

01-689-CD  
BARRY L. WINGARD -vs- ROYAL DIADDEM DESIGN CENTER

COURT OF COMMON PLEAS  
County of Clearfield  
JUDICIAL DISTRICT

FROM

## DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No.

01-689-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

ROYAL DIADEM DESIGN CENTER

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

46-3-01

ADDRESS OF APPELLANT

CITY

STATE

ZIP CODE

100 North Brady Street

Du Bois

PA

15801

DATE OF JUDGMENT

4/27/01

IN THE CASE OF (Plaintiff)

BARRY L. WINGARD

(Defendant)

ROYAL DIADEM DESIGN CENTER

CLAIM NO.

CV ~~XX~~ 0000104-01

LT 19

VS.

SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT

Christopher E. Mohny, Esquire

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

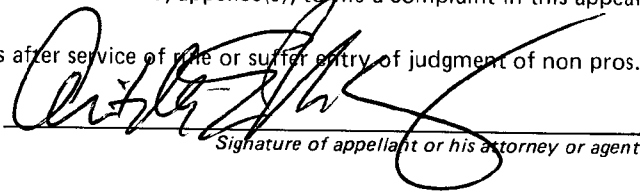
Enter rule upon BARRY L. WINGARD

Name of appellee(s)

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

(Common Pleas No. 01-689-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 BARRY L. WINGARD

Name of appellee(s)

, 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: May 10, 2001

FILED

MAY 10 2001

William A. Shaw  
Prothonotary

  
Signature of Prothonotary or Deputy

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

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

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF \_\_\_\_\_ ; ss

**AFFIDAVIT:** I hereby swear or affirm that I served

☐ a copy of the Notice of Appeal, Common Pleas No. \_\_\_\_\_, upon the District Justice designated therein on  
(date of service) \_\_\_\_\_, 19\_\_\_\_, ☐ by personal service ☐ by (certified) (registered) mail, sender's  
receipt attached hereto, and upon the appellee, (name) \_\_\_\_\_, on  
\_\_\_\_\_, 19\_\_\_\_ ☐ by personal service ☐ by (certified) (registered) mail, sender's receipt attached hereto.

☐ and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to  
whom the Rule was addressed on \_\_\_\_\_, 19\_\_\_\_, ☐ by personal service ☐ by (certified) (registered)  
mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Signature of affiant

\_\_\_\_\_  
Signature of official before whom affidavit was made

\_\_\_\_\_  
Title of official

My commission expires on \_\_\_\_\_, 19\_\_\_\_.



COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:	<b>46-3-01</b>
DJ Name: Hon.	<b>PATRICK N. FORD</b>
Address:	<b>309 MAPLE AVENUE P.O. BOX 452 DUBOIS, PA</b>
Telephone:	<b>(814) 371-5321 15801</b>

**ATTORNEY DEF PRIVATE :**

**CHRISTOPHER E. MOHNEY ESQ  
90 BEAVER DRIVE  
DUBOIS, PA 15801**

**NOTICE OF JUDGMENT/TRANSCRIPT  
CIVIL CASE**

PLAINTIFF: NAME and ADDRESS  
**WINGARD, BARRY L  
18 MUNDERF STAR RT  
BROOKVILLE, PA 15825**

VS.

DEFENDANT: NAME and ADDRESS  
**ROYAL DIADEM DESIGN CENTER  
100 NORTH BRADY ST  
DUBOIS, PA 15801**

Docket No.: **CV-0000104-01**  
Date Filed: **3/13/01**



**THIS IS TO NOTIFY YOU THAT:**

Judgment:

**DEFAULT JUDGMENT PLTF 01-689-CD**

☒ Judgment was entered for: (Name) **WINGARD, BARRY L**

☒ Judgment was entered against: (Name) **ROYAL DIADEM DESIGN CENTER**

in the amount of \$ **724.14** on: (Date of Judgment) **4/27/01**

☐ 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>666.64</b>
Judgment Costs	\$ <b>57.50</b>
Interest on Judgment	\$ <b>.00</b>
Attorney Fees	\$ <b>.00</b>
<b>Total</b>	<b>\$ 724.14</b>
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
	=====
<b>Certified Judgment Total</b>	<b>\$ _____</b>

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.**

**4-27-01** 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

FILED

MAY 19 2001  
O 11:44  
William A. Shaw  
Prothonotary

pd \$80.00

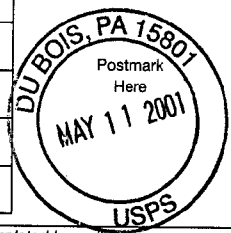
cc atty money

7000 1670 0000 473A 0256

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

MR. BARRY WINGARD (3)

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)  
MR. BARRY L. WINGARD  
Street, Apt. No.; or PO Box No.  
18 MUNDERF STAR ROUTE  
City, State, ZIP+4  
BROOKVILLE, PA 15825

**Certified Mail Provides:**

- ❑ A mailing receipt
- ❑ A unique identifier for your mailpiece
- ❑ A signature upon delivery
- ❑ A record of delivery kept by the Postal Service for two years

**Important Reminders:**

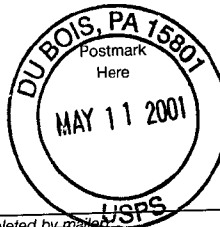
- ❑ Certified Mail may ONLY be combined with First-Class Mail or Priority Mail.
- ❑ Certified Mail is *not* available for any class of international mail.
- ❑ NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.
- ❑ For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS postmark on your Certified Mail receipt is required.
- ❑ For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- ❑ If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

**IMPORTANT: Save this receipt and present it when making an inquiry.**

7000 029T 0000 4738 026E

③

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

Street, Apt. No. or PO Box No. 309 MAPLE AVENUE

City, State, ZIP+4  
DU BOIS, PA 15801



**Certified Mail Provides:**

- ❑ A mailing receipt
- ❑ A unique identifier for your mailpiece
- ❑ A signature upon delivery
- ❑ A record of delivery kept by the Postal Service for two years

**Important Reminders:**

- ❑ Certified Mail may ONLY be combined with First-Class Mail or Priority Mail.
- ❑ Certified Mail is *not* available for any class of international mail.
- ❑ NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.
- ❑ For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS postmark on your Certified Mail receipt is required.
- ❑ For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- ❑ If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

**IMPORTANT: Save this receipt and present it when making an inquiry.**

COURT OF COMMON PLEAS  
County of ~~Clearfield~~  
JUDICIAL DISTRICT

FROM

## DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No.

01-689-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>ROYAL DIADEM DESIGN CENTER</b>		MAG. DIST. NO. OR NAME OF D.J. <b>46-3-01</b>	
ADDRESS OF APPELLANT <b>100 North Brady Street</b>		CITY <b>Du Bois</b>	STATE <b>PA</b>
		ZIP CODE <b>15801</b>	
DATE OF JUDGMENT <b>4/27/01</b>	IN THE CASE OF (Plaintiff) <b>BARRY L. WINGARD</b>		
		(Defendant) <b>ROYAL DIADEM DESIGN CENTER</b>	
CLAIM NO. CV <del>XX</del> <b>0000104-01</b> LT 19 _____		SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT <b>Christopher E. Mohnney, Esquire</b>	
<p>This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.</p> <p>This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.</p> <p>_____ Signature of Prothonotary or Deputy</p>		<p>If appellant was Claimant (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE OF APPEAL.</p>	

## PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

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

PRAECIPE: To Prothonotary

Enter rule upon **BARRY L. WINGARD**, appellee(s), to file a complaint in this appeal  
(Common Pleas No. 01-689-CD) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

*[Signature]*  
Signature of appellant or his attorney or agent

RULE: To **BARRY L. WINGARD**, 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: May 10 ~~19~~ 2001

*[Signature]*  
Signature of Prothonotary or Deputy

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

MAY 10 2001

Attest.

*[Signature]*  
Prothonotary

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. 01-689-C.D. upon the District Justice designated therein  
(date of service) May 11, XX 2001, by personal service ☒ by (certified) ~~xxxxxxx~~ mail, sender's  
receipt attached hereto and upon the appellee, (name) Barry L. Wingard  
May 11, XX 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  
whom the Rule was addressed on May 11, XX 2001 by personal service ☒ by (certified) (registered)  
mail, sender's receipt attached hereto

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME  
THIS 11TH DAY OF MAY, XX 2001

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

NOTARY PUBLIC  
Title of official

My commission expires on 1/30/2003, 19    

Carly E. Miller  
Signature of affiant

Kristin D. Duttry

Notarial Seal  
Kristin D. Duttry, Notary Public  
DuBois, Clearfield County  
My Commission Expires Jan. 30, 2003

mla:01/11  
William  
Prothonotary

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:	<b>46-3-01</b>
DJ Name: Hon.	<b>PATRICK N. FORD</b>
Address:	<b>309 MAPLE AVENUE P.O. BOX 452 DUBOIS, PA</b>
Telephone:	<b>(814) 371-5321 15801</b>

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

**NOTICE OF JUDGMENT/TRANSCRIPT  
CIVIL CASE**

PLAINTIFF: NAME and ADDRESS

**WINGARD, BARRY L  
18 MUNDERF STAR RT  
BROOKVILLE, PA 15825**

VS.

DEFENDANT: NAME and ADDRESS

**ROYAL DIADEM DESIGN CENTER  
100 NORTH BRADY ST  
DUBOIS, PA 15801**

Docket No.: **CV-0000104-01**  
Date Filed: **3/13/01**



**THIS IS TO NOTIFY YOU THAT:**  
Judgment:

**DEFAULT JUDGMENT PLTF**

**01-689-00**

☒ Judgment was entered for: (Name) **WINGARD, BARRY L.**

☒ Judgment was entered against: (Name) **ROYAL DIADEM DESIGN CENTER**

in the amount of \$ **724.14** on: (Date of Judgment) **4/27/01**

☐ 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	\$ <u><b>666.64</b></u>
Judgment Costs	\$ <u><b>57.50</b></u>
Interest on Judgment	\$ <u><b>.00</b></u>
Attorney Fees	\$ <u><b>.00</b></u>
Total	\$ <u><b>724.14</b></u>
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
Certified Judgment Total	\$ _____

**FILED**

**MAY 16 2001**

**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.**

**4-27-01** 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.

\_\_\_\_\_, District Justice

My commission expires first Monday of January,

**2006**

**SEAL**

Mag. Dist. No.:	<b>46-3-01</b>
DJ Name: Hon.	<b>PATRICK N. FORD</b>
Address:	<b>109 NORTH BRADY STREET P.O. BOX 452 DUBOIS, PA 15801</b>
Telephone:	<b>(814) 371-5321</b>

PLAINTIFF: NAME and ADDRESS

**Barry Wingard  
18 Munderf Star Route  
Brookville PA 15825  
VS.**

DEFENDANT: NAME and ADDRESS

**Royal Diadem Design Centre  
100 North Brady Street  
DuBois PA 15801**

Docket No. **CV 104-01**  
Date Filed:

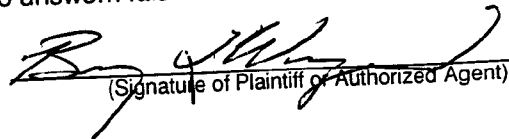


	AMOUNT	DATE PAID
FILING COSTS	\$ <u>57.50</u>	<u>  /  /  </u>
SERVING COSTS	\$ <u>          </u>	<u>  /  /  </u>
TOTAL	\$ <u>          </u>	<u>  /  /  </u>

TO THE DEFENDANT: The above named plaintiff(s) asks judgment against you for \$ 666.64 together with costs upon the following claim (Civil fines must include citation of the statute or ordinance violated):

Purchases made by Plaintiff on his personal credit card, specifically Citibank, for furniture and other items for the Defendant for purposes of resale in store by Defendant. Despite repeated requests from Plaintiff to Defendant, the Defendant has refused to pay the same.

I, Barry Wingard 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.

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

BARRY L. WINGARD,  
Plaintiff

vs.

ROYAL DIADEM DESIGN CENTER,  
Defendant

No. 01 – 689 – C.D.

Type of Pleading: Praecipe for  
Judgment of Non Pros

Filed on behalf of: Defendant

Filed by: Christopher E. Mohny  
Attorney for Defendant  
90 Beaver Drive  
Box 6  
DuBois, PA 15801  
(814) 371 – 2730  
Atty. I.D. #63494

FILED

JUN 01 2001

William A. Shaw  
Prothonotary

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

BARRY L. WINGARD,  
Plaintiff

vs.

ROYAL DIADEM DESIGN CENTER,  
Defendant

:  
: No. 01 – 689 – C.D.  
:  
:  
:  
:  
:  
:

PRAECIPE FOR JUDGMENT OF NON PROS

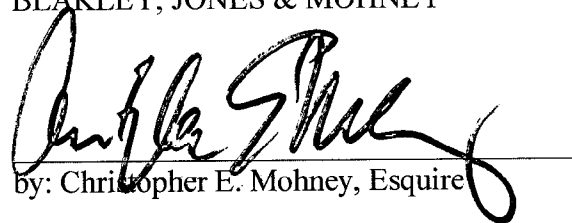
TO WILLIAM SHAW, PROTHONOTARY:

Please enter judgment of non pros against the plaintiff and in favor of defendant ROYAL DIADEM DESIGN CENTER for failure to file a complaint within twenty (20) days from the date of service of the rule to file complaint.

The undersigned certifies that service of the Rulr to File Complaint was served on Plaintiff BARRY L. WINGARD on May 11, 2001 via certified mail return receipt requested. Attached hereto are copies of said Rule, receipt evidencing mailing on May 11, 2001, and return receipt of BARRY L. WINGARD dated May 12, 2001.

Respectfully submitted,

BLAKLEY, JONES & MOHNEY

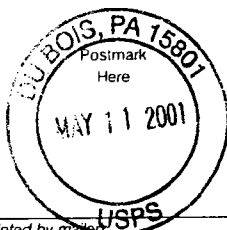
  
by: Christopher E. Mohney, Esquire

# 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 addressee)

HONORABLE PATRICK N. FORD  
309 MAPLE AVENUE  
DU BOIS, PA 15801

PS Form 3800, February 2000

See Reverse for Instructions

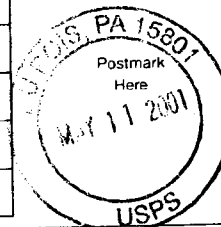
U.S. Postal Service

# CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

MR. BARRY WINGARD

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 addressee)

MR. BARRY L. WINGARD  
18 MUNDERF STAR ROUTE  
BROOKVILLE, PA 15825

PS Form 3800, February 2000

See Reverse for Instructions

## 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

AFFIDAVIT: I hereby swear or affirm that I served

☒ a copy of the Notice of Appeal, Common Pleas No. 01-689-C.D., upon the District Justice designated the plaintiff, May 11, XX 2001, ☐ by personal service ☒ by (certified) ~~registered~~ mail, sender's receipt attached hereto; and upon the appellee, (name) Barry L. Wingard, May 11, XX 2001, ☐ 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, whom the Rule was addressed on May 11, XX 2001, ☐ by personal service ☒ by (certified) ~~registered~~ mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME  
THIS 11TH DAY OF MAY, XX 2001

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

NOTARY PUBLIC

Title of official

My commission expires on 1/30/2003, 19    

Notarial Seal  
Kristin D. Duttry, Notary Public  
DuBois, Clearfield County  
My Commission Expires Jan. 30, 2003

Barry L. Wingard  
Signature of affiant



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

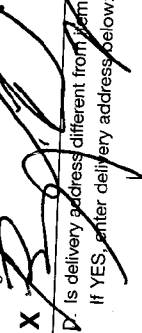
MR. BARRY L. WINGARD  
18 MUNDERF STAR ROUTE  
BROOKVILLE, PA 15825

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly)

B. Date of Delivery  
5-12-91

C. Signature



☒ Agent

☐ Addressee

D. Is delivery address different from item 1? ☒ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

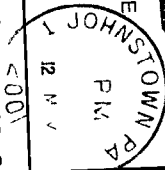
7000 1670 0000 4738 0256

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1769

UNITED STATES POSTAL SERVICE

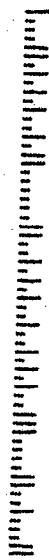


First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

CHRISTOPHER E. MOHNEY, ESQUIRE  
BLAKLEY, JONES & MOHNEY  
90 BEAVER DRIVE, BOX 6  
DU BOIS, PA 15801

801+2424



ATTY pd.  
20.00  
JUN 30 7 2001  
William A. Shaw  
Prothonotary  
Statement to Atty  
Shaw

COPY

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

BARRY L. WINGARD,  
Plaintiff

vs.

ROYAL DIADEM DESIGN CENTER,  
Defendant

: No. 01 – 689 – C.D.  
:  
:  
:  
:  
:  
:  
:

Please be advised that on this 1<sup>st</sup> day of June, 2001, upon Praecipe of Defendant a judgment of Non Pros was entered against you in the above-captioned case.

PROTONOTARY,

by: \_\_\_\_\_, Deputy

COPY

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

Barry L. Wingard  
Plaintiff(s)

No.: 2001-00689-CD

Real Debt: \$Non Pro

Atty's Comm:

Vs.

Costs: \$

Int. From:

Royal Diadem Design Center  
Defendant(s)

Entry: \$20.00

Instrument: Judgment of Non Pros

Date of Entry: June 1, 2001

Expires: June 1, 2006

Certified from the record this 1st day of June, 2001.

\_\_\_\_\_  
William A. Shaw, Prothonotary

\*\*\*\*\*

SIGN BELOW FOR SATISFACTION

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

\_\_\_\_\_  
Plaintiff/Attorney

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

BARRY L. WINGARD,  
Plaintiff

vs.

ROYAL DIADEM DESIGN  
CENTER,  
Defendant

No. 01-689 C.D.

Type of Pleading:

**ENTRY OF APPEARANCE**

Filed on Behalf of:

~~DEFENDANT~~  
~~PLAINTIFF~~

Counsel of Record for  
This Party:

Jeffrey S. DuBois  
Supreme Court No. 62074  
Hanak, Guido and Taladay  
498 Jeffers Street  
P.O. Box 487  
DuBois, PA 15801

**FILED**

JUN 21 2001

William A. Shaw  
Prothonotary

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

BARRY L. WINGARD,  
Plaintiff

vs.

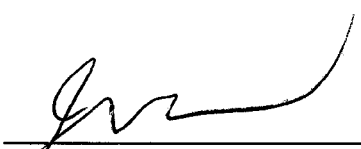
ROYAL DIADEM DESIGN CENTER,  
Defendant

No. 01-689-CD

**ENTRY OF APPEARANCE**

TO THE PROTHONOTARY:

Please enter my appearance on behalf of Plaintiff, BARRY L.  
WINGARD.



---

Jeffrey S. DuBois  
Supreme Court I.D. No. 62074  
Hanak, Guido and Taladay  
498 Jeffers Street  
P. O. Box 487  
DuBois, PA 15801  
814-371-7768

**FILED**

APR 21 2001  
MFS/ncs  
William A. Shaw  
Prothonotary



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

BARRY L. WINGARD,

Plaintiff

VS.

ROYAL DIADEM DESIGN CENTER,

Defendant

NO. 01 - 689 - C.D.

TYPE OF CASE: CIVIL

TYPE OF PLEADING: CONSENT ORDER

FILED ON BEHALF OF: DEFENDANT

COUNSEL OF RECORD:  
CHRISTOPHER E. MOHNEY, ESQUIRE

SUPREME COURT NO.: 63494

BLAKLEY, JONES & MOHNEY  
90 BEAVER DRIVE, BOX 6  
DU BOIS, PA 15801  
(814) 371-2730

**FILED**

JUN 22 2001  
0111371000  
William A. Shaw  
Prothonotary

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

BARRY L. WINGARD,

Plaintiff

VS.

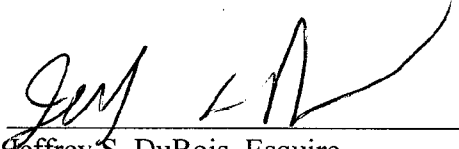
ROYAL DIADEM DESIGN CENTER,

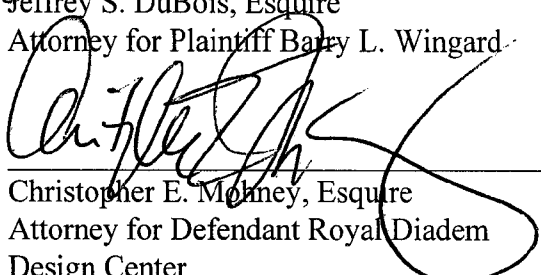
Defendant

NO. 01 - 689 - C.D.

**CONSENT ORDER**

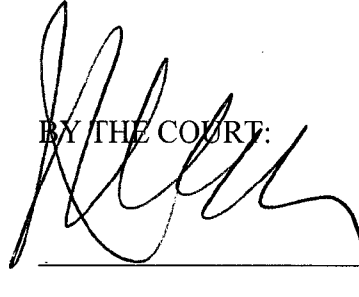
The above parties, by their respective undersigned counsel, hereby consent to the Court ordering that the Judgment of Non Pros filed on Praecipe of Defendant on June 1, 2001, are hereby stricken, and the case re-opened.

  
\_\_\_\_\_  
Jeffrey S. DuBois, Esquire  
Attorney for Plaintiff Barry L. Wingard

  
\_\_\_\_\_  
Christopher E. Mohney, Esquire  
Attorney for Defendant Royal Diadem  
Design Center

AND NOW, this 21<sup>st</sup> day of June, 2001, upon the foregoing Stipulation of counsel of record for the parties, it is hereby ORDERED AND DECREED that the Judgment of Non Pros is stricken and the case re-opened.

BY THE COURT:

  
\_\_\_\_\_

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

**BARRY L. WINGARD,**  
**Plaintiff**

**vs.**

**ROYAL DIADEM DESIGN CENTER,**  
**Defendant**

: **No. 01-687-C.D.**  
: **No. 01-688-C.D.**  
: **No. 01-689-C.D.**  
: **No. 01-690-C.D.**  
:  
: **Type of Case: Civil**  
:  
: **Type of Pleading: Entry of Appearance**  
:  
: **Filed on behalf of: Plaintiff**  
:  
: **Counsel of Record:**  
: **SCOTT C. ALLEN, ESQUIRE**  
:  
: **Supreme Court No. 80824**  
:  
: **257 Main Street**  
: **Brookville, Pennsylvania 15825**  
: **(814) 849-4129**

**FILED**

OCT 16 2001

m/11/15/no cc

William A. Shaw

Prothonotary



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

BARRY L. WINGARD,

Plaintiff,

vs.

ROYAL DIADEM DESIGN CENTER,

Defendant

No.: 01-689 C.D.

COMPLAINT IN A CIVIL ACTION

AND NOW, comes the Plaintiff, Barry L. Wingard, by and through his attorneys,  
LUKEHART & LUNDY, who files this Complaint and in support thereof avers the following:

1. Plaintiff, BARRY L. WINGARD, is an adult individual residing at 18 Munderf  
Star Route, Brookville, Pennsylvania 15825.
2. ROYAL DIADEM DESIGN CENTER, at 100 North Brady Street, DuBois, Clearfield  
County, Pennsylvania 15801, Defendant herein, is believed to be a Pennsylvania corporation,  
partnership, or sole proprietorship, owned entirely by Jeffrey Rice, for which Plaintiff reserves  
the right to amend this complaint to include Jeffrey Rice as a defendant should it be determined  
it is not a corporation or Jeffrey Rice failed to operate as a corporation.
3. Defendant's business is located within Clearfield County, and all transactions and  
occurrences herein occurred in Clearfield County, and this Honorable Court has proper  
jurisdiction.
4. Defendant is in the business, amount other things, of the resale of household  
furniture and various other household furnishings and accessories.

**FILED**

DEC 14 2001

William A. Shaw  
Prothonotary

5. Plaintiff worked for Defendant as the manager of Defendant's store from the period of August of 1996 to August, 2000.

6. Plaintiff's job duties included the interviewing and hiring of personnel, the ordering of all furniture and other accessories for resale within the store, the presentation and set-up of displays at the store, payment of all orders and bills, and general service to customers.

7. On or about 1999, and again in 2000, because of the fact Defendant was experiencing financial constraints, Plaintiff used his own personal credit cards, specifically First Card Visa, Chase Platinum, Citibank Master Card and GM Master Card, for monetary loans to Defendant so as to allow Defendant to pay various debts.

8. The total costs purchased on Plaintiff's credit cards were in the amount of Ten Thousand Eight Hundred Seventy-three and 75/100 (\$10,873.75) Dollars.

9. The agreement between the parties that Defendant would pay Plaintiff back in a reasonable time.

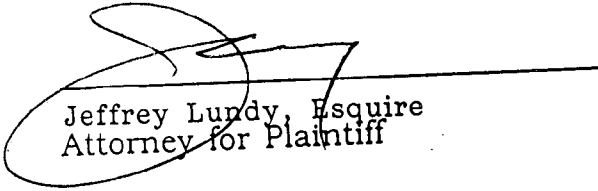
10. On or about August, 2000, because of difficulties between the parties, Plaintiff terminated his employment with Defendant.

11. Thereafter, Plaintiff requested payment in full for all the monies he had loaned to Defendant.

12. Despite repeated requests for payment, Defendant has refused to pay Plaintiff for the monies set forth above. Said conduct by Defendant is outrageous as these amounts are clearly owed by Defendant to Plaintiff and Plaintiff's generous act of using his own

credit cards were solely for the benefit of Defendant and has acted willful, malicious and outrageous in not paying the same back to Plaintiff and requiring him to file suit.

WHEREFORE, Plaintiff requests judgment in his favor and against Defendant in the amount of Ten Thousand Eight Hundred Seventy-three and 75/100 (\$10,873.75) Dollars, plus interest, costs, attorney's fees and any other relief this Court deems just and equitable.



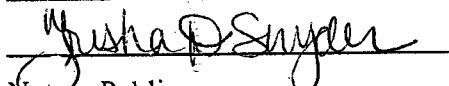
Jeffrey Lundy, Esquire  
Attorney for Plaintiff

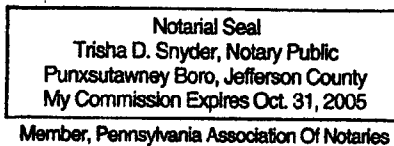
VERIFICATION

I verify that the statements made in this Complaint are true and correct. I understand that false statements herein are subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to the authorities.

  
Barry L. Wingard

Sworn and subscribed to before me this  
13<sup>th</sup> day of December, 2001.

  
Notary Public



**FILED**

DEC 14 2001

M3:14/1cc atty  
William A. Shaw  
Prothonotary







OFFICE OF COURT ADMINISTRATOR  
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

CLEARFIELD COUNTY COURTHOUSE  
SUITE 228, 230 EAST MARKET STREET  
CLEARFIELD, PENNSYLVANIA 16830

DAVID S. MEHOLICK  
COURT ADMINISTRATOR

PHONE: (814) 765-2641  
FAX: 1-814-765-7649

MARCY KELLEY  
DEPUTY COURT ADMINISTRATOR

COPY

**Notice of Proposed Termination of Court Case**

SEPTEMBER 12, 2005

RE: 01-0689-CD  
Barry Wingard vs. Royal Diadem Design Center

Dear Jeffrey S. DuBois, Esq.:

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 November 17, 2005.

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,

David S. Meholic  
Court Administrator

FILED

SEP 12 2005

William A. Shaw  
Prothonotary/Clerk of Courts



OFFICE OF COURT ADMINISTRATOR  
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

CLEARFIELD COUNTY COURTHOUSE  
SUITE 228, 230 EAST MARKET STREET  
CLEARFIELD, PENNSYLVANIA 16830

DAVID S. MEHOLICK  
COURT ADMINISTRATOR

PHONE: (814) 765-2641  
FAX: 1-814-765-7649

MARCY KELLEY  
DEPUTY COURT ADMINISTRATOR

**Notice of Proposed Termination of Court Case**

SEPTEMBER 12, 2005

RE: 01-0689-CD

Barry L. Wingard vs. Royal Diadem Design Center

Dear Scott C. Allen, Esq.:

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.

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

By the Court,

A handwritten signature in dark ink, appearing to read "David S. Meholick", written over a horizontal line.

David S. Meholick  
Court Administrator



OFFICE OF COURT ADMINISTRATOR  
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

CLEARFIELD COUNTY COURTHOUSE  
SUITE 228, 230 EAST MARKET STREET  
CLEARFIELD, PENNSYLVANIA 16830

DAVID S. MEHOLICK  
COURT ADMINISTRATOR

PHONE: (814) 765-2641  
FAX: 1-814-765-7649

MARCY KELLEY  
DEPUTY COURT ADMINISTRATOR

**Notice of Proposed Termination of Court Case**

SEPTEMBER 12, 2005

RE: 01-0689-CD  
Barry Wingard vs. Royal Diadem Design Center

Dear Christopher E. Mohny, Esq.:

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.

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

By the Court,

A handwritten signature in dark ink, appearing to read "David S. Meholick", written over a faint, circular official stamp.

David S. Meholick  
Court Administrator



OFFICE OF COURT ADMINISTRATOR  
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

CLEARFIELD COUNTY COURTHOUSE  
SUITE 228, 230 EAST MARKET STREET  
CLEARFIELD, PENNSYLVANIA 16830

DAVID S. MEHOLICK  
COURT ADMINISTRATOR

PHONE: (814) 765-2641  
FAX: 1-814-765-7649

MARCY KELLEY  
DEPUTY COURT ADMINISTRATOR

**Notice of Proposed Termination of Court Case**

SEPTEMBER 12, 2005

RE: 01-0689-CD  
Barry L. Wingard vs. Royal Diadem Design Center

Dear Jeffrey Lundy, Esq.:

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 **November 17, 2005.**

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

By the Court,

A handwritten signature in dark ink, appearing to read "David S. Meholick", written over a faint, circular official stamp.

David S. Meholick  
Court Administrator

Court of Common Pleas of Clearfield County, Pennsylvania  
Civil Division

Barry L. Wingard

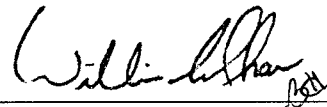
Vs.

01-0689-CD

Royal Diadem Design Center


**Termination of Inactive Case**

This case is hereby terminated with prejudice  
this 17<sup>th</sup> day of November, 2005, as per Rule 230.2.



William A. Shaw  
Prothonotary

**FILED**

NOV 17 2005 

William A. Shaw  
Prothonotary/Clerk of Courts