

01-1003-CD
SHIRLEY YARGER "vs" BETTY J. MYERS

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

SHIRLEY YARGER,

Plaintiff

CIVIL DIVISION

No. 01 - 1003 - CD

Vs.

BETTY J. MYERS,

Defendant

COMPLAINT IN EQUITY -
PARTITION

Filed on Behalf of:

Plaintiff, SHIRLEY YARGER

Counsel of Record for This
Party:

JOHN R. RYAN, ESQUIRE
Pa. I.D. #38739

COLAVECCHI RYAN & COLAVECCHI
221 East Market Street
P. O. Box 131
Clearfield, PA 16830

814/765-1566

LAW OFFICES OF
COLAVECCHI
RYAN & COLAVECCHI
221 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA

FILED

JUN 21 2001

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
IN EQUITY

SHIRLEY YARGER,

Plaintiff : No. 01 - - CD

Vs.

BETTY J. MYERS,

Defendant :

NOTICE

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.

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CLEARFIELD COUNTY COURTHOUSE
230 East Market Street
Clearfield, PA 16830
814/765-2641 Extension 5982

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
IN EQUITY

SHIRLEY YARGER,

Plaintiff : No. 01 - - CD

Vs.

BETTY J. MYERS,

Defendant :

COMPLAINT IN EQUITY - PARTITION

1. Plaintiff is Shirley Yarger, an individual having a mailing address of P.O. Box 82, Brisbin, Clearfield County, Pennsylvania.

2. Defendant is Betty J. Myers, an individual having a mailing address of 230 Spruce Street, Apartment 1, Philipsburg, Centre County, Pennsylvania.

3. Plaintiff and Defendant are the owners, as tenants in common, of certain real property situated in Gulich Township, Clearfield County, Pennsylvania, and more particularly described as follows:

ALL THAT CERTAIN piece or parcel of land, and a one-story framed dwelling house and all outbuildings situated in the Township of Gulich, County of Clearfield and State of Pennsylvania, bounded and described as follows:

BEGINNING at a post at Lot No. 8 on the south side of the Township Road leading from Beccaria from Allemans, and running

along said road South 42 degrees 55 minutes east, 50 feet to a post; thence south 5 degrees 15 minutes west, 100 feet to a post; thence south 57 degree 50 minutes west, 300 feet to a post; thence north 15 degrees west 138 feet to a post a Lot No. 8; thence by said Lot north 57 degrees 50 minutes east, 311 feet to a post at the place of beginning, and containing one acre, more or less, and being known as Lot No. 9 of Ricketts Plan of Lots on the Butler tract.

Plaintiff's estate in said real property consists of an undivided two-thirds (2/3) interest therein, and Defendant's ownership consists of an undivided one-third (1/3) interest.

4. The property which is the subject matter of this action was conveyed to Elizabeth Edwards, the mother of the Plaintiff and Defendant, by deed of John Morroni, Jr., by his attorney-in-fact, Anthony Morroni, dated May 31, 1945, and recorded at Clearfield County in Deed Book 368, Page 572.

Elizabeth Edwards died in August of 1977 leaving to survive her, her spouse, Paul Edwards, and two children, Plaintiff and Defendant.

Paul Edwards died February 11, 1989, and by his Last Will, he devised and bequeathed his entire Estate, including his ownership interest in the above referenced property, to Plaintiff.

5. There are no liens or encumbrances thereon appearing of record or known to the Plaintiff and no other person other than

Plaintiff and Defendant is interested in said premises as owner or otherwise.

WHEREFORE, Plaintiff prays judgment:

1. For the partition of the real property herein described, according to the respective rights of the properties aforesaid.

2. If a partition cannot be had without material injury to the rights of the parties, then in the alternative, for a sale of said property confined to the parties, or by a public or private sale not confined to the parties, all as provided by law, and to distribute the proceeds among those found to be severally entitled thereto.

3. For costs of suit and such other relief as the Court may deem equitable and just.



JOHN R. RYAN, ESQUIRE
Attorney for Plaintiff

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CLEARFIELD, PA

VERIFICATION

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

Shirley Yarger
SHIRLEY YARGER

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
IN EQUITY
No. 01 - - CD

SHIRLEY YARGER,
Plaintiff

vs.

BETTY J. MYERS,

Defendant

COMPLAINT IN EQUITY -
PARTITION

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YOU are hereby notified
that you are required to file
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within twenty (20) days after
service upon you or judgment
may be entered against you.

John R. Ryan
John R. Ryan, ESQUIRE
Attorney for Plaintiff

COLAVECCHI
RYAN & COLAVECCHI

ATTORNEYS AT LAW
221 EAST MARKET STREET
(ACROSS FROM COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA 16830

1
FILED 3cc Atty
JUN 07 2001 Ryan
William A. Shaw
Prothonotary Atty pd
80.00

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

SHIRLEY YARGER,

CIVIL ACTION

Plaintiff

No. 2001 - 01003 - CD

vs.

PRAECIPE TO DISCONTINUE

BETTY J. MYERS,

Filed on behalf of:

Defendant

Plaintiff, SHIRLEY YARGER

Counsel of Record for
Said Party:

JOHN R. RYAN, ESQUIRE
PA I.D. 38739

COLAVECCHI RYAN & COLAVECCHI
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814/765-1566

FILED

JUL 09 2001

**William A. Shaw
Prothonotary**

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P. O. BOX 131
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

SHIRLEY YARGER, :
Plaintiff :
:
vs. : No. 2001 - 01003 - CD
:
BETTY J. MYERS, :
Defendant :

PRAECIPE TO DISCONTINUE

Please mark the record in the above-captioned action discontinued, settled and ended for all time.



JOHN R. RYAN, ESQUIRE
Attorney for Plaintiff

7/6/01

DATE

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION
No. 2001-01003-CD

SHIRLEY VARGER,

Plaintiff

vs.

BETTY J. MYERS,

Defendant

PRAECIPE TO DISCONTINUE

COLAVECCHI
RYAN & COLAVECCHI
ATTORNEYS AT LAW
221 EAST MARKET STREET
(ACROSS FROM COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA 16830

FILED

JUL 09 2001

o/10:05 am
William A. Shaw
Prothonotary

no c/c.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

Shirley Yarger

Vs.
Betty J. Myers

No. 2001-01003-CD

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 9, 2001 marked:

DISCONTINUED

Record costs in the sum of \$80.00 have been paid in full by Atty. Ryan.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 9th day of July A.D. 2001.

William A. Shaw, Prothonotary

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 11155

YARGER, SHIRLEY

01-1003-CD

VS.

MYERS, BETTY J.

COMPLAINT IN EQUITY-PARTITION

SHERIFF RETURNS

NOW JUNE 26, 2001, DENNY NAU, SHERIFF OF CENTRE COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT IN EQUITY ON BETTY J. MYERS, DEFENDANT.

NOW JULY 2, 2001 SERVED THE WITHIN COMPLAINT IN EQUITY ON BETTY J. MYERS, DEFENDANT BY DEPUTIZING THE SHERIFF OF ELK COUNTY. THE RETURN OF SHERIFF NAU IS HERETO ATTACHED AND MADE A PART OF THIS RETURN.

Return Costs

Cost	Description
27.89	SHFF. HAWKINS PAID BY: ATTY.
43.00	SHFF. NAU PAID BY: ATTY.
10.00	SURCHARGE PAID BY: ATTY.
<u>80.89</u>	

FILED
JUL 31 2001
E
FCA

William A. Shaw
Prothonotary

Sworn to Before Me This

31st Day Of July 2001
William A. Shaw

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2002
Clearfield Co. Clearfield, PA.

So Answers,

Chester Hawkins
by Marilyn Harris
Chester A. Hawkins
Sheriff

SHERIFF'S OFFICE

CENTRE COUNTY

Rm 101 Court House, Bellefonte, Pennsylvania, 16823 (814) 355-6803

#1115

SHERIFF SERVICE PROCESS RECEIPT, AND AFFIDAVIT OF RETURN

INSTRUCTIONS FOR SERVICE OF PROCESS: You must file one instruction sheet for each defendant. Please type or print legibly. Do not detach any copies.

1. Plaintiff(s) <i>Shirley Yarger</i>	2. Case Number <i>01-1003-CO</i>								
3. Defendant(s) <i>Betty J. Myers</i>	4. Type of Writ or Complaint: <i>Complaint</i>								
<p style="text-align: center;">SERVE → AT</p> <p>5. Name of Individual, Company, Corporation, Etc., to Serve or Description of Property to be Levied, Attached or Sold. <i>Betty J. Myers</i></p> <p>6. Address (Street or RFD, Apartment No., City, Boro, Twp., State and Zip Code) <i>230 Spruce Street, Apt #1, Philipsburg, PA</i></p>									
<p>7. Indicate unusual service: <input type="checkbox"/> Reg Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Deputize <input type="checkbox"/> Post <input type="checkbox"/> Other</p> <p>Now, <u>20</u> I SHERIFF OF CENTRE COUNTY, PA., do hereby depose the Sheriff of _____ County to execute this Writ and make return thereof according to law. This deputation being made at the request and risk of the plaintiff. _____ Sheriff of Centre County</p>									
<p>8. SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE</p> <p>NOTE ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN – Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person of levy or attachment, without liability on the part of such deputy or the sheriff to any plaintiff herein for any loss, destruction or removal of any such property before sheriff's sale thereof.</p>									
<p>9. Print/Type Name and Address of Attorney/Originator</p>	10. Telephone Number	11. Date							
	12. Signature								
SPACE BELOW FOR USE OF SHERIFF ONLY - DO NOT WRITE BELOW THIS LINE									
13. I acknowledge receipt of the writ or complaint as indicated above.	SIGNATURE of Authorized CCSD Deputy of Clerk and Title	14. Date Filed							
TO BE COMPLETED BY SHERIFF									
<p>16. Served and made known to <u>Betty J. Myers</u>, on the <u>2nd</u> day of <u>July</u>, 20 <u>01</u>, at <u>5:00</u> o'clock, <u>P</u> m., at <u>230 N. 7th Street, #1, Philipsburg</u>, County of Centre Commonwealth of Pennsylvania, in the manner described below:</p>									
<p><input checked="" type="checkbox"/> Defendant(s) personally served.</p> <p><input type="checkbox"/> Adult family member with whom said Defendant(s) resides(s). Relationship is _____</p> <p><input type="checkbox"/> Adult in charge of Defendant's residence.</p> <p><input type="checkbox"/> Manager/Clerk of place of lodging in which Defendant(s) resides(s).</p> <p><input type="checkbox"/> Agent or person in charge of Defendant's office or usual place of business.</p> <p><input type="checkbox"/> _____ and officer of said Defendant company.</p> <p><input type="checkbox"/> Other _____</p>									
<p>On the _____ day of _____, 20_____, at _____ o'clock, _____ M.</p> <p>Defendant not found because:</p> <p><input type="checkbox"/> Moved <input type="checkbox"/> Unknown <input type="checkbox"/> No Answer <input type="checkbox"/> Vacant <input type="checkbox"/> Other _____</p>									
<p>Remarks: <u>Please Note address: Street sign turned in wrong direction</u></p>									
Advance Costs <u>\$ 75.00</u>	Docket <u>9.00</u>	Service <u>9.00</u>	Sur Charge <u>—</u>	Affidavit <u>2.50</u>	Mileage <u>21.00</u>	Postage <u>.50</u>	Misc. <u>1.00</u>	Total Costs <u>\$43.00</u>	Costs Due or Refund <u>\$ 32.00</u>
17. AFFIRMED and subscribed to before me this _____			So Answer.						
20. day of _____ 20_____			18. Signature of Dep. Sheriff <i>Virginia P. Kalmiech</i>						
23. _____ Notary Public			19. Date <u>7/13/01</u>						
My Commission Expires			21. Signature of Sheriff						
24. I ACKNOWLEDGE RECEIPT OF THE SHERIFF'S RETURN SIGNATURE OF AUTHORIZED AUTHORITY AND TITLE.			22. Date						
			23. SHERIFF OF CENTRE COUNTY						
			24. Amount Pd. _____ Page _____						
			25. Date Received						



CHESTER A. HAWKINS
SHERIFF

Sheriff's Office Clearfield County

OFFICE (814) 765-2641
AFTER 4:00 P.M. (814) 765-1533
CLEARFIELD COUNTY FAX
(814) 765-5915

COURTHOUSE
1 NORTH SECOND STREET, SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

DARLENE SHULTZ
CHIEF DEPUTY

MARGARET PUTT
OFFICE MANAGER

MARILYN HAMM
DEPT. CLERK

PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

SHIRLEY YARGER

SERVE BY: 7/21/01

VS:

BETTY J. MYERS

or

HEARING DATE:

TERM & NO.: 01-1003-CD

DOCUMENT TO BE SERVED:
COMPLAINT IN EQUITY-PARTITION

SERVE: BETTY J. MYERS

ADDRESS: 230 SPRUCE ST. Apt #1, Philipsburg, Pa.

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF of CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF of CENTRE County Pennsylvania to execute this writ.

This Deputation being made at the request and risk of the Plaintiff this 26th day of JUNE 2001.

MAKE REFUND PAYABLE TO: JOSEPH COLAVECCHI, Attorney

Respectfully,

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY

PA 16875-00
pd. 75.00

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

COPY

SHIRLEY YARGER,

Plaintiff

Vs.

BETTY J. MYERS,

Defendant

CIVIL DIVISION

No. 01 - 1003 - CD

COMPLAINT IN EQUITY -
PARTITION

Filed on Behalf of:

Plaintiff, SHIRLEY YARGER

Counsel of Record for This
Party:

JOHN R. RYAN, ESQUIRE
Pa. I.D. #38739

COLAVECCHI RYAN & COLAVECCHI
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(ACROSS FROM
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P. O. BOX 131
CLEARFIELD, PA

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

JUN 21 2001

Attest:

L. Colavecchi
Notary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
IN EQUITY

SHIRLEY YARGER,

Plaintiff : No. 01 - - CD

vs.

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814/765-2641 Extension 5982

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
IN EQUITY

SHIRLEY YARGER, :
Plaintiff : No. 01 - - CD
:
Vs. :
:
BETTY J. MYERS, :
Defendant :

COMPLAINT IN EQUITY - PARTITION

1. Plaintiff is Shirley Yarger, an individual having a mailing address of P.O. Box 82, Brisbin, Clearfield County, Pennsylvania.

2. Defendant is Betty J. Myers, an individual having a mailing address of 230 Spruce Street, Apartment 1, Philipsburg, Centre County, Pennsylvania.

3. Plaintiff and Defendant are the owners, as tenants in common, of certain real property situated in Gulich Township, Clearfield County, Pennsylvania, and more particularly described as follows:

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BEGINNING at a post at Lot No. 8 on the south side of the Township Road leading from Beccaria from Allemans, and running

along said road South 42 degrees 55 minutes east, 50 feet to a post; thence south 5 degrees 15 minutes west, 100 feet to a post; thence south 57 degree 50 minutes west, 300 feet to a post; thence north 15 degrees west 138 feet to a post a Lot No. 8; thence by said Lot north 57 degrees 50 minutes east, 311 feet to a post at the place of beginning, and containing one acre, more or less, and being known as Lot No. 9 of Ricketts Plan of Lots on the Butler tract.

Plaintiff's estate in said real property consists of an undivided two-thirds (2/3) interest therein, and Defendant's ownership consists of an undivided one-third (1/3) interest.

4. The property which is the subject matter of this action was conveyed to Elizabeth Edwards, the mother of the Plaintiff and Defendant, by deed of John Morroni, Jr., by his attorney-in-fact, Anthony Morroni, dated May 31, 1945, and recorded at Clearfield County in Deed Book 368, Page 572.

Elizabeth Edwards died in August of 1977 leaving to survive her, her spouse, Paul Edwards, and two children, Plaintiff and Defendant.

Paul Edwards died February 11, 1989, and by his Last Will, he devised and bequeathed his entire Estate, including his ownership interest in the above referenced property, to Plaintiff.

5. There are no liens or encumbrances thereon appearing of record or known to the Plaintiff and no other person other than

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Plaintiff and Defendant is interested in said premises as owner or otherwise.

WHEREFORE, Plaintiff prays judgment:

1. For the partition of the real property herein described, according to the respective rights of the properties aforesaid.

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3. For costs of suit and such other relief as the Court may deem equitable and just.

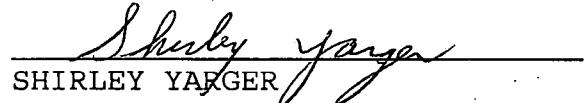


JOHN R. RYAN, ESQUIRE
Attorney for Plaintiff

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IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.

IN EQUITI
No. 01 - CD

SHIRLEY YARGER,

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VS

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COMPLAINT IN EQUITY.
PARTITION

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JOHN R. RYAN, ESQUIRE
Attorney for Plaintiff

John D. Dugan

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RYAN & COLAVECCHI

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

COPY

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Filed on Behalf of:

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Counsel of Record for This
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Attest:

William L. Ryan
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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Plaintiff and Defendant is interested in said premises as owner or otherwise.

WHEREFORE, Plaintiff prays judgment:

1. For the partition of the real property herein described, according to the respective rights of the properties aforesaid.
2. If a partition cannot be had without material injury to the rights of the parties, then in the alternative, for a sale of said property confined to the parties, or by a public or private sale not confined to the parties, all as provided by law, and to distribute the proceeds among those found to be severally entitled thereto.
3. For costs of suit and such other relief as the Court may deem equitable and just.



JOHN R. RYAN, ESQUIRE
Attorney for Plaintiff

LAW OFFICES OF
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221 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P.O. BOX 131
CLEARFIELD, PA

VERIFICATION

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

Shirley Yarger
SHIRLEY YARGER

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
IN EQUITY
No. 01 - - CD

SHIRLEY YARGER,
Plaintiff

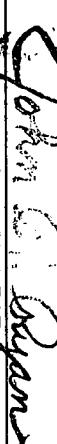
vs.

BETTY J. MYERS,
Defendant

COMPLAINT IN EQUITY -
PARTITION

NOTICE TO DEFENDANT:

YOU are hereby notified
that you are required to file
an Answer to the within Complaint
within twenty (20) days after
service upon you or judgment
may be entered against you.


JOHN R. RYAN, ESQUIRE
Attorney for Plaintiff

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RYAN & COLAVECCHI

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