

01-564-CD
HENRY H. DAUGHERTY -vs- BOROUGH OF FALLS CREEK

District Justice Appeal

| Date | | Judge |
|------------|---|-------------------------|
| 4/19/2001 | ✓ Filing: District Justice Appeals Paid by: Daugherty, Henry H. (defendant) Receipt number: 1823852 Dated: 04/19/2001 Amount: \$80.00 (Check) Copies to Daugherty | No Judge |
| 4/23/2001 | ✓ Proof of Service of Notice of Appeal and Rule to File Complaint. Filed. | No Judge |
| 4/26/2001 | ✓ Transcript from District Justice Ford. Filed. | No Judge |
| 10/5/2007 | ✓ Notice of Proposed Termination of Court Case, mailed to parties (see Original), filed. | No Judge |
| 12/5/2007 | ✓ Statement of Intention to Proceed, filed. Kindly allow this filing to serve as Plaintiff's Notice of Intention to Proceed at the above-captioned docket, filed by J.D. Ryan Esq. 2 CC atty. | No Judge |
| 1/15/2008 | ✓ Complaint in Civil Action, filed by s/ J.D. Ryan Esq. 3CC Atty Ryan. | No Judge |
| | ✓ Motion to Consolidate with 2001-565, filed by s/ J.D. Ryan Esq. 3CC Atty Ryan. | No Judge |
| 1/16/2008 | ✓ Order, this 16th day of Jan., 2008, the Court being in receipt of and having reviewed the Motions to Consolidate filed by J.D. Ryan, Plaintiffs' counsel, it is Ordered that said Motion is Granted and the above-captioned cases are consolidated. 2001-564-CD Consolidated with 2001-565-CD. by the Court, /s/ Fredric J. Ammerman, Pres. Judge. 5CC Atty. Joseph Ryan | Fredric Joseph Ammerman |
| 5/27/2008 | ✓ Preliminary Objections, filed by s/ Benjamin S. Blakley, III, Esquire. 1CC Atty. Blakley | No Judge |
| 10/8/2008 | ✓ Order AND NOW, this 8th day of October 2008, it is hereby ORDERED that a hearing on Defendant's Preliminary Objections to Plaintiff's Complaint sha be held on the 22nd day of October 2008 at 10:00 a.m. in Courtroom No. 1. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 2CC Atty Blakley. | Fredric Joseph Ammerman |
| 10/21/2008 | ✓ Motion for Continuance, filed by Atty. Blakley, 1 Cert. to Atty. | Fredric Joseph Ammerman |
| | ✓ Order, this 21st day of Oct., 2008, Motion for Continuance is granted and the hearing scheduled for the 22nd day of Oct., 2008 at 10:00 a.m. is rescheduled for the 26th day of Nov., 2008 at 2:30 p.m. in Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. judge. 2CC to Blakley; 1 CC to J. Ryan | Fredric Joseph Ammerman |
| 11/24/2008 | ✓ Motion For Continuance, filed by s/ Benjamin S. Blakley, III, Esquire. 1CC Atty. Blakley | Fredric Joseph Ammerman |
| 11/25/2008 | ✓ Order, this 24th day of Nov., 2008, Defendant's Motion for Continuance is GRANTED and argument on the Defendant's Preliminary Objections to Plaintiff's Complaint scheduled for Nov. 26, 2008 is canceled. Argument wil be scheduled at a future date, upon either party filing a Praecipe to Schedule Argument. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys; J.D. Ryan, Blakley | Fredric Joseph Ammerman |
| 3/6/2009 | ✓ Amended Complaint, filed by Atty. Ryan, 2 Cert. to Atty. | Fredric Joseph Ammerman |
| 3/31/2009 | ✓ Motion to Withdraw As Counsel, filed by s/ Benjamin S. Blakley, III. 3CC Atty. | Fredric Joseph Ammerman |
| 4/1/2009 | ✓ Rule to Show Cause, AND NOW, this 31 day of March 2009, RULE RETURNABLE and hearing thereon to be held the 14th day of May 2009 at 10:00 a.m. in Courtroom No. 1. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 3CC Atty Blakley. | Fredric Joseph Ammerman |

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

**IN THE MATTER OF PETITION
FOR NAME CHANGE OF DENISE
LYNN FLECK, a/k/a DENISE LYNN
CONFER,**

* No. 09-1825-CD
*
* Type of Case. Name Change
*
*
* Type of Pleading:
* Petition for Change of Name
*
* Filed on behalf of: Petitioner
* DENISE LYNN FLECK, a/k/a
* DENISE LYNN CONFER
*
*

* **COUNSEL OF RECORD FOR THIS PARTY:**
*

* John R. Lhota, Attorney at Law
* John R. Lhota, P.C.
* 110 North Second Street
* Clearfield, PA 16830
* (814) 765-9611
*

* Supreme Court No. 22492

*Original
upstairs*

FILED
01325/CD
SEP 16 2009
William A. Shaw
Prothonotary/Clerk of Courts
3cc Atty Lhota
Atty pd. 95.00

District Justice Appeal

| Date | | Judge |
|------------|---|-------------------------|
| 5/14/2009 | <p>✓ Order This 14 day of May 2009, after hearing on Movant's Benjamin S. Blakley III, Motion to Withdraw as Counsel, and the defendant, Henry H. Daugherty, not having appeared, it is the ORDER of this Court that said Motion is hereby granted, and that the Movant, Benjamin S. Blakley III, is hereby granted leave to withdraw his appearance for defendant in this action as consolidated with No. 01-565-CD. BY THE COURT: /s/ Fredric J. Ammerman. 4CC Atty Blakley (Atty will serve)</p> <p>✓ Praecipe to Withdraw as Counsel, filed. Please with my appearance as counsel of record for defendant, Henry H. Daugherty in this action as consolidated with no. 01-565-CD, filed by s/ Benjamin S. Blakley III Esq. 3CC Atty Blakley and copy to C/A.</p> | Fredric Joseph Ammerman |
| 7/2/2009 | <p>✓ Filing: Praecipe for Entry of Default Judgment. Paid by: Ryan, J. D. (attorney for Falls Creek Borough) Receipt number: 1930112 Dated: 7/2/2009 Amount: \$20.00 (Cash) For: Falls Creek Borough (plaintiff) Judgment entered in favor of the Plaintiff and against the defendant for failure to file a response. 1CC Atty and 1CC & notice to deft.</p> | Fredric Joseph Ammerman |
| 10/28/2009 | <p>✓ Motion for Hearing to Determine Damages Subsequent to Default Judgment filed by Atty. Ryan</p> | Fredric Joseph Ammerman |
| 10/29/2009 | <p>✓ Order, this 28th of Oct., 2009, upon consideration of Plaintiff's Motion for Hearing to Determine Damages subsequent to Default Judgment it is Ordered that an Evidentiary Hearing will take place on Nov. 23, 2009 at 11:00 a.m. in courtroom 1. by the Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. J. D. Ryan</p> | Fredric Joseph Ammerman |

FILED

AUG 26 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 8/26/09

☒ You are responsible for serving all appropriate parties.

☐ The Prothonotary's office has provided service to the following parties:

☐ Plaintiff(s) ☐ Plaintiff(s) Attorney ☐ Other

☐ Defendant(s) ☐ Defendant(s) Attorney

☐ Special Instructions:

COURT OF COMMON PLEAS

Clearfield County
JUDICIAL DISTRICT

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 01-564-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 Henry H. Daugherty | | MAG. DIST. NO. OR NAME OF D.J. 46-3-01 | |
| ADDRESS OF APPELLANT R.D. 2 Box 107 | | CITY DuBois | STATE Pa. |
| DATE OF JUDGMENT 3/20/01 | IN THE CASE OF (Plaintiff) Henry H. Daugherty | ZIP CODE 15801 | |
| CLAIM NO. CV# 0000838-00 LT 19 | VS. Borough of Falls Creek SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT | | |

This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.

This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.

Signature of Prothonotary or Deputy

If appellant was Claimant (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.

PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

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

PRAECIPE: To Prothonotary

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

Name of appellee(s)

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

Signature of appellant or his attorney or agent

RULE: To _____, 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: _____, 19____

Signature of Prothonotary or Deputy

FILED

APR 19 2001
2:13 PM
William A. Shaw
Prothonotary
cc H. Daugherty

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

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

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF _____ ; ss

AFFIDAVIT: I hereby swear or affirm that I served

- ☐ a copy of the Notice of Appeal, Common Pleas No. _____, upon the District Justice designated therein on
(date of service) _____, 19____, ☐ by personal service ☐ by (certified) (registered) mail, sender's
receipt attached hereto, and upon the appellee, (name) _____, on
_____, 19____ ☐ by personal service ☐ by (certified) (registered) mail, sender's receipt attached hereto.
- ☐ and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to
whom the Rule was addressed on _____, 19____, ☐ by personal service ☐ by (certified) (registered)
mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME
THIS _____ DAY OF _____, 19____.

Signature of affiant

Signature of official before whom affidavit was made

Title of official

My commission expires on _____, 19____.

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: CLEARFIELD

Case File No. **46-3-01**

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

HENRY H. DAUGHERTY
RD 2 BOX 107
DUBOIS, PA 15801

NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE

PLAINTIFF: **DAUGHERTY, HENRY H**
NAME and ADDRESS
RD 2 BOX 107
DUBOIS, PA 15801

DEFENDANT: **VS.**
NAME and ADDRESS
BOROUGH OF FALLS CREEK
117 TAYLOR AVE
P.O. BOX 418
FALLS CREEK, PA 15840

Docket No.: **CY-0000638-00**
Date Filed: **2/20/03**
CROSS COMPLAINT **001**

THIS IS TO NOTIFY YOU THAT:
Judgment:

- ☒ Judgment was entered for: (Name) BOROUGH OF FALLS CREEK
- ☒ Judgment was entered against: (Name) DAUGHERTY, HENRY H
- in the amount of \$ 00.00 on: (Date of Judgment) 2/20/03
- (Date & Time)
- ☐ Defendants are jointly and severally liable.
- ☐ Damages will be assessed on:
- ☐ This case dismissed without prejudice.
- ☐ Amount of Judgment Subject to Attachment/Act 6 of 1996 \$ 00.00
- ☐ Levy is stayed for 00 days or ☐ generally stayed.
- ☐ Objection to levy has been filed and hearing will be held:

| | |
|--------------------------|-----------------|
| Amount of Judgment | \$ <u>00.00</u> |
| Judgment Costs | \$ <u>00.00</u> |
| Interest on Judgment | \$ <u>00.00</u> |
| Attorney Fees | \$ <u>00.00</u> |
| Total | \$ <u>00.00</u> |
| Post Judgment Credits | \$ <u>00.00</u> |
| Post Judgment Costs | \$ <u>00.00</u> |
| Certified Judgment Total | \$ <u>00.00</u> |

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.

3-20-03 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**

ADPC 315-99

SEAL

7000 1670 0000 4738 0393

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

HONORABLE PATRICK N. FORD

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



Recipient's Name (Please Print Clearly) (to be completed by mailer)

HONORABLE PATRICK N. FORD, D.J.
Street, Apt. No., or P.O. Box No.
109 N. BRADY ST., P.O. BOX 452
City, State, ZIP+4
DUBOIS, PA 15801

PS Form 3800, September 2000 For Sale by the Post Office

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.

PS Form 3800, February 2000 (Reverse)

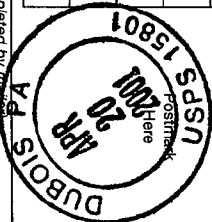
102595-99-M-2087

7000 1670 0000 4738 0409

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

BOROUGH OF FALLS CREEK

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



Recipient's Name (Please Print Clearly) (to be completed by addressee)
BOROUGH OF FALLS CREEK
Street, Apt. No., or PO Box No.
117 TAYLOR AVE., P.O. BOX 418
City, State, ZIP+4
DUBOIS, PA 15801
Use Stamp 3400 (Maximum 200¢) For Guidance (see 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

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- ☐ For an additional fee, a Return Receipt may be requested to provide proof of delivery. To obtain a 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 the 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.

PS Form 3800, February 2000 (Reverse)

102595-99-M-2087

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

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

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF CLEARFIELD ; ss

AFFIDAVIT: I hereby swear or affirm that I served

☒ a copy of the Notice of Appeal, Common Pleas No. 01-564-CD, upon the District Justice designated therein on (date of service) April 20, XX 2001 ☐ by personal service ☒ by (certified ~~XXXXXXX~~ mail, sender's receipt attached hereto, and upon the appellee, (name) BOROUGH OF FALLS CREEK on April 20, XX 2001 ☐ by personal service ☒ by (certified) ~~XXXXXXX~~ mail, sender's receipt attached hereto

☐ and further that ☒ 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.

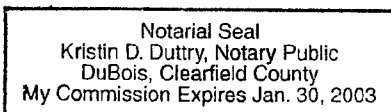
SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME
THIS 20TH DAY OF APRIL, XX 2001

Kristin D. Duttry
Signature of official before whom affidavit was made

NOTARY PUBLIC

Title of official

My commission expires on January 30, XX 2003



[Signature]
Signature of affiant

01-564-CD

FILED

APR 23 2001

m 11:20
William A. Shaw
Prothonotary

COURT OF COMMON PLEAS

Clearfield County

JUDICIAL DISTRICT

46th

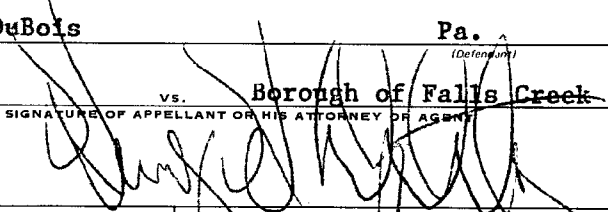
FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 01-564-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 Henry H. Daugherty | | MAG. DIST. NO. OR NAME OF D.J. 46-3-01 | |
| ADDRESS OF APPELLANT R.D. 2 Box 107 | | CITY DuBois | STATE Pa. |
| | | ZIP CODE 15801 | |
| DATE OF JUDGMENT 3/20/01 | IN THE CASE OF (Plaintiff) Henry H. Daugherty | | |
| | | vs. | (Defendant) Borough of Falls Creek |
| CLAIM NO. CV# 0000838-00 LT 19 | SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT  | | |
| <p>This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.</p> <p>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>_____ Signature of Prothonotary or Deputy</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> | |

PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

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

PRAECIPE: To Prothonotary

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

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

Signature of appellant or his attorney or agent

RULE: To _____, 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: _____, 19____

Signature of Prothonotary or Deputy

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

APR 19 2001

Attest.


Prothonotary

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**

NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE

PLAINTIFF:

NAME and ADDRESS

BOROUGH OF FALLS CREEK
117 TALLYOR AVE
P.O. BOX 418
FALLS CREEK, PA 15840

VS.

DEFENDANT:

NAME and ADDRESS

DAUGHERTY, HENRY H
RD 2 BOX 107
DUBOIS, PA 15801

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

Docket No.: **CV-0000838-00**

Date Filed: **12/18/00**



THIS IS TO NOTIFY YOU THAT:

Judgment:

FOR PLAINTIFF

01-548-00

☒ Judgment was entered for: (Name) **BOROUGH OF FALLS CREEK**

☒ Judgment was entered against: (Name) **DAUGHERTY, HENRY H**

in the amount of \$ **1,115.70** on: (Date of Judgment) **3/20/01**

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

☐ Damages will be assessed on: _____

☐ This case dismissed without prejudice.

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

☐ Levy is stayed for _____ days or ☐ generally stayed.

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

| | |
|---------------------------------|--------------------|
| Amount of Judgment | \$ 1,038.75 |
| Judgment Costs | \$ 76.95 |
| Interest on Judgment | \$.00 |
| Attorney Fees | \$.00 |
| Total | \$ 1,115.70 |
| Post Judgment Credits | \$ _____ |
| Post Judgment Costs | \$ _____ |
| Certified Judgment Total | \$ _____ |

Date:

Place:

Time:

FILED

APR 26 2001
11:00 AM

William A. Shaw
Prothonotary

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

3-20-01 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

gment against v
fines must in

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF: CLEARFIELD

Mag. Dist. No.

46-3-01

DJ Name: Hon.

Patrick N. Ford

Address:

107 N. Brady Street
DuBois, PA 15801

Telephone:

814-371-5321

CIVIL COMPLAINT

PLAINTIFF

NAME and ADDRESS

Borough of Falls Creek
117 Taylor Avenue
PO Box 418
Falls Creek, PA 15840

VS.

DEFENDANT:

NAME and ADDRESS

Henry H. Daugherty
R.D. #2, Box 107
DuBois, PA 15801

Docket No.:
Date Filed:

CV 838-00



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

TO THE DEFENDANT: The above named plaintiff(s) asks judgment against you for \$ 1038.75 together with costs upon the following claim (Civil fines must include citation of the statute or ordinance violated):

The defendant is the owner of property located at 16 Main Street, Falls Creek Borough, Clearfield County, Pennsylvania. The defendant has failed to render monthly payments for municipal water and sewer service since June of 2000. The defendant has continued to defy the court even after being found guilty of a charge for failure to use water from the public water supply mains, Non - Traffic Citation #R20414, Docket #NT-1029-99. Pursuant to Falls Creek Borough Ordinance #270 and Ordinance #339 where the required capacity of potable water supply is available from public water mains, every building shall be supplied from such main and the minimum fee included in the rates shall be charged when water service is available, whether or not any water has been consumed during the billing period. Pursuant to Falls Creek Borough Ordinance #356 and the Falls Creek Borough Municipal Authority Rate Resolution #09 -98 a user charge is imposed upon the owner of each improved property which shall be connected to the sewer system. The total amount of user charges due before December 31, 2000 is \$813.75 plus legal costs of \$200.00 and a service charge of \$25.00 to restore the water service to the building.

Vance E. Oakes 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. S.C.A. § 4904) related to unsworn falsification to authorities.

Vance E. Oakes

(Signature of Plaintiff or Authorized Agent)

Plaintiff's
Attorney:

Paul E. Cherry

Address 23 East Park Avenue

Telephone: 814-371-3288

DuBois, PA 15801

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

COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-01

DJ Name: Hon.

PATRICK N. FORD

Address:

309 MAPLE AVENUE**P.O. BOX 452****DUBOIS, PA**Telephone: **(814) 371-5321****15801**

PATRICK N. FORD
309 MAPLE AVENUE
P.O. BOX 452
DUBOIS, PA 15801

COMMON PLEAS NOTIFICATION REQUEST FORM

PLAINTIFF:

NAME and ADDRESS

BOROUGH OF FALLS CREEK**117 TALLYOR AVE****P.O. BOX 418****FALLS CREEK, PA 15840**

DEFENDANT:

NAME and ADDRESS

DAUGHERTY, HENRY H**RD 2 BOX 107****DUBOIS, PA 15801**Docket No.: **CV-0000838-00**Date Filed: **12/18/00**Disposition Date: **3/20/01**

Please be advised that an appeal has been filed in the above captioned case. Kindly use this form to indicate the results in this case, and return to the issuing authority (listed above).

RESULT OF APPEAL

Common Pleas Judge

01-564-00**CIVIL-LANDLORD/TENANT APPEAL**☐ APPEAL STRICKEN - appeal has been disallowed.☐ APPEAL DISCONTINUED - appeal has been discontinued by appellant.☐ DISTRICT JUSTICE DECISION UPHELD - court has reached the same decision as the district justice judgment.☐ DISTRICT JUSTICE DECISION DISMISSED - court has reached a decision that does not concur with the district justice decision.**WRIT OF CERTIORARI**☐ WRIT STRICKEN - appeal has been disallowed.☐ WRIT DISCONTINUED - writ has been discontinued by appellant.☐ DISTRICT JUSTICE DECISION SET ASIDE - the case will be reheard due to irregularity, lack of jurisdiction, or improper venue.☐ WRIT DISMISSED - district justice decision was not found to be flawed, lacking jurisdiction, or having improper venue.**STATEMENT OF OBJECTION (Please give a general summary of the results)**☐ OBJECTION DISCONTINUED - objection has been discontinued by the appellant.☐ OBJECTION DENIED - objection has been denied by the Court of Common Pleas.☐ OBJECTION UPHELD - appellant's objection has been upheld by the Court of Common Pleas.

Notice of Proposed Termination of Court Case

October 5, 2007

RE: 2001-00564-CD

Falls Creek Borough

Vs.

Henry H. Daugherty

FILED

OCT 05 2007



William A. Shaw
Prothonotary/Clerk of Courts

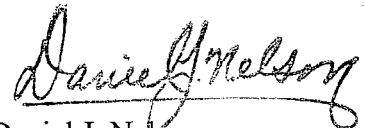
Dear Falls Creek Borough:

Please be advised that the Court intends to terminate the above captioned case without notice, because the Court records show no activity in the case for a period of at least two years.

You may stop the Court terminating the case by filing a Statement of Intention to Proceed. The Statement of Intention to Proceed must be filed with the **Prothonotary of Clearfield County, PO Box 549, Clearfield, Pennsylvania 16830**. The Statement of Intention to Proceed must be filed on or before **December 4, 2007**.

If you fail to file the required statement of intention to proceed within the required time period, the case will be terminated.

By the Court,



Daniel J. Nelson
Court Administrator

Notice of Proposed Termination of Court Case

October 5, 2007

RE: 2001-00564-CD

Falls Creek Borough

Vs.

Henry H. Daugherty

Dear Henry H. Daugherty:

Please be advised that the Court intends to terminate the above captioned case without notice, because the Court records show no activity in the case for a period of at least two years.

You may stop the Court terminating the case by filing a Statement of Intention to Proceed. The Statement of Intention to Proceed must be filed with the **Prothonotary of Clearfield County, PO Box 549, Clearfield, Pennsylvania 16830**. The Statement of Intention to Proceed must be filed on or before **December 4, 2007**.

If you fail to file the required statement of intention to proceed within the required time period, the case will be terminated.

By the Court,

A handwritten signature in black ink, appearing to read "Daniel J. Nelson", written over a horizontal line.

Daniel J. Nelson
Court Administrator

FILED

DEC 05 2007

01101251 (L) JS
William A. Shaw
Prothonotary/Clerk of Courts

2 copies to
Att

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

FALLS CREEK BOROUGH
MUNICIPAL AUTHORITY,

Vs.

HENRY H. DAUGHERTY,
Defendant.

Docket No.: 2001-564 CD

Type of Pleading:
STATEMENT OF INTENTION
TO PROCEED

Filed on behalf of: Plaintiff

Counsel of Record:

J.D. Ryan, Esquire
Supreme Court ID # 200968

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

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

FALLS CREEK BOROUGH
MUNICIPAL AUTHORITY,

Vs.

HENRY H. DAUGHERTY,
Defendant.

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STATEMENT OF INTENTION
TO PROCEED

STATEMENT OF INTENTION TO PROCEED

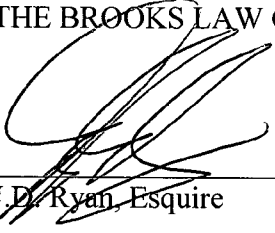
TO THE PROTHONOTARY:

Kindly allow this filing to serve as Plaintiffs' Notice of Intention to Proceed at the
above-captioned docket.

Respectfully Submitted:

THE BROOKS LAW GROUP,

By:



J.D. Ryan, Esquire

CERTIFICATE OF SERVICE

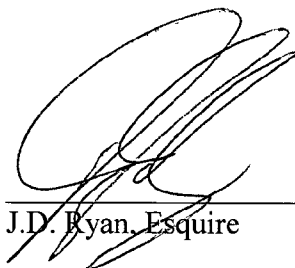
I hereby certify that on this 4th day of December, 2007, I served a true and correct copy of Plaintiffs' Statement of Intention to Proceed upon the following persons and in the following manner indicated below:

Service via fax @
1-814-765-7659

Prothonotary of Clearfield County
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830
Attn: Donna

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

Henry H. Daugherty
RD #2, Box 107
DuBois, PA 15801



J.D. Ryan, Esquire

RECEIVED
PROTHONOTARY'S OFFICE
12/4/07
WILLIAM A. SHAW
PROTHONOTARY/CLERK OF COURTS

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

FALLS CREEK BOROUGH
MUNICIPAL AUTHORITY,

Vs.

HENRY H. DAUGHERTY,
Defendant.

Docket No.: 2001-564 CD

Type of Pleading:
STATEMENT OF INTENTION
TO PROCEED

Filed on behalf of: Plaintiff

Counsel of Record:

J.D. Ryan, Esquire
Supreme Court ID # 200968

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

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

FALLS CREEK BOROUGH
MUNICIPAL AUTHORITY,

Vs.

HENRY H. DAUGHERTY,
Defendant.

Docket No.: 2001-564 CD

Type of Pleading:
STATEMENT OF INTENTION
TO PROCEED

STATEMENT OF INTENTION TO PROCEED

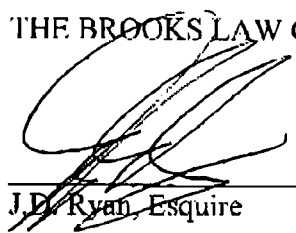
TO THE PROTHONOTARY:

Kindly allow this filing to serve as Plaintiffs' Notice of Intention to Proceed at the
above-captioned docket.

Respectfully Submitted:

THE BROOKS LAW GROUP,

By:


J.D. Ryan, Esquire

CERTIFICATE OF SERVICE

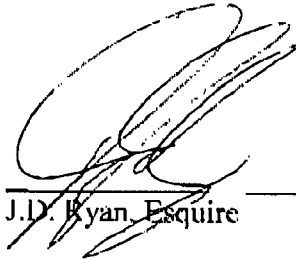
I hereby certify that on this 4th day of December, 2007, I served a true and correct copy of Plaintiffs' Statement of Intention to Proceed upon the following persons and in the following manner indicated below:

Service via fax @
1-814-765-7659

Prothonotary of Clearfield County
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830
Attn: Donna

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

Henry H. Daugherty
RD #2, Box 107
DuBois, PA 15801



J.D. Ryan, Esquire

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

FALLS CREEK BOROUGH
MUNICIPAL AUTHORITY,
Plaintiff,

v.

HENRY H. DAUGHERTY,
Defendant.

Docket No.: 2001-564 CD

Type of Pleading:
COMPLAINT IN CIVIL ACTION

Filed on behalf of: Plaintiff

Counsel of Record:

J.D. Ryan, Esquire
Supreme Court ID # 200968

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

FILED 3CC *Atty Ryan*
9/1:10cm
JAN 15 2008

William A. Shaw
Prothonotary/Clerk of Courts

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

FALLS CREEK BOROUGH
MUNICIPAL AUTHORITY,
Plaintiff,

v.

HENRY H. DAUGHERTY,
Defendant.

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Docket No.: 2001-564 CD

NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint 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 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.

Prothonotary and Clerk of Courts
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830
(814) 226-1119

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

FALLS CREEK BOROUGH
MUNICIPAL AUTHORITY,
Plaintiff,

v.

HENRY H. DAUGHERTY,
Defendant.

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Docket No.: 2001-564 CD

COMPLAINT IN CIVIL ACTION

AND NOW, comes the Plaintiff, Falls Creek Borough Municipal Authority, by and through its attorney, J.D. Ryan, Esquire, and THE BROOKS LAW GROUP, and files the following Complaint, and in support thereof, avers the following:

1. Falls Creek Borough Municipal Authority, Plaintiff:
 - a. is a Municipal Authority organized under the laws of Pennsylvania,
 - b. is authorized by Falls Creek Borough to maintain a Water and Sanitary Sewer System,
 - c. and maintains a principal place of business located at 117 Taylor Avenue, Falls Creek, Jefferson County, Pennsylvania.
2. Defendant, Henry H. Daugherty, is an adult individual with a last known address of RD 2, Box 107, DuBois, Clearfield County, Pennsylvania.
3. Defendant is the owner of property located at 16 Main Street, Falls Creek, Clearfield County, Pennsylvania.
4. Falls Creek Borough, on or about January 18, 1982, enacted Ordinance number 270-82, establishing rules and regulations, connection requirements and a billing structure for water service within the Borough. Due to the size of the document, a copy is not attached hereto. A true and correct copy of the same will be made available to the Defendant upon request.

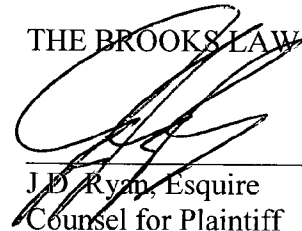
5. Falls Creek Borough, on or about October 5, 1998, enacted Ordinance number 356, establishing rules and regulations, connection requirements and a billing structure for a sanitary sewage system within the Borough. Due to the size of the document, a copy is not attached hereto. A true and correct copy of the same will be made available to the Defendant upon request.
6. At numerous times since the enactment of the above Ordinances, service and connection fees have increased in accordance with Pennsylvania Law.
7. Defendant was notified, in accordance with the above Ordinances, to connect to the Sanitary Sewage System.
8. Defendant was notified, in accordance with the above Ordinances, to connect to the water system.
9. At no time since notification was provided has Defendant connected his property to either system.
10. In accordance with the above Ordinances, Defendant has been billed for the monthly usage charges for both systems, as is evidenced by a detailed monthly billing statement. A true and correct copy of said statement is attached hereto, made a part hereof, and marked as Exhibit "A."
11. in accordance with the above Ordinances, defendant is liable for the tap-on fees associated with each system.
12. At no time has Defendant made payment on the monthly billings or the required tap-on fees.

WHEREFORE, Plaintiff respectfully requests this Honorable Court enter Judgment in its favor, and against the Defendant, for the unpaid fees and usage charges, together with interest, counsel fees, costs of litigation, and all other forms of relief this Honorable Court sees fit.

Respectfully Submitted:

THE BROOKS LAW GROUP,

By:



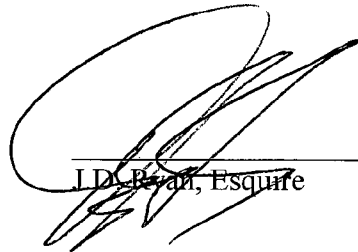
J.D. Ryan, Esquire
Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of January, 2008, I served a true and correct copy of Plaintiffs' Statement of Intention to Proceed upon the following persons and in the following manner indicated below:

Service by United States Certified Mail, postage pre-paid,
Addressed as Follows:

Henry H. Daugherty
RD #2, Box 107
DuBois, PA 15801



J.D. Ryan, Esquire

FALLS CREEK WATER DEPT. CLIENT LEDGER - FOR: 2011302 HENRY INDUSTRIES
SERVICE ADDRESS: 16 MAIN STREET

| Billing Date | Water Usage | Water Billing | Sewer Billing | Garbage Charge | Other Code | Other Charge | Late Charge | Payment Date | Payment Amount | Balance Due |
|--------------|-------------|---------------|---------------|----------------|------------|--------------|-------------|--------------|----------------|-------------|
| 06/05/2000 | | 68.68 | | | | | | | | 68.68 |
| 06/05/2000 | | | 37.00 | | | | | | | 37.00 |
| 07/13/2000 | | 68.68 | | | | | 6.87 | | | 75.55 |
| 07/13/2000 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 08/04/2000 | | 68.68 | | | | | 6.87 | | | 75.55 |
| 08/04/2000 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 09/08/2000 | | 68.68 | | | | | 6.87 | | | 75.55 |
| 09/08/2000 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 10/03/2000 | | 68.68 | | | | | 6.87 | | | 75.55 |
| 10/03/2000 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 11/08/2000 | | 68.68 | | | | | 6.87 | | | 75.55 |
| 11/08/2000 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 12/04/2000 | | 68.68 | | | | | 6.87 | | | 75.55 |
| 12/04/2000 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 01/05/2001 | | 68.68 | | | | | 6.87 | | | 75.55 |
| 01/05/2001 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 02/07/2001 | | 68.68 | | | | | 6.87 | | | 75.55 |
| 02/07/2001 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 03/05/2001 | | 68.68 | | | | | 6.87 | | | 75.55 |
| 03/05/2001 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 04/04/2001 | | 68.68 | | | | | 6.87 | | | 75.55 |
| 04/04/2001 | | | 37.00 | | | | 3.70 | | | 40.70 |
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| 05/03/2001 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 06/04/2001 | | 68.68 | | | | | 6.87 | | | 75.55 |
| 06/04/2001 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 07/05/2001 | | 68.68 | | | | | 6.87 | | | 75.55 |
| 07/05/2001 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 08/03/2001 | | 68.68 | | | | | 6.87 | | | 75.55 |
| 08/03/2001 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 09/10/2001 | | 68.68 | | | | | 6.87 | | | 75.55 |
| 09/10/2001 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 10/02/2001 | | 68.68 | | | | | 6.87 | | | 75.55 |
| 10/02/2001 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 11/09/2001 | | 68.68 | | | | | 6.87 | | | 75.55 |
| 11/09/2001 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 12/10/2001 | | 68.68 | | | | | 6.87 | | | 75.55 |
| 12/10/2001 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 01/09/2002 | | 68.68 | | | | | 6.87 | | | 75.55 |
| 01/09/2002 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 01/09/2002 | | | | | | | | | | 0.00 |
| 02/06/2002 | | 68.68 | | | | | 6.87 | | | 75.55 |
| 02/06/2002 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 02/06/2002 | | | | | | | | | | 0.00 |
| 03/11/2002 | | 68.68 | | | | | 6.87 | | | 75.55 |
| 03/11/2002 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 03/11/2002 | | | | | | | | | | 0.00 |
| 04/08/2002 | | 68.68 | | | | | 6.87 | | | 75.55 |
| 04/08/2002 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 04/08/2002 | | | | | | | | | | 0.00 |
| 05/06/2002 | | 68.68 | | | | | 6.87 | | | 75.55 |
| 05/06/2002 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 05/06/2002 | | | | | | | | | | 0.00 |
| 06/10/2002 | | 68.68 | | | | | 6.87 | | | 75.55 |
| 06/10/2002 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 06/10/2002 | | | | | | | | | | 0.00 |
| 07/11/2002 | | 68.68 | | | | | 6.87 | | | 75.55 |

01/10/2008

Page: 1

Exhibit
"A"

FALLS CREEK WATER DEPT. CLIENT LEDGER - FOR: 2011302 HENRY INDUSTRIES
SERVICE ADDRESS: 16 MAIN STREET

| Billing Date | Water Usage | Water Billing | Sewer Billing | Garbage Charge | Other Code | Other Charge | Late Charge | Payment Date | Payment Amount | Balance Due |
|--------------|-------------|---------------|---------------|----------------|------------|--------------|-------------|--------------|----------------|-------------|
| 07/11/2002 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 07/11/2002 | | | | | | | | | | 0.00 |
| 08/06/2002 | | 68.68 | | | | | 6.87 | | | 75.55 |
| 08/06/2002 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 08/06/2002 | | | | | | | | | | 0.00 |
| 09/11/2002 | | 68.68 | | | | | 6.87 | | | 75.55 |
| 09/11/2002 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 09/11/2002 | | | | | | | | | | 0.00 |
| 10/07/2002 | | 68.68 | | | | | 6.87 | | | 75.55 |
| 10/07/2002 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 10/07/2002 | | | | | | | | | | 0.00 |
| 11/04/2002 | | 68.68 | | | | | 6.87 | | | 75.55 |
| 11/04/2002 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 11/04/2002 | | | | | | | | | | 0.00 |
| 12/10/2002 | | 68.68 | | | | | 6.87 | | | 75.55 |
| 12/10/2002 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 12/10/2002 | | | | | | | | | | 0.00 |
| 01/10/2003 | | 68.68 | | | | | 6.87 | | | 75.55 |
| 01/10/2003 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 01/10/2003 | | | | | | | | | | 0.00 |
| 02/11/2003 | | 68.68 | | | | | 6.87 | | | 75.55 |
| 02/11/2003 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 02/11/2003 | | | | | | | | | | 0.00 |
| 03/10/2003 | | 68.68 | | | | | 6.87 | | | 75.55 |
| 03/10/2003 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 03/10/2003 | | | | | | | | | | 0.00 |
| 04/07/2003 | | 15.00 | | | | | 6.87 | | | 21.87 |
| 04/07/2003 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 04/07/2003 | | | | | | | | | | 0.00 |
| 05/02/2003 | -550 | 15.00 | | | | | 1.50 | | | 16.50 |
| 05/02/2003 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 05/02/2003 | | | | | | | | | | 0.00 |
| 06/04/2003 | | 15.00 | | | | | 1.50 | | | 16.50 |
| 06/04/2003 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 06/04/2003 | | | | | | | | | | 0.00 |
| 07/08/2003 | -550 | 15.00 | | | | | 1.50 | | | 16.50 |
| 07/08/2003 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 07/08/2003 | | | | | | | | | | 0.00 |
| 08/08/2003 | | 15.00 | | | | | 1.50 | | | 16.50 |
| 08/08/2003 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 08/08/2003 | | | | | | | | | | 0.00 |
| 09/09/2003 | | 15.00 | | | | | 1.50 | | | 16.50 |
| 09/09/2003 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 09/09/2003 | | | | | | | | | | 0.00 |
| 10/08/2003 | | 15.00 | | | | | 1.50 | | | 16.50 |
| 10/08/2003 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 10/08/2003 | | | | | | | | | | 0.00 |
| 11/07/2003 | | 15.00 | | | | | 1.50 | | | 16.50 |
| 11/07/2003 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 11/07/2003 | | | | | | | | | | 0.00 |
| 12/09/2003 | -550 | 15.00 | | | | | 1.50 | | | 16.50 |
| 12/09/2003 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 12/09/2003 | | | | | | | | | | 0.00 |
| 01/09/2004 | -550 | 15.00 | | | | | 1.50 | | | 16.50 |
| 01/09/2004 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 01/09/2004 | | | | | | | | | | 0.00 |
| 02/09/2004 | | 15.00 | | | | | 1.50 | | | 16.50 |

01/10/2008

FALLS CREEK WATER DEPT. CLIENT LEDGER - FOR: 2011302 HENRY INDUSTRIES
SERVICE ADDRESS: 16 MAIN STREET

| Billing Date | Water Usage | Water Billing | Sewer Billing | Garbage Charge | Other Code | Other Charge | Late Charge | Payment Date | Payment Amount | Balance Due |
|--------------|-------------|---------------|---------------|----------------|------------|--------------|-------------|--------------|----------------|-------------|
| 02/09/2004 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 02/09/2004 | | | | | | | | | | 0.00 |
| 03/08/2004 | | 15.00 | | | | | 1.50 | | | 16.50 |
| 03/08/2004 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 03/08/2004 | | | | | | | | | | 0.00 |
| 04/08/2004 | | 15.00 | | | | | 1.50 | | | 16.50 |
| 04/08/2004 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 04/08/2004 | | | | | | | | | | 0.00 |
| 05/07/2004 | | 15.00 | | | | | 1.50 | | | 16.50 |
| 05/07/2004 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 05/07/2004 | | | | | | | | | | 0.00 |
| 06/08/2004 | | 15.00 | | | | | 1.50 | | | 16.50 |
| 06/08/2004 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 06/08/2004 | | | | | | | | | | 0.00 |
| 07/07/2004 | | 15.00 | | | | | 1.50 | | | 16.50 |
| 07/07/2004 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 07/07/2004 | | | | | | | | | | 0.00 |
| 08/09/2004 | | 15.00 | | | | | 1.50 | | | 16.50 |
| 08/09/2004 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 08/09/2004 | | | | | | | | | | 0.00 |
| 09/08/2004 | | 15.00 | | | | | 1.50 | | | 16.50 |
| 09/08/2004 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 09/08/2004 | | | | | | | | | | 0.00 |
| 10/08/2004 | | 15.00 | | | | | 1.50 | | | 16.50 |
| 10/08/2004 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 10/08/2004 | | | | | | | | | | 0.00 |
| 11/08/2004 | | 15.00 | | | | | 1.50 | | | 16.50 |
| 11/08/2004 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 11/08/2004 | | | | | | | | | | 0.00 |
| 12/08/2004 | | 15.00 | | | | | 1.50 | | | 16.50 |
| 12/08/2004 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 12/08/2004 | | | | | | | | | | 0.00 |
| 01/10/2005 | | 15.00 | | | | | 1.50 | | | 16.50 |
| 01/10/2005 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 01/10/2005 | | | | | | | | | | 0.00 |
| 02/08/2005 | | 15.00 | | | | | 1.50 | | | 16.50 |
| 02/08/2005 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 02/08/2005 | | | | | | | | | | 0.00 |
| 03/08/2005 | | 15.00 | | | | | 1.50 | | | 16.50 |
| 03/08/2005 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 03/08/2005 | | | | | | | | | | 0.00 |
| 04/08/2005 | | 15.00 | | | | | 1.50 | | | 16.50 |
| 04/08/2005 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 04/08/2005 | | | | | | | | | | 0.00 |
| 05/09/2005 | | 15.00 | | | | | 1.50 | | | 16.50 |
| 05/09/2005 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 05/09/2005 | | | | | | | | | | 0.00 |
| 06/08/2005 | | 15.00 | | | | | 1.50 | | | 16.50 |
| 06/08/2005 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 06/08/2005 | | | | | | | | | | 0.00 |
| 07/08/2005 | | 15.00 | | | | | 1.50 | | | 16.50 |
| 07/08/2005 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 07/08/2005 | | | | | | | | | | 0.00 |
| 08/08/2005 | | 15.00 | | | | | 1.50 | | | 16.50 |
| 08/08/2005 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 08/08/2005 | | | | | | | | | | 0.00 |
| 09/08/2005 | | 15.00 | | | | | 1.50 | | | 16.50 |

01/10/2008

FALLS CREEK WATER DEPT. CLIENT LEDGER - FOR: 2011302 HENRY INDUSTRIES
SERVICE ADDRESS: 16 MAIN STREET

| Billing Date | Water Usage | Water Billing | Sewer Billing | Garbage Charge | Other Code | Other Charge | Late Charge | Payment Date | Payment Amount | Balance Due |
|--------------|-------------|---------------|---------------|----------------|------------|--------------|-------------|--------------|----------------|-------------|
| 09/08/2005 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 09/08/2005 | | | | | | | | | | 0.00 |
| 10/10/2005 | 15.00 | | | | | | 1.50 | | | 16.50 |
| 10/10/2005 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 10/10/2005 | | | | | | | | | | 0.00 |
| 11/09/2005 | 15.00 | | | | | | 1.50 | | | 16.50 |
| 11/09/2005 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 11/09/2005 | | | | | | | | | | 0.00 |
| 12/06/2005 | 15.00 | | | | | | 1.50 | | | 16.50 |
| 12/06/2005 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 12/06/2005 | | | | | | | | | | 0.00 |
| 01/09/2006 | 15.00 | | | | | | 1.50 | | | 16.50 |
| 01/09/2006 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 01/09/2006 | | | | | | | | | | 0.00 |
| 02/06/2006 | 15.00 | | | | | | 1.50 | | | 16.50 |
| 02/06/2006 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 02/06/2006 | | | | | | | | | | 0.00 |
| 03/08/2006 | 15.00 | | | | | | 1.50 | | | 16.50 |
| 03/08/2006 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 03/08/2006 | | | | | | | | | | 0.00 |
| 04/07/2006 | 15.00 | | | | | | 1.50 | | | 16.50 |
| 04/07/2006 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 04/07/2006 | | | | | | | | | | 0.00 |
| 05/08/2006 | 15.00 | | | | | | 1.50 | | | 16.50 |
| 05/08/2006 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 05/08/2006 | | | | | | | | | | 0.00 |
| 06/08/2006 | 20.00 | | | | | | 1.50 | | | 21.50 |
| 06/08/2006 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 06/08/2006 | | | | | | | | | | 0.00 |
| 07/05/2006 | 20.00 | | | | | | 2.00 | | | 22.00 |
| 07/05/2006 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 07/05/2006 | | | | | | | | | | 0.00 |
| 08/07/2006 | 20.00 | | | | | | 2.00 | | | 22.00 |
| 08/07/2006 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 08/07/2006 | | | | | | | | | | 0.00 |
| 09/08/2006 | 20.00 | | | | | | 2.00 | | | 22.00 |
| 09/08/2006 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 09/08/2006 | | | | | | | | | | 0.00 |
| 10/06/2006 | 20.00 | | | | | | 2.00 | | | 22.00 |
| 10/06/2006 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 10/06/2006 | | | | | | | | | | 0.00 |
| 11/06/2006 | 20.00 | | | | | | 2.00 | | | 22.00 |
| 11/06/2006 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 11/06/2006 | | | | | | | | | | 0.00 |
| 12/12/2006 | 20.00 | | | | | | 2.00 | | | 22.00 |
| 12/12/2006 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 12/12/2006 | | | | | | | | | | 0.00 |
| 12/29/2006 | 20.00 | | | | | | 2.00 | | | 22.00 |
| 12/29/2006 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 12/29/2006 | | | | | | | | | | 0.00 |
| 02/06/2007 | 21.60 | | | | | | 2.00 | | | 23.60 |
| 02/06/2007 | | | 40.00 | | | | 3.70 | | | 43.70 |
| 02/06/2007 | | | | | | | | | | 0.00 |
| 03/07/2007 | 21.60 | | | | | | 2.16 | | | 23.76 |
| 03/07/2007 | | | 40.00 | | | | 4.00 | | | 44.00 |
| 03/07/2007 | | | | | | | | | | 0.00 |
| 04/04/2007 | 21.60 | | | | | | 2.16 | | | 23.76 |

FALLS CREEK WATER DEPT. CLIENT LEDGER - FOR: 2011302 HENRY INDUSTRIES
SERVICE ADDRESS: 16 MAIN STREET

| Billing Date | Water Usage | Water Billing | Sewer Billing | Garbage Charge | Other Code | Other Charge | Late Charge | Payment Date | Payment Amount | Balance Due |
|--------------|-------------|---------------|---------------|----------------|------------|--------------|-------------|--------------|----------------|-------------|
| 04/04/2007 | | | 40.00 | | | | 4.00 | | | 44.00 |
| 04/04/2007 | | | | | | | | | | 0.00 |
| 05/03/2007 | | 21.60 | | | | | 2.16 | | | 23.76 |
| 05/03/2007 | | | 40.00 | | | | 4.00 | | | 44.00 |
| 05/03/2007 | | | | | | | | | | 0.00 |
| 06/04/2007 | | 21.60 | | | | | 2.16 | | | 23.76 |
| 06/04/2007 | | | 40.00 | | | | 4.00 | | | 44.00 |
| 06/04/2007 | | | | | | | | | | 0.00 |
| 07/05/2007 | | 21.60 | | | | | 2.16 | | | 23.76 |
| 07/05/2007 | | | 40.00 | | | | 4.00 | | | 44.00 |
| 07/05/2007 | | | | | | | | | | 0.00 |
| 08/06/2007 | | 21.60 | | | | | 2.16 | | | 23.76 |
| 08/06/2007 | | | 40.00 | | | | 4.00 | | | 44.00 |
| 08/06/2007 | | | | | | | | | | 0.00 |
| 09/05/2007 | | 21.60 | | | | | | | | 21.60 |
| 09/05/2007 | | | 40.00 | | | | | | | 40.00 |
| 10/05/2007 | | 21.60 | | | | | | | | 21.60 |
| 10/05/2007 | | | 40.00 | | | | | | | 40.00 |
| 11/05/2007 | | 21.60 | | | | | 2.16 | | | 23.76 |
| 11/05/2007 | | | 40.00 | | | | 4.00 | | | 44.00 |
| 11/05/2007 | | | | | | | | | | 0.00 |
| 12/05/2007 | | 21.60 | | | | | 2.16 | | | 23.76 |
| 12/05/2007 | | | 40.00 | | | | 4.00 | | | 44.00 |
| 12/05/2007 | | | | | | | | | | 0.00 |
| 01/04/2008 | | 21.60 | | | | | 2.16 | | | 23.76 |
| 01/04/2008 | | | 40.00 | | | | 4.00 | | | 44.00 |
| 01/04/2008 | | | | | | | | | | 0.00 |
| Balance Due: | | | | | | | | | | 7,422.34 |

VERIFICATION

I, Lugene Inzana, Falls Creek Borough Manager, do hereby certify that all facts contained in the foregoing Complaint in Civil Action are true and correct to the best of my knowledge, information and belief. Further, I understand that I make this verification subject to the penalties of 18 Pa.C.S.A. §4904, relating to unsworn falsification to authorities.

1/08/2008
Date

Lugene Inzana
Lugene Inzana, Manager
Falls Creek Borough
Plaintiff

lr

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

FALLS CREEK BOROUGH
MUNICIPAL AUTHORITY,
Plaintiff,

v.

HENRY H. DAUGHERTY,
Defendant.

: Docket No.: 2001-564 CD
:
:
:
:
: Type of Pleading:
: MOTION TO CONSOLIDATE
: WITH 2001-~~563~~ CD
: ~~563~~
:
:
: Filed on behalf of: Plaintiff
:
:
: Counsel of Record:
:
: J.D. Ryan, Esquire
: Supreme Court ID # 200968
:
: THE BROOKS LAW GROUP
: 194 Main Street, Suite II
: Brookville, PA 15825
: (814) 849-4037

FILED

01/15/08
JAN 15 2008

3CC Atty
Ryan

William A. Shaw
Prothonotary/Clerk of Courts

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

FALLS CREEK BOROUGH
MUNICIPAL AUTHORITY,
Plaintiff,

v.

HENRY H. DAUGHERTY,
Defendant.

:
:
:
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:
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:
:

Docket No.: 2001-564 CD

MOTION TO CONSOLIDATE WITH 2001-563 CD

AND NOW, comes the Plaintiff, Falls Creek Municipal Authority, by and through its attorney, J.D. Ryan, Esquire, and THE BROOKS LAW GROUP, and files the following Motion to Consolidate, and in support thereof, avers the following:

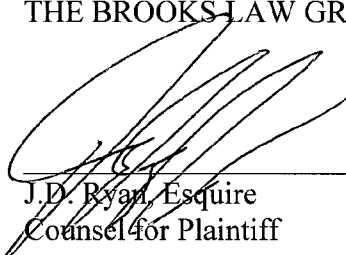
1. Falls Creek Borough Municipal Authority is the Plaintiff in the above captioned matter.
2. This case originated at the Magistrate level, with the filing of a Civil Complaint.
3. Upon receipt of the Complaint, the Defendant, Henry H. Daugherty, filed a Counter Suit at the same level.
4. Upon completion of the matters below, the Defendant appealed the lower court's decisions at each number.
5. Based on said appeal, this matter was created at the Common Pleas level.
6. Along with the above captioned matter, a docket was created at 2001-563 CD, pursuant to the appeal of the Defendant's counter suit.
7. Plaintiff, at the same time as this filing, is filing a Complaint in Civil Action at both numbers.
8. The proper form of litigation in this matter is not two individual suits.
9. The Rules of Civil Procedure require that this matter proceed as a Complaint and a responsive Counterclaim.

WHEREFORE, Plaintiff respectfully requests this Honorable Court enter an Order directing the consolidation of this docket with docket number 2001-~~563~~, allowing all proceedings hereafter to exist under one docket. ⁵⁶⁵

Respectfully Submitted:

THE BROOKS LAW GROUP,

By:



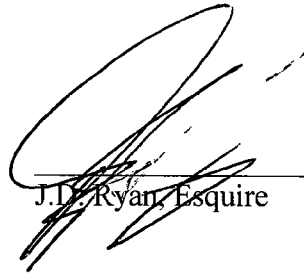
J.D. Ryan, Esquire
Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of January, 2008, I served a true and correct copy of Plaintiffs' Statement of Intention to Proceed upon the following persons and in the following manner indicated below:

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

Henry H. Daugherty
RD #2, Box 107
DuBois, PA 15801



J.D. Ryan, Esquire

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

FALLS CREEK BOROUGH MUNICIPAL AUTHORITY
Plaintiff

vs.

HENRY H. DAUGHERTY,
Defendant

*
*
*
*
*

NO. 01-564-CD

Consolidated with

FALLS CREEK BOROUGH MUNICIPAL AUTHORITY
Plaintiff

vs.

HENRY H. DAUGHERTY,
Defendant

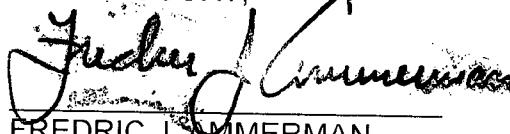
*
*
*
*
*

NO. 01-565-CD

ORDER

NOW, this 16th day of January, 2008, following, the Court being in receipt of and having reviewed the Motions to Consolidate filed by J.D. Ryan, Plaintiffs' counsel, in the above-captioned cases, it is the ORDER of this Court that said Motion is GRANTED and the above-captioned cases be and are hereby consolidated.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

FILED 500
01/16/08
JAN 16 2008
Joseph Ryan

William A. Shaw
Prothonotary/Clerk of Courts

(60)

FILED

JAN 16 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 1/16/08

☒ You are responsible for serving all appropriate parties.

☐ The Prothonotary's office has provided service to the following parties:

☐ Plaintiff(s) ☐ Plaintiff(s) Attorney ☐ Other

☐ Defendant(s) ☐ Defendant(s) Attorney

☐ Special Instructions:

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

FALLS CREEK BOROUGH
MUNICIPAL AUTHORITY,

Plaintiff,

VS.

HENRY H. DAUGHERTY,

Defendant.

Filed On Behalf Of:
DEFENDANT

Counsel For This Party:
BENJAMIN S. BLAKLEY, III
Supreme Court ID No. 26331

BLAKLEY & JONES
90 Beaver Drive
DuBois PA 15801
(814) 371-2730

BENJAMIN S. BLAKLEY, III

Supreme Court ID No. 26331

BLAKLEY & JONES

90 Beaver Drive

DuBois PA 15801

(814) 371-2730

No ~~order~~ No action

FILED

MAY 27 2008

William A. Shaw
Prothonotary/Clerk of Courts

Atty Blakley

6K

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

| | | |
|----------------------|---|---------------------|
| FALLS CREEK BOROUGH |) | |
| MUNICIPAL AUTHORITY, |) | |
| |) | |
| Plaintiff, |) | |
| |) | NO. 01 - 563 - C.D. |
| vs. |) | |
| |) | |
| HENRY H. DAUGHERTY, |) | |
| |) | |
| Defendant. |) | |

PRELIMINARY OBJECTIONS

AND NOW, comes the Defendant, **HENRY H. DAUGHERTY**, by and through his attorneys, **BLAKLEY & JONES**, and preliminarily objects to the Complaint filed by Plaintiff, **FALLS CREEK BOROUGH MUNICIPAL AUTHORITY**, in the above-captioned matter as follows:

**I - PRELIMINARY OBJECTIONS FOR IMPROPER
SERVICE OF THE COMPLAINT**

1. Falls Creek Borough Municipal Authority commenced a Complaint in Civil Action by Complaint filed January 15, 2008, in the Office of the Prothonotary of Clearfield County, Pennsylvania, as a result of an appeal filed on April 19, 2001, following judgment entered against Defendant before Magistrate Patrick N. Ford, Magisterial District No. 46-3-01. A copy of said Notice of Appeal and Complaint in Civil Action is attached hereto and made a part hereof.

2. That Plaintiff, Falls Creek Borough Municipal Authority did serve the Defendant, Henry H. Daugherty with the Complaint in Civil Action on or about May 1, 2008.

3. Rule 2005(d) of the Pennsylvania Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges mandates that a party filing a Complaint following an

appeal from a judgment before a District Justice shall forthwith serve the Complaint upon the opposite party.

4. That in the within action, service of the Complaint in this action was made 106 days after the filing of the Complaint in the Office of the Prothonotary of Clearfield County, Pennsylvania.

5. That said service at such late date violates the mandates of the Rules of Pennsylvania Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges.

WHEREFORE Defendant requests this Honorable Court dismiss Plaintiff's Complaint.

**II - PRELIMINARY OBJECTIONS FOR NAMING
IMPROPER PARTY TO ACTION**

6. The original suit in the above matter was brought by a Complaint before District Justice Patrick N. Ford by the Borough of Falls Creek, Falls Creek, Pennsylvania, and Notice of Judgment on said case was entered on behalf of the Borough of Falls Creek on December 18, 2000. A copy of said judgment is attached hereto and made a part hereof.

7. The appeal in the above matter as set forth herein before was filed by Defendant, Henry H. Daugherty against the Borough of Falls Creek.

8. That the Complaint filed in the above-captioned matter was brought by the Falls Creek Borough Municipal Authority, a different entity than had been the Plaintiff in the original civil action.

9. The Falls Creek Borough Municipal Authority was at no time a party to the original filings and appeal filed on April 19, 2001.

WHEREFORE, Defendant, Henry H. Daugherty requests this Honorable Court dismiss Plaintiff's Complaint.

III - PRELIMINARY OBJECTIONS FOR IMPROPER PLEADING

10. That the Complaint filed in the above captioned matter has been brought to 2001-563-CD.

11. That the Clearfield County Prothonotary's Office has notified the Defendant that Docket No. 2001-563-CD does not involve any action involving the individuals set forth on Plaintiff's Complaint, but involved an entirely different action unrelated to the civil action brought by the Plaintiff.

WHEREFORE, Defendant, Henry H. Daugherty requests this Honorable Court dismiss Plaintiff's Complaint.

**IV - PRELIMINARY OBJECTIONS FOR LACK OF JURISDICTION
OVER SUBJECT MATTER**

12. Defendant, Henry H. Daugherty filed a Notice of Appeal upon the Borough of Falls Creek by appeal filed April 19, 2001, pursuant to Pa. R.C.P.J.P. 1002.

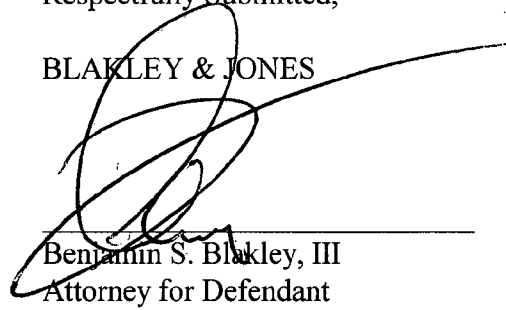
13. That service of the Notice of Appeal was properly made upon the Plaintiff, Borough of Falls Creek on April 23, 2001, and upon Magistrate Patrick N. Ford on April 23, 2001. A copy of said Return Receipts are attached hereto and made a part hereof.

14. The Plaintiff failed to file a Complaint within the time period permitted within the Pa. R.C.P.J.P. 1004(a), but instead has filed a Complaint almost seven (7) years after the filing of the appeal in the above captioned matter.

WHEREFORE, Defendant, Henry H. Daugherty respectfully requests that Plaintiff's
Complaint be dismissed.

Respectfully Submitted,

BLAKLEY & JONES

A large, stylized handwritten signature in black ink, appearing to read 'Benjamin S. Blakley, III', is written over a horizontal line. The signature is highly cursive and loops around the text below it.

Benjamin S. Blakley, III
Attorney for Defendant

NO. 01 - 563 - C.D.

Benjamin S. Blakley, III
Attorney for Defendant

COURT OF COMMON PLEAS

Clearfield County

JUDICIAL DISTRICT

FROM

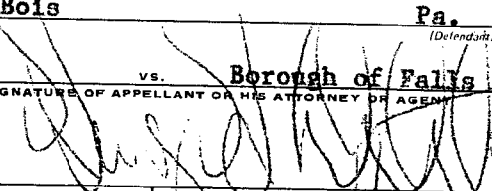
DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No.

01-564-00

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 Henry H. Daugherty | | MAG. DIST. NO. OR NAME OF D.J. 46-3-01 | |
| ADDRESS OF APPELLANT R.D. 2 Box 107 | | CITY DuBois | STATE Pa. |
| DATE OF JUDGMENT 3/20/01 | IN THE CASE OF (Plaintiff) Henry H. Daugherty | ZIP CODE 15801 | (Defendant) |
| CLAIM NO. CV# 0000838-00 LT 19 | VS. Borough of Falls Creek | | |
| SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT  | | | |
| This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B. This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case. _____ Signature of Prothonotary or Deputy | | If appellant was Claimant (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL. | |

PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

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

PRAECIPE: To Prothonotary

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

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

Signature of appellant or his attorney or agent

RULE: To _____, 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: _____, 19 _____

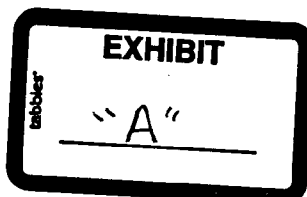
Signature of Prothonotary or Deputy

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

APR 19 2001

Attest.


Prothonotary



APPELLANT'S COPY

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

FALLS CREEK BOROUGH
MUNICIPAL AUTHORITY,
Plaintiff,

v.

HENRY H. DAUGHERTY,
Defendant.

Docket No.: 2001-563 CD

Type of Pleading:
COMPLAINT IN CIVIL ACTION

Filed on behalf of: Plaintiff

Counsel of Record:

J.D. Ryan, Esquire
Supreme Court ID # 200968

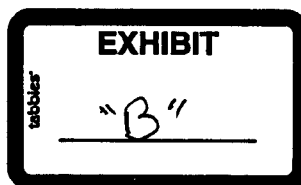
THE BROOKS LAW GROUP
194 Main Street, Suite II
Brookville, PA 15825
(814) 849-4037

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

JAN 15 2008

Attest.

William D. Ryan
Prothonotary/
Clerk of Courts



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

FALLS CREEK BOROUGH
MUNICIPAL AUTHORITY,
Plaintiff,

v.

HENRY H. DAUGHERTY,
Defendant.

: Docket No.: 2001-563 CD
:
:
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NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint 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 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.

Prothonotary and Clerk of Courts
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830
(814) 226-1119

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

FALLS CREEK BOROUGH
MUNICIPAL AUTHORITY,
Plaintiff,

v.

HENRY H. DAUGHERTY,
Defendant.

: Docket No.: 2001-563 CD
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:

COMPLAINT IN CIVIL ACTION

AND NOW, comes the Plaintiff, Falls Creek Borough Municipal Authority, by and through its attorney, J.D. Ryan, Esquire, and THE BROOKS LAW GROUP, and files the following Complaint, and in support thereof, avers the following:

1. Falls Creek Borough Municipal Authority, Plaintiff:
 - a. is a Municipal Authority organized under the laws of Pennsylvania,
 - b. is authorized by Falls Creek Borough to maintain a Water and Sanitary Sewer System,
 - c. and maintains a principal place of business located at 117 Taylor Avenue, Falls Creek, Jefferson County, Pennsylvania.
2. Defendant, Henry H. Daugherty, is an adult individual with a last known address of RD 2, Box 107, DuBois, Clearfield County, Pennsylvania.
3. Defendant is the owner of property located at 16 Main Street, Falls Creek, Clearfield County, Pennsylvania.
4. Falls Creek Borough, on or about January 18, 1982, enacted Ordinance number 270-82, establishing rules and regulations, connection requirements and a billing structure for water service within the Borough. Due to the size of the document, a copy is not attached hereto. A true and correct copy of the same will be made available to the Defendant upon request.

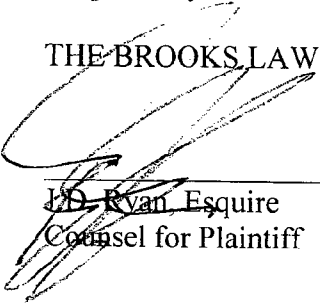
5. Falls Creek Borough, on or about October 5, 1998, enacted Ordinance number 356, establishing rules and regulations, connection requirements and a billing structure for a sanitary sewage system within the Borough. Due to the size of the document, a copy is not attached hereto. A true and correct copy of the same will be made available to the Defendant upon request.
6. At numerous times since the enactment of the above Ordinances, service and connection fees have increased in accordance with Pennsylvania Law.
7. Defendant was notified, in accordance with the above Ordinances, to connect to the Sanitary Sewage System.
8. Defendant was notified, in accordance with the above Ordinances, to connect to the water system.
9. At no time since notification was provided has Defendant connected his property to either system.
10. In accordance with the above Ordinances, Defendant has been billed for the monthly usage charges for both systems, as is evidenced by a detailed monthly billing statement. A true and correct copy of said statement is attached hereto, made a part hereof, and marked as Exhibit "A."
11. In accordance with the above Ordinances, defendant is liable for the tap-on fees associated with each system.
12. At no time has Defendant made payment on the monthly billings or the required tap-on fees.

WHEREFORE, Plaintiff respectfully requests this Honorable Court enter Judgment in its favor, and against the Defendant, for the unpaid fees and usage charges, together with interest, counsel fees, costs of litigation, and all other forms of relief this Honorable Court sees fit.

Respectfully Submitted:

THE BROOKS LAW GROUP,

By:

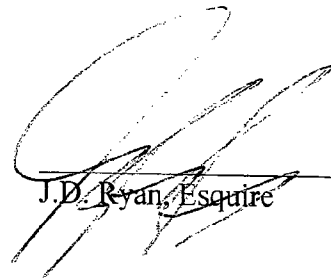

J.D. Ryan, Esquire
Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of January, 2008, I served a true and correct copy of Plaintiffs' Statement of Intention to Proceed upon the following persons and in the following manner indicated below:

Service by United States Certified Mail, postage pre-paid
Addressed as Follows:

Henry H. Daugherty
RD #2, Box 107
DuBois, PA 15801



J.D. Ryan, Esquire

FALLS CREEK WATER DEPT. CLIENT LEDGER - FOR: 2011302 HENRY INDUSTRIES
SERVICE ADDRESS: 16 MAIN STREET

| Billing Date | Water Usage | Water Billing | Sewer Billing | Garbage Charge | Other Code | Other Charge | Late Charge | Payment Date | Payment Amount | Balance Due |
|--------------|-------------|---------------|---------------|----------------|------------|--------------|-------------|--------------|----------------|-------------|
| 06/05/2000 | | 68.68 | | | | | | | | |
| 06/05/2000 | | | 37.00 | | | | | | | 68.68 |
| 07/13/2000 | | 68.68 | | | | | | | | 37.00 |
| 07/13/2000 | | | 37.00 | | | | 6.87 | | | 75.55 |
| 08/04/2000 | | 68.68 | | | | | 3.70 | | | 40.70 |
| 08/04/2000 | | | 37.00 | | | | 6.87 | | | 75.55 |
| 09/08/2000 | | 68.68 | | | | | 3.70 | | | 40.70 |
| 09/08/2000 | | | 37.00 | | | | 6.87 | | | 75.55 |
| 10/03/2000 | | 68.68 | | | | | 3.70 | | | 40.70 |
| 10/03/2000 | | | 37.00 | | | | 6.87 | | | 75.55 |
| 11/08/2000 | | 68.68 | | | | | 3.70 | | | 40.70 |
| 11/08/2000 | | | 37.00 | | | | 6.87 | | | 75.55 |
| 12/04/2000 | | 68.68 | | | | | 3.70 | | | 40.70 |
| 12/04/2000 | | | 37.00 | | | | 6.87 | | | 75.55 |
| 01/05/2001 | | 68.68 | | | | | 3.70 | | | 40.70 |
| 01/05/2001 | | | 37.00 | | | | 6.87 | | | 75.55 |
| 02/07/2001 | | 68.68 | | | | | 3.70 | | | 40.70 |
| 02/07/2001 | | | 37.00 | | | | 6.87 | | | 75.55 |
| 03/05/2001 | | 68.68 | | | | | 3.70 | | | 40.70 |
| 03/05/2001 | | | 37.00 | | | | 6.87 | | | 75.55 |
| 04/04/2001 | | 68.68 | | | | | 3.70 | | | 40.70 |
| 04/04/2001 | | | 37.00 | | | | 6.87 | | | 75.55 |
| 05/03/2001 | | 68.68 | | | | | 3.70 | | | 40.70 |
| 05/03/2001 | | | 37.00 | | | | 6.87 | | | 75.55 |
| 06/04/2001 | | 68.68 | | | | | 3.70 | | | 40.70 |
| 06/04/2001 | | | 37.00 | | | | 6.87 | | | 75.55 |
| 07/05/2001 | | 68.68 | | | | | 3.70 | | | 40.70 |
| 07/05/2001 | | | 37.00 | | | | 6.87 | | | 75.55 |
| 08/03/2001 | | 68.68 | | | | | 3.70 | | | 40.70 |
| 08/03/2001 | | | 37.00 | | | | 6.87 | | | 75.55 |
| 09/10/2001 | | 68.68 | | | | | 3.70 | | | 40.70 |
| 09/10/2001 | | | 37.00 | | | | 6.87 | | | 75.55 |
| 10/02/2001 | | 68.68 | | | | | 3.70 | | | 40.70 |
| 10/02/2001 | | | 37.00 | | | | 6.87 | | | 75.55 |
| 11/09/2001 | | 68.68 | | | | | 3.70 | | | 40.70 |
| 11/09/2001 | | | 37.00 | | | | 6.87 | | | 75.55 |
| 12/10/2001 | | 68.68 | | | | | 3.70 | | | 40.70 |
| 12/10/2001 | | | 37.00 | | | | 6.87 | | | 75.55 |
| 01/09/2002 | | 68.68 | | | | | 3.70 | | | 40.70 |
| 01/09/2002 | | | 37.00 | | | | 6.87 | | | 75.55 |
| 01/09/2002 | | | | | | | 3.70 | | | 40.70 |
| 02/06/2002 | | 68.68 | | | | | | | | 0.00 |
| 02/06/2002 | | | 37.00 | | | | 6.87 | | | 75.55 |
| 02/06/2002 | | | | | | | 3.70 | | | 40.70 |
| 03/11/2002 | | 68.68 | | | | | | | | 0.00 |
| 03/11/2002 | | | 37.00 | | | | 6.87 | | | 75.55 |
| 03/11/2002 | | | | | | | 3.70 | | | 40.70 |
| 04/08/2002 | | 68.68 | | | | | | | | 0.00 |
| 04/08/2002 | | | 37.00 | | | | 6.87 | | | 75.55 |
| 04/08/2002 | | | | | | | 3.70 | | | 40.70 |
| 05/06/2002 | | 68.68 | | | | | | | | 0.00 |
| 05/06/2002 | | | 37.00 | | | | 6.87 | | | 75.55 |
| 05/06/2002 | | | | | | | 3.70 | | | 40.70 |
| 06/10/2002 | | 68.68 | | | | | | | | 0.00 |
| 06/10/2002 | | | 37.00 | | | | 6.87 | | | 75.55 |
| 06/10/2002 | | | | | | | 3.70 | | | 40.70 |
| 07/11/2002 | | 68.68 | | | | | | | | 0.00 |
| | | | | | | | 6.87 | | | 75.55 |

01/10/2008

Exhibit
"A"

FALLS CREEK WATER DEPT. CLIENT LEDGER - FOR: 2011302 HENRY INDUSTRIES
SERVICE ADDRESS: 16 MAIN STREET

| Billing Date | Water Usage | Water Billing | Sewer Billing | Garbage Charge | Other Code | Other Charge | Late Charge | Payment Date | Payment Amount | Balance Due |
|--------------|-------------|---------------|---------------|----------------|------------|--------------|-------------|--------------|----------------|-------------|
| 07/11/2002 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 07/11/2002 | | | | | | | | | | 0.00 |
| 08/06/2002 | | 68.68 | | | | | 6.87 | | | 75.55 |
| 08/06/2002 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 08/06/2002 | | | | | | | | | | 0.00 |
| 09/11/2002 | | 68.68 | | | | | 6.87 | | | 75.55 |
| 09/11/2002 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 09/11/2002 | | | | | | | | | | 0.00 |
| 10/07/2002 | | 68.68 | | | | | 6.87 | | | 75.55 |
| 10/07/2002 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 10/07/2002 | | | | | | | | | | 0.00 |
| 11/04/2002 | | 68.68 | | | | | 6.87 | | | 75.55 |
| 11/04/2002 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 11/04/2002 | | | | | | | | | | 0.00 |
| 12/10/2002 | | 68.68 | | | | | 6.87 | | | 75.55 |
| 12/10/2002 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 12/10/2002 | | | | | | | | | | 0.00 |
| 01/10/2003 | | 68.68 | | | | | 6.87 | | | 75.55 |
| 01/10/2003 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 01/10/2003 | | | | | | | | | | 0.00 |
| 02/11/2003 | | 68.68 | | | | | 6.87 | | | 75.55 |
| 02/11/2003 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 02/11/2003 | | | | | | | | | | 0.00 |
| 03/10/2003 | | 68.68 | | | | | 6.87 | | | 75.55 |
| 03/10/2003 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 03/10/2003 | | | | | | | | | | 0.00 |
| 04/07/2003 | | 15.00 | | | | | 6.87 | | | 21.87 |
| 04/07/2003 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 04/07/2003 | | | | | | | | | | 0.00 |
| 05/02/2003 | -550 | 15.00 | | | | | 1.50 | | | 16.50 |
| 05/02/2003 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 05/02/2003 | | | | | | | | | | 0.00 |
| 06/04/2003 | | 15.00 | | | | | 1.50 | | | 16.50 |
| 06/04/2003 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 06/04/2003 | | | | | | | | | | 0.00 |
| 07/08/2003 | -550 | 15.00 | | | | | 1.50 | | | 16.50 |
| 07/08/2003 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 07/08/2003 | | | | | | | | | | 0.00 |
| 08/08/2003 | | 15.00 | | | | | 1.50 | | | 16.50 |
| 08/08/2003 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 08/08/2003 | | | | | | | | | | 0.00 |
| 09/09/2003 | | 15.00 | | | | | 1.50 | | | 16.50 |
| 09/09/2003 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 09/09/2003 | | | | | | | | | | 0.00 |
| 10/08/2003 | | 15.00 | | | | | 1.50 | | | 16.50 |
| 10/08/2003 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 10/08/2003 | | | | | | | | | | 0.00 |
| 11/07/2003 | | 15.00 | | | | | 1.50 | | | 16.50 |
| 11/07/2003 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 11/07/2003 | | | | | | | | | | 0.00 |
| 12/09/2003 | -550 | 15.00 | | | | | 1.50 | | | 16.50 |
| 12/09/2003 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 12/09/2003 | | | | | | | | | | 0.00 |
| 01/09/2004 | -550 | 15.00 | | | | | 1.50 | | | 16.50 |
| 01/09/2004 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 01/09/2004 | | | | | | | | | | 0.00 |
| 02/09/2004 | | 15.00 | | | | | 1.50 | | | 16.50 |

01/10/2008

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|--------------|-------------|---------------|---------------|----------------|------------|--------------|-------------|--------------|----------------|-------------|
| 02/09/2004 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 02/09/2004 | | | | | | | | | | 0.00 |
| 03/08/2004 | | 15.00 | | | | | 1.50 | | | 16.50 |
| 03/08/2004 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 03/08/2004 | | | | | | | | | | 0.00 |
| 04/08/2004 | | 15.00 | | | | | 1.50 | | | 16.50 |
| 04/08/2004 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 04/08/2004 | | | | | | | | | | 0.00 |
| 05/07/2004 | | 15.00 | | | | | 1.50 | | | 16.50 |
| 05/07/2004 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 05/07/2004 | | | | | | | | | | 0.00 |
| 06/08/2004 | | 15.00 | | | | | 1.50 | | | 16.50 |
| 06/08/2004 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 06/08/2004 | | | | | | | | | | 0.00 |
| 07/07/2004 | | 15.00 | | | | | 1.50 | | | 16.50 |
| 07/07/2004 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 07/07/2004 | | | | | | | | | | 0.00 |
| 08/09/2004 | | 15.00 | | | | | 1.50 | | | 16.50 |
| 08/09/2004 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 08/09/2004 | | | | | | | | | | 0.00 |
| 09/08/2004 | | 15.00 | | | | | 1.50 | | | 16.50 |
| 09/08/2004 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 09/08/2004 | | | | | | | | | | 0.00 |
| 10/08/2004 | | 15.00 | | | | | 1.50 | | | 16.50 |
| 10/08/2004 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 10/08/2004 | | | | | | | | | | 0.00 |
| 11/08/2004 | | 15.00 | | | | | 1.50 | | | 16.50 |
| 11/08/2004 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 11/08/2004 | | | | | | | | | | 0.00 |
| 12/08/2004 | | 15.00 | | | | | 1.50 | | | 16.50 |
| 12/08/2004 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 12/08/2004 | | | | | | | | | | 0.00 |
| 01/10/2005 | | 15.00 | | | | | 1.50 | | | 16.50 |
| 01/10/2005 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 01/10/2005 | | | | | | | | | | 0.00 |
| 02/08/2005 | | 15.00 | | | | | 1.50 | | | 16.50 |
| 02/08/2005 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 02/08/2005 | | | | | | | | | | 0.00 |
| 03/08/2005 | | 15.00 | | | | | 1.50 | | | 16.50 |
| 03/08/2005 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 03/08/2005 | | | | | | | | | | 0.00 |
| 04/08/2005 | | 15.00 | | | | | 1.50 | | | 16.50 |
| 04/08/2005 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 04/08/2005 | | | | | | | | | | 0.00 |
| 05/09/2005 | | 15.00 | | | | | 1.50 | | | 16.50 |
| 05/09/2005 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 05/09/2005 | | | | | | | | | | 0.00 |
| 06/08/2005 | | 15.00 | | | | | 1.50 | | | 16.50 |
| 06/08/2005 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 06/08/2005 | | | | | | | | | | 0.00 |
| 07/08/2005 | | 15.00 | | | | | 1.50 | | | 16.50 |
| 07/08/2005 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 07/08/2005 | | | | | | | | | | 0.00 |
| 08/08/2005 | | 15.00 | | | | | 1.50 | | | 16.50 |
| 08/08/2005 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 08/08/2005 | | | | | | | | | | 0.00 |
| 09/08/2005 | | 15.00 | | | | | 1.50 | | | 16.50 |
| 09/08/2005 | | | | | | | | | | 0.00 |
| 01/10/2008 | | | | | | | | | | 0.00 |

FALLS CREEK WATER DEPT. CLIENT LEDGER - FOR: 2011302 HENRY INDUSTRIES
SERVICE ADDRESS: 16 MAIN STREET

| Billing Date | Water Usage | Water Billing | Sewer Billing | Garbage Charge | Other Code | Other Charge | Late Charge | Payment Date | Payment Amount | Balance Due |
|--------------|-------------|---------------|---------------|----------------|------------|--------------|-------------|--------------|----------------|-------------|
| 09/08/2005 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 09/08/2005 | | | | | | | | | | 0.00 |
| 10/10/2005 | 15.00 | | | | | | 1.50 | | | 16.50 |
| 10/10/2005 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 11/09/2005 | 15.00 | | | | | | 1.50 | | | 16.50 |
| 11/09/2005 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 11/09/2005 | | | | | | | | | | 0.00 |
| 12/06/2005 | 15.00 | | | | | | 1.50 | | | 16.50 |
| 12/06/2005 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 12/06/2005 | | | | | | | | | | 0.00 |
| 01/09/2006 | 15.00 | | | | | | 1.50 | | | 16.50 |
| 01/09/2006 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 01/09/2006 | | | | | | | | | | 0.00 |
| 02/06/2006 | 15.00 | | | | | | 1.50 | | | 16.50 |
| 02/06/2006 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 02/06/2006 | | | | | | | | | | 0.00 |
| 03/08/2006 | 15.00 | | | | | | 1.50 | | | 16.50 |
| 03/08/2006 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 03/08/2006 | | | | | | | | | | 0.00 |
| 04/07/2006 | 15.00 | | | | | | 1.50 | | | 16.50 |
| 04/07/2006 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 04/07/2006 | | | | | | | | | | 0.00 |
| 05/08/2006 | 15.00 | | | | | | 1.50 | | | 16.50 |
| 05/08/2006 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 05/08/2006 | | | | | | | | | | 0.00 |
| 06/08/2006 | 20.00 | | | | | | 1.50 | | | 21.50 |
| 06/08/2006 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 06/08/2006 | | | | | | | | | | 0.00 |
| 07/05/2006 | 20.00 | | | | | | 2.00 | | | 22.00 |
| 07/05/2006 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 07/05/2006 | | | | | | | | | | 0.00 |
| 08/07/2006 | 20.00 | | | | | | 2.00 | | | 22.00 |
| 08/07/2006 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 08/07/2006 | | | | | | | | | | 0.00 |
| 09/08/2006 | 20.00 | | | | | | 2.00 | | | 22.00 |
| 09/08/2006 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 09/08/2006 | | | | | | | | | | 0.00 |
| 10/06/2006 | 20.00 | | | | | | 2.00 | | | 22.00 |
| 10/06/2006 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 10/06/2006 | | | | | | | | | | 0.00 |
| 11/06/2006 | 20.00 | | | | | | 2.00 | | | 22.00 |
| 11/06/2006 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 11/06/2006 | | | | | | | | | | 0.00 |
| 12/12/2006 | 20.00 | | | | | | 2.00 | | | 22.00 |
| 12/12/2006 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 12/12/2006 | | | | | | | | | | 0.00 |
| 12/29/2006 | 20.00 | | | | | | 2.00 | | | 22.00 |
| 12/29/2006 | | | 37.00 | | | | 3.70 | | | 40.70 |
| 12/29/2006 | | | | | | | | | | 0.00 |
| 02/06/2007 | 21.60 | | | | | | 2.00 | | | 23.60 |
| 02/06/2007 | | | 40.00 | | | | 3.70 | | | 43.70 |
| 02/06/2007 | | | | | | | | | | 0.00 |
| 03/07/2007 | 21.60 | | | | | | 2.16 | | | 23.76 |
| 03/07/2007 | | | 40.00 | | | | 4.00 | | | 44.00 |
| 03/07/2007 | | | | | | | | | | 0.00 |
| 04/04/2007 | 21.60 | | | | | | 2.16 | | | 23.76 |

01/10/2008

FALLS CREEK WATER DEPT. CLIENT LEDGER - FOR: 2011302 HENRY INDUSTRIES
SERVICE ADDRESS: 16 MAIN STREET

| Billing Date | Water Usage | Water Billing | Sewer Billing | Garbage Charge | Other Code | Other Charge | Late Charge | Payment Date | Payment Amount | Balance Due |
|--------------|-------------|---------------|---------------|----------------|------------|--------------|-------------|--------------|----------------|-------------|
| 04/04/2007 | | | 40.00 | | | | | | | |
| 04/04/2007 | | | | | | | 4.00 | | | 44.00 |
| 05/03/2007 | 21.60 | | | | | | | | | 0.00 |
| 05/03/2007 | | | 40.00 | | | | 2.16 | | | 23.76 |
| 05/03/2007 | | | | | | | 4.00 | | | 44.00 |
| 06/04/2007 | 21.60 | | | | | | | | | 0.00 |
| 06/04/2007 | | | 40.00 | | | | 2.16 | | | 23.76 |
| 06/04/2007 | | | | | | | 4.00 | | | 44.00 |
| 07/05/2007 | 21.60 | | | | | | | | | 0.00 |
| 07/05/2007 | | | 40.00 | | | | 2.16 | | | 23.76 |
| 07/05/2007 | | | | | | | 4.00 | | | 44.00 |
| 08/06/2007 | 21.60 | | | | | | | | | 0.00 |
| 08/06/2007 | | | 40.00 | | | | 2.16 | | | 23.76 |
| 08/06/2007 | | | | | | | 4.00 | | | 44.00 |
| 09/05/2007 | 21.60 | | | | | | | | | 0.00 |
| 09/05/2007 | | | 40.00 | | | | | | | 21.60 |
| 10/05/2007 | 21.60 | | | | | | | | | 40.00 |
| 10/05/2007 | | | 40.00 | | | | | | | 21.60 |
| 11/05/2007 | 21.60 | | | | | | | | | 40.00 |
| 11/05/2007 | | | 40.00 | | | | 2.16 | | | 23.76 |
| 11/05/2007 | | | | | | | 4.00 | | | 44.00 |
| 12/05/2007 | 21.60 | | | | | | | | | 0.00 |
| 12/05/2007 | | | 40.00 | | | | 2.16 | | | 23.76 |
| 12/05/2007 | | | | | | | 4.00 | | | 44.00 |
| 01/04/2008 | 21.60 | | | | | | | | | 0.00 |
| 01/04/2008 | | | 40.00 | | | | 2.16 | | | 23.76 |
| 01/04/2008 | | | | | | | 4.00 | | | 44.00 |
| | | | | | | | | | | 0.00 |
| Balance Due: | | | | | | | | | | 7,422.34 |

VERIFICATION

I, Lugene Inzana, Falls Creek Borough Manager, do hereby certify that all facts contained in the foregoing Complaint in Civil Action are true and correct to the best of my knowledge, information and belief. Further, I understand that I make this verification subject to the penalties of 18 Pa.C.S.A. §4904, relating to unsworn falsification to authorities.

1/08/2008
Date

Lugene Inzana
Lugene Inzana, Manager
Falls Creek Borough
Plaintiff

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

| | |
|------------------|---|
| Mag. Dist. No. | 46-3-01 |
| Plaintiff's Name | PATRICK N. FORD |
| Address | 109 NORTH BRADY STREET P.O. BOX 452 DUBOIS, PA |
| Telephone | (814) 371-5321 15801 |

**HENRY H. DAUGHERTY
RD 2 BOX 107
DUBOIS, PA 15801**

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF: **BOROUGH OF FALLS CREEK**
NAME and ADDRESS
**117 TALLYOR AVE
P.O. BOX 418
FALLS CREEK, PA 15840**
VS.
DEFENDANT: **DAUGHERTY, HENRY H**
NAME and ADDRESS
**RD 2 BOX 107
DUBOIS, PA 15801**

Docket No.: **CV-0000838-00**
Date Filed: **12/18/00**



THIS IS TO NOTIFY YOU THAT:

Judgment:

FOR PLAINTIFF

☒ Judgment was entered for: (Name) **BOROUGH OF FALLS CREEK**

☒ Judgment was entered against: (Name) **DAUGHERTY, HENRY H**

in the amount of \$ **1,115.70** on: (Date of Judgment) **3/20/01**

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

☐ Damages will be assessed on: _____

☐ This case dismissed without prejudice. _____

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

☐ Levy is stayed for _____ days or ☐ generally stayed.

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

| | |
|--------------------------|--------------------|
| Amount of Judgment | \$ 1,038.75 |
| Judgment Costs | \$ 76.95 |
| Interest on Judgment | \$.00 |
| Attorney Fees | \$.00 |
| Total | \$ 1,115.70 |
| 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.

3-20-01 Date **Patrick N. Ford** 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,

AGPC 315-99

EXHIBIT

"C"

SEAL

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:
 BOROUGH OF FALLS CREEK
 117 TAYLOR AVENUE
 P.O. BOX 418
 DU BOIS, PA 15801

2. Article Number (Copy from service label)

7000 1670 0000 4738 0409

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) *Shelli Oakes* B. Date of Delivery *4-23-01*

C. Signature *X Shelli Oakes* ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type

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

4. Restricted Delivery? (Extra Fee) ☐ Yes

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:
 HONORABLE PATRICK N. FORD
 DISTRICT JUSTICE
 109 NORTH BRADY STREET
 P.O. BOX 452
 DU BOIS, PA 15801

2. Article Number (Copy from service label)

7000 1670 0000 4738 0393

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) *Patrick N. Ford* B. Date of Delivery *4-23-01*

C. Signature *X Patrick N. Ford* ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☒ No

3. Service Type

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

4. Restricted Delivery? (Extra Fee) ☐ Yes



UA

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

FALLS CREEK BOROUGH
MUNICIPAL AUTHORITY,

Plaintiff,

vs.

HENRY H. DAUGHERTY,

Defendant.

) NO. 01 - 564 - C.D.
)
) Type of Pleading:
) ORDER
)
) Filed On Behalf Of:
) DEFENDANT
)
) Counsel For This Party:
) BENJAMIN S. BLAKLEY, III
) Supreme Court ID No. 26331
)
) BLAKLEY & JONES
) 90 Beaver Drive
) DuBois PA 15801
) (814) 371-2730

5
FILED 2cc
013:2361 Amy Blakley
OCT 08 2008
William A. Shaw
Prothonotary/Clerk of Courts

Frederick J. Crumman J.

FILED

OCT 08 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 10/8/08

X You are responsible for serving all appropriate parties.
___ The Prothonotary's office has provided service to the following parties:
___ Plaintiff(s) ___ Plaintiff(s) Attorney ___ Other
___ Defendant(s) ___ Defendant(s) Attorney
___ Special Instructions:

FILED

OCT 21 2008

M/10:20/12

William A. Blakley

Prothonotary/Clerk of Courts

1 sent to Atty

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

FALLS CREEK BOROUGH
MUNICIPAL AUTHORITY,

Plaintiff,

vs.

HENRY H. DAUGHERTY,

Defendant.

) NO. 01 - 564 - C.D.
)
) Type of Pleading:
) MOTION FOR CONTINUANCE
)
) Filed On Behalf Of:
) DEFENDANT
)
) Counsel For This Party:
) BENJAMIN S. BLAKLEY, III
) Supreme Court ID No. 26331
)
) BLAKLEY & JONES
) 90 Beaver Drive
) DuBois PA 15801
) (814) 371-2730

FALLS CREEK BOROUGH
MUNICIPAL AUTHORITY,

VS.

Defendant.

ORDER

~~By the Court,~~

FALLS CREEK BOROUGH
MUNICIPAL AUTHORITY,

Plaintiff,

VS.

HENRY H. DAUGHERTY,

Defendant.

NO. 01 - 564 - C.D.

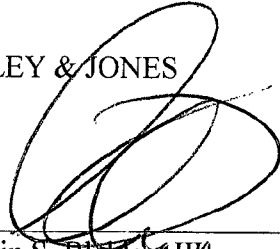
MOTION FOR CONTINUANCE

AND NOW comes, Movant, **BENJAMIN S. BLAKLEY, III**, attorney for Defendant, **HENRY H. DAUGHERTY**, and moves this Honorable Court for a continuance of the hearing on Defendant's Preliminary Objections to Plaintiff's Complaint presently scheduled for October 22, 2008, in the above captioned matter. In support thereof the following is averred:

1. A hearing on Defendant's Petition for Leave to Relocate Residence with Minor Child presently scheduled for October 22, 2008, at 10:00 a.m.
2. Counsel for the Defendant is scheduled to attend a seminar in Pittsburgh, Pennsylvania, on that date and time and would, therefore, be unable to be present to represent the Defendant at the aforementioned hearing.

WHEREFORE, Movant respectfully requests that this Honorable Court grant his motion and reschedule the hearing on Defendant's Preliminary Objections to Plaintiff's Complaint for a later date.

BLAKLEY & JONES

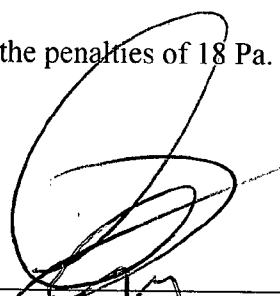
A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the bottom.

Benjamin S. Blakley, III
Attorney for Defendant

VERIFICATION

I, **BENJAMIN S. BLAKLEY, III**, hereby state that I am counsel for the Defendant in this action and verify that the statements made in the foregoing Motion for Continuance are true and correct to the best of my knowledge, information, and belief. I understand that the statements therein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Dated: 10/16/08



BENJAMIN S. BLAKLEY, III

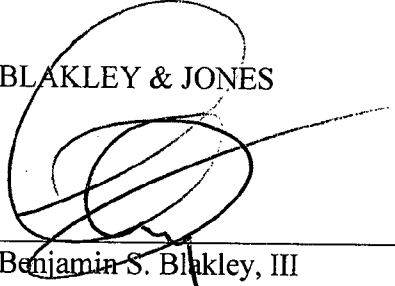
CERTIFICATE OF SERVICE

I, **BENJAMIN S. BLAKLEY, III**, hereby certify that I have served a true and correct copy of Defendant's Motion for Continuance upon counsel for the Plaintiff on this 16th day of October, 2008, by depositing the same with the United States Postal

Service via First-Class Mail, postage pre-paid, addressed as follows:

J. D. Ryan, Esquire
The Brooks Law Group
194 Main Street, Suite II
Brookville, PA 15825

BLAKLEY & JONES



Benjamin S. Blakley, III
Attorney for Defendant

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

FALLS CREEK BOROUGH
MUNICIPAL AUTHORITY,

Plaintiff,

vs.

HENRY H. DAUGHERTY,

Defendant.

NO. 01 - 564 - C.D.

ORDER

AND NOW, this ____ day of _____, 2008, upon consideration of the foregoing Motion for Continuance, it is the ORDER of this Court that said Motion is hereby granted and the hearing on Defendant's Petition for Leave to Relocate Residence with Minor Child presently scheduled for October 22, 2008, at 10:00 a.m., is hereby continued to the ____ day of _____, 2008, at _____ m. in Courtroom _____ of the Clearfield County Courthouse.

By the Court,

UN

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

FALLS CREEK BOROUGH MUNICIPAL
AUTHORITY,

Plaintiff

vs.

HENRY H. DAUGHERTY,
Defendant

NO. 01-564-CD

FILED (6)

OCT 21 2008

0/12:30/

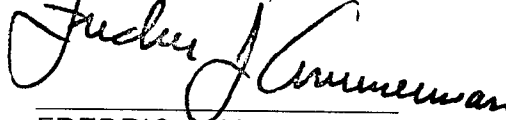
William A. Shaw
Prothonotary/Clerk of Courts

2 CENT TO BUREAU
1 CENT TO J. P. M.

ORDER

AND NOW, this 21st day of October, 2008, upon consideration of the Defendant's Motion for Continuance, it is the ORDER of this Court that said Motion is granted and the hearing scheduled for the 22nd day of October, 2008 at 10:00 a.m. be and is hereby **rescheduled for the 26th day of November, 2008 at 2:30 p.m.** in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pa 16830.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

FILED

OCT 21 2008

William A. Shaw
Prothonotary/Clerk of Courts

Order (b)(1)(c) 3
Special Instructions:
Defendant(s) ☒ Plaintiff(s) ☒
The Prothonotary's office has provided service to all parties appearing on the return of service.
Order _____
You are responsible for serving all parties appearing on the return of service.
DATE 10-21-08

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

FALLS CREEK BOROUGH
MUNICIPAL AUTHORITY,

Plaintiff,

vs.

HENRY H. DAUGHERTY,

Defendant.

) NO. 01 - 564 - C.D.
)
) Type of Pleading:
) MOTION FOR CONTINUANCE
)
) Filed On Behalf Of:
) DEFENDANT
)
) Counsel For This Party:
) BENJAMIN S. BLAKLEY, III
) Supreme Court ID No. 26331
)
) BLAKLEY & JONES
) 90 Beaver Drive
) DuBois PA 15801
) (814) 371-2730

FILED

01/9/24/08
NOV 24 2008

William A. Shaw
Prothonotary/Clerk of Courts

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

| | | |
|----------------------|---|---------------------|
| FALLS CREEK BOROUGH |) | |
| MUNICIPAL AUTHORITY, |) | |
| |) | |
| Plaintiff, |) | |
| |) | NO. 01 - 564 - C.D. |
| vs. |) | |
| |) | |
| HENRY H. DAUGHERTY, |) | |
| |) | |
| Defendant. |) | |

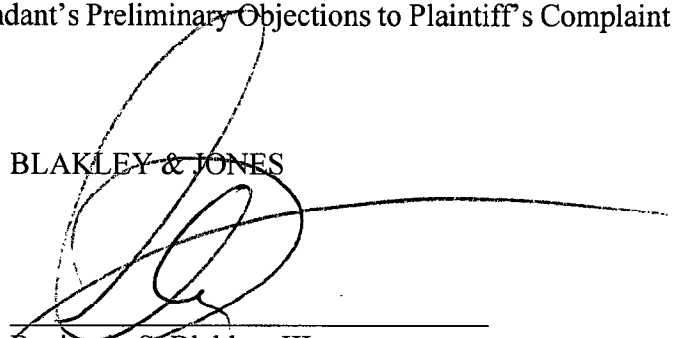
MOTION FOR CONTINUANCE

AND NOW comes, Movant, **BENJAMIN S. BLAKLEY, III**, attorney for Defendant, **HENRY H. DAUGHERTY**, and moves this Honorable Court for a continuance of the hearing on Defendant's Preliminary Objections to Plaintiff's Complaint presently scheduled for November 26, 2008, in the above captioned matter. In support thereof the following is averred:

1. A hearing on Defendant's Preliminary Objections to Plaintiff's Complaint is presently scheduled for Tuesday, November 26, 2008, at 2:30 p.m.
2. The parties are meeting in an effort to try to resolve the issues in this matter, which, if accomplished, would render a hearing unnecessary.

WHEREFORE, Movant respectfully requests that this Honorable Court grant his motion and reschedule the hearing on Defendant's Preliminary Objections to Plaintiff's Complaint for a later date.

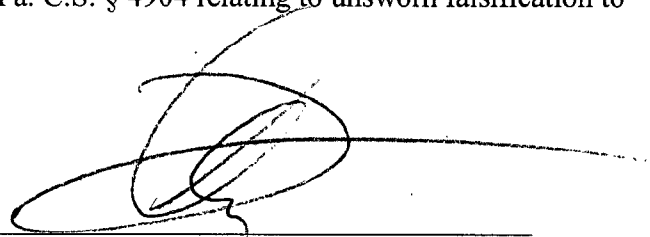
BLAKLEY & JONES


Benjamin S. Blakley, III
Attorney for Defendant

VERIFICATION

I, **BENJAMIN S. BLAKLEY, III**, hereby state that I am counsel for the Defendant in this action and verify that the statements made in the foregoing Motion for Continuance are true and correct to the best of my knowledge, information, and belief. I understand that the statements therein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Dated: 11/21/08

A handwritten signature in black ink, consisting of a large, stylized 'B' followed by 'S. Blakley, III'.

BENJAMIN S. BLAKLEY, III

Benjamin S. Blakley, III
Attorney for Defendant

LA

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

FALLS CREEK BOROUGH MUNICIPAL AUTHORITY*
Plaintiff

No. 01-564-CD

vs.

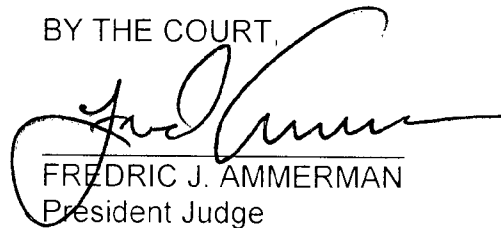
HENRY H. DAUGHERTY,
Defendant

*
*
*
*

ORDER

AND NOW, this 24th day of November, 2008, upon consideration of the Defendant's Motion for Continuance filed this date, it is the ORDER of this Court that said Motion is GRANTED and argument on the Defendant's Preliminary Objections to Plaintiff's Complaint scheduled for November 26, 2008 is canceled. Argument will be scheduled at a future date, upon either party filing a Praecipe to Schedule Argument.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

FILED
11:12 AM
NOV 25 2008

ICC App.
J. Ryan
Blackley

William A. Shaw
§ Prothonotary/Clerk of Courts

CLP

FILED

NOV 25 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 11/25/08

 You are responsible for serving all appropriate parties.

 X The Prothonotary's office has provided service to the following parties:

 Plaintiff(s) X Plaintiff(s) Attorney Other

 Defendant(s) X Defendant(s) Attorney

 Special Instructions:

FILED

MAR 06 2009

3 013:00/aw
William A. Shaw
Prothonotary/Clerk of Courts

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

2 CFmt 10

ATTN

FALLS CREEK BOROUGH
MUNICIPAL AUTHORITY,
Plaintiff,

v.

HENRY H. DAUGHERTY,
Defendant.

Docket No.: 2001-564 CD

Type of Pleading: AMENDED
COMPLAINT IN CIVIL ACTION

Filed on behalf of: Plaintiff

Counsel of Record:

J.D. Ryan, Esquire
Supreme Court ID # 200968

406 Taylor Street
Brookville, PA 15825
(814) 849-3957

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

FALLS CREEK BOROUGH
MUNICIPAL AUTHORITY,
Plaintiff,

v.

HENRY H. DAUGHERTY,
Defendant.

: Docket No.: 2001-564 CD
:
:
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:
:
:
:

NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint 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 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.

Prothonotary and Clerk of Courts
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830
(814) 226-1119

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

FALLS CREEK BOROUGH
MUNICIPAL AUTHORITY,
Plaintiff,

v.

HENRY H. DAUGHERTY,
Defendant.

:
:
:
:
:
:
:
:

Docket No.: 2001-564 CD

AMENDED COMPLAINT IN CIVIL ACTION

AND NOW, comes the Plaintiff, Falls Creek Borough Municipal Authority, by and through its attorney, J.D. Ryan, Esquire, and files the following Amended Complaint, and in support thereof, avers the following:


1. Falls Creek Borough Municipal Authority, Plaintiff:
 - a. is a Municipal Authority organized under the laws of Pennsylvania,
 - b. is authorized by Falls Creek Borough to maintain a Water and Sanitary Sewer System,
 - c. and maintains a principal place of business located at 117 Taylor Avenue, Falls Creek, Jefferson County, Pennsylvania.
2. Defendant, Henry H. Daugherty, is an adult individual with a last known address of RD 2, Box 107, DuBois, Clearfield County, Pennsylvania.
3. Defendant is the owner of property located at 16 Main Street, Falls Creek, Clearfield County, Pennsylvania.
4. Falls Creek Borough, on or about January 18, 1982, enacted Ordinance number 270-82, establishing rules and regulations, connection requirements and a billing structure for water service within the Borough. Due to the size of the document, a copy is not attached hereto. A true and correct copy of the same will be made available to the Defendant upon request.

5. Falls Creek Borough, on or about October 5, 1998, enacted Ordinance number 356, establishing rules and regulations, connection requirements and a billing structure for a sanitary sewage system within the Borough. Due to the size of the document, a copy is not attached hereto. A true and correct copy of the same will be made available to the Defendant upon request.
6. At numerous times since the enactment of the above Ordinances, service and connection fees have increased in accordance with Pennsylvania Law.
7. Defendant was notified, in accordance with the above Ordinances, to connect to the Sanitary Sewage System.
8. Defendant was notified, in accordance with the above Ordinances, to connect to the water system.
9. At no time since notification was provided has Defendant connected his property to either system.
10. In accordance with the above Ordinances, Defendant has been billed for the monthly usage charges for both systems, as is evidenced by a detailed monthly billing statement. A true and correct copy of said statement is attached hereto, made a part hereof, and marked as Exhibit "A."
11. In accordance with the above Ordinances, defendant is liable for the tap-on fees associated with each system.
12. At no time has Defendant made payment on the monthly billings or the required tap-on fees.
13. On or about August 8, 2005, Plaintiff filed a Municipal Lien against Defendant, for all unpaid water and sewage bills up through and including July 15, 2005.
14. Since that time, Defendant has continued to accrue monthly water and sewage bills, along with late fees.
15. Since that time, Defendant has made no payments to satisfy either the Lien or the newly accrued debt to the Plaintiff.

WHEREFORE, Plaintiff respectfully requests this Honorable Court enter Judgment in its favor, and against the Defendant, for the unpaid fees and usage charges, together with interest, counsel fees, costs of litigation, and all other forms of relief this Honorable Court sees fit.

Respectfully Submitted:

By:



J.D. Ryan, Esquire
Counsel for Plaintiff

CERTIFICATE OF SERVICE

I, J.D. Ryan, do hereby certify that a true and correct copy of the foregoing was served upon the following persons in the manner indicated, in accordance with the Pennsylvania Rules of Civil Procedure:

Via Hand Delivery, addressed as follows:

Benjamin Blakely, Esquire
90 Beaver Drive
DuBois, PA 15801

By:


J.D. Ryan

UR

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

FALLS CREEK BOROUGH
MUNICIPAL AUTHORITY,

Plaintiff,

vs.

HENRY H. DAUGHERTY,

Defendant.

) NO. 01 - 564 - C.D.
)
) Type of Pleading:
) MOTION TO WITHDRAW AS COUNSEL
)
) Filed On Behalf Of:
) DEFENDANT
)
) Counsel For This Party:
) BENJAMIN S. BLAKLEY, III
) Supreme Court ID No. 26331
)
) BLAKLEY & JONES
) 90 Beaver Drive
) DuBois PA 15801
) (814) 371-2730

FILED

0 12:05 PM. GK

MAR 31 2009

William A. Shaw
Prothonotary/Clerk of Courts

3CL ATTY
(GK)

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

| | | |
|----------------------|---|---------------------|
| FALLS CREEK BOROUGH |) | |
| MUNICIPAL AUTHORITY, |) | |
| |) | |
| Plaintiff, |) | |
| |) | NO. 01 - 564 - C.D. |
| vs. |) | |
| |) | |
| HENRY H. DAUGHERTY, |) | |
| |) | |
| Defendant. |) | |

MOTION TO WITHDRAW AS COUNSEL

AND NOW comes Movant, **BENJAMIN S. BLAKLEY, III**, who moves this Honorable Court to withdraw as counsel for Defendant, **HENRY H. DAUGHERTY**, in the above captioned matter, and in support thereof the following is averred:

1. Defendant, **HENRY H. DAUGHERTY**, and his attorney, **BENJAMIN S. BLAKLEY, III**, entered into a Fee Agreement, whereby Defendant agreed to pay a specified sum of money for legal representation and court costs. A copy of said Fee Agreement is attached hereto.
2. **BENJAMIN S. BLAKLEY, III**, and the law firm of **BLAKLEY & JONES** conducted ongoing settlement negotiations and filed documents on behalf of Defendant.
3. Despite repeated written and oral demands, Movant has not received payment for fees and costs advanced on behalf of Defendant.

4. Defendant has been notified of his failure to fulfill his obligation to Movant and has been given written warnings that Movant could not continue to represent him unless Defendant's obligations under the agreement are timely fulfilled.

5. Continued representation of Defendant without payment of Movant's fees and costs, or the prospect of such payments, has resulted and will further result in an unreasonable financial burden on Movant, and good cause exists therefore under Rule 1.16(b)(5) of the Pennsylvania Rules of Professional Conduct for Movant's withdrawal.

6. Good cause exists under Rule 1.16(b)(4) of the Pennsylvania Rules of Professional Conduct for Movant's withdrawal, insofar as Defendant has failed to fulfill his obligation to Movant.

WHEREFORE, Movant respectfully requests that this Court grant Movant leave to withdraw his appearance for Defendant in this action, as it appears that the client cannot abide by the terms of the Fee Agreement governing representation.

Respectfully Submitted,

BLAKLEY & JONES



Benjamin S. Blakley, III

VERIFICATION

I, **BENJAMIN S. BLAKLEY, III**, hereby verify that the statements made in the foregoing Motion to Withdraw as Counsel are true and correct to the best of my knowledge, information, and belief. I understand that the statements therein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Dated: 3/30/09



BENJAMIN S. BLAKLEY, III

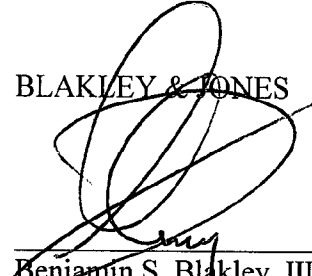
CERTIFICATE OF SERVICE

I, **BENJAMIN S. BLAKLEY, III**, hereby certify that I have served a true and correct copy of the foregoing Motion to Withdraw as Counsel upon Defendant and counsel for the Plaintiff on this 31st day of March, 2009, by depositing the same with the United States Postal Service via First-Class Mail, postage pre-paid, addressed as follows:

J. D. Ryan, Esquire
The Brooks Law Group
194 Main Street, Suite II
Brookville, PA 15825

Mr. Henry Daugherty
Henry Industries
16 Main Street
Falls Creek PA 15840

BLAKLEY & JONES



Benjamin S. Blakley, III
Attorney for Defendant

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

April 16, 2001

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

Benjamin S. Blakley, III
Christopher E. Mohney

Henry Daugherty
16 Main Street
Falls Creek, PA 15840

RE: Falls Creek Borough vs. Daugherty

Dear Henry:

Please contact me and let me know how you wish to proceed in the above matter. As you know, the appeal must be filed no later than thirty (30) days from the date of Magistrate Ford's entry of judgment. We would need at least three (3) days advanced notice in order to prepare the necessary appeal documents. Further, we would need a retainer of \$500.00 for our services and would be billing at the rate of \$125.00 an hour for our representation of you.

It is our understanding that you have contacted Bob Fleck with regard to conducting an appraisal of the signed property and also to determine a rental value. Bob called me and told me that he will be contacting you with regard to his fees for the service. It is imperative that these figures be determined as any claim which you have against Falls Creek Borough will be dependent on these figures.

Please advise as to your intent.

Very truly yours,

BLAKLEY, JONES & MOHNEY

Benjamin S. Blakley, III

BSB:kdm



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

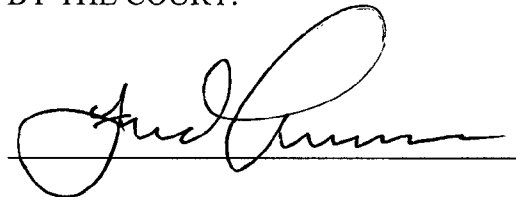
| | | |
|----------------------|---|---------------------|
| FALLS CREEK BOROUGH |) | |
| MUNICIPAL AUTHORITY, |) | |
| |) | |
| Plaintiff, |) | |
| |) | NO. 01 - 564 - C.D. |
| vs. |) | |
| |) | |
| HENRY H. DAUGHERTY, |) | |
| |) | |
| Defendant. |) | |

RULE TO SHOW CAUSE

AND NOW, this 31 day of March, 2009, upon consideration of the within Motion to Withdraw as Counsel, it is the Order that a Rule is issued upon the Respondent, **HENRY H. DAUGHERTY**, to show cause why the prayer in said Motion should not be granted.

RULE RETURNABLE and hearing thereon to be held the 14th day of May, 2009, at 10:00 o'clock A.M., in Courtroom No. 1, Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:



5
FILED 300
07/9:50 AM
APR 01 2009
William A. Shaw
Prothonotary/Clerk of Courts
Amy Blackley

FILED

APR 01 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 4/1/09

- ☒ You are responsible for serving all appropriate parties.
____ The Prothonotary's office has provided service to the following parties:
____ Plaintiff(s) ____ Plaintiff(s) Attorney ____ Other
____ Defendant(s) ____ Defendant(s) Attorney
____ Special Instructions:

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

FALLS CREEK BOROUGH
MUNICIPAL AUTHORITY,

Plaintiff,

vs.

HENRY H. DAUGHERTY,

Defendant.

) NO. 01 - 564 - C.D.

)

) Type of Pleading:
) ORDER

)

) Filed On Behalf Of:
) DEFENDANT

)

) Counsel For This Party:
) BENJAMIN S. BLAKLEY, III
) Supreme Court ID No. 26331

)

) BLAKLEY & JONES
) 90 Beaver Drive
) DuBois PA 15801
) (814) 371-2730

FILED
0110:2130L 4cc
MAY 14 2009 Atty Blakley
William A. Shaw (Atty will serve)
Prothonotary/Clerk of Courts

FALLS CREEK BOROUGH
MUNICIPAL AUTHORITY,

VS.

Defendant.

NO. 01 - 564 - C.D.

AND NOW, this 14 day of May, 2009, after hearing on Movant's, **BENJAMIN S. BLAKLEY, III**, Motion to Withdraw as Counsel, and the Defendant, **HENRY H. DAUGHERTY**, not having appeared, it is the ORDER of this Court that said Motion is hereby granted, and that the Movant, **BENJAMIN S. BLAKLEY, III**, is hereby granted leave to withdraw his appearance for Defendant in this action as consolidated with No. 01-565-C.D.

Jed Krumm

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

FALLS CREEK BOROUGH
MUNICIPAL AUTHORITY,

Plaintiff,

vs.

HENRY H. DAUGHERTY,

Defendant.

) NO. 01 - 564 - C.D.
)
) Type of Pleading:
) PRAECIPE TO WITHDRAW AS COUNSEL
)
) Filed On Behalf Of:
) DEFENDANT
)
) Counsel For This Party:
) BENJAMIN S. BLAKLEY, III
) Supreme Court ID No. 26331
)
) BLAKLEY & JONES
) 90 Beaver Drive
) DuBois PA 15801
) (814) 371-2730

FILED

CLIP: 21374
MAY 14 2009

William A. Shaw
Prothonotary/Clerk of Courts
30C Amy Blakley
copy to CIA

Benjamin S. Blakley, III

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

FALLS CREEK BOROUGH
MUNICIPAL AUTHORITY,
Plaintiff,

v.

HENRY H. DAUGHERTY,
Defendant.

Docket No.: 2001-564 CD

Type of Pleading:
PRAECIPE FOR ENTRY OF
DEFAULT JUDGMENT

Filed on behalf of: Plaintiff

Counsel of Record:

J.D. Ryan, Esquire
Supreme Court ID # 200968

LAW OFFICE OF J.D. RYAN, ESQ
627 Grant Street
Reynoldsville, PA 15851
(814) 653-2042

FILED ^{pd \$20.00} ^{Atty}
07/11/2009 ^{ice Atty}
JUL 02 2009 ^{ice + ngtr} ^{del}

William A. Shaw
Prothonotary/Clerk of Courts

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

FALLS CREEK BOROUGH
MUNICIPAL AUTHORITY,
Plaintiff,

v.

HENRY H. DAUGHERTY,
Defendant.

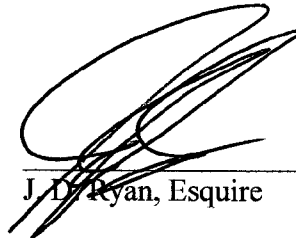
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:

Docket No.: 2001-564 CD

TO: WILLIAM A. SHAW, PROTHONOTARY

Kindly enter Default Judgment against the Defendant in the above-captioned matter. Defendant has failed to file a timely response to the filed Amended Complaint in Civil Action. Undersigned counsel hereby certifies that the proper Important Notice was mailed to the Defendant, and Defendant has still failed to file an Answer. A true and correct copy of said Important Notice is attached hereto, made a part hereof, and is marked as Exhibit "A."

By:



J. D. Ryan, Esquire

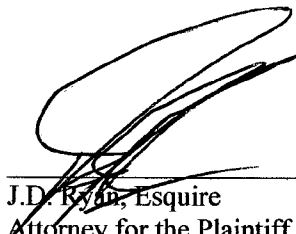
CERTIFICATE OF SERVICE

I, Joseph D. Ryan, Esquire, the undersigned, do hereby certify that the preceding Pleading was served upon the following persons in the manner indicated in accordance with the Pennsylvania Rules of Civil Procedure, this 2nd day of July, 2009:

Via United States First Class Mail, postage pre-paid:

Henry H. Daugherty
RR 2, Box 107
DuBois, PA 15801

By:



J.D. Ryan, Esquire
Attorney for the Plaintiff

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

FALLS CREEK BOROUGH
MUNICIPAL AUTHORITY,
Plaintiff,

v.

HENRY H. DAUGHERTY,
Defendant.

Docket No.: 2001-564 CD

Type of Pleading:
IMPORTANT NOTICE

Filed on behalf of: Plaintiff

Counsel of Record:

J.D. Ryan, Esquire
Supreme Court ID # 200968

406 Taylor Street
Brookville, PA 15825
(814) 849-3957

Exhibit A

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

FALLS CREEK BOROUGH
MUNICIPAL AUTHORITY,
Plaintiff,

v.

HENRY H. DAUGHERTY,
Defendant.

:
:
:
:
:
:
:
:

Docket No.: 2001-564 CD

Type of Pleading:
IMPORTANT NOTICE

TO: Henry H. Daugherty,
RR #2 Box 107, DuBois, PA 15801

DATE: June 4th, 2009

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WRITING TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR 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:

Prothonotary, Clearfield County
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830
(814) 765-2641

By: _____

J. D. Ryan, Esquire

CERTIFICATE OF SERVICE

I, Joseph D. Ryan, Esquire, the undersigned, do hereby certify that the preceding Pleading was served upon the following persons in the manner indicated in accordance with the Pennsylvania Rules of Civil Procedure, this 20th day of February, 2007:

17 June 27

Via United States First Class Mail, postage pre-paid:

Henry H. Daugherty
RR 2, Box 107
DuBois, PA 15801

By:

J.D. Ryan, Esquire
Attorney for the Plaintiff

NOTICE OF JUDGMENT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION

COPY

Falls Creek Borough

Vs.

No. 2001-00564-CD

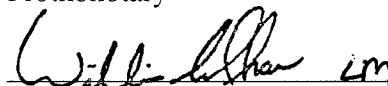
Henry H. Daugherty

To: DEFENDANT(S)

NOTICE is given that a JUDGMENT in the above captioned matter has been entered against you for failure to response on July 2, 2009.

William A. Shaw

Prothonotary

A handwritten signature in black ink, appearing to read 'William A. Shaw', written over a horizontal line.

William A. Shaw

(18)

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

FALLS CREEK BOROUGH
MUNICIPAL AUTHORITY,
Plaintiff,

v.

HENRY H. DAUGHERTY,
Defendant.

Docket No.: 2001-564 CD

Type of Pleading: MOTION FOR
HEARING TO DETERMINE
DAMAGES SUBSEQUENT TO
DEFAULT JUDGMENT

Filed on behalf of: Plaintiff

Counsel of Record:

J.D. Ryan, Esquire
Supreme Court ID # 200968

LAW OFFICE OF J.D. RYAN, ESQ
627 Grant Street
Reynoldsville, PA 15851
(814) 653-2042

FILED
OCT 27 2009

William A. Shaw
Prothonotary/Clerk of Courts

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

FALLS CREEK BOROUGH
MUNICIPAL AUTHORITY,
Plaintiff,

v.

HENRY H. DAUGHERTY,
Defendant.

Docket No.: 2001-564 CD

MOTION FOR HEARING TO DETERMINE DAMAGES SUBSEQUENT TO
DEFAULT JUDGMENT

AND NOW, comes the Plaintiff, Falls Creek Borough Municipal Authority, by and through counsel, J.D. Ryan, Esquire, and files the following Motion for Hearing to Determine Damages Subsequent to Default Judgment, and in support thereof, avers the following:

1. Plaintiff initiated this action in front of the Honorable Judge Patrick Ford.
2. Defendant cross-filed in that same court.
3. Plaintiff was successful in both matters.
4. Defendant appealed both decisions to this Honorable Court.
5. After some time, Plaintiff filed a Complaint at this and another number. Said dockets were later consolidated per Order of this Court.
6. Defendant filed Preliminary objections, to which Plaintiff filed an Amended Complaint.
7. Defendant failed to file an Answer to Plaintiff's Amended Complaint.
8. Plaintiff served Defendant with an Important Notice. Defendant again failed to file an Answer.
9. Plaintiff filed for, and received, and Default Judgment in this matter.

10. However, based on Defendant's previously filed Preliminary Objections, Plaintiff did not request an award amount in accordance with the Praeceptum for Default Judgment.

11. At this point, Plaintiff is prepared to proceed to determine the damages in this matter.

WHEREFORE, Plaintiff respectfully requests this Honorable Court set a date and time to entertain an evidentiary hearing to determine damages in this matter.

Respectfully Submitted:

By:


J.D. Ryan, Esquire
Counsel for Plaintiff

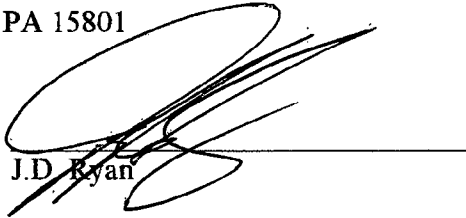
CERTIFICATE OF SERVICE

I, J.D. Ryan, do hereby certify that a true and correct copy of the foregoing was served upon the following persons in the manner indicated, in accordance with the Pennsylvania Rules of Civil Procedure:

Via Hand Delivery, addressed as follows:

Jeffrey DuBois, Esquire
210 McCracken Run Road Drive
DuBois, PA 15801

By:


J.D. Ryan

CP

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

FALLS CREEK BOROUGH
MUNICIPAL AUTHORITY,
Plaintiff,

Docket No.: 2001-564 CD

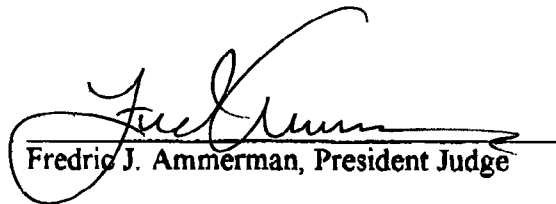
v.

HENRY H. DAUGHERTY,
Defendant.

ORDER

AND NOW, this 28th day of October, 2009, upon consideration of Plaintiff's Motion for Hearing to Determine Damages Subsequent to Default Judgment it is hereby ORDERED that an Evidentiary Hearing will take place on November 23, 2009, at 11:00 A.M., in Courtroom #1 of the Clearfield County Courthouse.

BY THE COURT:


Fredric J. Ammerman, President Judge

5

FILED ^{1cc}
014:00301 Atty
OCT 29 2009 *J.D. Ryan*
William A. Shaw
Prothonotary/Clerk of Courts *(GW)*

FILED

OCT 29 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 10/29/09

X You are responsible for serving all appropriate parties.

___ The Prothonotary's office has provided service to the following parties:

___ Plaintiff(s) ___ Plaintiff(s) Attorney ___ Other

___ Defendant(s) ___ Defendant(s) Attorney

___ Special Instructions:

LA

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

FALLS CREEK BOROUGH MUNICIPAL :
AUTHORITY, :
Plaintiff, :

v. :

HENRY H. DAUGHERTY, :
Defendant. :

Docket No.: 2001-564 C.D.

FILED

DEC 11 2009

William A. Shaw
Prothonotary/Clerk of Courts

ORDER

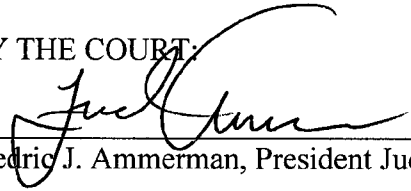
AND NOW, this 10th day of December, 2009, after Hearing to determine damages, it is hereby ORDERED as follows:

Damages in this matter are determined to be Five Thousand Nine Hundred Nineteen Dollars and Two Cents (\$5,919.02). The damages determined include unpaid water and sewer bills, unpaid tap fees, and unpaid late fees.

To satisfy this Judgment, Defendant is hereby ORDERED to pay to Plaintiff a total of Five Thousand Five Hundred Seventy Seven Dollars and Twelve Cents (\$5,577.12) within 120 days of the date of this Order. This total is the above referenced total less any late fees assessed by Plaintiff. In the event that Defendant can prove previous payment(s) of tap fees, said payment(s) shall be subtracted from the monies owed in this Order.

In the event that Defendant fails to fulfill his obligations within the time limit prescribed above, this Order shall act as a Judgment against Defendant and in favor of Plaintiff, in the full amount of Five Thousand Nine Hundred Nineteen Dollars and Two Cents (\$5,919.02).

BY THE COURT:


Fredric J. Ammerman, President Judge

DATE: 12-11-09

☐ You are responsible for serving all appropriate parties.

☒ The Prothonotary's office has provided service to the following parties:

☐ Plaintiff(s) ☒ Plaintiff(s) Attorney ☐ Other
☒ Defendant(s) ☒ Defendant(s) Attorney

☐ Special Instructions:

FILED

DEC 11 2009

William A. Shaw
Prothonotary/Clerk of Courts

Henry H. Doughton
R.D. #2 Box 103
Pawleys PN
15861

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

FALLS CREEK BOROUGH
MUNICIPAL AUTHORITY,
Plaintiff,

v.

HENRY DAUGHERTY,
Defendant.

: 2001-56th C.D.

:
:
: Type of Pleading:
: PRAECIPE FOR WRIT
: OF EXECUTION

:
: Filed on Behalf of:
: Plaintiff

:
: Counsel of Record for this Party:
: J.D. Ryan, Esquire
: PA I.D. No.: 200968

:
: LAW OFFICE OF JD RYAN, ESQ
: 627 Grant Street
: Reynoldsville, PA 15851
: (814) 653-2042

FILED
DEC 02 2010
William A. Shaw
Prothonotary/Clerk of Courts
Atty pd. 20.00
Ice Atty
ICCA Lowrits
to Sheriff
@

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

| | | |
|---|---|-------------------|
| FALLS CREEK BOROUGH MUNICIPAL AUTHORITY, | : | 2001-5624 C.D. |
| Plaintiff, | : | |
| | : | Type of Pleading: |
| v. | : | PRAECIPE FOR WRIT |
| | : | OF EXECUTION |
| | : | |
| HENRY DAUGHERTY, | : | |
| Defendant. | : | |

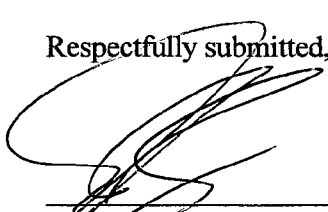
PRAECIPE TO ISSUE WRIT OF EXECUTION

TO: WILLIAM A. SHAW, Prothonotary,

Kindly issue a writ of execution in the above captioned case.

| | | |
|--------|---|-------------------------------------|
| 1.) | In favor of: FALLS CREEK BOROUGH MUNICIPAL AUTHORITY. | |
| 2.) | Against: HENRY DAUGHERTY | |
| 3.) | Judgment amount: | \$ 5,919.02 |
| 4.) | Interest from <u>12/10/07</u> at 6% per annum | \$ <u>325.60</u> |
| 5.) | Sub-total | \$ <u>6,244.62</u> |
| 6.) | Costs: (to be added by the Prothonotary) | \$ <u>120.00</u> Prothonotary costs |
| Total: | | \$ _____ |

Respectfully submitted,



J.D. Ryan, Esquire
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I, J.D. Ryan, Esquire, do hereby certify that a true and correct copy of the foregoing was served upon the following persons in the manner indicated, in accordance with the Pennsylvania Rules of Civil Procedure, this 1st day of December, 2010:

Via United States First Class Mail, postage pre-paid:

Jeffrey DuBois, Esquire
210 McCracken Run Road
DuBois, PA 15801

By: _____

J.D. Ryan, Esquire

**WRIT OF EXECUTION and/or ATTACHMENT
COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD
CIVIL ACTION – LAW**

COPY

Falls Creek Borough Municipal Authority

Vs.

No.: 2001-00564-CD

Henry H. Daugherty

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against Henry H. Daugherty, Defendant(s):

(1) You are directed to levy upon the property of the defendant and to sell defendant's interest therein:
Personal Property

(2) You are also directed to attach the property of the defendant not levied upon in the possession of:
as garnishee(s):

and to notify the garnishee that: (a) an attachment has been issued; (b) except as provided in paragraph (c), the garnishee is enjoined from paying any debt to or for the account of the defendant and from delivering any property of the defendant or otherwise disposing thereof; (c) the attachment shall not include any funds in an account of the defendant with a bank or other financial institution

i) in which funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law, or (i) the first \$10,000 of each account of the defendant with a bank or other financial institution containing any funds which are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law.

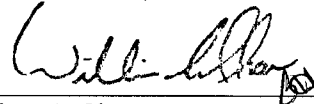
ii) each account of the defendant with a bank or other financial institution in which funds on deposit exceed \$10,000 at any time if all funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law.

iii) any funds in an account of the defendant with a bank or other financial institution that total \$300 or less. If multiple accounts are attached, a total of \$300 in all accounts shall not be subject to levy and attachment as determined by the executing officer. The funds shall be set aside pursuant to the defendant's general exemption provided in 42 Pa.C.S. § 8123.

(3) If property of the defendant(s) not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify such other person that he or she has been added as a garnishee and is enjoined as above stated.

AMOUNT DUE/PRINCIPAL:.....\$5,919.02
INTEREST FROM 12/10/09 at 6% annum:....\$325.60
ATTY'S COMM: \$
DATE: 12/2/2010

PROTH. COSTS PAID: \$120.00
SHERIFF: \$
OTHER COSTS: \$



William A. Shaw
Prothonotary/Clerk Civil Division

Received this writ this _____ day
of _____ A.D. _____
at _____ A.M./P.M.

Sheriff

Requesting Party:
J.D. Ryan, Esq.
627 Grant Street
Reynoldsville, PA 15851
(814) 653-2042

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 21279
NO: 01-564-CD

PLAINTIFF: FALLS CREEK BOROUGH MUNICIPAL AUTHORITY

vs.

DEFENDANT: HENRY H. DAUGHERTY

Execution PERSONAL PROPERTY

SHERIFF RETURN

DATE RECEIVED WRIT: 12/2/2010

LEVY TAKEN 2/23/2011 @ 10:21 AM

POSTED 3/23/2011 @ 10:59 AM

SALE HELD 5/20/2011

SOLD TO FALLS CREEK BOROUGH MUNICIPAL AUTHORITY

SOLD FOR AMOUNT \$1.00 PLUS COSTS

WRIT RETURNED 6/13/2011

DATE DEED FILED

PROPERTY ADDRESS 16 MAIN STREET FALLS CREEK , PA 15840

FILED
04:23:40
JUN 13 2011
William A. Shaw
Prothonotary/Clerk of Courts

SERVICES

2/23/2011 @ 10:21 AM SERVED HENRY H. DAUGHERTY

SERVED HENRY H. DAUGHERTY, DEFENDANT, AT HIS RESIDENCE 107 SIERRA HEIGHTS, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO HENRY H. DAUGHERTY

A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION AND COPY OF THE LEVY AND BY MAKING KNOWN HIM THE CONTENTS THEREOF.

3/23/2011 @ 10:59 AM SERVED HENRY H. DAUGHERTY

SERVED HENRY H. DAUGHERTY, DEFENDANT, AT HIS RESIDENCE 107 SIERRA HEIGHTS, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO HENRY H. DAUGHERTY

A NOTICE OF SALE AND BY MAKING KNOWN TO HIM THE CONTENTS THEREOF.

@ SERVED

SALE WAS HELD ON MAY 20, 2011. THE PROPERTY WAS PURCHASED BY THE PLAINTIFF FOR \$1.00 + COSTS.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 21279
NO: 01-564-CD

PLAINTIFF: FALLS CREEK BOROUGH MUNICIPAL AUTHORITY

VS.

DEFENDANT: HENRY H. DAUGHERTY

Execution PERSONAL PROPERTY

SHERIFF RETURN

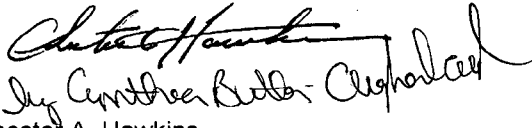
SHERIFF HAWKINS \$125.76

SURCHARGE \$20.00 PAID BY ATTORNEY

Sworn to Before Me This

_____ Day of _____ 2011

So Answers,


Chester A. Hawkins
Sheriff

**WRIT OF EXECUTION and/or ATTACHMENT
COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD
CIVIL ACTION – LAW**

Falls Creek Borough Municipal Authority

Vs.

No.: 2001-00564-CD

Henry H. Daugherty

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against Henry H. Daugherty, Defendant(s):

(1) You are directed to levy upon the property of the defendant and to sell defendant's interest therein:
Personal Property

(2) You are also directed to attach the property of the defendant not levied upon in the possession of:
as garnishee(s):

and to notify the garnishee that: (a) an attachment has been issued; (b) except as provided in paragraph (c), the garnishee is enjoined from paying any debt to or for the account of the defendant and from delivering any property of the defendant or otherwise disposing thereof; (c) the attachment shall not include any funds in an account of the defendant with a bank or other financial institution

i) in which funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law, or (i) the first \$10,000 of each account of the defendant with a bank or other financial institution containing any funds which are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law.

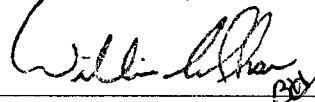
ii) each account of the defendant with a bank or other financial institution in which funds on deposit exceed \$10,000 at any time if all funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law.

iii) any funds in an account of the defendant with a bank or other financial institution that total \$300 or less. If multiple accounts are attached, a total of \$300 in all accounts shall not be subject to levy and attachment as determined by the executing officer. The funds shall be set aside pursuant to the defendant's general exemption provided in 42 Pa.C.S. § 8123.

(3) If property of the defendant(s) not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify such other person that he or she has been added as a garnishee and is enjoined as above stated.

AMOUNT DUE/PRINCIPAL:.....\$5,919.02
INTEREST FROM 12/10/09 at 6% annum:....\$325.60
ATTY'S COMM: \$
DATE: 12/2/2010

PROTH. COSTS PAID: \$120.00
SHERIFF: \$
OTHER COSTS: \$



William A. Shaw
Prothonotary/Clerk Civil Division

Received this writ this 2nd day
of December A.D. 2010
at 8:00 A.M./P.M.

Charles G. Hawley
Sheriff by Cynthia Butler-Coughlin

Requesting Party:
J.D. Ryan, Esq.
627 Grant Street
Reynoldsville, PA 15851
(814) 653-2042

**PERSONAL PROPERTY SALE
SCHEDULE OF DISTRIBUTION**

NAME HENRY H. DAUGHERTY

NO. 01-564-CD

NOW, June 13, 2011, by virtue of the Writ hereunto attached, after having given due and legal notice of time and place of sale by handbills posted on the premises setting forth the date, time and place of sale, I exposed the within described real estate of Henry H. Daugherty to public venue or outcry at which time and place I sold the same to FALLS CREEK BOROUGH MUNICIPAL AUTHORITY he/she being the highest bidder, for the sum of \$1.00 and made the following appropriations, viz:

SHERIFF COSTS:

| | |
|----------------------------|-----------------|
| RDR | 9.00 |
| SERVICE | 9.00 |
| MILEAGE | 19.00 |
| LEVY | 20.00 |
| MILEAGE | 19.00 |
| POSTING | 9.00 |
| HANDBILLS | 10.00 |
| COMMISSION | 0.00 |
| POSTAGE | 1.76 |
| HANDBILLS | 9.00 |
| DISTRIBUTION | |
| ADVERTISING | |
| ADD'L SERVICE | |
| ADD'L POSTING | |
| ADD'L MILEAGE | |
| ADD'L LEVY | |
| BID/ SETTLEMENT AMOUNT | 1.00 |
| RETURNS/DEPUTIZE | |
| COPIES | 15.00 |
| BILLING/PHONE/FAX | 5.00 |
| CONTINUED SALES | |
| MISCELLANEOUS | |
| TOTAL SHERIFF COSTS | \$125.76 |

PLAINTIFF COSTS, DEBT AND INTEREST:

| | |
|--------------------------------|-------------------|
| DEBT-AMOUNT DUE | 5,919.02 |
| INTEREST @ % | 0.00 |
| FROM TO 05/20/2011 | |
| PROTH SATISFACTION | |
| LATE CHARGES AND FEES | |
| COST OF SUIT-TO BE ADDED | |
| FORECLOSURE FEES | |
| ATTORNEY COMMISSION | |
| REFUND OF ADVANCE | |
| REFUND OF SURCHARGE | 20.00 |
| SATISFACTION FEE | |
| ESCROW DEFICIENCY | |
| PROPERTY INSPECTIONS | |
| INTEREST | 325.60 |
| MISCELLANEOUS | |
| TOTAL DEBT AND INTEREST | \$6,510.38 |

COSTS:

| | |
|---------------------|-------------------|
| ADVERTISING | 0.00 |
| TAXES - COLLECTOR | |
| TAXES - TAX CLAIM | |
| DUE | |
| LIEN SEARCH | |
| ACKNOWLEDGEMENT | |
| SHERIFF COSTS | 125.76 |
| LEGAL JOURNAL COSTS | 0.00 |
| PROTHONOTARY | 120.00 |
| MORTGAGE SEARCH | |
| MUNICIPAL LIEN | |
| TOTAL COSTS | \$245.76 |
| TOTAL COSTS | \$6,510.38 |

COMMISSION 2% ON THE FIRST \$ 100,000 AND 1/2% ON ALL OVER THAT. DISTRIBUTION WILL BE MADE IN ACCORDANCE WITH THE ABOVE SCHEDULE UNLESS EXCEPTIONS ARE FILED WITH THIS OFFICE **WITHIN TEN (10) DAYS FROM THIS DATE.**

CHESTER A. HAWKINS, Sheriff

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

FALLS CREEK BOROUGH
MUNICIPAL AUTHORITY,
Plaintiff,

v.

HENRY DAUGHERTY,
Defendant.

2001-564 C.D.

Type of Pleading:
PRAECIPE FOR WRIT
OF EXECUTION

Filed on Behalf of:
Plaintiff

Counsel of Record for this Party:
J.D. Ryan, Esquire
PA I.D. No.: 200968

LAW OFFICE OF JD RYAN, ESQ
627 Grant Street
Reynoldsville, PA 15851
(814) 653-2042

FILED²

JUL 24 2012

9 012-16W
William A. Shaw
Notary/Clerk of Courts

3 cert +
6 units
to Mr

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

| | | |
|----------------------|---|-------------------|
| FALLS CREEK BOROUGH | : | 2001-564 C.D. |
| MUNICIPAL AUTHORITY, | : | |
| Plaintiff, | : | |
| | : | Type of Pleading: |
| v. | : | PRAECIPE FOR WRIT |
| | : | OF EXECUTION |
| | : | |
| HENRY DAUGHERTY, | : | |
| Defendant. | : | |


PRAECIPE TO ISSUE WRIT OF EXECUTION

TO: WILLIAM A. SHAW, Prothonotary,

Kindly issue a writ of execution in the above captioned case.

| | | |
|--------|---|------------------|
| 1.) | In favor of: FALLS CREEK BOROUGH MUNICIPAL AUTHORITY. | |
| 2.) | Against: HENRY DAUGHERTY | |
| 3.) | Judgment amount: | \$ 5,919.02 |
| 4.) | Less previous monies paid: | \$ - 1.00 |
| 4.) | Interest from 12/10/2009 at 6% per annum | \$ 917.60 |
| 5.) | Sub-total | \$ 6,835.62 |
| 6.) | Costs: (to be added by the Prothonotary) | \$ <u>140.00</u> |
| Total: | | \$ _____ |

Respectfully submitted,



J.D. Ryan, Esquire
Attorney for Plaintiff

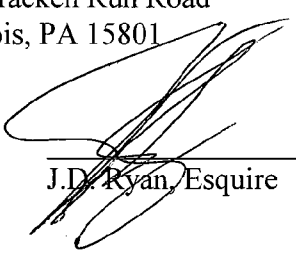
CERTIFICATE OF SERVICE

I, J.D. Ryan, Esquire, do hereby certify that a true and correct copy of the foregoing was served upon the following persons in the manner indicated, in accordance with the Pennsylvania Rules of Civil Procedure, this 24th day of July, 2012:

Via United States First Class Mail, postage pre-paid:

Jeffrey DuBois, Esquire
210 McCracken Run Road
DuBois, PA 15801

By:



J.D. Ryan, Esquire

**WRIT OF EXECUTION and/or ATTACHMENT
COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD
CIVIL ACTION - LAW**

Falls Creek Borough Municipal Authority

Vs.

No.: 2001-00564-CD

Henry H. Daugherty,

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against Henry H. Daugherty, Defendant(s):

- (1) You are directed to levy upon the property of the defendant and to sell defendant's interest therein:
- (2) You are also directed to attach the property of the defendant not levied upon in the possession of:
as garnishee(s):

and to notify the garnishee that: (a) an attachment has been issued; (b) except as provided in paragraph (c), the garnishee is enjoined from paying any debt to or for the account of the defendant and from delivering any property of the defendant or otherwise disposing thereof; (c) the attachment shall not include any funds in an account of the defendant with a bank or other financial institution

i) in which funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law, or (i) the first \$10,000 of each account of the defendant with a bank or other financial institution containing any funds which are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law.

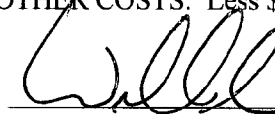
ii) each account of the defendant with a bank or other financial institution in which funds on deposit exceed \$10,000 at any time if all funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law.

iii) any funds in an account of the defendant with a bank or other financial institution that total \$300 or less. If multiple accounts are attached, a total of \$300 in all accounts shall not be subject to levy and attachment as determined by the executing officer. The funds shall be set aside pursuant to the defendant's general exemption provided in 42 Pa.C.S. § 8123.

- (3) If property of the defendant(s) not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify such other person that he or she has been added as a garnishee and is enjoined as above stated.

AMOUNT DUE/PRINCIPAL: \$5,919.02
INTEREST FROM 12/10/2009 at 6% per annum \$917.60
ATTY'S COMM: \$
DATE: 7/24/2012

PROTH. COSTS PAID: \$140.00
SHERIFF: \$
OTHER COSTS: Less \$1.00 previous monies paid



William A. Shaw
Prothonotary/Clerk Civil Division

Received this writ this _____ day
of _____ A.D. _____
at _____ A.M./P.M.

Sheriff

Requesting Party:
J. D. Ryan, Esq.
627 Grant Street
Reynoldsville, PA 15851
814-653-2042

LAW OFFICE OF J.D. RYAN, ESQ
627 Grant Street
Reynoldsville, PA 15851
(814) 653-2042

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

FALLS CREEK BOROUGH
MUNICIPAL AUTHORITY,
Plaintiff,

v.

HENRY H. DAUGHERTY,
Defendant.

:
:
:
:
:
:
:
:
:
:

Docket No.: 2001-564 CD

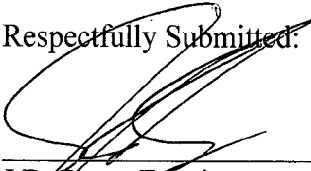
PRAECIPE TO SATISFY JUDGMENT

TO WILLIAM A. SHAW, PROTHONOTARY:

Kindly satisfy the judgment in the above-captioned matter, as this matter has been settled
by the Defendant.

Respectfully Submitted:

By:



J.D. Ryan, Esquire
Counsel for Plaintiff

CERTIFICATE OF SERVICE

I, J.D. Ryan, do hereby certify that a true and correct copy of the foregoing was served upon the following persons in the manner indicated, in accordance with the Pennsylvania Rules of Civil Procedure:

Via United States First Class Mail, postage pre-paid:

Henry Daugherty
107 Sierra Heights Rd.
DuBois, PA 15801

By:



J.D. Ryan