

01-756-CD  
LEO RIVET -vs- JEFF HOOVER

## NOTICE OF APPEAL

FROM

## DISTRICT JUSTICE JUDGMENT

COMMON PLEAS NO. ~~XXXXXX~~ 01-756-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 Jeff Hoover		MAG. DIST. NO. OR NAME OF D.J. 46-3-02, Ireland	
ADDRESS OF APPELLANT RR 1, Box 502A Allegheny Street		CITY Curwensville,	STATE PA ZIP CODE 16833
DATE OF JUDGMENT 4/19/01	IN THE CASE OF (Plaintiff) Rivet, Leo, et al.	(Defendant) vs. Hoover, Jeff	
CLAIM NO. CVX <del>xx</del> 105-01 LT 19		SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT <i>Frederick M. Weiswender</i>	
<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>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>	
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 Leo Rivet, et al., appellee(s), to file a complaint in this appeal  
(Name of appellee(s))

(Common Pleas No. 01-756-CD) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

**RULE:** To Leo Rivet, et al., appellee(s).  
(Name of appellee(s))

*Frederick M. Weiswender*  
Signature of appellant or his attorney or agent

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

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

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

Date: May 18, 2001

*William A. Shaw*

Signature of Prothonotary or Deputy

**FILED**

MAY 18 2001

William A. Shaw  
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 \_\_\_\_\_ ; 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*) \_\_\_\_\_,  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.:

**46 - 3 - 02**

DJ Name: Hon.

**RICHARD A. IRELAND**  
Address: **650 LEONARD STREET**  
**CLEARFIELD, PA**

Telephone: **(814) 765-5335** 16830

**ATTORNEY DEF PRIVATE :**

**FREDERICK M. NEISWENDER, ESQ.**  
**501 EAST MARKET ST.**  
**SUITE 3**  
**CLEARFIELD, PA 16830**

**NOTICE OF JUDGMENT/TRANSCRIPT  
CIVIL CASE**

PLAINTIFF: NAME and ADDRESS

**RIVET, LEO, ET AL.**  
**200 ANDERSON AVE**  
**CURWENSVILLE, PA 16833**

VS.

DEFENDANT: NAME and ADDRESS

**HOOVER, JEFF**  
**ALLEGHANY ST**  
**CURWENSVILLE, PA 16833**

Docket No.: **CV-0000105-01**  
Date Filed: **3/13/01**



**THIS IS TO NOTIFY YOU THAT:**

Judgment:

**FOR PLAINTIFF**

Judgment was entered for: (Name) **RIVET, LEO, ET AL.**

Judgment was entered against: (Name) **HOOVER, JEFF**

in the amount of \$ **672.50** on: (Date of Judgment) **4/19/01**

Defendants are jointly and severally liable.

(Date & Time) \_\_\_\_\_

Damages will be assessed on:

Amount of Judgment	\$ <b>597.00</b>
Judgment Costs	\$ <b>75.50</b>
Interest on Judgment	\$ <b>.00</b>
Attorney Fees	\$ <b>.00</b>
<b>Total</b>	\$ <b>672.50</b>

This case dismissed without prejudice.

Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
<b>=====</b>	
<b>Certified Judgment Total</b>	\$ _____

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:

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.

**APR 20 2001**

Date Ronald J. Leland, 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**

*(Signature)*  
MAY 18 2001  
3:06 PM  
William A. Shaw  
Prothonotary

cc atty

**COMMONWEALTH OF PENNSYLVANIA**

**COURT OF COMMON PLEAS**

**JUDICIAL DISTRICT**

## SEARCH THE COURSE

## **NOTICE OF APPEAL**

FROM

## **DISTRICT JUSTICE JUDGMENT**

**COMMON PLEAS No.**

### ANSWER: Ch. 15, p. 12

## **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 <i>John C. ...</i>		MAG. DIST. NO. OR NAME OF D.J. <i>40-3-04, 1st District</i>	
ADDRESS OF APPELLANT <i>111, 10th Street, Suite 500, ...</i>		CITY <i>Curryville</i>	STATE <i>PA</i>
ZIP CODE <i>16233</i>			
DATE OF JUDGMENT <i>6/15/70</i>	IN THE CASE OF (Plaintiff) <i>John C. ... vs. ...</i>		
		(Defendant)	
CLAIM NO.  <i>CV 19-105-01 LT 19</i>		SIGNATURE OF APPELLANT OR HIS ATTORNEY, OR AGENT <i>Frederick M. ...</i>	
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 <i>Signature</i>			

**PRAEICE 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).

**PRAECLYPE:** To Prothonotary

Enter rule upon the 11th day of June, 1968., appellee(s), to file a complaint in this appeal  
Name of appellee(s)

(Common Pleas No. C1754) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

**RULE:** To See above, et al., 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: 21/5/15, 1930/

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 18 2001

10

Carl Wimberly  
Professor

01-756-CD

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 above for date.)

COMMONWEALTH OF PENNSYLVANIA

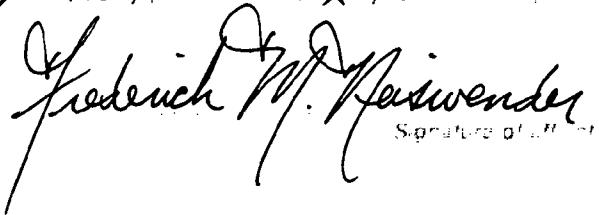
COUNTY OF Clearfield

AFFIDAVIT: I hereby swear or affirm that I served

a copy of the Notice of Appeal, Common Pleas No. 01-756-CD, upon the District Justice designated thereon on  
(date of service) May 30, 2001  by personal service  by certified mail, sender's receipt attached hereto, and upon the appellee, (name) Leo and Joyce Rivet  
 May 31 -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, (name) Leo and Joyce Rivet, on the Rule was addressed on May 31 -2001  by personal service  by certified mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS 6th DAY OF June 2001



Fredrick M. Heiswender  
Signature of affiant

Signature of affiant WILLIAM A. SHAW  
Prothonotary

Title of affiant My Commission Expires  
1st Monday in Jan. 2002  
Clearfield Co. Clearfield, PA

My commission issued

FILED

JUN 06 2001

01:10 pm

William A. Shaw

Prothonotary



<b>SENDER: COMPLETE THIS SECTION</b>	
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	

1. Article Addressed to:

Leo and Joyce Rivet  
200 Anderson Ave.  
Curwensville, PA 16833

2. Article Number (Copy from service label)  
7000 1530 0004 1795 8484

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

<b>COMPLETE THIS SECTION ON DELIVERY</b>	
A. Received by (Please Print Clearly)	B. Date of Delivery
<i>Joyce Rivet</i> 6/1/01	
C. Signature	
<input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee	
D. Is delivery address different from item 1?	
<input type="checkbox"/> Yes If YES, enter delivery address below: <i>Leo and Joyce Rivet</i>	

3. Service Type	
<input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
4. Restricted Delivery? (Extra Fee)	
<input type="checkbox"/> Yes	

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Richard A. Ireland  
District Justice  
650 Leonard Street  
Clearfield, PA 16830

2. Article Number (Copy from service label)  
7000 1530 0004 1795 8477

PS Form 3811, July 1999

Domestic Return Receipt

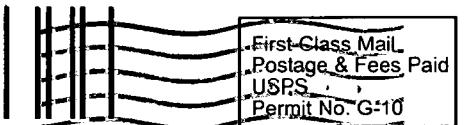
102595-99-M-1789

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)	B. Date of Delivery
<i>Richard Ireland</i> 6/1/01	
C. Signature	
<input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee	
D. Is delivery address different from item 1?	
<input type="checkbox"/> Yes If YES, enter delivery address below: <i>Richard Ireland</i>	

3. Service Type	
<input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
4. Restricted Delivery? (Extra Fee)	
<input type="checkbox"/> Yes	

UNITED STATES POSTAL SERVICE



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

Frederick M. Neiswender  
Attorney and Counsellor at Law  
501 East Market Street  
Suite 3  
Clearfield, PA 16830

UNITED STATES POSTAL SERVICE



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

Frederick M. Neiswender  
Attorney and Counsellor at Law  
501 East Market Street, Suite 3  
Clearfield, PA 16830

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

**46-3-02**

DJ Name: Hon.

**RICHARD A. IRELAND**  
Address: **650 LEONARD STREET**  
**CLEARFIELD, PA**

Telephone: **(814) 765-5335**

**16830**

**RICHARD A. IRELAND**  
**650 LEONARD STREET**  
**CLEARFIELD, PA 16830**

**NOTICE OF JUDGMENT/TRANSCRIPT  
CIVIL CASE**

PLAINTIFF:

**RIVET, LEO, ET AL.**

NAME and ADDRESS

**200 ANDERSON AVE**  
**CURWENSVILLE, PA 16833**

L

VS.

DEFENDANT:

**HOOVER, JEFF**  
**ALLEGHANY ST**  
**CURWENSVILLE, PA 16833**

NAME and ADDRESS

01-756-C2

Docket No.: **CV-0000105-01**  
Date Filed: **3/13/01**



**THIS IS TO NOTIFY YOU THAT:**

Judgment:

**FOR PLAINTIFF**

Judgment was entered for: (Name) **RIVET, LEO, ET AL.**

Judgment was entered against: (Name) **HOOVER, JEFF**

in the amount of \$ **672.50** on: (Date of Judgment) **4/19/01**

Defendants are jointly and severally liable.

(Date & Time) \_\_\_\_\_

Damages will be assessed on:

Amount of Judgment	\$ <b>597.00</b>
Judgment Costs	\$ <b>75.50</b>
Interest on Judgment	\$ <b>.00</b>
Attorney Fees	\$ <b>.00</b>
<b>Total</b>	\$ <b>672.50</b>

This case dismissed without prejudice.

Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
<b>Certified Judgment Total</b> \$ _____	

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:

Date:	Place:
Time:	

Place:

**FILED**

JUN 18 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.

APR 20 2001 Date Richard Ireland, District Justice

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

6-1-01 Date Richard Ireland, District Justice

My commission expires first Monday of January,

2006

SEAL

FILED NO  
01/30/2008  
JUN 08 2008  
William A. Shaw  
Prothonotary

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

LEO RIVET and JOYCE RIVET,  
Plaintiffs  
VS.

NO. 01- 756 -CD

JEFF HOOVER and CHRIS HOOVER,  
Defendants

**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 may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator's Office  
Clearfield County Courthouse  
Clearfield, PA 16830  
814-765-2641 Ext. 50-51

**FILED**

JUN 19 2001

William A. Shaw  
Prothonotary

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

LEO RIVET and JOYCE RIVET, :  
Plaintiffs :  
VS. : NO. 00- -CD  
: :  
JEFF HOOVER and CHRIS HOOVER : 01-756-CQ  
Defendants :  
:

COMPLAINT

AND NOW, comes LEO RIVET and JOYCE RIVET who avers as follows:

1. That Plaintiffs are LEO RIVET and JOYCE RIVET, adult individuals with an address of. 200 Anderson Ave. Curwensville, Pa. 16833
2. That Defendant JEFF HOOVER and CHRIS HOOVER residing at R.R. 1 Box 302 A Alleghany St. Curwensville, Pa. 16833
3. That on or about September 2000, Plaintiffs hired the Defendants to do certain masonry working, related to the construction of a footer. The work and cost is outlined in Exhibit A, attached
4. That was paid for by the Plaintiffs as shown by copies of checks attached as Exhibits B, showing endorsement by BOTH Defendants
5. That as a result of the shoddy workmanship, Plaintiffs had to redo the work, costing as follows:

A. George Whitaker (excavating) - \$ 1420 checks attached as Exhibits C

B. Swisher Contracting (rebar) - \$ 71.42, check attached as Exhibits D

C. Leo Rivet and 2 helpers (Labor at \$21/hr) - \$ 504.00.

D. E.M. Brown cement \$ 329.24 - as Exhibit E

E. Bob Clark - \$ 1100.00 as Exhibit F

F. Ron Richard Ireland 672.50 - Exhibit G

**FILED**

JUN 19 2001

William A. Shaw  
Prothonotary

**WHEREFORE**, Plaintiff pray your Honorable Court to enter judgment in favor of them and against the Defendants in an amount in of \$4597.00.

Respectfully submitted,

Les Roet Joyce Roet

\$21hr.per. man(3)-ESTIMATED JOB \$3800-\$4000

16HRS. LABOR=\$1008.00

PAYING FOR AND ORDERING MATERIALS

PUMPING WATER

STOCKING BLOCK

PAID IN FULL \$1000.00

LAYUP FOUNDATION \$400.00 NOT COMPLETE

MATERIAL COST \$1477.00 PAID IN FULL

LAYING AND PINNING OUT FOUNDATION

PAYING AND ORDERING CONCRETE

POURING CONCRETE \$300.00 PAID IN FULL

CONCRETE MATERIAL \$720.59 PAID IN FULL

1/2" REBAR FOR PINNING FOOTERS \$16.27 \*unpaid  
\*

TOTAL COST \$3897.00

LESS \$ 400.00 N/C

PD. IN FULL \$3497.00

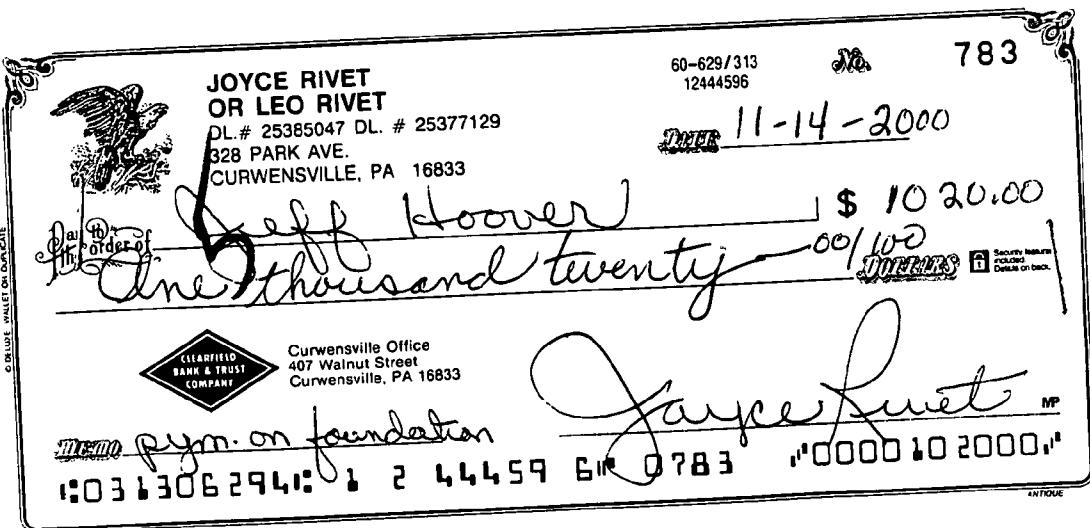
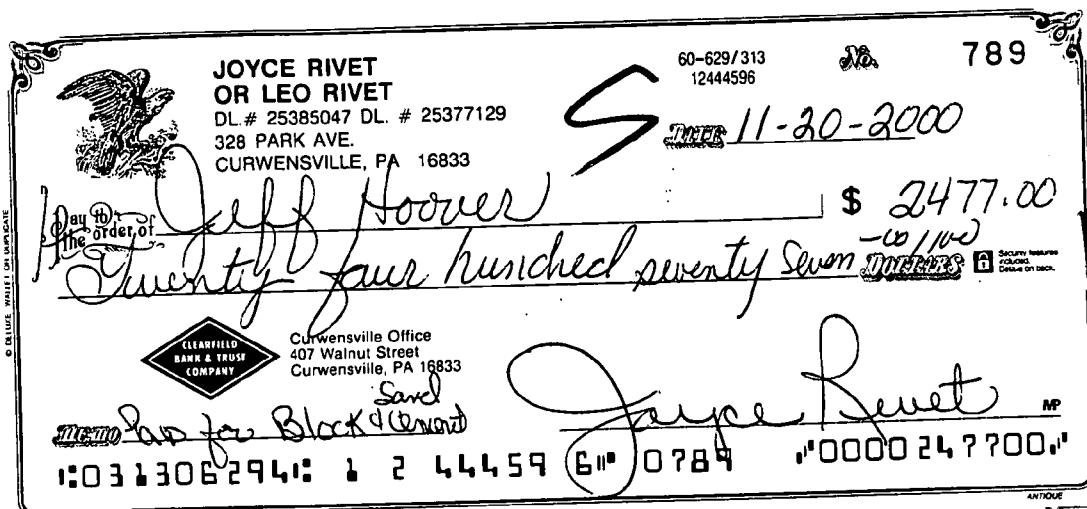


Exhibit "B"

George Whitaker's Backhoe Service  
R.D. Box 261 Grampian, Pa. 16836  
(814) 583-5783

**SERVICE** *Les Riet*

Date:	DESCRIPTION	Hours:
12-13	ditch water - bury 6" pipe set stakes	9
	2x8 for forms	3 labor
12-15	cut top off Barrel - deliver cement and 2B gravel mix concrete and fill barrel - meet with Ken Rishel	5 labor
		2.65 hr
		9.275
		75 hr
		10.55
		161.10
12-18	dig out old footer - set barrel - look for rock	3.5
12-19	Weld R-3	1178 109.95
	PPM 1000	1178.42
	Bal 178	

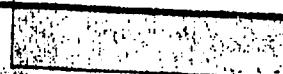
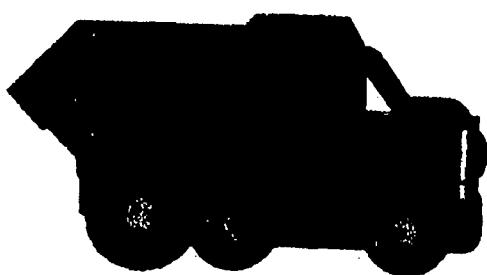
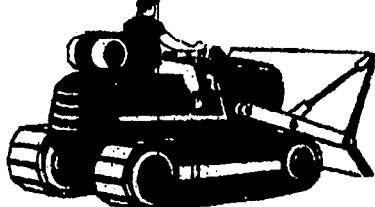


Exhibit C

1150

二八

George Whitaker's Backhoe Service  
 R.D. Box 261 Grampian, Pa. 16836  
 (814) 583 - 5783

SERVICE

Leo & Joyce Rivet

Date:	DESCRIPTION	Hours:
12-19-2000	haul rip rap from Tyrone place rip rap in ditch - dig out more mud	5 \$100.00
	tore hole in backhoe tire	Cinder road
12-20	haul 2 B from Tyrone place in ditch - dig out more mud	5
12-21	haul shale from Thunder Coast 2 loads	\$88.00 6 \$70
	dig out mud fill in shale and 2 B - shoot old footer with transit pick up from a drain at Zegers - return compacker	\$920.00

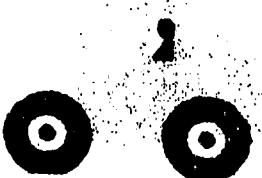
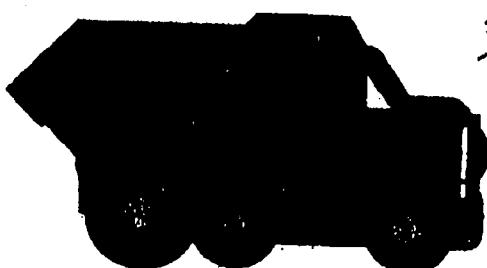
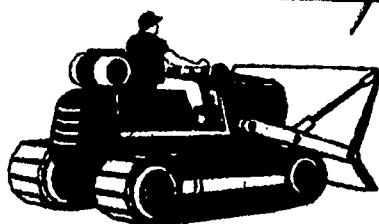


Exhibit C

George Whitaker's Backhoe Service  
R.D. Box 261 Grampian, Pa. 16838  
(814)583-5783

Lead Joyce Rivet Anderson Ave Curwensville

SERVICE		DESCRIPTION	TOTAL
HOURS			
1-3-2001	set forms - move gravel		5 hr labor
1-4-2001	move shale - dig frost away from footer - clean out footer		1.5 hoe
1-8-	set forms & drums in Joyce & Les		6 labor
12-11	(Pour footer hook up the line - meet with DEP in morning - move frost and dirt with bulldozer - deliver and fill 55 gal drum and buckets -		3

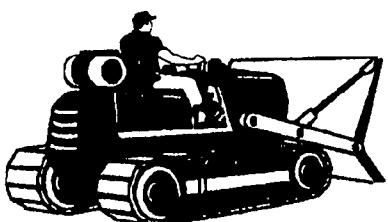


Exhibit C

George Whitaker's Backhoe Service  
R.D. Box 261 Grampian, Pa. 16836  
9814) 583-15783  
AMOUNT PRICE DESCRIPTION  
" PRESSURE ACID/100

## **SERVICE**

George Whiteface

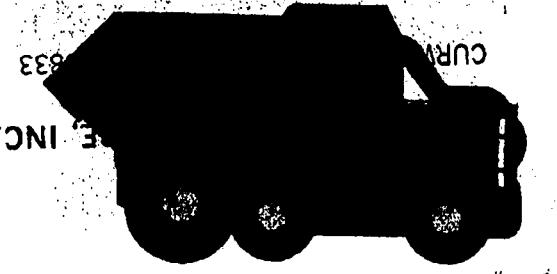
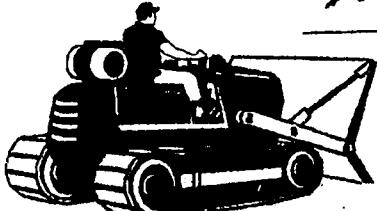
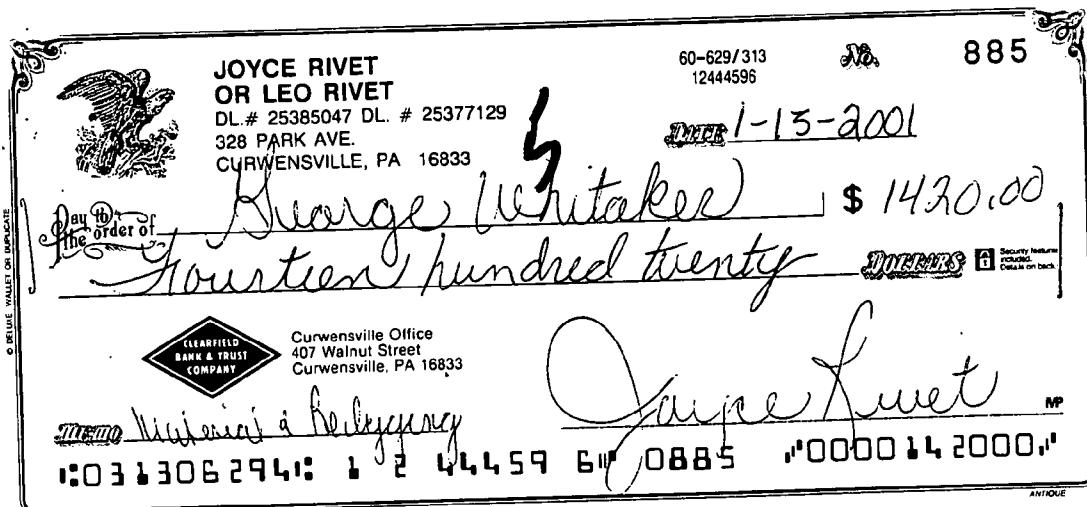


Exhibit C



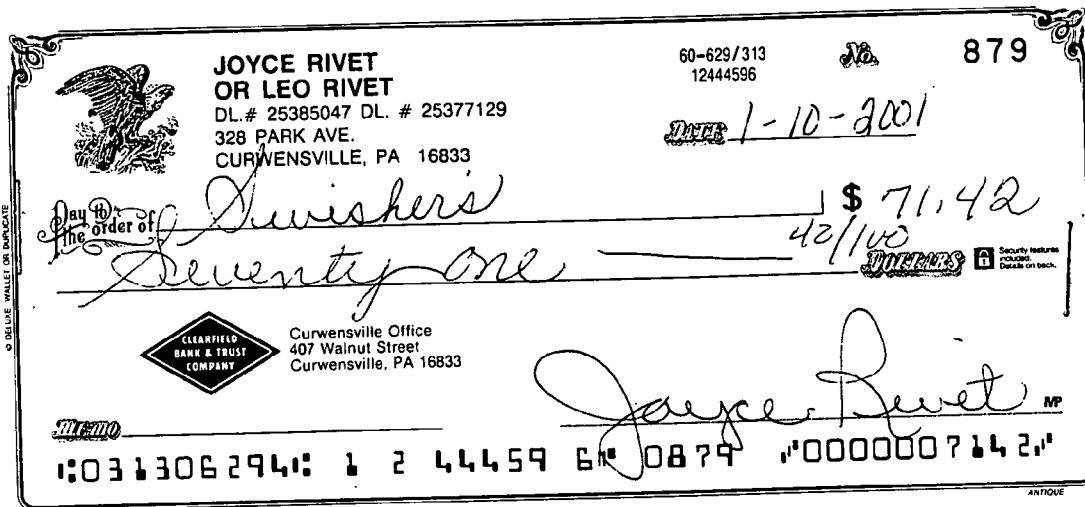


Exhibit "O"

# Exhibit - E

JOYCE RIVET  
OR LEO RIVET  
DL. # 25385047 DL. # 25377129  
328 PARK AVE.  
CURWENSVILLE, PA 16833

60-629/313  
12444596  
No. 881  
Date 1-11-2001

Pay to the order of E. M. Brown Inc. \$ 829.24  
Eight hundred twenty nine 24/100 mark

CLEARFIELD  
BANK & TRUST  
COMPANY

Curwensville Office  
407 Walnut Street  
Curwensville, PA 16833

*Joyce Rivet* MP

10313062941 1 2 44459 6# 0881 0000082924

E. M. BROWN, INC.  
P.O. BOX 767  
129 MOUNT JOY ROAD  
CLEARFIELD, PA 16830  
Telephone 814/765-7519

40861

CASH

CASH

LEO RIVET  
DELIVERY SLIP 2404 2405  
FOOTERS ANDERSON STREET  
CURWENSVILLE

01/11/01 Delivered Origin COD

RIVET/CURW 01/11/01 00 None

Ordered Shipped

11.00	11.00	CONC/B	CLASS B CONCRETE	61.80	679.80
11.00	11.00	ACCEL1%	1% LIQUID ACCELERATOR	3.50	38.50
11.00	11.00	HEAT	WINTER HEATING CHARGE	4.00	44.00
10.00	10.00	FDM	FRONT DISCHARGE MIXER	2.00	20.00

PLEASE PAY FROM THIS INVOICE. NO OTHER BILLING OR STATEMENT WILL BE  
SENT. OUR TERMS ARE CASH ON DELIVERY. ANY CHANGE TO THESE TERMS MUST BE  
APPROVED BY E. M. BROWN INC. OFFICE PRIOR TO SHIPMENT.  
THERE WILL BE A 1.5% PER MONTH FINANCE ON ALL ACCOUNTS OVER 30 DAYS.

NonTaxable Subtotal	0.00
Taxable Subtotal	782.30
Tax (6.000 %)	46.94
Total	829.24

Page 1

Exhibit "E"

Cost  
for second  
footer

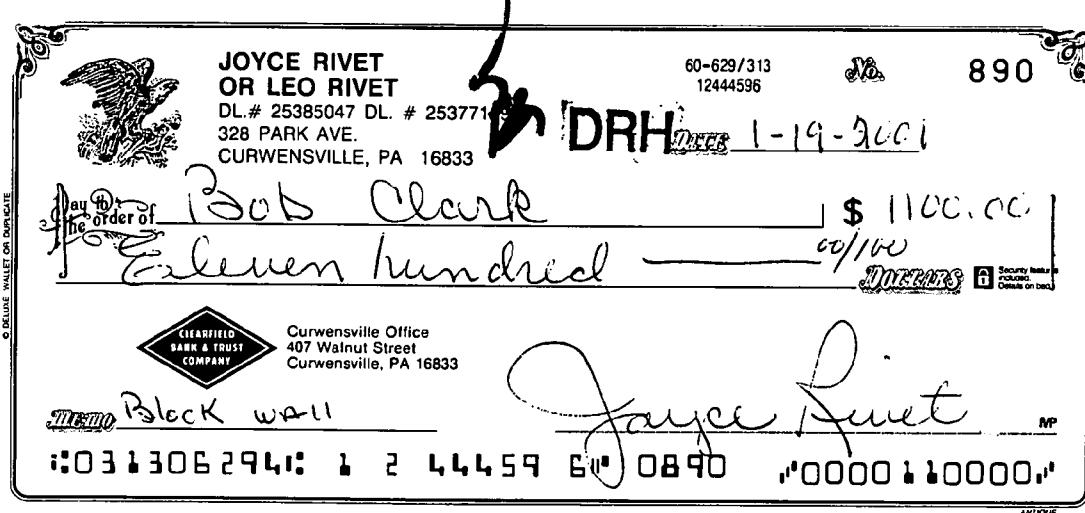


Exhibit "F"



## B. C. MASONRY

BOB CLARK

R. D. 2 - Box 744 Mahaffey, Pa. 15757  
(814) 277-6044

Lee & Joyce live at  
200 Anderson Ave.  
Cumminsville, Pa.

1-18 ~~19~~ <sup>2001</sup>

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

**46-3-02**

DJ Name: Hon.

**RICHARD A. IRELAND**  
Address: **650 LEONARD STREET**  
**CLEARFIELD, PA**

Telephone: **(814) 765-5335** 16830

**JOYCE RIVET**  
**200 ANDERSON AVE**  
**CURWENSVILLE, PA 16833**

**NOTICE OF JUDGMENT/TRANSCRIPT  
CIVIL CASE**

PLAINTIFF: NAME and ADDRESS

**RIVET, LEO, ET AL.**  
**200 ANDERSON AVE**  
**CURWENSVILLE, PA 16833**

VS.

DEFENDANT: NAME and ADDRESS

**HOOVER, JEFF**  
**ALLEGHANY ST**  
**CURWENSVILLE, PA 16833**

Docket No.: **CV-0000105-01**  
Date Filed: **3/13/01**



**THIS IS TO NOTIFY YOU THAT:**

Judgment:

FOR PLAINTIFF

Judgment was entered for: (Name) **RIVET, LEO, ET AL.**

Judgment was entered against: (Name) **HOOVER, JEFF**

in the amount of \$ **672.50** on: (Date of Judgment) **4/19/01**

Defendants are jointly and severally liable.

(Date & Time) \_\_\_\_\_

Damages will be assessed on:

Amount of Judgment	\$ <b>597.00</b>
Judgment Costs	\$ <b>75.50</b>
Interest on Judgment	\$ <b>.00</b>
Attorney Fees	\$ <b>.00</b>
<b>Total</b>	\$ <b>672.50</b>

This case dismissed without prejudice.

Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
<b>Certified Judgment Total</b> \$ _____	

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:

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.

APR 20 2001 Date Richard Ireland, District Justice

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

S-2201 Date Richard Ireland, District Justice

My commission expires first Monday of January,

2006

SEAL

AOPC 315-99

*Exhibit*

**6**

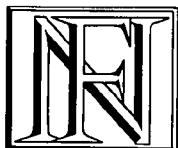
**WHEREFORE**, Plaintiff pray your Honorable Court to enter judgment in favor of them and against the Defendants in an amount in of \$4597.00.

Respectfully submitted,

*Les Ruet Joyce Ruet*

*R.P.*

6-11-01



**FREDERICK M. NEISWENDER**  
ATTORNEY AND COUNSELLOR AT LAW

June 8, 2001

William A. Shaw, Sr.,  
Prothonotary  
1 North Second Street  
Clearfield, PA 16830

RE: Rivet, et al. v. Hoover, No. 01-756-C.D.

2001-812-C.D

*Bell*  
Dear Mr. Shaw:

Following our conversation of earlier this week, I did some research regarding civil appeals from the decisions of District Magistrates. Under Pa. R.C.P.D.J. No. 1005B, the appellant has ten (10) days after filing the notice of appeal to file proof of service with the Prothonotary. However, if this rule is not followed, the appeal remains in effect unless stricken by praecipe of the appellee (see Pa. R.C.P.D.J. No. 1006). Also, service on the District Magistrate acts as a supersedeas to the judgment (see Pa. R.C.P.D.J. No. 1008). I have enclosed copies of these rules from the Pennsylvania Code for your perusal.

In the above captioned matter, the appeal was timely filed. Service of process was made, although not within the ten (10) days prescribed by the rule. I am not certain whether or not filing of the judgment was proper in this case. I do believe that at this time, the appeal acts as a supersedeas to the judgment and some notation should be made so that my client is not negatively affected by the judgment until a decision is made on the appeal.

Thank you for your consideration in this matter.

Very truly yours,

*Fred Neiswender*  
Frederick M. Neiswender  
Attorney at Law

Enclosure

**Official Note:** The twenty days allowed the claimant-appellant under subdivision A will give him time to consider, among other things, matters under Rule 1007B. The procedure upon failure to file a complaint pursuant to a rule to do so entered under subdivision B will be governed by the Rules of Civil Procedure (Pa. R.C.P. No. 1037(a)).

The landlord's complaint in an appeal from a judgment concerning the possession of real property will contain the same material averments as those required under Rule 503C, an averment that the tenant claims possession of the property being substituted for an averment that he retains it if he has vacated the property or has been ejected from it. See, as to this general requirement of pleading, *Palethorp v. Schmidt*, 12 Pa. Super. 214 (1900). See also the note to Rule 1081(30).

Subdivision C permits the appellee, when there were cross-complaints in the action before the district justice and the appellant appeals from the judgment on his complaint or on both complaints, to assert his claim by way of a counterclaim in the court of common pleas if the claim is cognizable as a counterclaim in that court. However, even when this procedure is permissible, the appellee must, if he desires to use it, still give a notice of appeal under Rule 1002, with the time extension allowed by subdivision C (see the Judicial Code, § 5571(f) 42 Pa.C.S. § 5571(f)), if he intends to appeal from the judgment on his complaint and the appellant has not appealed from that judgment, although in such a case subdivision A of Rule 1004 will not be applicable. If the appellee can and intends to avail himself of the procedure permitted by subdivision C, he need not obey any rule to file a complaint served upon him under subdivision B.

All judgments entered must be appealed to preserve all issues, if such issue can be properly pleaded in the court of common pleas. This is of particular importance under subdivision C, where both complaints must be appealed to preserve all issues. See *Borough of Downingtown v. Wagner*, 702 A.2d 593 (Pa. Cmwlth. 1997).

Adopted June 1, 1971. Amended Oct. 17, 1975, effective in 90 days; April 25, 1979, effective in 30 days; June 30, 1982, effective 30 days after July 17, 1982; amended December 15, 2000, effective January 1, 2001.

#### Source

The provisions of this Rule 1004 amended through April 25, 1979, effective May 25, 1979, 9 Pa.B. 1499; amended December 15, 2000, effective January 1, 2001, 30 Pa.B. 6882. Immediately preceding text appears at serial pages (212924) to (212925).

#### Rule 1005. Service of Notice of Appeal and Other Papers.

A. The appellant shall by personal service or by certified or registered mail serve a copy of his notice of appeal upon the appellee and upon the district justice in whose office the judgment was rendered. If required by Rule 1004B to request a rule upon the appellee to file a complaint, he shall also serve the rule by personal service or by certified or registered mail upon the appellee. The address of the appellee for the purpose of service shall be his address as listed on the complaint form filed in the office of the district justice or as otherwise appearing in the records of that office. If the appellee has an attorney of record named in the complaint form filed in the office of the district justice, the service upon the appellee may be made upon the attorney of record instead of upon the appellee personally.

B. The appellant shall file with the prothonotary proof of service of copies of his notice of appeal, and proof of service of a rule upon the appellee to file a

**246 Rule 1006****GENERAL**

complaint if required to request such a rule by Rule 1004B, within ten (10) days after filing the notice of appeal.

C. In lieu of service and proof of service pursuant to subparagraphs A. and B. of this Rule, the court of common pleas may, by local rule, permit or require that the appellant file with the notice of appeal a stamped envelope pre-addressed to the appellee at his address as listed on the complaint form filed in the office of the district justice or as otherwise appearing in the records of that office, or the attorney of record, if any, of the appellee, and a stamped envelope pre-addressed to the district justice in whose office the judgment was rendered. Copies of the notice of appeal, and Rule pursuant to 1004B, if applicable, shall thereupon be mailed by the prothonotary or court by first class mail, with such service and any return being noted on the court's docket.

D. The party filing a complaint under Rule 1004 shall forthwith serve it upon the opposite party in the appeal by leaving a copy for or mailing a copy to him at his address as shown in the district justice records mentioned in subdivision A of this rule. If the opposite party has an attorney of record either in the district justice or court of common pleas proceeding, service upon the opposite party may be made upon the attorney of record instead of upon the opposite party personally.

E. Service and proof of service may be made by attorney or other agent.

**Official Note:** Subdivision A requires service of a copy of the notice of appeal upon the district justice as well as upon the appellee, or his attorney of record. This copy, when received by the district justice, may operate as a supersedeas under Rule 1008. As to subdivision B, there is no return receipt requirement for service by certified or registered mail and consequently no such receipt need be filed with the prothonotary, although if service is by certified or registered mail the sender's receipt must be attached to the proof of service. See Rule 1001(9) and the last paragraph of the note to Rule 1001. The notice of appeal and the proof of service may be filed simultaneously. See also Rule 1006 and its note. Subdivision C prescribes a pleading type service of the complaint, which may be made by ordinary mail, upon the opposite party in the appeal or his attorney of record.

**Source**

The provisions of this Rule 1005 amended through October 10, 1980, effective November 10, 1980, 10 Pa.B. 4032; amended March 27, 1992, effective 90 days from the date on which the Order is signed, 22 Pa.B. 1893 and 1900. Immediately preceding text appears at serial pages (152397) to (152398).

**Rule 1006. Striking Appeal.**

Upon failure of the appellant to comply with Rule 1004A or Rule 1005B, the prothonotary shall, upon praecipe of the appellee, mark the appeal stricken from the record. The court of common pleas may reinstate the appeal upon good cause shown.

**Official Note:** This rule is intended to provide sanctions for failing to act within the time limits prescribed.

**246 Rule 1009****GENERAL**

Subdivision B, however, does require the deposit of money or approved bond as a condition for supersedeas where the appeal is from a judgment for the possession of real property. This provision substantially incorporates the purpose and intent of the Legislative provision contained in Act No. 1995-33, approved July 6, 1995. The 1996 amendment provides a uniform, Statewide procedure (except Philadelphia County; See: Philadelphia Municipal Court Rules of Civil Procedure), and establishes a mechanism for the application of a supersedeas or the termination thereof without the need for any local court rule or order.

The request for termination of the supersedeas, upon the praecipe filed with the prothonotary, may simply state: "Please terminate the supersedeas in the within action for failure of the appellant to pay monthly rental as required by Pa. R.C.P.D.J. No. 1008 for a period in excess of thirty (30) days" and will be signed by appellee. The prothonotary will then note upon the praecipe: "Upon confirmation of failure of the appellant to deposit the monthly rent for more than thirty (30) days, the supersedeas is terminated," and the prothonotary will sign and clock the praecipe. A copy of the praecipe may thereupon be displayed to the district justice who rendered the judgment, and a request for issuance of an order for possession under Pa. R.A.P.D.J. No. 515 may be made.

The deposit of rent required hereunder is intended to apply in all cases, irrespective of the reasons which caused the filing of the complaint before the district justice in the first instance. Disposition of the monthly rental deposits will be made by the court of common pleas following its de novo hearing of the matter on appeal.

The money judgment portion of a landlord and tenant judgment (see Pa. R.C.P.D.J. Nos. 514 and 521) would be governed by subdivision A.

Adopted June 1, 1971. Amended April 25, 1979, effective in 30 days; June 30, 1982, effective in 30 days after July 17, 1982; March 28, 1996, effective March 29, 1996.

**Source**

The provisions of this Rule 1008 amended through June 30, 1982, effective August 16, 1982, 12 Pa.B. 2266; amended March 28, 1996, effective March 29, 1996, 26 Pa.B. 1691. Immediately preceding text appears at serial pages (168557) to (168558).

**CERTIORARI****Rule 1009. Praecipe for Writ of Certiorari.**

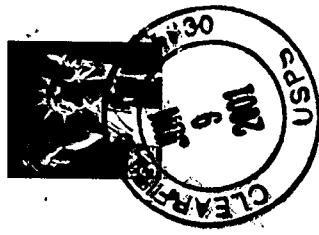
A. Unless he was the plaintiff in the action before the district justice, a party aggrieved by a judgment may file with the prothonotary of the court of common pleas a praecipe for a writ of certiorari claiming that the judgment should be set aside because of lack of jurisdiction over the parties or subject matter, improper venue or such gross irregularity of procedure as to make the judgment void. If the party aggrieved by the judgment was the plaintiff in the action before the district justice, he may file a praecipe for a writ of certiorari only on the last mentioned ground.

B. If lack of jurisdiction over the parties or the subject matter is claimed, the praecipe may be filed at any time after judgment. Otherwise it shall be filed within thirty (30) days from the date of the judgment.

C. The praecipe shall identify the judgment complained of and the district justice in whose office the record of the proceedings containing the judgment is filed.

**FREDERICK M. NEISWENDER**  
ATTORNEY AND COUNSELLOR AT LAW

501 EAST MARKET STREET • SUITE 3  
CLEARFIELD, PENNSYLVANIA 16830



WILLIAM A. SHAW, SR.,  
PROTHONOTARY  
1 NORTH SECOND STREET  
CLEARFIELD, PA 16830

16830-2438 02

16830-2438 02

**FREDERICK M. NEISWENDER**  
ATTORNEY AND COUNSELLOR AT LAW

501 EAST MARKET STREET • SUITE 3  
CLEARFIELD, PENNSYLVANIA 16830



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

LEO RIVET and JOYCE RIVET,  
Plaintiffs,

vs.

: No. 01 - 756 - C.D.

JEFF HOOVER and CHRIS HOOVER,  
Defendants.

: Type of case: Appeal from District  
: Justice Judgment

: Type of pleading: Praeclipe to Discontinue

: Filed on behalf of: Defendants,  
: Jeff Hoover and Chris Hoover

: Counsel for Defendants:  
: Frederick M. Neiswender, Esquire  
: Supreme Court No. 74456  
: 501 East Market Street, Suite 3  
: Clearfield, Pennsylvania 16830  
: (814) 765-6500

**FILED**

AUG 29 2001

William A. Shaw  
Prothonotary

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

LEO RIVET and JOYCE RIVET, :  
Plaintiffs, :  
: :  
vs. : No. 01 - 756 - C.D.  
: :  
JEFF HOOVER and CHRIS HOOVER, :  
Defendants. :  
:

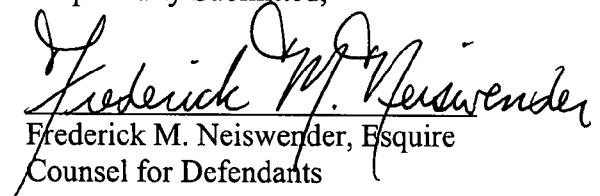
**PRAECIPE TO DISCONTINUE**

TO THE PROTHONOTARY:

Please mark the above captioned Appeal SETTLED and DISCONTINUED.

Date: 8/29/01

Respectfully Submitted,

  
Frederick M. Neiswender, Esquire  
Counsel for Defendants

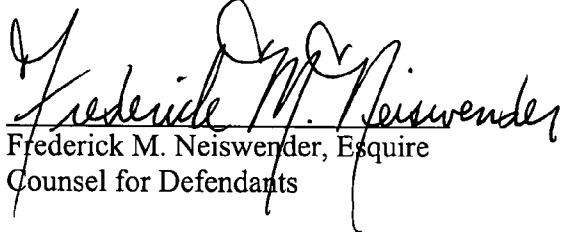
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
(CIVIL ACTION – LAW)

LEO RIVET and JOYCE RIVET, :  
Plaintiffs, :  
:  
vs. : No. 01 - 756 - C.D.  
:  
JEFF HOOVER and CHRIS HOOVER, :  
Defendants. :  
:

**CERTIFICATE OF SERVICE**

I, Frederick M. Neiswender, Esquire, hereby certify that service of the foregoing Praecept to Discontinue was made on August 29, 2001, upon Leo Rivet and Joyce Rivet, by mailing, first class, postage prepaid, a true copy to the following address:

Leo and Joyce Rivet  
200 Anderson Avenue  
Curwensville, Pennsylvania 16833

  
Frederick M. Neiswender, Esquire  
Counsel for Defendants

**FILED**

AUG 29 2001  
8/11/4312C Atty. Neiman  
William A. Shaw  
Prothonotary  
Cir. Ct. Do. to Atty

6/28 Copy C1

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

Leo Rivet and Joyce Rivet

Vs. No. 2001-00756-CD  
Jeff Hoover and Chris Hoover

**CERTIFICATE OF DISCONTINUATION**

Commonwealth of PA  
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on July 29, 2001 marked:

Settled and Discontinued

Record costs in the sum of \$80.00 have been paid in full by Frederick M. Neiswender, Esquire.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 29th day of August A.D. 2001.

---

William A. Shaw, Prothonotary