

01-446-CD
JAMES P. SEGER et al -vs- JAMES SWATSWORTH et al

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

JAMES P. SEGER,
EUNICE B. SEGER and
TAMMY J. SEGER,
PlaintiffS

VS

JAMES SWATSWORTH, t/d/b/a,
SWATSWORTH LOGGING CO.,
Defendant

* No. 01- 446-C.D.

* Type of Case: Civil

* Type of Pleading: Complaint

* Filed on Behalf of: Plaintiffs

* Counsel of Record for this Party:

* CHRIS A. PENTZ, Esquire

* Supreme Court I.D. # 39232
* 211 ½ East Locust Street
* P. O. Box 552
* Clearfield PA 16830
* 814 765-4000

FILED

MAR 30 2001

William A. Shaw
Prothonotary

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

*

JAMES P. SEGER,
EUNICE P. SEGER, and
TAMMY J. SEGER,

Plaintiffs

*

No. 01- -CD

*

vs

*

JAMES SWATSWORTH, t/d/b/a,
SWATSWORTH LOGING CO.

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 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 the 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 Court Administrator
Clearfield County Courthouse
1 North Second Street
Clearfield PA 16830
814 765-2641

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

JAMES P. SEGER, *
EUNICE B. SEGER and *
TAMMY J. SEGER, *
Plaintiffs *
* No. 01- -C.D.
vs *
*
JAMES SWATSWORTH, t/d/b/a *
SWATSWORTH LOGGING CO., *
Defendant *
*
*

COMPLAINT

1. The Plaintiffs are the following *sui juris* individuals:

- A. James P. Seger
R. D. # 1 Box 160
Grampian PA 16838
- B. Eunice P. Seger
R. D. # 1 Box 160
Grampian PA 16838
- C. Tammy J. Seger

2. The Defendant is James Swatsworth of R. D. # 2
Box 145, Curwensville PA 16833 t/d/b/a Swatsworth Logging Co.

3. The Plaintiffs are the owners of a certain parcel of
ground located in Penn Township, Clearfield County.

4. The Plaintiffs and Defendant entered into an Agreement
for timbering of the Seger property located in Penn Township,
Clearfield County, Pennsylvania. A copy of the Contract is
marked Exhibit "A" and attached hereto and is incorporated
herein by reference as though set forth in full.

5. The Agreement was for the period of April 10, 1998
through October 10, 1998.

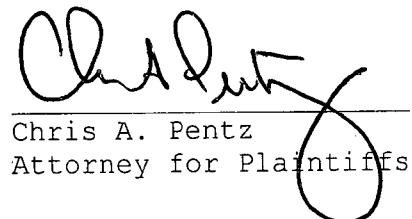
6. The Agreement provided in Paragraph 11 for a minimum payment to the Plaintiffs by the Defendant of \$4500.00.

7. The Plaintiffs have made demand to the Defendant for payment of the \$4500.00 due pursuant to the Contract.

8. As of the filing date of this Complaint, no payments have been made pursuant to the terms of the Contract.

WHEREFORE, Plaintiffs respectfully request Your Honorable Court to enter a judgment against the Defendant, James Swatsworth, t/d/b/a Swatsworth Logging Co. and in favor of the Plaintiffs, James P. Seger, Eunice B. Seger and Tammy J. Seger in the amount of \$4500.00 plus interest and costs.

Respectfully submitted this 30 day of March, 2001.



Chris A. Pentz
Attorney for Plaintiffs

SWATSWORTH LOGGING
R.D. #2 BOX 145 B
CURWENSVILLE, PA. 16833

TIMBER AGREEMENT

THIS AGREEMENT, made and entered into this 10 day of 4

BETWEEN

SITUATED IN:

HEREINAFTER referred to as LESSOR(S)

AND

JAMES SWATSWORTH:
SWATSWORTH LOGGING CO.
R.D. #2 BOX 145 B
CURWENSVILLE, PA. 16833
(814)236-3835

HEREINAFTER referred to as LESSEE

Diameter of trees to be cut shall be no less than twelve (12) inches, chest high.

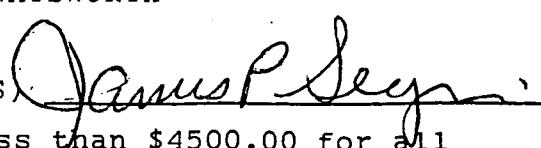
THE Lessee shall have free liberty of ingress, egress and regress, into, over and from the land above stated, with his agents, workmen, and employees as they deem necessary to harvest and carryaway said timber.

EXHIBIT "A"

In consideration whereof, the Lessee agreed to the following:

1. The Lessee agrees that any and all skidding or felling of trees shall be done to do as little disruption as possible to the above stated property.
2. Any and all pipelines and boundaries shall be kept free and clear of any and all brush.
3. All cutting to be done so as to not destroy any more of the smaller trees than is necessary to proper conduct of the operation.
4. The Lessee shall be liable for any and all damage or injury which should be the result of the actions of Lessee.
5. The Lessee shall pay to the Lessor(s) for all timber cut from said property the sum of thirty five percent (35%) of the sale of said timber.
6. The Lessee shall pay to the Lessor(s) the sum of \$3.00 Three dollars for any and all pulpwood cut from said property.
7. The Lessee shall furnish to Lessor(s) a statement from the purchasing firm. The statement shall list footage, price per thousand and total amount payable to the Lessor(s).
8. Lessee will control the manner of performing all work in connection to the cutting and removal operations on said property.
9. Upon completion of said timbering Lessee within reason will return property to as near to prior condition as possible.
10. This contract shall have an expiration date of 10-10-78

LESSEE 
JAMES SWATSWORTH

LESSOR(S) 

11. Lessor shall be paid a fee of no less than \$4500.00 for all timber which will be cut from above stated property.
12. Lessee shall be paid on a bi-weekly rate from all timber cut from above stated property.

VERIFICATION

I, JAMES P. SEGER, verify that the statements made in this COMPLAINT 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.

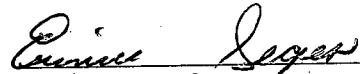
3/23/01
Date


James P. Seger

VERIFICATION

I, EUNICE B. SEGER, verify that the statements made in this COMPLAINT 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.

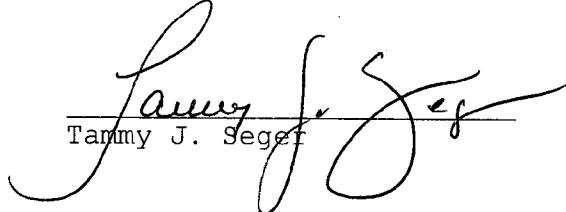
3/23/01
Date


Eunice B. Seger

VERIFICATION

I, TAMMY J. SEGER, verify that the statements made in this COMPLAINT 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.

3/22/01
Date


Tammy J. Seger

CLEARFIELD, PENNSYLVANIA 16830
211 1/2 EAST LOCUST ST. P.O. BOX 552
ATTORNEY AT LAW
CHRIS A. PHNTZ

File Here

FILED

REC'D MAR 30 2001
13:40 AM Bentz
William A. Shaw
Prothonotary
Dd 68000
1cc Catty

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 10840

SEGER, JAMES P., EUNICE P. & TAMMY J.

01-446-CD

VS.

SWATSWORTH, JAMES t/d/b/a SWATSWORTH LOGGING CO.

COMPLAINT

SHERIFF RETURNS

**NOW APRIL 3, 2001 AT 1:15 PM DST SERVED THE WITHIN COMPLAINT ON
JAMES SWATSWORTH T/D/B/A SWATSWORTH LOGGING CO., DEFENDANT
AT RESIDENCE, R.D.# 2, BOX 145, CURWENSVILLE, CLEARFIELD COUNTY,
PENNSYLVANIA BY HANDING TO CINDY SWATSWORTH, 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
21.46	SHFF. HAWKINS PAID BY: PLFF.
10.00	SURCHARGE PAID BY: PLFF.

Sworn to Before Me This

16th Day Of April 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, Hawn*
Chester A. Hawkins
Sheriff

FILED
012:24
APR 06 2001
William A. Shaw
Prothonotary

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

JAMES P. SEGER, EUNICE B.
SEGER and TAMMY J. SEGER,
Plaintiffs

vs

JAMES SWATSWORTH, t/d/b/a
SWATSWORTH LOGGING CO.,
Defendant

* No. 01-446-C.D.

* Type of Case: Civil

* Type of Pleading: Certificate of
Service

* Filed on Behalf of: Plaintiffs

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

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

FILED

JUL 30 2001

William A. Shaw
Prothonotary

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

JAMES P. SEGER, EUNICE B. *
SEGER and TAMMY J. SEGER,
Plaintiffs *

*
vs No. 01-446-CD
*

JAMES SWATSWORTH, t/d/b/a *
SWATSWORTH LOGGING CO.,
Defendant *

*

CERTIFICATE OF SERVICE

I certify that a Notice of Default was served upon
James Swatsworth, t/d/b/a Swatsworth Logging Co. Service was made the
4th day of June, 2001 by regular mail, postage prepaid, from the U.S.
Post Office at Clearfield, Pennsylvania. A copy of Notice of Default
Judgment is attached hereto.



Chris A. Pentz
Attorney for Plaintiffs

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

JAMES P. SEGER, EUNICE B.
SEGER and TAMMY J. SEGER,
Plaintiffs

vs

No. 01-446-CD

JAMES SWATSWORTH, t/d/b/a
SWATSWORTH LOGGING CO.,
Defendant

NOTICE OF DEFAULT

To: JAMES SWATSWORTH, t/d/b/a
SWATSWORTH LOGGING

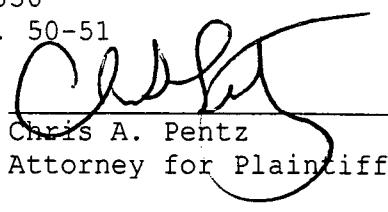
Date of Notice:

6-4-01

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO TAKE
ACTION REQUIRED OF YOU IN THIS CASE. UNLESS YOU ACT WITHIN TEN
DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED
AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE PROPERTY OR OTHER
IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT
ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO
OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET

LEGAL HELP: Office of Court Administrator
Clearfield County Courthouse
One North Second Street
Clearfield PA 16830
814 765-2641 Ext. 50-51


Chris A. Pentz
Attorney for Plaintiff

CLIFFFIELD, PENNSYLVANIA 16830
211 1/2 EAST LOCUST ST. P.O. BOX 552
ATTORNEY AT LAW
CHRIS A. PENNZ

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FILED NO CC
10/3/1988
E. Koff
William A. Shew
Prothonotary

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

JAMES P. SEGER, EUNICE B.
SEGER and TAMMY J. SEGER,
Plaintiffs

vs

JAMES SWATSWORTH, t/d/b/a
SWATSWORTH LOGGING CO.,
Defendant

* No. 01-446-C.D.

* Type of Case: Civil

* Type of Pleading: Praeclipe for
* Default Judgment

* Filed on Behalf of: Plaintiffs

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

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

FILED

JUL 30 2001

William A. Shaw
Prothonotary

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

JAMES P. SEGER, EUNICE B. *
SEGER and TAMMY J. SEGER,
Plaintiffs *

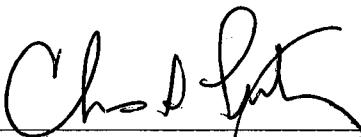
* vs No. 01-446-CD

*
JAMES SWATSWORTH, t/d/b/a *
SWATSWORTH LOGGING CO.,
Defendant *

*

To the Prothonotary:

Please enter Default Judgment against the Defendant,
James Swatsworth, t/d/b/a Swatsworth Logging Co., in favor of the
Plaintiffs, James P. Seger, Eunice B. Seger and Tammy J. Seger,
in the amount of \$4,500.00, interest, costs and such other
relief as appropriate.


Chris A. Pentz
Attorney for Plaintiffs

CLEARFIELD, PENNSYLVANIA 16830
211 1/2 EAST LOCUST ST. P.O. BOX 552
ATTORNEY AT LAW
CHRIS A. PENNZ

Fold Here

FILED
07/30/2001
JUL 30 2001
Notice to Def.
William A. Shaw Statement to Atty
E.S.

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

COPY

James P. Seger
Eunice P. Seger
Tammy J. Seger
Plaintiff(s)

No.: 2001-00446-CD

Real Debt: \$4500.00

Atty's Comm:

Vs.

Costs: \$

Int. From:

James Swatsworth
Swatsworth Logging Co.
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: July 30, 2001

Expires: July 30, 2006

Certified from the record this 30th day of July, 2001.

William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

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

Plaintiff/Attorney

COPY

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

*

JAMES P. SEGER, EUNICE B. *
SEGER and TAMMY J. SEGER,
Plaintiffs *

vs * No. 01-446-C.D.

JAMES SWATSWORTH, t/d/b/a *
SWATSWORTH LOGGING CO.,
Defendant *

*

NOTICE OF JUDGMENT

NOTICE is given that a JUDGMENT in the above-captioned matter has been entered against you in the amount of \$4500.00, plus interest and costs on July 30, 2001.



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