

01-218-CD
LARRY HOFFMAN THOMAS -vs- KERRY SHLALA et al

uisc 5-29-01
THOMAS, LINDA HOFFMAN
vs
SHILALA, KERRY and MARILYN J. SHILALA
No. 01-218-CD

3/14/01
Reilly

4/14/01-Pre. Obj.-def.
4/25/01-lttr. for brf. def. due 5/15/01:ptf.
due 6/4/01:Arg. sch. June 18, 2001 at 2:30

P-Carl A. Belin, Jr., Esq.
D-David B. Inzana, Esq., 920Fifth Ave., Brockway
15824

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

LINDA HOFFMAN THOMAS, :
Plaintiffs :
vs. : No. 01-218-CJ
: COMPLAINT
KERRY SHILALA and MARILYN J. :
SHILALA, :
Defendants :
:

Filed on Behalf of:
Plaintiff

Counsel of Record for
This Party:

Carl A. Belin, Jr., Esquire
PA I.D. #06805

BELIN & KUBISTA
15 North Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972 (PHONE)
(814) 765-9893 (FAX)

FILED

FEB 13 2001

William A. Shaw
Prothonotary

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

LINDA HOFFMAN THOMAS, :
Plaintiffs :
: No.
vs. :
: :
KERRY SHILALA and MARILYN J. :
SHILALA, :
Defendants :
:

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and notice are served, by entering 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.

COURT ADMINISTRATOR
Clearfield County Courthouse
1 North Second Street
Clearfield, PA 16830

(814) 765-2641 Ex 5982

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

LINDA HOFFMAN THOMAS, :
Plaintiffs :
: No.
vs. :
: :
KERRY SHILALA and MARILYN J. :
SHILALA, :
Defendants :
:

COMPLAINT

AND NOW COMES Plaintiff, Linda Hoffman Thomas, and files the following civil action in replevin and, in support thereof avers as follows:

1. Plaintiff is Linda Hoffman Thomas and individual who resides at 1208 South Brady Street, DuBois, Pennsylvania 15801.

2. That Defendants are Kerry Shilala and Marilyn J. Shilala, husband and wife, residing at 337 South Brady Street, DuBois, Pennsylvania 15801.

3. That Linda Hoffman Thomas was married to Robert Hoffman and together the parties purchased furniture as tenants by the entireties which is more particularly described in Exhibit "A." That on January 30, 1998, Robert Hoffman died and Linda Hoffman Thomas became the owner of the furniture as surviving tenant by the entirety.

4. That Debra Reasinger lived with Robert Hoffman at the time of his death and without the authorization from Linda Hoffman Thomas removed the furniture from the Hoffman house and took said furniture to 240 Maple Avenue, Apartment 1, DuBois, Pennsylvania, a property owned by Defendants.

5. That Debra Reasinger has left the premises and has failed to reply to the demands of Linda Hoffman Thomas to return the furniture.

6. That Debra Reasinger has abandoned the apartment and the furniture which Linda Hoffman Thomas owns as surviving tenant by the entirety and which is now in possession of Defendants.

7. That the furniture has a retail value of \$15,000.00.

8. That Defendants have failed despite demands by Plaintiff to deliver the furniture to Plaintiff.

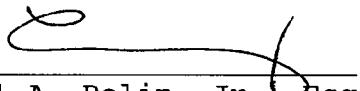
WHEREFORE, Plaintiffs demands judgment in replevin in her favor and against the defendants for:

(a) the possession and delivery of all the property set forth in Exhibit "A;" and

(b) any and all other relief which this Court deems

appropriate.

BELIN & KUBISTA

By 
Carl A. Belin, Jr., Esq.

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :
:

Before me the undersigned officer, personally appeared LINDA HOFFMAN THOMAS, who being duly sworn according to law, deposes and says that the facts set forth in the foregoing Complaint are true and correct to the best of her knowledge, information and belief.


Linda Hoffman Thomas

Sworn and subscribed before me this 13th day of
February, 2001.


Susan M. Hartzfeld
Notary Public

NOTARIAL SEAL
SUSAN M. HARTZFELD, NOTARY PUBLIC
CLEARFIELD BORO., CLEARFIELD CO., PA.
MY COMMISSION EXPIRES AUG. 16, 2001

List of Furniture Items – Owned by Linda E. (Hoffman) Thomas

Broyhill – four piece entertainment center (oak)
Broyhill – couch and matching loveseat; cream colored with oak trim
Queen anne chair (mauve)
Three televisions ; one in entertainment center and two 19 inch with stand.
Two – Ficus trees
One – Recliner (beige)
Two – Oak end tables with etched glass; coffee table to match
Two – Lamps and shades (Green/Gold)
Brass decorations (six pieces and wine holder)
Antique glass bowl with legs (green)
Wooden ducks- decorative; gold clock.
Large gold mirror; large flower vase(cream colored) with flowers and
Large baskets with decorative greens.
Several doilies and tablecloths
Oak drop leaf table and chairs
Two complete sets of dishes with all accessories(10 to 12) place settings
(one set white and one blue/white)
Antique coffee pot
Sears – Gas range (white) and countertop microwave(white)
Numerous kitchen items namely; pots,pans, bake and flat wear, cuttery knives,
Blender,bunn coffee maker, kitchen clock,drinking glasses,toaster,cookbooks,
Iron and ironing board,wooden paper towel holder.
Antique items – small cherry table, hope chest, wash boards, crock pots and an
antique bedroom suite.
Two – Sears vacuum sweepers and car vacuum sweeper.
Oak bedroom suite with marble lamp; clock radio alarm, cordless phone, wall
phone; bed clothes such as sheets and bedspreads; stereo-radio-recordplayer
with speakers.
Five piece dinette set with leaf.
Humidifier and several throw rugs.

**Pictures available of many of the listed household furnishings and
their condition.**

CLEARFIELD, PENNSYLVANIA 16830
P.O. BOX 1
15 NORTH FRONT STREET
ATTORNEYS AT LAW
BELLIN & KUBISTA

FILED
Atte pd
80.00
1330 AM
FEB 13 1981
2 cc sas
3cc Atty Bellin
William A. Shar
Prothonotary

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 10691

THOMAS, LINDA HOFFMAN

01-218-CD

VS.

SHILALA, KERRY & MARILYN J.

COMPLAINT

SHERIFF RETURNS

**NOW FEBRUARY 15, 2001 AT 1:58 PM EST SERVED THE WITHIN COMPLAINT ON
MARILYN J. SHILALA, DEFENDANT AT RESIDENCE, 337 SOUTH BRADY ST.
DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO MARILYN J.
SHILALA A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND
MADE KNOWN TO HER THE CONTENTS THEREOF.**

SERVED BY: COUDRIET

**NOW FEBRUARY 15, 2001 AT 1:59 PM EST SERVED THE WITHIN COMPLAINT ON
KERRY SHILALA, DEFENDANT AT RESIDENCE, 337 SOUTH BRADY ST., DUBOIS,
CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO MARILYN J. SHILALA, WIFE
A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN
TO HER THE CONTENTS THEREOF.**

SERVED BY: COUDRIET

Return Costs

Cost	Description
34.22	SHFF. HAWKINS PAID BY: ATTY.
20.00	SURCHARGE PAID BY: ATTY.

FILED

FEB 20 2001
0134 pm
William A. Shaw
Prothonotary

Sworn to Before Me This

2001 Day Of February 2001
William A. Shaw

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2002
Clearfield Co. Clearfield, PA.

So Answers,

Chester A. Hawkins
by Marilyn Haskins
Chester A. Hawkins
Sheriff

DAVID B. INZANA

Attorney at Law

920 Fifth Avenue

Brockway, PA 15824

814-265-0282 • FAX 814-265-0317

CERTIFIED COPY

[Signature]

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

LINDA HOFFMAN THOMAS, :
Plaintiff :
: No. 01-218-C.D.
vs. :
: PRELIMINARY OBJECTIONS
KERRY SHILALA and MARILYN J. :
SHILALA, :
Defendants. :
: Filed on Behalf of:
: Defendants
: Counsel of Record for this party:
: DAVID B. INZANA, ESQUIRE
: Supreme Court No. 75569
: 920 Fifth Avenue
: Brockway, PA 15824
: (814) 265-0282

FILED

MAR 14 2001

William A. Shaw
Prothonotary

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

LINDA HOFFMAN THOMAS, :
Plaintiff :
: No. 01-218-C.D.
vs. :
: :
KERRY SHILALA and MARILYN J. :
SHILALA, :
Defendants. :

ORDER DISMISSING COMPLAINT FOR NON-JOINDER OF A NECESSARY PARTY

AND NOW, this _____ day of _____, 20____, upon
consideration of Defendants' Preliminary Objection raising Non-joinder of a necessary party, it
is hereby ORDERED AND DECREED that the Plaintiff's Complaint is hereby dismissed, with
prejudice.

By the Court,

Judge

file

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

LINDA HOFFMAN THOMAS, :
Plaintiff :
vs. : No. 01-218-C.D.
KERRY SHILALA and MARILYN J. :
SHILALA, :
Defendants. :

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

LINDA HOFFMAN THOMAS, :
Plaintiff :
: No. 01-218-C.D.
vs. :
: :
KERRY SHILALA and MARILYN J. :
SHILALA, :
Defendants. :

DEFENDANTS' PRELIMINARY OBJECTION TO PLAINTIFF'S COMPLAINT

AND NOW, comes Defendants, by and through their counsel, David B. Inzana, Esquire, and preliminarily objects to Plaintiff's Complaint pursuant to Pa. R.C.P. 1028 (a) (5) as follows:

1. Plaintiff's Complaint is based upon a claim that Defendant is currently in possession of property, which Plaintiff claims to have an ownership interest. A copy of said property has been attached to the Complaint as Exhibit "A" as hereby incorporated by reference as if the same were attached hereto.

2. Plaintiff indicates in her Complaint that said property was in the possession of her husband, Robert Hoffman, who has become deceased.

3. Plaintiff claims in her Complaint that said Mr. Hoffman was residing with Deborah Reasinger at the time of his death and that ownership of said property became Plaintiff's by operation of law.

4. Defendants herein thereafter contracted with Deborah Reasinger to lease an apartment owned by the Defendants herein.

5. Said Deborah Reasinger has abandoned the premises, however, has left a number of items in the apartment.

6. It is impossible for Defendants herein to determine whose property is that of the Plaintiff's and whose property is that of Mrs. Reasinger.

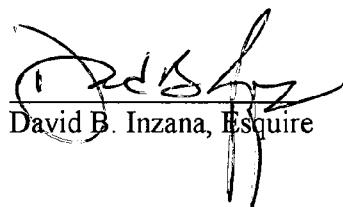
7. Plaintiff has not joined Mrs. Reasinger as a party to this action.

8. Pursuant to Pennsylvania Rules of Civil Procedure, the joinder of Mrs. Reasinger ended this action is necessary as she is an indispensable party to this action.

9. No reason appears in the Complaint for the admission of Mrs. Reasinger as a party to this action.

WHEREFORE, Defendants respectfully request this Honorable Court to sustain the Preliminary Objections and ask this Court to dismiss the Complaint as filed. In the alternative, Defendants respectfully request this Honorable Court to compel the Plaintiff to add Mrs. Reasinger as a Defendant to this action.

Respectfully submitted,



David B. Inzana, Esquire

VERIFICATION

I, **KERRY SHILALA**, hereby verify that the statements made in this pleading are true and correct to the best of my information, knowledge and belief. I understand that false statements herein are subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

Date:

3-12-01



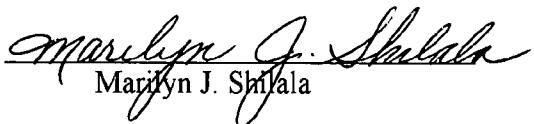
Kerry Shilala

VERIFICATION

I, **MARILYN J. SHILALA**, hereby verify that the statements made in this pleading are true and correct to the best of my information, knowledge and belief. I understand that false statements herein are subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

Date:

3-12-01



Marilyn J. Shilala

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

LINDA HOFFMAN THOMAS, :
Plaintiff :
: NO. 01 - 218 - CD
vs. :
: PRAECIPE
KERRY SHILALA and MARILYN J. :
SHILALA, :
Defendants :
:

FILED ON BEHALF OF:
Plaintiff

Counsel of Record for
This Party:

Carl A. Belin, Jr., Esquire
PA I.D. #06805

BELIN & KUBISTA
15 North Front Street
P.O. Box 1
Clearfield, PA 16830

(814) 765-8972

FILED

MAY 29 2001

William A. Shaw
Prothonotary

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

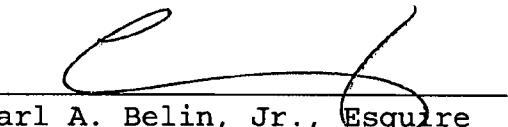
LINDA HOFFMAN THOMAS, :
Plaintiff :
: NO. 01 - 218 - CD
vs. :
: :
KERRY SHILALA and MARILYN J. :
SHILALA, :
Defendants :
:

PRAECIPE

TO THE PROTHONOTARY:

Please mark the above matter settled, discontinued and
ended.

BELIN & KUBISTA


Carl A. Belin, Jr., Esquire

CLEARFIELD, PENNSYLVANIA 16830
P. O. BOX 1
15 NORTH FRONT STREET
ATGRENES AT LAW
BELLIN & KUBISTA

FILED

MAY 29 2001
01/10:48 PM '01
William A. Shaw cc
Prothonotary
Cert. Dist to
Atty Bellin
Copy CA

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

Linda Hoffman Thomas

Vs. No. 2001-00218-CD
Kerry Shilala
Marilyn J. Shilala

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 May 29, 2001 marked:

Settled, Discontinued and Ended.

Record costs in the sum of \$80.00 have been paid in full by Carl A. Belin, Jr., Esquire.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 29th day of May A.D. 2001.

William A. Shaw, Prothonotary