

01-565-CD
BOROUGH OF FAILS CREEK -vs- HENRY H. DAUGHERTY

Date: 10/15/2008

Clearfield County Court of Common Pleas

User: LMILLER

Time: 02:22 PM

ROA Report

Page 1 of 1

Case: 2001-00565-CD

Current Judge: No Judge

Henry H. Daugherty vs. Falls Creek Borough

District Justice Appeal

| Date | Judge |
|-----------|-------------------------|
| 4/19/2001 | No Judge |
| 4/19/2001 | No Judge |
| 4/23/2001 | No Judge |
| 4/26/2001 | No Judge |
| 10/5/2007 | No Judge |
| 12/5/2007 | No Judge |
| 1/15/2008 | No Judge |
| 1/16/2008 | Fredric Joseph Ammerman |
| 5/27/2008 | No Judge |

Date: 02/24/2003

Clearfield County Court of Common Pleas

User: DGREGG

Time: 11:36 AM

ROA Report

Page 1 of 1

Case: 2002-01626-CD

Current Judge: Fredric J. Ammerman

Scott D. Selvagevs.Samantha Winebold

Custody

| Date | Judge |
|---|---|
| 10/17/2002 ✓ Petition to Proceed In Forma Pauperis filed by Atty. Foor. One CC to Atty. | No Judge |
| 10/22/2002 ✓ ORDER, NOW, this 21st day of October, 2002, re: Petition to Proceed IPP | Fredric J. Ammerman |
| | is DENIED. by the Court, s/FJA,J. 1 cc Atty Foor |
| 01/17/2003 ✓ Petition. filed by s/Ann B. Wood, Esquire Verification s/Scott D. Selvage | Fredric J. Ammerman |
| | 2 cc to atty |
| 01/20/2003 ✓ RULE TO SHOW CAUSE, NOW, this 17th day of January, 2003, Issued | Fredric J. Ammerman |
| | upon SAMANTHA D. WINEBOLD. RULE RETURNABLE the 6th day of |
| | February, 2003, for filing Written Response. by the Court, s/FJA,J. 2 cc to |
| | Atty |
| 01/22/2003 ✓ Certificate of Service of Petition filed by Atty. Wood. No cc. | Fredric J. Ammerman |
| 02/05/2003 ✓ Transfer from Another County Fee: Paid by: Foor, Robin J. (attorney for | Fredric J. Ammerman |
| Winebold, Samantha) Receipt number: 1855205 Dated: 02/05/2003 | |
| | Amount: \$70.00 (Cash) |
| 02/24/2003 ✓ ORDER OF COURT, re: SAMANTHA WINEBOLD to appear in person | Fredric J. Ammerman |
| | the 18th day of March, 2003, at 1:30 p.m. for a Custody Conference. by the |
| | Court, s/FJA,J. 02/21/03 1 cc Atty Wood, Foor |

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS
-Clearfield County
JUDICIAL DISTRICT

46th

NOTICE OF APPEAL

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No.

01-565-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)

Borough of Falls Creek

(Defendant)

CLAIM NO.

CV # 0000838-00

SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT

LT 19

Henry H. Daugherty

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.

Signature of Prothonotary or Deputy

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.

PRAECLPICE 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).

PRAECLPICE: To Prothonotary

Enter rule upon Borough of Falls Creek

Name of appellee(s)

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

(Common Pleas No. 01-565-CD) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

RULE: To Borough of Falls Creek, appellee(s)

Name of appellee(s)

Signature of appellant or his attorney or agent

Bob Bloski 07

(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: April 19, 2001

Signature of Prothonotary or Deputy

FILED

APR 19 2001
2001-21-07H. Daugherty
William A. Shaw
ProthonotaryCC to Daugherty
\$80.00

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

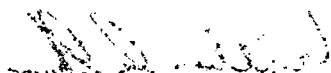
THIS _____ DAY OF _____, 19_____.

Signature of affiant

Signature of official before whom affidavit was made

Title of official

My commission expires on _____, 19_____.



46-3-01

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

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

15801

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF: **BOROUGH OF FALLS CREEK**
NAME AND ADDRESS
117 MILLER AVE
P.O. BOX 418
FALLS CREEK, PA 15840

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:

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.

Damages will be assessed on: **(Date & Time)**

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 | \$ 76.00 |
| Interest on Judgment | \$.00 |
| Attorney Fees | \$.00 |
| Total | \$ 1,115.70 |
| Post Judgment Credits | \$.00 |
| Post Judgment Costs | \$.00 |
| Certified Judgment Total | \$.00 |

Date:

Place:

Time:

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON 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,

2006

SEAL

ACPC 312-90

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. 01-565-C, upon the District Justice designated therein on (date of service) April 20, 2001, by personal service by (certified) XXXXXXX mail, sender's receipt attached hereto, and upon the appellee, (name) BOROUGH OF FALLS CREEK PA, 15822, on April 20, 2001 by personal service by (certified) XXXXXXX 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 April 20, 2001, by personal service by (certified) XXXXXXX mail, sender's receipt attached hereto.

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

Kristin D. Duttry

Signature of official before whom affidavit was made

Notary Public

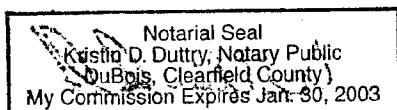
Title of official

My commission expires on January 30, 2003



Signature of affiant

01-565-C



FILED

APR 23 2001

11:20

William A. Shaw
Prothonotary

100-2000

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS
Clearfield County
JUDICIAL DISTRICT

46th

NOTICE OF APPEAL

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No.

01-565-CO

NOTICE OF APPEAL

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

NAME OF APPELLANT

Henry H. Daugherty

MAG. DIST. NO. OR NAME OF D.J.

40-3-01

ADDRESS OF APPELLANT

R.D. 0 Box 107

CITY

DuBois

STATE

Pa.

ZIP CODE

15801

DATE OF JUDGMENT

3/20/01

IN THE CASE OF (Plaintiff)

Borough of Falls Creek

(Defendant)

CLAIM NO.

CV # 0000838-00

SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT

LT 19

Henry H. Daugherty

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.

Signature of Prothonotary or Deputy

PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

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

PRAECIPE: To Prothonotary

Enter rule upon Borough of Falls Creek,
Name of appellee(s)

(Common Pleas No. 01-565-CO) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

RULE: To Borough of Falls Creek, appellee(s)
Name of appellee(s)

Signature of appellant or his attorney or agent

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

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

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

Date: April 19, 2001

William Daugherty
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

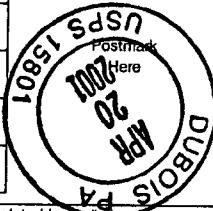
Attest.

William Daugherty
Prothonotary

**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 mailer)

BOROUGH OF FALLS CREEK

Street, Apt. No., or PO Box No.

117 TAYLOR AVE., P.O. BOX 418

City, State, ZIP+4

DU BOIS, PA 15801

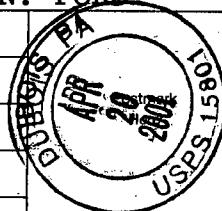
PS Form 3600, February 2000

See Reverse for Instructions

**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 PO Box No.

109 N. BRADY ST., P.O. BOX 452

City, State, ZIP+4

DUBOIS, PA 15801

PS Form 3600, February 2000

See Reverse for Instructions

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mg. Dist. No.:

46-3-01

DJ Name: Hon.

PATRICK N. FORD

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

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

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

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF: NAME and ADDRESS

DAUGHERTY, HENRY H

RD 2 BOX 107

DUBOIS, PA 15801

VS. DEFENDANT: NAME and ADDRESS

BOROUGH OF FALLS CREEK

117 TALYOR AVE

P.O. BOX 418

FALLS CREEK, PA 15840

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

Date Filed: **2/20/01**

CROSS COMPLAINT **001**



THIS IS TO NOTIFY YOU THAT:

Judgment: **FOR DEFENDANT**

01-568-CD

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

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

in the amount of \$ **.00** 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 | \$.00 |
| Judgment Costs | \$.00 |
| Interest on Judgment | \$.00 |
| Attorney Fees | \$.00 |
| Total | \$.00 |
| Post Judgment Credits | \$.00 |
| Post Judgment Costs | \$.00 |
| Certified Judgment Total \$.00 | |

FILED

| | |
|-------|---|
| Date: | Place: |
| Time: | APR 26 2001 m 10:00 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

COMMONWEALTH OF PENNSYLVANIA
CITY OF: **CLEARFIELD**

ag. Dist. No.:

46-3-01

DJ Name: Hon.

PATRICK N. FORD

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

Cross-Complaint

CIVIL COMPLAINT

PLAINTIFF:

NAME and ADDRESS

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

DEFENDANT:

NAME and ADDRESS

BOROUGH OF FALLS CREEK
117 TAYLOR AVE.
P.O. BOX 418
FALLS CREEK, PA. 158840

VS.

Docket No.: **CV 838-00**
Date Filed:



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

TO THE DEFENDANT: The above named plaintiff(s) asks judgment against you for \$ **7707.50** together with costs upon the following claim (Civil fines must include citation of the statute or ordinance violated):

REAL ESTATE RENTAL: 1FT. X 8FT. RENT FOR PAST TWO (2) YEARS \$3045.00

DAMAGE, POWER SURGE: CAUSED BY SEWER LINE CONTRACTOR \$ 602.50

RESTORE PROPERTY: CAUSED BY SEWER LINE CONTRACTOR
ASPHALT PAVING \$3060.00
PARKING AREA-CONTOUR BANKS \$1000.00

TOTAL \$7707.50

I, HENRY H. DAUGHERTY

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

(Signature of Plaintiff or Authorized Agent)

Plaintiff's
Attorney:

Address: _____

Telephone: _____

IF YOU INTEND TO ENTER A DEFENSE TO THIS COMPLAINT, NOTIFY THIS OFFICE IMMEDIATELY AT THE ABOVE TELEPHONE NUMBER. YOU MUST APPEAR AT THE HEARING AND PRESENT YOUR DEFENSE. UNLESS YOU 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.

COMMONWEALTH OF PENNSYLVANIA
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:

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

NAME and ADDRESS

VS.

DEFENDANT:

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

NAME and ADDRESS

Docket No.: **CV-0000838-00**
Date Filed: **2/20/01**
CROSS COMPLAINT **001**



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

01-508-00

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: 2001-00565-CD

Falls Creek Borough

Vs.

Henry H. Daugherty

FILED

OCT 05 2007



William A. Shaw
Prothonotary/Clerk of Courts

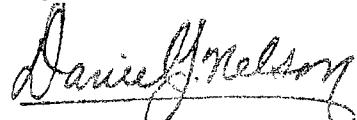
Dear Falls Creek Borough:

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: 2001-00565-CD

Falls Creek Borough

Vs.

Henry H. Daugherty

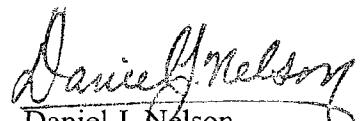
Dear Henry H. Daugherty:

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,


Daniel J. Nelson
Court Administrator

FILED

DEC 05 2007

010-1514-
William A. Shaw
Prothonotary/Clerk of Courts
2 COPIES ¹

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

FALLS CREEK BOROUGH
MUNICIPAL AUTHORITY,

Docket No.: 2001-563 CD

Vs.

Type of Pleading:
STATEMENT OF INTENTION
TO PROCEED

HENRY H. DAUGHERTY,
Defendant.

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 : Docket No.: 2001-⁵⁶⁵ CD
MUNICIPAL AUTHORITY, :
: Vs. : Type of Pleading:
: : STATEMENT OF INTENTION
HENRY H. DAUGHERTY, : TO PROCEED
Defendant. :
:

STATEMENT OF INTENTION TO PROCEED

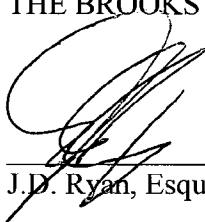
TO THE PROTHONOTARY:

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

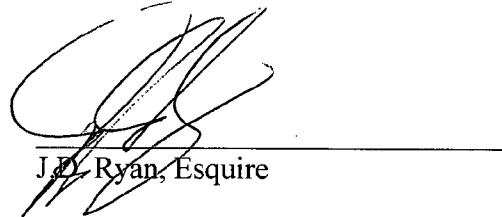
I hereby certify that on this 4th day of December, 2007, I served a true and correct copy of Plaintiffs' Statement of Intention to Proceed upon the following persons and in the following manner indicated below:

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
1214107
WILLIAM A. SHAW
PROTHONOTARY/CLERK OF COURTS

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

FALLS CREEK BOROUGH
MUNICIPAL AUTHORITY,

Docket No.: 2001-⁵⁶⁵563 CD

Vs.

Type of Pleading:
STATEMENT OF INTENTION
TO PROCEED

HENRY H. DAUGHERTY,
Defendant.

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,

: Docket No.: 2001-563 CD

: Vs.

: Type of Pleading:

HENRY JI. DAUGHERTY,
Defendant,

: STATEMENT OF INTENTION
TO PROCEED

STATEMENT OF INTENTION TO PROCEED

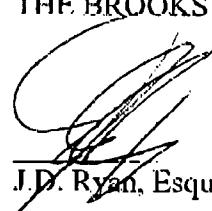
TO THE PROTHONOTARY:

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

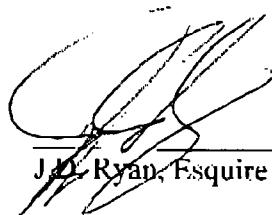
I hereby certify that on this 4th day of December, 2007, I served a true and correct copy of Plaintiff's Statement of Intention to Proceed upon the following persons and in the following manner indicated below:

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. E. 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.

565
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

FILED 3 cc AAG
01/10/08
JAN 15 2008
WM
William A. Shaw
Prothonotary/Clerk of Courts

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

| | | |
|----------------------|---|-------------------------|
| FALLS CREEK BOROUGH | : | Docket No.: 2001-563 CD |
| MUNICIPAL AUTHORITY, | : | |
| Plaintiff, | : | |
| | : | |
| v. | : | |
| | : | |
| HENRY H. DAUGHERTY, | : | |
| Defendant. | : | |

NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint 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 | : | Docket No.: 2001-563 CD |
| MUNICIPAL AUTHORITY, | : | |
| Plaintiff, | : | |
| | : | |
| v. | : | |
| | : | |
| HENRY H. DAUGHERTY, | : | |
| Defendant. | : | |

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:

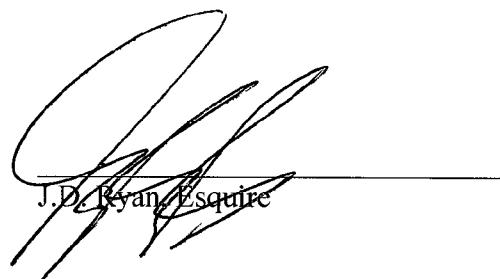
J.D. Ryan, Esquire
Counsel for Plaintiff

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 |
| 05/03/2001 | | 68.68 | | | | | 6.87 | | | 75.55 |
| 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 |
| 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 |

Exh. L
 "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 |

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 |

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

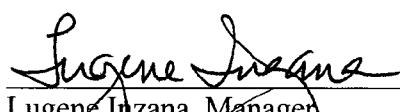
| Billing Date | Water Usage | Water Billing | Sewer Billing | Garbage Charge | Other Code | Other Charge | Late Charge | Payment Date | Payment Amount | Balance Due |
|--------------|-------------|---------------|---------------|----------------|------------|--------------|-------------|--------------|----------------|-------------|
| 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, Manager
Falls Creek Borough
Plaintiff

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

FALLS CREEK BOROUGH
MUNICIPAL AUTHORITY,
Plaintiff,

v.
HENRY H. DAUGHERTY,
Defendant.

565
Docket No.: 2001-563 CD

Type of Pleading:
MOTION TO CONSOLIDATE
WITH 2001-564 CD

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 10441
01/10/08 Rya
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 | : | Docket No.: 2001-563 CD |
| MUNICIPAL AUTHORITY, | : | |
| Plaintiff, | : | |
| | : | |
| v. | : | |
| | : | |
| HENRY H. DAUGHERTY, | : | |
| Defendant. | : | |

MOTION TO CONSOLIDATE WITH 2001-564 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:

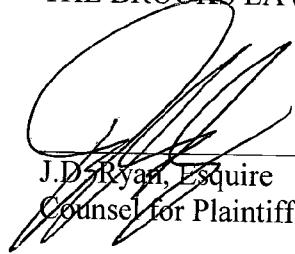
1. Falls Creek Borough Municipal Authority is the Plaintiff in the above captioned matter.
2. This case originated at the Magistrate level, with the filing of a Civil Complaint.
3. Upon receipt of the Complaint, the Defendant, Henry H. Daugherty, filed a Counter Suit at the same level.
4. Upon completion 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 2001-564 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 2001-564, allowing all proceedings hereafter to exist under one docket.

Respectfully Submitted:

THE BROOKS LAW GROUP,

By:

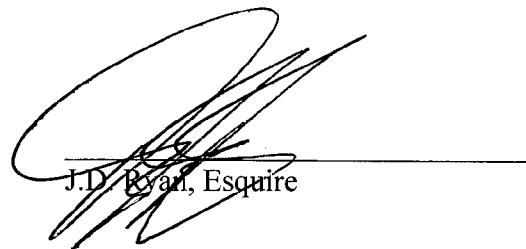

J.D. Ryan, Esquire
Counsel for Plaintiff

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,

/S/ Fredric J Ammerman

FREDRIC J. AMMERMAN
President Judge

COPIED
FILED
01/14/2008
JAN 16 2008
01-564-CD
Onq.
to
5CC Atty
Joseph Ryan
66

William A. Shaw
Prothonotary/Clerk of Courts

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:

FILED *by*

S MAR 06 2009
6/3/09
William A. Shaw
Prothonotary/Clerk of Courts

2 client to
ATT

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.: 2001-565 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 | : | Docket No.: 2001-565 CD |
| MUNICIPAL AUTHORITY, | : | |
| Plaintiff, | : | |
| | : | |
| V. | : | |
| | : | |
| HENRY H. DAUGHERTY, | : | |
| Defendant. | : | |

NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint 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 : Docket No.: 2001-565 CD
MUNICIPAL AUTHORITY, :
Plaintiff, :
: v. :
: :
HENRY H. DAUGHERTY, :
Defendant. :
:

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:

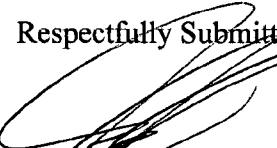
16. Falls Creek Borough Municipal Authority, Plaintiff:
 - a. is a Municipal Authority organized under the laws of Pennsylvania,
 - b. is authorized by Falls Creek Borough to maintain a Water and Sanitary Sewer System,
 - c. and maintains a principal place of business located at 117 Taylor Avenue, Falls Creek, Jefferson County, Pennsylvania.
17. Defendant, Henry H. Daugherty, is an adult individual with a last known address of RD 2, Box 107, DuBois, Clearfield County, Pennsylvania.
18. Defendant is the owner of property located at 16 Main Street, Falls Creek, Clearfield County, Pennsylvania.
19. 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.

20. 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.
21. At numerous times since the enactment of the above Ordinances, service and connection fees have increased in accordance with Pennsylvania Law.
22. Defendant was notified, in accordance with the above Ordinances, to connect to the Sanitary Sewage System.
23. Defendant was notified, in accordance with the above Ordinances, to connect to the water system.
24. At no time since notification was provided has Defendant connected his property to either system.
25. 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."
26. In accordance with the above Ordinances, defendant is liable for the tap-on fees associated with each system.
27. At no time has Defendant made payment on the monthly billings or the required tap-on fees.
28. 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.
29. Since that time, Defendant has continued to accrue monthly water and sewage bills, along with late fees.
30. 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

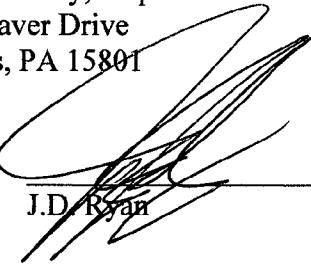
CERTIFICATE OF SERVICE

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