

01-565-CD  
BOROUGH OF FALLS 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	<del>XXXX</del> Filing: District Justice Appeals Paid by: Daugherty, Henry H. (plaintiff) Receipt number: 1823856 Dated: 04/19/2001 Amount: \$80.00 (Check) CC to Daugherty Praeipce to Enter Rule to File Complaint and Rule to File Enter rule upon Borough of Falls Creek, 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. s/Benjamin Blakley Rule: To Borough of Falls Creek, appellee	No Judge
4/23/2001	<del>XXXX</del> Proof of Service of Notice of Appeal and Rule to File Complaint. Filed.	No Judge
4/26/2001	<del>XXXX</del> Transcript from District Justice Ford. Filed.	No Judge
10/5/2007	<del>XXXX</del> Notice of Proposed Termination of Court Case, mailed to parties (see Original), filed.	No Judge
12/5/2007	<del>XXXX</del> Statement of Intention to Proceed, filed. Kindly allow this filing to serve as Plaintiffs' Notice of Intention to Proceed at the above-captioned docket, filed by s/ J.D. Ryan Esq. 2CC atty.	No Judge
1/15/2008	<del>XXXX</del> Complaint in Civil Action, filed by s/ J.D. Ryan Esq. 3CC Atty Ryan.	No Judge
	<del>XXXX</del> Motion to Consolidate with 2001-564-CD, filed by s/ J.D. Ryan Esq. 3CC Atty Ryan.	No Judge
1/16/2008	<del>XXXX</del> 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 Original to 01-564-CD	Fredric Joseph Ammerman
5/27/2008	<del>XXXX</del> Preliminary Objections, filed by s/ Benjamin S. Blakley, III, Esquire. 1CC Atty. Blakley. (original filed to 01-564-CD)	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 IFP is DENIED. by the Court, s/FJA,J. 1 cc Atty Foor	Fredric J. Ammerman
01/17/2003	✓ Petition. filed by s/Ann B. Wood, Esquire Verification s/Scott D. Selvage 2 cc to atty	Fredric J. Ammerman
01/20/2003	✓ RULE TO SHOW CAUSE, NOW, this 17th day of January, 2003, Issued 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	Fredric J. Ammerman
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 Winebold, Samantha) Receipt number: 1855205 Dated: 02/05/2003 Amount: \$70.00 (Cash)	Fredric J. Ammerman
02/24/2003	✓ ORDER OF COURT, re: SAMANTHA WINEBOLD to appear in person 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	Fredric J. Ammerman

COURT OF COMMON PLEAS

-Clearfield County  
JUDICIAL DISTRICT

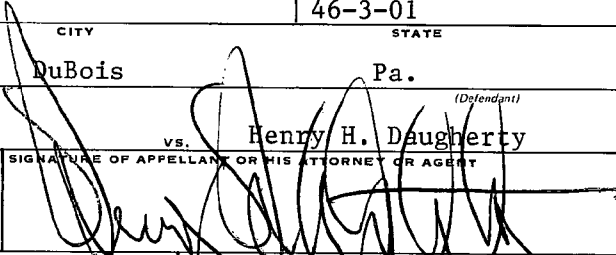
FROM

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 <b>Henry H. Daugherty</b>		MAG. DIST. NO. OR NAME OF D.J. <b>46-3-01</b>	
ADDRESS OF APPELLANT <b>R.D. 2 Box 107</b>		CITY <b>DuBois</b>	STATE <b>Pa.</b>
		ZIP CODE <b>15801</b>	
DATE OF JUDGMENT <b>3/20/01</b>	IN THE CASE OF (Plaintiff) <b>Borough of Falls Creek</b>		
		(Defendant) <b>Henry H. Daugherty</b>	
CLAIM NO. <b>CV # 0000838-00</b> <b>LT 19</b>	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 Borough of Falls Creek, 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.

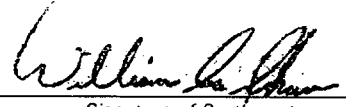
RULE: To Borough of Falls Creek, appellee(s)  
Name of appellee(s)

(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  
William A. Shaw  
Prothonotary

cc 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\_\_\_\_.

*[Handwritten signature]*

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

46-3-01

Plaintiff: **PATRICK N. FORD**  
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**  
117 WALTON AVE  
P.O. BOX 418  
FALLS CREEK, PA 19840

DEFENDANT: **VS. DAUGHERTY, HENRY H**  
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) 1/26/01
- ☐ 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 90 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

ACPC 315.99

SEAL

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.D., upon the District Justice designated therein on  
(date of service) April 20, 2001 ☒ by personal service ☒ by (certified) XXXXXXXX mail, sender's  
receipt attached hereto, and upon the appellee, (name) BOROUGH OF FALLS CREEK on  
April 20, 2001 ☒ by personal service ☒ by (certified) XXXXXXXX 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) XXXXXXXX  
mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME  
THIS 20th DAY OF APRIL, XX2001

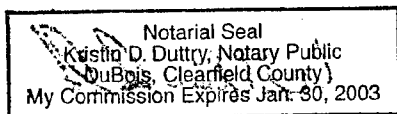
Kristin D. Duttry  
Signature of official before whom affidavit was made

Notary Public  
Title of official

My commission expires on January 30, XX2003

[Signature]  
Signature of affiant

01-565-CO



FILED

APR 23 2001

m/1:20  
William A. Shaw  
Prothonotary

COURT OF COMMON PLEAS  
**Clearfield County**  
 JUDICIAL DISTRICT

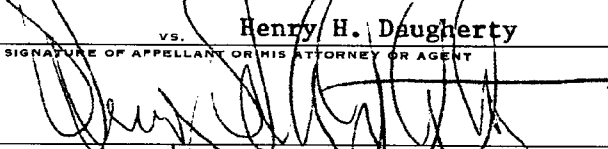
FROM

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 <b>Henry H. Daugherty</b>		MAG. DIST. NO. OR NAME OF D.J. <b>40-3-01</b>	
ADDRESS OF APPELLANT <b>R.D. 0 Box 107</b>		CITY <b>DuBois</b>	STATE <b>Pa.</b>
		ZIP CODE <b>15801</b>	
DATE OF JUDGMENT <b>3/20/01</b>	IN THE CASE OF (Plaintiff) <b>Borough of Falls Creek</b>		
		(Defendant) <b>Henry H. Daugherty</b>	
CLAIM NO. <b>CV # 0009838-00</b> <b>LT 19</b>	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.		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

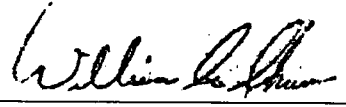
Enter rule upon **Borough of Falls Creek**, appellee(s), to file a complaint in this appeal  
Name of appellee(s)  
 (Common Pleas No. **01-565-CD**) within twenty (20) days after service of rule or suffer entry of judgment of non pros.  
 \_\_\_\_\_  
Signature of appellant or his attorney or agent  
**RULE: To Borough of Falls Creek, 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: **April 19, 2001**

  
 \_\_\_\_\_  
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.

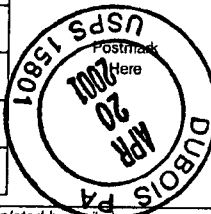
  
 Prothonotary

7000 1670 0000 473A 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)	
<b>Total Postage &amp; Fees</b>	<b>\$ 3.74</b>



**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 3800, February 2000

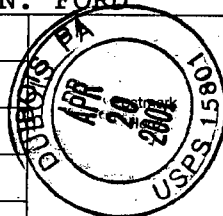
See Reverse for Instructions

7000 1670 0000 473A 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)	
<b>Total Postage &amp; Fees</b>	<b>\$ 3.74</b>



**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 3800, February 2000

See Reverse for Instructions

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

**46-3-01**

DJ Name: Hon.

**PATRICK N. FORD**

Address: **109 NORTH BRADY STREET**

**P.O. BOX 452**

**DUBOIS, PA**

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

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

**NOTICE OF JUDGMENT/TRANSCRIPT**  
**CIVIL CASE**

PLAINTIFF:

NAME and ADDRESS

**DAUGHERTY, HENRY H**

**RD 2 BOX 107**

**DUBOIS, PA 15801**

VS.

DEFENDANT:

NAME and ADDRESS

**BOROUGH OF FALLS CREEK**

**117 TALLYOR 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**

**01-568-40**

☒ 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	\$ <b>.00</b>
Judgment Costs	\$ <b>.00</b>
Interest on Judgment	\$ <b>.00</b>
Attorney Fees	\$ <b>.00</b>
Total	\$ <b>.00</b>
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
Certified Judgment Total	\$ _____

**FILED**

Date:	Place:
Time:	

**APR 26 2001**  
**11:00**  
**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

**CIVIL COMPLAINT**

*Cross-Complaint*

Mag. Dist. No.:

**46-3-01**

DJ Name: Hon.

**PATRICK N. FORD**

Address: **109 NORTH BRADY STREET**

**P.O. BOX 452**

**DUBOIS, PA**

**15801**

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

PLAINTIFF:

NAME and ADDRESS

**DAUGHERTY, HENRY H.**

**RD 2 BOX 107**

**DUBOIS, PA.15801**

**VS.**

DEFENDANT:

NAME and ADDRESS

**BOROUGH OF FALLS CREEK**

**117 TAYLOR AVE.**

**P.O. BOX 418**

**FALLS CREEK, PA.15840**

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.

*[Handwritten Signature]*  
 (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.**

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

**DAUGHERTY, HENRY H****RD 2 BOX 107****DUBOIS, PA 15801****RECEIVED**  
**4-26-01**

VS.

DEFENDANT:

NAME and ADDRESS

**BOROUGH OF FALLS CREEK****117 TALLYOR AVE****P.O. BOX 418****FALLS CREEK, PA 15840**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****01-568-00****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

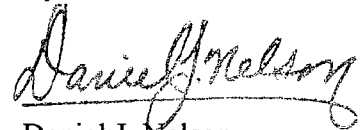
Dear Falls Creek Borough:

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

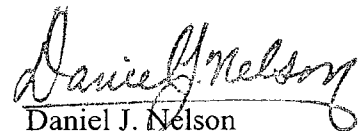
Dear Henry H. Daugherty:

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

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

01/10/15/15  
William A. Shaw  
Prothonotary/Clerk of Courts

2 copies to  
ATT

FALLS CREEK BOROUGH  
MUNICIPAL AUTHORITY,

Vs.

HENRY H. DAUGHERTY,  
Defendant.

<sup>565</sup>  
Docket No.: 2001-~~563~~ 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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Docket No.: 2001-<sup>565</sup>~~563~~ CD

Type of Pleading:  
STATEMENT OF INTENTION  
TO PROCEED

STATEMENT OF INTENTION TO PROCEED

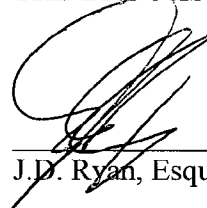
TO THE PROTHONOTARY:

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

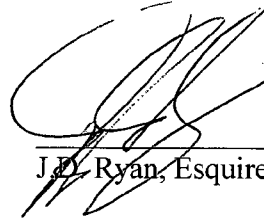
I hereby certify that on this 4<sup>th</sup> day of December, 2007, I served a true and correct copy of Plaintiffs' Statement of Intention to Proceed upon the following persons and in the following manner indicated below:

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. 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,

Vs.

HENRY H. DAUGHERTY,  
Defendant.

Docket No.: 2001-565-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.: 2001-563 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

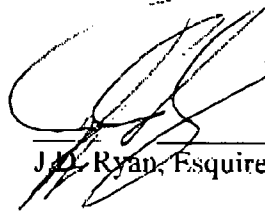
I hereby certify that on this 4<sup>th</sup> day of December, 2007, I served a true and correct copy of Plaintiffs' Statement of Intention to Proceed upon the following persons and in the following manner indicated below:

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. L. 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 A44  
01/15/08m Ryan  
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.: 2001-563 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.: 2001-563 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.

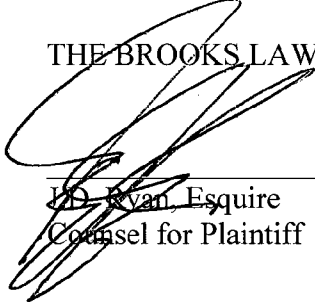
5. Falls Creek Borough, on or about October 5, 1998, enacted Ordinance number 356, establishing rules and regulations, connection requirements and a billing structure for a sanitary sewage system within the Borough. Due to the size of the document, a copy is not attached hereto. A true and correct copy 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 14<sup>th</sup> 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
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

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

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  
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.

545  
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 wmm  
0/1:10am Ryan  
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.: 2001-563 CD

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:

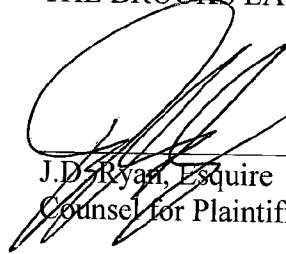
1. Falls Creek Borough Municipal Authority is the Plaintiff in the above captioned matter.
2. This case originated at the Magistrate level, with the filing of a Civil Complaint.
3. Upon receipt of the Complaint, the Defendant, Henry H. Daugherty, filed a Counter Suit at the same level.
4. Upon completion 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:

A handwritten signature in black ink, appearing to read "J.D. Ryan", is written over a horizontal line. The signature is stylized with a large loop at the top and several sharp, downward strokes.

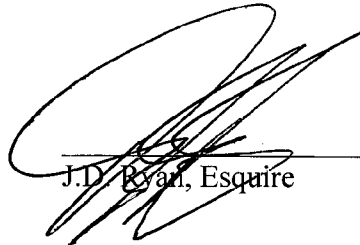
J.D. Ryan, Esquire  
Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this 14<sup>th</sup> 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 16<sup>th</sup> 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

COPY  
FILED  
01-564-CD  
JAN 16 2008  
William A. Shaw  
Prothonotary/Clerk of Courts  
5cc Atty  
Joseph Ryan  
①

FILED

JAN 16 2008

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 11/16/08

☒ 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

MAR 06 2009

William A. Shaw  
Prothonotary/Clerk of Courts

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

2 sent to  
ATTY

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.

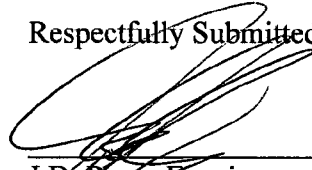
19. Falls Creek Borough, on or about January 18, 1982, enacted Ordinance number 270-82, establishing rules and regulations, connection requirements and a billing structure for water service within the Borough. Due to the size of the document, a copy is not attached hereto. A true and correct copy of 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