

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

COURT OF COMMON PLEAS
46TH

JUDICIAL DISTRICT

CLEARFIELD COUNTY

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. ~~XXXXXXXX~~ 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) Hoover, Jeff	
CLAIM NO. CV 105-01 LT 19	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT <i>Frederick M. Weiswender</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			

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:

☐ 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	\$ 597.00
Judgment Costs	\$ 75.50
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 672.50
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
=====	
Certified Judgment Total	\$ _____

Date:	Place:
Time:	

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

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.

_____ Date _____, District Justice

My commission expires first Monday of January,

2006

SEAL

FILED

[Signature]

MAY 18 2001

[Signature]
William A. Shaw
Prothonotary

pd \$86.00

cc atty

COURT OF COMMON PLEAS

FROM

JUDICIAL DISTRICT

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS COURT

COMMON PLEAS No.

01-754-00

NOTICE OF APPEAL

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

NAME OF APPELLANT L. RIVERO, JR.		MAG. DIST. NO. OR NAME OF D.J. 40-3-02, 10006	
ADDRESS OF APPELLANT 101, 101 BURNING OAK ST CUMMERSVILLE, PA 16803		CITY CUMMERSVILLE, PA 16803	
DATE OF JUDGMENT 4/15/01	IN THE CASE OF (Plaintiff) L. RIVERO, JR. vs. L. RIVERO, JR. (Defendant)		
CLAIM NO. CV: 19-105-01 LT 19	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT <i>Frederick W. L. L. L.</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>_____ 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 L. RIVERO, JR., appellee(s), to file a complaint in this appeal
Name of appellee(s)

(Common Pleas No. 01-754-00) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Frederick W. L. L. L.
Signature of appellant or his attorney or agent

RULE: To L. RIVERO, JR., 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: 5/15/01, 192001

William L. L.

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

William L. L.
Prothonotary

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 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. 01-756-CD, upon the District Justice designated therein on
(date of service) May 30, 2001 ☐ by personal service ☒ by certified (registered) 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
the Rule was addressed on May 31 2001 ☐ by personal service ☒ by certified (registered)
mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS 6th DAY OF June 2001

William A. Shaw

Signature of official before me **WILLIAM A. SHAW**
Prothonotary

Title of official **My Commission Expires**
1st Monday in Jan. 2002
My commission expires **Clearfield Co. Clearfield, PA**

Fredrick M. Heidwender
Signature of District Justice

FILED

JUN 06 2001
01:40 pm
William A. Shaw
Prothonotary *WAS*

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:

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

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

6/1/01

C. Signature

Joyce Rivet

☐ Agent☐ AddresseeD. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

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

4. Restricted Delivery? (Extra Fee)

☐ Yes**SENDER: COMPLETE THIS SECTION**

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

1. Article Addressed to:

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

C. Signature

Richard A. Ireland

☐ Agent☐ AddresseeD. Is delivery address different from item 1? ☐ YesIf 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

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 •

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



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 •

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

02



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

VS.
DEFENDANT: **HOOVER, JEFF**
NAME and ADDRESS
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:

☐ 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>597.00</u>
Judgment Costs	\$ <u>75.50</u>
Interest on Judgment	\$ <u>.00</u>
Attorney Fees	\$ <u>.00</u>
Total	\$ <u>672.50</u>
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
Certified Judgment Total	\$ _____

Date:	Place:
Time:	

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
0/35-57481
JUN 28 2001
William A. Shaw
Prothonotary

NO
cc

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

Defendants

01-756-CD

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 \$ 829.24 - as Exhibit E
 - E. Bob Clark - \$ 1100.00 as Exhibit F
 - F. From 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 \$4697.00.

Respectfully submitted,

Leo Ruet Jayne Ruet

\$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 CONCETE \$300.00 PAID IN FULL

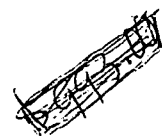
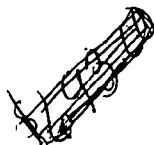
CONCRETE MATERIAL \$720.59 PAID IN FULL

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

TOTAL COST \$3897.00

LESS \$ 400.00 N/C

PD. IN FULL \$3497.00




60-629/313 12444596 789

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

S **DATE** 11-20-2000

Pay to the order of *Jeff Hoover* \$ *2477.00*
Twenty four hundred seventy seven *00/100*

 Curwensville Office
407 Walnut Street
Curwensville, PA 16833

memo pay for Block (element) *Sand* *Joyce Rivet* MP

⑆03⑆306294⑆ ⑆ 2 44459 6⑆ 0784 ⑆0000247700⑆


ANTIQUE

60-629/313 12444596 783

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

DATE 11-14-2000

Pay to the order of *Jeff Hoover* \$ *1020.00*
One thousand twenty *00/100*

 Curwensville Office
407 Walnut Street
Curwensville, PA 16833

memo pym. on foundation *Joyce Rivet* MP

⑆03⑆306294⑆ ⑆ 2 44459 6⑆ 0783 ⑆0000102000⑆

ANTIQUE

Exhibit 'B'

George Whitaker's Backhoe Service

R.D. Box 261 Grampian, Pa. 16836
(814) 583 - 5783

SERVICE

Leo Rivet

Date:	DESCRIPTION	Hours:
12-13	Ditch water - large" pipe set stakes	2 3 labor
	2x8 for form \$32	
12-15	cut top off Barrel - deliver cement and 2B gravel mix concrete and fill barrel - meet with Kim Rivert 2B \$14.84	5 labor
12-18	dig out old footer - set barrel - look for rock	3.5
12-19	Haul R3 1178 109.95	
	ppd 1000	
	Bal 178	

26.5
927.5
75
1005.5
161.15
1163.58
14.84
1178.42

143.01

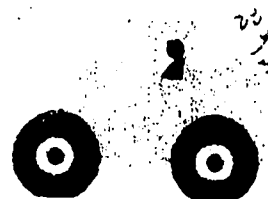
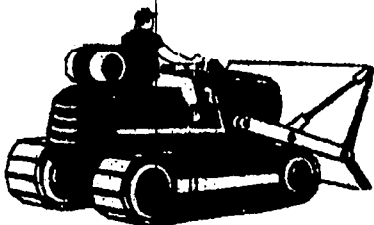


Exhibit C

17.50

910

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 riprap from Tyrone place riprap in ditch - dig out more mud tore hole in backhoe tire	5
	\$109.48 Already paid	
12-20	haul 2 B from Tyrone place in ditch dig out more mud	5
12-21	haul shale from Thunder Coat 2 loads dig out mud fill in shale and 2 B - shoot old footer with Transit pick up from a drain at Leggers - return compactor	6
	\$88.20 \$20 \$220.22	

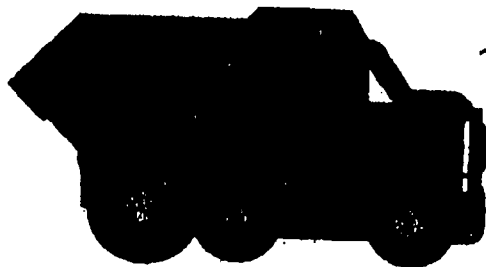
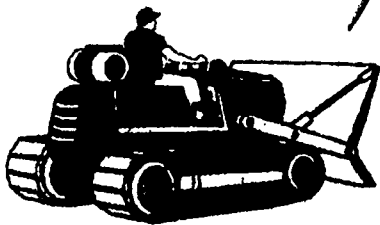


Exhibit C

George Whitaker's Backhoe Service

R.D. Box 261 Grampian, Pa. 16838
(814)583-5783

Leo & Joyce Rivet Anderson Ave Curwensville

SERVICE HOURS	DESCRIPTION	TOTAL
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 hr
1-8-	set form & drum w/ Joyce & Leo	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
Total:		

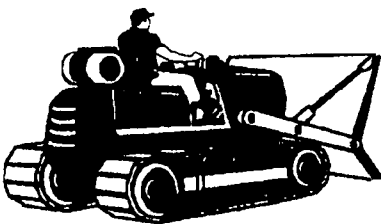


Exhibit C

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

George Whitaker
 ADDRESS
 357 Thompson Street
 CURLEWVILLE, PA 16820
 (814) 236-1711

QTY.	DESCRIPTION	PRICE	AMOUNT
88	Pressure Washing		

PAID OUT: 10%
 64 9/1
 64 17 79

DATE	DESCRIPTION	Hours
2-5-88	Equip hours	717.5
	labor hours	165
	Material 2 B gravel	359
	Shale 20	
	form A drain 220.22	
	PIPE	9.69
	TAX	1.72
	4" connectors	2.33
	Nails	16.99
	Conduit	
	Preval bal	178
	Total	1419.5
	58.8	

RECEIVED BY: [Signature]
 SOLD BY: [Signature]
 CASH C.O.D. CHARGE ON ACCT. MDSE. RET'D. PAID OUT

ADDRESS: [Signature]
 PHONE: [Signature]
 DATE: 2-8-88

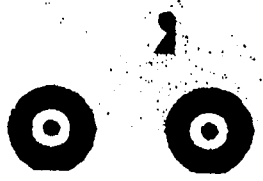
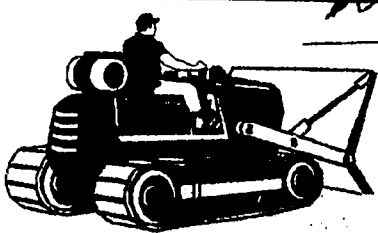


Exhibit C

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

60-629/313
12444596

885

DATE 1-13-2001

Pay to the order of George Whitaker \$ 1420.00

Fourteen hundred twenty

Curwensville Office
407 Walnut Street
Curwensville, PA 16833

Curwensville Office
407 Walnut Street
Curwensville, PA 16833

Signature: Joyce Rivet

0313062941 1 2 44459 6 0885 0000142000

Exhibit "C"


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

60-629/313
12444596

879

DATE 1-10-2001

Pay to the order of Twishers \$ 71.42
Seventy one 42/100

 Curwensville Office
407 Walnut Street
Curwensville, PA 16833

Memo

Joyce Rivet MP

⑆03⑆306294⑆ 1 2 44459 6⑈0879 ⑈0000007142⑈

ANTIQUE

Exhibit "O"

Exhibit - E

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

60-629/313
12444596

881

DATE 1-11-2001

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

Security feature
check on back

CLEARFIELD
BANK & TRUST
COMPANY

Curwensville Office
407 Walnut Street
Curwensville, PA 16833

Memo

Joyce Rivet

⑆03⑆306294⑆ ⑆ 2 44459 6⑆ 0881 ⑆0000082924⑆

ANYONE

E. M. BROWN, INC.
PO BOX 767
329 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

Exhibit "E"

Cost for second
footers


JOYCE RIVET
OR LEO RIVET
DL # 25385047 DL # 253771
328 PARK AVE.
CURWENSVILLE, PA 16833

60-629/313
12444596

No. 890

DRH ~~DEETS~~ 1-19-2001

Pay to the order of Bob Clark \$ 1100.00
Eleven hundred 00/100

 Curwensville Office
407 Walnut Street
Curwensville, PA 16833

Block wall Joyce Rivet NP

⑆03⑆306294⑆ 1 2 44459 6⑆ 0890 ⑆0000⑆10000⑆

ANTIQUE

Exhibit "F"

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:

☐ 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>597.00</u>
Judgment Costs	\$ <u>75.50</u>
Interest on Judgment	\$ <u>.00</u>
Attorney Fees	\$ <u>.00</u>
Total	\$ <u>672.50</u>
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
	=====
Certified Judgment Total	\$ _____

Date:	Place:
Time:	

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

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.
5-22-01 Date Richard Ireland, District Justice

My commission expires first Monday of January,

2006

SEAL

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,

Leo Ruet Joyce Ruet



Re. 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-CD

Bill
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.

1000-6

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.

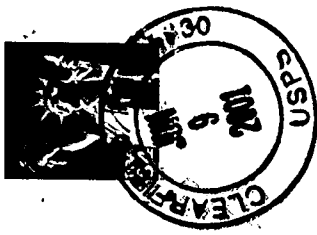
B. If lack of jurisdiction over the parties or the subject matter is claimed, the praecipe may be filed at any time after judgment. Otherwise it shall be filed within thirty (30) days from the date of the judgment.

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.



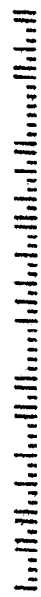
FREDERICK M. NEISWENDER
ATTORNEY AND COUNSELLOR AT LAW

501 EAST MARKET STREET • SUITE 3
CLEARFIELD, PENNSYLVANIA 16830



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

16830-2438 02





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.

JEFF HOOVER and CHRIS HOOVER,
Defendants.

No. 01 - 756 - C.D.

Type of case: Appeal from District
Justice Judgment

Type of pleading: Praeceptum 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

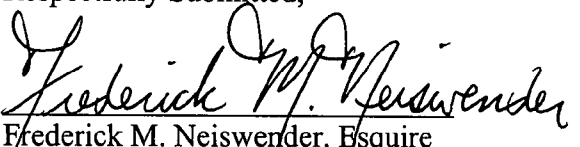
TO THE PROTHONOTARY:

Please mark the above captioned Appeal SETTLED and DISCONTINUED.

Date: _____

8/29/01

Respectfully Submitted,


Frederick M. Neiswender, Esquire
Counsel for Defendants

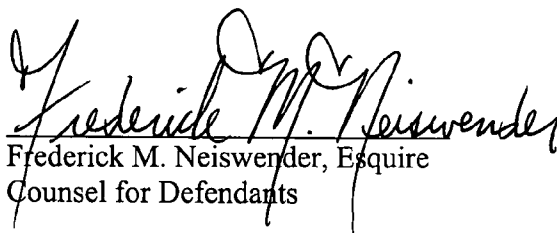
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL ACTION – LAW)

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 Praecipe 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

0114312<ath, Newweden
William A. Shaw
Prothonotary

Ent. Dec. to ath

File copy CA

**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