12) 1/3/00 - Reminder of non-payment sent Attorney King regarding Simmons and Parks reports - no response (Exhibit F)

- 13) 4/3/00 - Bob Fleck called Attorney King regarding lack of payment. Attorney King's response was that he was working on Simmons and to send Mrs. Parks a reminder. This was first time mentioned that check for services may be coming directly from Mrs. Parks. Since Mrs. Parks was not client of report, and assuming reminder may assist Attorney King in his collection, another reminder was drafted and sent to Attorney King (Exhibit G). No response
- 14) 10/5/00 - Final notice of non-payment regarding both appraisals sent to Attorney King (Exhibit H)- No response
- 15) 12/5/00 - Filed civil action with magistrate regarding non-payment (Exhibit I)
- 16) 1/09/01 - Received default judgement (Exhibit J)
- 17) 2/7/01 - Notice of appeal from Court Of Common Pleas (Exhibit K)

Notes -

Client in each report described as David P. King - never challenged

Invoices and reminders sent to Attorney King - Not challenged until default judgement entered

No previous written nor oral agreement made regarding property owner's responsibility to the appraiser regarding fee

Office policy regarding assignments to individuals of commercial or unique properties is 1/2 payment at time of inspection with payment made in full upon receiving report. Established "Clients" are billed at time of report delivery.

Law Offices

DAVID P. KING

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

David P. King, Esq.

Phone (814) 371-3760

Telecopier (814) 371-4874

March 3, 1999

Mr. Bob Fleck
Bomar Real Estate Appraisal Services
R. D. 3, Box 75
DuBois, PA 15801

Re: David A. Simmons and Judith E. Hoare

Dear Bob:

I am writing as per our telephone conversation of last week. I believe you have contacted Mr. David Simmons, and in fact visibly looked at the property which he requested an appraisal on.

For further information to you, please find enclosed a copy of an Agreement of Sale dated September 5, 1995, between Richard Gordon and his wife, and Judith E. Hoare and David A. Simmons. Judith and David are now married. They do not have a deed to the property, and this Agreement of Sale is the only documentation that they ever received.

Several problems exist with this property. One is a boundary problem with adjoining property owners, Ramon G. and Kimberly D. Guthrie. I have enclosed a copy of a survey map that was done by Lional Alexander in October of 1998. This was done for Mr. and Mrs. Guthrie as a boundary question arose between the Guthries and Mr. and Mrs. Simmons.

My client was told by Mr. Gordon, that his property line would be much further east of where it actually is. We had marked up this survey to show the approximate line that was verbally promised by the Gordons.

As it turns out, as a result of the survey, the property line is not where my client thought it was. In fact, part of his building is encroaching on the Guthrie property. To make matters worse, the leach bed and septic tank that my client uses is also on the Guthrie property. And, recently it was discovered that there is a fuel tank, containing some sort of flammable fuel buried in the front of my client's building which raises hazardous waste problems and issues with DEP.

Our reason for asking Bomar to do an appraisal on this property is to determine what the value of the property would be if there were no boundary line problems, no encroachments, no hazardous waste issues, and that the leach bed and septic tank was properly placed on my clients' property, which it is not.

Mr. Bob Fleck

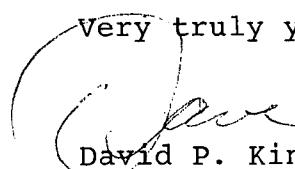
-2-

March 3, 1999

We feel that this value, assuming no such problems existed, compared with the current market value of the property is a proper measure of my clients' damages. Therefore, you may also have to give your opinion in your appraisal not only as to what the property would be worth without problems, but what it is worth on the market with these problems. We believe that the property is in reality currently unmarketable in its actual state, but your opinion on that is what we will go by to determine the difference and our damages.

Trusting that this information will be helpful in your evaluation and appraisal then, I remain,

Very truly yours,


David P. King

DPK:pp
Enclosures

cc: Mr. and Mrs. David A. Simmons

"Legend" {
 1) Leach Belt
 2) Septic
 3) Holding
 4) Field
 5) Road

NOTE:
 Except as specifically stated or shown on this plat,
 this survey does not purport to reflect any of the
 following which may be applicable to the subject real
 estate: easements other than possible easements that
 were visible at the time of this field survey; building
 setbacks, lines, restrictive covenants; subdivision
 restrictions; zoning or other land use regulations;
 and any other facts that an accurate and current title
 search may disclose.

CURVE DATA
 L=100.00'
 R=1910.08'
 $\Delta=03^{\circ}00'00''$
 CLEN=100.00'
 BRC= N 68° 35' E
 T=50.02'



91

Record Book 42 Page 608
John Brandon

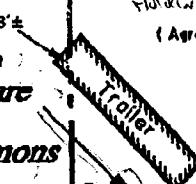
Sales Agreement
Judith E. Hoare
 &
David A. Simmons

Containing:
 20693.7 SQ. FT.
 0.48 ACRES

OB 556-072
George L.
Dorworth
 et.al.

Frame Building

Septic Tank
 (Agreement Line)



Agreement 175' S
 S 42° 32' W 150.00'

Property Reserved in
 Record Book 74 Page 123

Property Sales
 Agreement Between

Richard & Beverly
Gordon

and
Judith E. Hoare
 &
David A. Simmons

My clients

0' 50' 100' 150'

Agreement 175' S
 S 42° 32' W 100.00'

Agreement 175' S
 S 42° 32' W 150.00'

Dirt Pile
 BIS
 Verbal
 Field property
 Line
 Leach
 Septic

Record Book 74 Page 123
Ramon G. & Kimberly D.
Guthrie

Deed
 of
 Gethrie

LEGEND

- ① Existing Iron Pipe
- ② Existing Utility Pole
- ③ Iron Pipe to be set w/survey plug
- ④ P.K. Nail to be set in C/L of Road

NOTE:

Every document of record reviewed and considered
 as a part of this survey is noted herein. Only the
 documents noted herein were supplied to the
 surveyor. No abstract of title, nor title commitment,
 nor results of a title search were furnished to the
 surveyor. There may exist other documents of record
 that would affect this surveyed parcel.

NOTES:

1. It is the intent of this survey to retrace the
 description reserved in the conveyance between
 Richard & Beverly Gordon to Ramon G. & Kimberly D.
 Guthrie dated October 3, 1996 and recorded in
 Record Book 74 Page 123.
2. All buildings and other improvements shown on
 this survey were located by a field survey of the
 premises.

Date: October 30, 1996 Revision: Job No: JN88698 Sheet No: 1 OF 1 Field Book: WP486X Drawn By: D.A. Scale: 1" = 50'



March 24, 1999

David P. King, Esq.
23 Beaver Drive
DuBois, PA 15801

Re: David & Judith Simmons
R.D. #1
Reynoldsville, PA 15851

Dear Attorney King:

Below is the fee for the appraisal of real property regarding the above captioned property located within Winslow Township, Jefferson County, PA.

Professional Fee: \$650.00

Please make your check payable to Bomar Real Estate Appraisal Services and mail to R.D. #3, Box 75, DuBois, PA 15801

Thank you for your cooperation.

Sincerely,
Bomar Real Estate
Appraisal Services



Robert J. Fleck
PA Certified General
Real Estate Appraiser
Certificate #GA-000574-L

Dave King, 5/17/99

-Land-
(near Binkie)

Client Dave King
call
Jeanni Park
A-~~037-52852~~

765-9223

In name of
Gary Keagy Kuntz
10 AC +/-

Bomar Real Estate Appraisal Services

File No. K-PARK

***** INVOICE *****

File No. K-PARK
David P. King, Esq.
23 Beaver Drive
DuBois, PA 15801

June 24, 1999

Invoice # : K-PARK
Reference/Case # : PARK

Land Appraisal

Rt. #119
DuBois, PA 15801

Professional Fee: \$ 300.00

Amount Due. \$ 300.00

Please Make Check Payable To:

Bomar Real Estate Appraisal Services

Bomar Real Estate Appraisal Services

File No. K-PARK

***** INVOICE *****

File No. K-PARK
David P. King, Esq.
23 Beaver Drive
DuBois, PA 15801

June 24, 1999

Invoice # : K-PARK
Reference/Case # : PARK

Land Appraisal

Rt. #119
DuBois, PA 15801

Professional Fee:	\$ 300.00
Amount Due:	\$ 300.00

Please Make Check Payable To:

Bomar Real Estate Appraisal Services

EXHIBIT "D"



October 1, 1999

David P. King
23 Beaver Drive
DuBois, PA 15801

Re: David & Judith Simmons
R.D. #1
Reynoldsville, PA 15851

Dear Attorney King:

This letter is to serve as a reminder that we have not yet received payment for the real estate appraisal of the above captioned property, invoiced March 24, 1999.

Professional Fee: \$650.00

Please make your check payable to Bomar Real Estate Appraisal Services and mail to R.D. #3, Box 75, DuBois, PA 15801.

Thank you in advance for your cooperation regarding this matter.

Sincerely,
Bomar Real Estate
Appraisal Services

A handwritten signature in black ink, appearing to read "Robert J. Fleck".

Robert J. Fleck
PA Certified General
Real Estate Appraiser
Certificate# GA-000574-L

January 3, 2000

David P. King
23 Beaver Drive
DuBois, PA 15801

Re: Real Estate Appraisals

Dear Attorney King:

This letter is to serve as a reminder that we have not yet received payment for the following appraisals completed per your request:

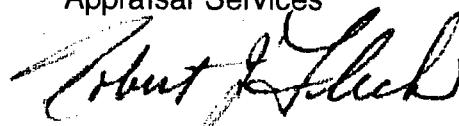
- 1) David & Judith Simmons
R.D. #1, Reynoldsville, PA
Invoiced - March 24, 1999
Amount Due: \$650.00

- 2) Jeanne Park
RT. #119, DuBois, PA
Invoiced - June 24, 1999
Amount Due: \$300.00

Please make check payable to Bomar Real Estate Appraisal Services and mail to R.D. #3, Box 75, DuBois, PA. If payment has already been sent, please disregard this notice.

Thank you in advance for your cooperation regarding this matter.

Sincerely,
Bomar Real Estate
Appraisal Services



Robert J. Fleck
PA Certified General Real
Estate Appraiser
Certificate #GA-000574-L



April 3, 2000

David P. King, Esq.
23 Beaver Drive
DuBois, PA 15801

Re: Jeanne Park Appraisal
Land - Rt. #119
DuBois, PA 15801

Dear Attorney King:

This letter is to serve as a reminder that we have not yet received payment for the appraisal of the above captioned property, invoiced June 24, 1999.

Amount Due: \$300.00

Please make check payable to Bomar Real Estate Appraisal Services and mail to R.D. #3, Box 75, DuBois, PA. If payment has already been sent, please disregard this notice.

Thank you in advance for your cooperation regarding this matter.

Sincerely,
Bomar Real Estate
Appraisal Services

A handwritten signature in black ink, appearing to read "Robert J. Fleck".
Robert J. Fleck
PA Certified General Real
Estate Appraiser
Certificate #GA-000574-L



October 5, 2000

David P. King, Esq.
23 Beaver Drive
DuBois, PA 15801

Re: Real Estate Appraisals

Dear Attorney King:

Our records indicate that payment for two appraisals ordered by you are delinquent.

- 1) David & Judith Simmons
R.D. #1, Reynoldsville, PA
Originally Invoiced March 24, 1999
Amount Due: \$650.00

- 2) Jeanne Park
Rt. #119, DuBois, PA
Originally Invoiced June 24, 1999
Amount Due: \$300.00

Total Amount Due: \$950

Since neither a response to previous reminders nor partial payment for fee has been received from you, please consider this letter your **FINAL NOTICE**.

Payment in full due within 30 days as of the date of this invoice.

Please make check payable to Bomar Real Estate Appraisal Services and mail to R.D. #3, Box 75, DuBois, PA 15801.

Sincerely,
Bomar Real Estate Appraisal Services


Robert J. Fleck
PA Certified General Real Estate Appraiser

COMMUNALITY
COUNTY OF: CLEARFIELD

Mag. Dist. No.:

46-3-01

DJ Name: Hon.

PATRICK N. FORD
Address: 109 NORTH BRADY STREET
P.O. BOX 452
DUBOIS, PA 15801
Telephone: (814) 371-5321

PLAINTIFF:

NAME and ADDRESS

Robert J. Fleck d/b/a
BOMAR REALESTATE APPRAISAL
SERVICES
R.D. #3, Box 75, DUBOIS, PA 15801

VS.

DEFENDANT:

NAME and ADDRESS

DAVID P. KING
23 BEAVER DRIVE
DUBOIS, PA 15801

Docket No.: CV 813-00
Date Filed:

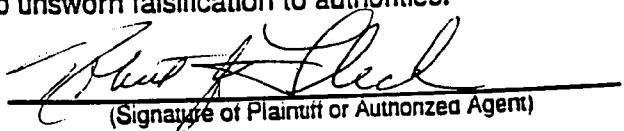


	AMOUNT	DATE PAID
FILING COSTS	\$ 56 -	/ /
SERVING COSTS	\$ _____	/ /
TOTAL	\$ _____	/ /

TO THE DEFENDANT: The above named plaintiff(s) asks judgment against you for \$ 950.00 together with costs upon the following claim (Civil fines must include citation of the statute or ordinance violated):

Non-payment for Appraisal Services Rendered.

I, Robert J. Fleck, verify that the facts set forth in this complaint are true and correct to the best of my knowledge, information, and belief. This statement is made subject to the penalties of Section 4904 of the Crimes Code (18 PA. C.S. § 4904) related to unsworn falsification to authorities.


(Signature of Plaintiff or Authorized Agent)

Plaintiff's
Attorney:

Address: _____

Telephone: _____

IF YOU INTEND TO ENTER A DEFENSE TO THIS COMPLAINT, NOTIFY THIS OFFICE IMMEDIATELY AT THE A
TELEPHONE NUMBER. YOU MUST APPEAR AT THE HEARING AND PRESENT YOUR DEFENSE. UNLESS YO
JUDGMENT WILL BE ENTERED AGAINST YOU BY DEFAULT.

If you have a claim against the plaintiff which is within district justice jurisdiction and which you intend to assert at the hearing, you must file it on a complaint form at this office at least five (5) days before the date set for the hearing. If you have a claim against the plaintiff which is not within district justice jurisdiction, you may request information from this EXHIBIT "I" procedures you may follow. If you are disabled and require assistance, please contact the Clearfield County Sheriff's Office at the address

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-01

DJ Name: Hon.

PATRICK N. FORD

Address: **109 NORTH BRADY STREET
P.O. BOX 452
DUBOIS, PA**

Telephone: **(814) 371-5321 15801**

**ROBERT J. FLECK
RD 3 BOX 75
D/B/A BOMAR REALESTATE
DUBOIS, PA 15801**

**CIVIL ACTION
HEARING NOTICE**

PLAINTIFF:

FLECK, ROBERT J

RD 3 BOX 75

D/B/A BOMAR REALESTATE

DUBOIS, PA 15801

NAME and ADDRESS

VS.

DEFENDANT:

KING ESQ, DAVID P

23 BEAVER DRIVE

P.O. BOX 1016

DUBOIS, PA 15801

NAME and ADDRESS

Docket No.: **CV-0000813-00**

Date Filed: **12/05/00**



A civil complaint has been filed against you in the above captioned case. A hearing has been set in this matter for:

Date:	1/09/01	Place: DISTRICT COURT 46-3-01
Time:	9:25 AM	109 NORTH BRADY STREET P.O. BOX 452 DUBOIS, PA 15801

NOTICE TO DEFENDANT

If you intend to enter a defense to this complaint, you should so notify this office immediately at the above phone number.

You must appear at the hearing and present your defense. UNLESS YOU DO, JUDGMENT WILL BE ENTERED AGAINST YOU BY DEFAULT.

If you have a claim against the plaintiff which is within district justice jurisdiction and which you intend to assert at the hearing, you must file it on a complaint form at this office at least five (5) days before the date set for the hearing. If you have a claim against the plaintiff which is not within district justice jurisdiction, you may request information from this office as to the procedures you may follow.

NOTICE TO PLAINTIFF

If the defendant enters a Notice of Intent to Defend, you will be notified of the date and time of the scheduled hearing and must appear.

If you are disabled and require assistance, please contact the Magisterial District office at the address above.

DATE PRINTED: 12/05/00

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.: **46-3-01**
DJ Name: Hon. **PATRICK N. FORD**
Address: **109 NORTH BRADY STREET**
P.O. BOX 452
DUBOIS, PA
Telephone: **(814) 371-5321** **15801**

ROBERT J. FLECK
RD 3 BOX 75
D/B/A BOMAR REALESTATE
DUBOIS, PA 15801

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF: **FLECK, ROBERT J**
NAME and ADDRESS
RD 3 BOX 75
D/B/A BOMAR REALESTATE
DUBOIS, PA 15801

DEFENDANT: **KING ESQ, DAVID P**
NAME and ADDRESS
23 BEAVER DRIVE
P.O. BOX 1016
DUBOIS, PA 15801

Docket No.: **CV-0000813-00**
Date Filed: **12/05/00**



THIS IS TO NOTIFY YOU THAT:

Judgment:

DEFAULT JUDGMENT PLTF

Judgment was entered for: (Name) **FLECK, ROBERT J**

Judgment was entered against: (Name) **KING ESQ, DAVID P**

in the amount of \$ **1,006.00** on: (Date of Judgment) **1/09/01**

Defendants are jointly and severally liable. (Date & Time) _____

Damages will be assessed on:

Amount of Judgment	\$ 950.00
Judgment Costs	\$ 56.00
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 1,006.00

This case dismissed without prejudice.

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

Levy is stayed for _____ days or generally stayed.

Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
=====	
Certified Judgment Total	\$ _____

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

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 PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

1-9-01 Date Patrick N. Ford PNF, District Justice

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

Date _____, District Justice

My commission expires first Monday of January,

2006

SEAL

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS

Cameron Co.
JUDICIAL DISTRICT

46

NOTICE OF APPEAL

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 2001-190-CD

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 DJ.		
DAVID P. KING	46-3-01 (FORD)		
ADDRESS OF APPELLANT	CITY	STATE	ZIP CODE
23 Beaver Drive	PO Box 1016	PA	15701
DATE OF JUDGMENT	IN THE CASE OF (Plaintiff) (Defendant)		
11/8/01	Robert J. Fleck	vs.	DAVID P. KING
CLAIM NO.	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT		
CV 19 CV-0000813-00	(DPK)		
LT 19			

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 Robert J. Fleck, appellee(s), to file a complaint in this appeal

Name of appellee(s)

(Common Pleas No. 2001-190-CD) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Signature of appellant or his attorney or agent

RULE: To Robert J. Fleck, appellee(s).

Name of appellee(s)

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

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

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

Date: FEB 7, 2001

Signature of Prothonotary or Deputy

001-190

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

FEB 07 2001

EXHIBIT "K"

COPY TO BE SERVED ON APPELLEE

Attest:

William J. Ober
Prothonotary

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

RECEIPT OF PAYMENT

Mag. Dist. No.:

46-3-01

DJ Name: Hon.

PATRICK N. FORD
Address: **109 NORTH BRADY STREET**
P.O. BOX 452
DUBOIS, PA
Telephone: **(814) 371-5321** **15801**



REMITTER :

ROBERT J. FLECK
RD 3 BOX 75
D/B/A BOMAR REALESTATE
DUBOIS, PA 15801

Docket No.: **CV-0000813-00**
Date Filed: **12/05/00**

RECEIPT NO:	073336	DATE:	12/05/00	PAGE:	1
SOURCE:	PAID AT WINDOW		AMOUNT RECEIVED:	\$	56.00
METHOD:	PAID BY CHECK		AMOUNT APPLIED:	\$	56.00
CHECK#:	01289		COLLATERAL APPLIED:	\$.00
MANUAL RECEIPT#:			CHANGE:	\$.00
CITATION#:			NEXT PAYMENT AMOUNT:		
COSTS INCLUDED ON:			NEXT PAYMENT DATE:		
			NEXT PMT TYPE:		

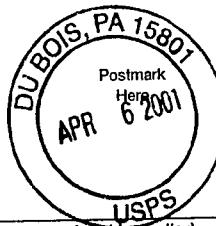
PAYMENT DESCRIPTION	BALANCE FWD	AMT APPLIED	CURRENT BAL
JUDICIAL COMPUTER PROJECT	1.50	1.50-	.00
POSTAGE	6.50	6.50-	.00
COMMONWEALTH COST- HB627	12.00	12.00-	.00
FILING FEES COMM-COST	12.00	12.00-	.00
FILING FEES 17-CTY	24.00	24.00-	.00
=====	=====	=====	=====
TOTAL	56.00	56.00-	.00
CURRENT BALANCE DUE	.00		

RECV'D FROM FLECK, ROBERT J
KIM THANK YOU!

ROBERT J. FLECK DBA BOMAR REAL ESTATE APPRaisal SERVICES		1832
60-685/433 3000262315		60-685/433 3000262315
DATE <u>7/12/01</u>		DATE <u>7/12/01</u>
<u>Prothonotary</u> <u>Twenty</u>		<u>\$ 20.00</u> <u>00</u> <u>00</u> <u>DOLLARS</u>
  		
 1-800-325-BANK LIBERTY BLDG, P.O. BOX 15801 DUBOIS, PA 15801		
MEMO		
10433068551: 3000262315# 1832		

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

9551	DAVID P KING FSG Dubois PA 15801	
1961	Postage	\$ 34
2462	Certified Fee	190
0020	Return Receipt Fee (Endorsement Required)	150
0520	Restricted Delivery Fee (Endorsement Required)	
0520	Total Postage & Fees	\$ 374
7000	Recipient's Name (Please Print Clearly) (To be completed by mailer) Street, Apt. No.; or PO Box No. City, State, ZIP+4	
PS Form 3800, February 2000 See Reverse for Instructions		



SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

DAVID P. KING
23 Beaver Drive
Dubois, PA 15801

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) P. THOMPSON B. Date of Delivery 4-9-01

C. Signature X P. Thompson Agent Addressee

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

PO BOX 1016

3. Service Type

<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Copy from service label)

700C 0520 0020 2461 9563

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

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