

DOCKET NO. 175

NUMBER	TERM	YEAR
21	November	1961

William Walk

Margaret Walk

VERSUS

City of DuBois and M. E.

Shaffer Estate

Frank Shaffer, Executor

John Shaffer, Devisee

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENN- SYLVANIA No. <i>21</i> <i>Rev.</i> Term, 1961	MARGARET WALK and WILLIAM WALK VS. CITY OF DUBOIS and M. E. SHAFFER ESTATE Frank Shaffer, Executor John Shaffer, Devisee	<u>P R A E C I P E</u>	<div><i>Issued</i> <i>Bm 59</i> FILED NOV-8 1961 WM. T. HAGERTY PROTHONOTARY <i>6.50 Alby</i></div>	BELL, SILBERBLATT & SWOOPÉ ATTORNEYS AT LAW CLEARFIELD TRUST CO. BLDG. CLEARFIELD, PENNA. <small>COMMERCIAL PRINTING CO., CLEARFIELD, PA</small>
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Now, November _____, 1961, service accepted and
issuance of Summons waived.

Attorney for City of DuBois

Attorney for M. E. Shaffer
Estate

Attorney for Frank Shaffer

Attorney for John Shaffer

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARGARET WALK and	:	
WILLIAM WALK	:	
	:	
VS.	:	
	:	No. <u>21</u> <u>Nov.</u> Term, 1961
CITY OF DUBOIS and	:	
M. E. SHAFFER ESTATE	:	
Frank Shaffer, Executor	:	
John Shaffer, Devisee	:	


P R A E C I P E

TO William T. Hagerty, Prothonotary

Sir:

Issue Summons in Trespass against the Defendants above
named. Return sec. leg.

BELL, SILBERBLATT & SWOOPE
By


Attorneys for Plaintiffs

SUMMONS

Commonwealth of Pennsylvania
County of Clearfield

To CITY OF DUBOIS and M. E. SHAFFER ESTATE, Frank Shaffer,
Executor, John Shaffer, Devises

You are notified that Margaret Walk and William Walk

the plaintiffs, have commenced an action in Summons in Trespass

against you which you are

required to defend:

Date November 8, 1961

John J. Hagerty
Prothonotary.

No. 21 Nov. Term 19 61

Margaret Walk and

William Walk

versus

City of DuBois and

M.E. SHAFER ESTATE

Frank Shaffer, Executor
John Shaffer, Devisee

SUMMONS

Bell, Silberblatt & Swoope
Attorney

SUMMONS

Commonwealth of Pennsylvania
County of Clearfield

To ONE OF THE PARTIES AND HIS ATTORNEYS, FRANK GRACEY,

Executors, John Haffner, Survivors

You are notified that MORTIMER HARRIS AND WILLIAM HARRIS

the plaintiffs, have commenced an action in SUBPOENA TO PRODUCE
against you which you are

required to defend:

Date November 8, 1951

Wm. H. Haffner
Prothonotary.

No. 21 Nov. Term 19 11

Concord Bank and

William Bank

versus

City of DuPont and

M. F. HOFFER & L. RAY

Frank Hoffer, Executor
John Hoffer, Devisee

SUMMONS

Call, Herbert - DuPont
Attorney

SUMMONS

Commonwealth of Pennsylvania
County of Clearfield

To CLAY OF DUBOIS and M. L. SHULTZ, JR. & S. F. FARMER, Defendants,

Executors, John Hoffer, Deceased

You are notified that "MORTGAGE" and "MILLION" are

the plaintiffs, has ~~vo~~ commenced an action in Summons in Trespass

against you which you are

required to defend:

Date November 2, 1961

Wm. J. Hayler
Prothonotary.

No. 21 Nov. Term 19 61

Herravet Walk and

William Walk

versus

City of DeBois and

H.E. KETLER & SONS

Frank Shaffer, Executor
John Shaffer, Revisor

SUMMONS

Well, Willerblatt & Woode
Attorney

SUMMONS

Commonwealth of Pennsylvania
County of Clearfield

To CITY OF DUBOIS and M. E. SHAFFER ESTATE, Frank Shaffer,
Executor, John Shaffer, Devisee

You are notified that Margaret Walk and William Walk

the plaintiffs, have commenced an action in Summons in Trespass
against you which you are

required to defend:

Date November 8, 1961

John C. Hagerty
Prothonotary

No. 21 Nov. Term 19 61

Margaret Walk and

William Walk

versus

City of DuBois and

M.E. SHAFFER ESTATE

Frank Shaffer, Executor

John Shaffer, Devisee

SUMMONS

Bell, Silberblatt & Swoope
Attorney

John Cherry

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENN-
SYLVANIA, No. *21*
Term, 1961

MARGARET WALK and
WILLIAM WALK

-vs-

CITY OF DUBOIS,
M. E. SHAFFER ESTATE,
FRANK SHAFFER, Executor,
JOHN SHAFFER, Devisee

PETITION FOR LEAVE
TO ENTER SUIT

FILED

NOV - 3 1961

WM. T. HAGERTY
PROTHONOTARY

BELL, SILBERBLATT & SWOOPE
ATTORNEYS AT LAW
CLEARFIELD TRUST CO. BLDG.
CLEARFIELD, PENNA.

COMMERCIAL PRINTING CO., CLEARFIELD, PA

Service of the within Petition accepted this 9th day of
November, 1961.

Lap over margin

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARGARET WALK and
WILLIAM WALK

-vs-

CITY OF DUBOIS,
M. E. SHAFFER ESTATE,
FRANK SHAFFER, Executor
JOHN SHAFFER, Devisee

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No. ~~52~~ Nov. Term, 1961

21

PETITION FOR LEAVE TO ENTER SUIT

The Petition of Margaret Walk respectfully represents:

(1). That she is the wife of William Walk and they are residents of the City of DuBois where they have resided for many years.

(2). That she suffered a fall on the sidewalk in front of the M. E. Shaffer Wallpaper and Paint Store in the City of DuBois on January 6, 1961, at or about 10:00 or 10:30 in the morning.

(3). That after her fall, some of the clerks in the said store came out and helped her to her feet and told her they carried insurance and would report it to the insurance company.

(4). That during the months of January and February, your Petitioner was interviewed by various representatives of the General Adjustment Bureau, which is located in DuBois, and was subsequently notified to contact Robert Norris, adjuster of the Travelers Insurance Company, who resided in Curwensville, Pennsylvania, and your Petitioner had a DuBois attorney notify the said Robert Norris.

(5). That present counsel for your Petitioner has written the said Robert Norris and called him on the telephone leaving word for him to return the call but has received no response during the last thirty days counsel has been in contact with this matter.

(6). That your Petitioner has been advised by counsel that she has failed to comply with the provisions of the Act of July 1, 1937, P. L. 2547, which provides that any person claiming damages against any municipality shall within six months from the date of the origin of the claim file in the office of the clerk or the secretary a notice, in writing, of such claim stating briefly the facts upon which the claim is based, and that no cause of action shall be validly entered where there is a failure to enter such notice, except by leave of Court.

(7). That this fall occurred on January 6, 1961, and your Petitioner is advised by counsel that M. E. Shaffer, age 89, died in a nursing home in Grove City, Pennsylvania, a widower, leaving to survive him three daughters and two sons.

(8). That inquiry by counsel divulges that Letters Testamentary were issued in Mercer County but that no ancillary letters have ever been issued in Clearfield County.

(9). That on October 6, 1961, an exemplified copy of the Will probated in Mercer County was filed in the office of the Register of Wills in and for the County of Clearfield, which Will confirms that the said M. E. Shaffer died November 24, 1960, and left various bequests to his children of property located in the City of DuBois. The three daughters were given various properties and the property at 321 and 323 West Long Avenue, where the said paper and paint store is located, was given to his son, John Shaffer.

(10). That so far as is known, no Account has ever been filed.

(11). That because your Petitioner has been advised that any suit brought against the M. E. Shaffer Estate must be brought within one year of death, which will expire the 24th of this month, and because the fall occurred almost two months after the death of M. E. Shaffer, and because haste was essential due to the facts of this matter, your Petitioner has caused to be filed in the Court of

Common Pleas of Clearfield a Summons against the City of DuBois, the M. E. Shaffer Estate, Frank Shaffer, Executor, and John Shaffer, Devisee, and has requested other counsel to accept service in order to save Sheriff's costs, which your Petitioner does not have.

(12). That your Petitioner avers that the City of DuBois has not been prejudiced by the failure to give written notice, that said written notice is within the year, and the failure to give same was due to the fact that the property owners led your Petitioner to believe that they would take care of her injuries which your Petitioner relied on for such a period of time until the six months had elapsed.

WHEREFORE, your Petitioner prays that she be granted leave to file the above entitled suit.

Margaret Walk
Margaret Walk

STATE OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

Before me, the undersigned officer, personally appeared MARGARET WALK, who, being duly sworn according to law, deposes and says that the facts set forth in the foregoing Petition are true and correct to the best of her knowledge, information and belief.

Sworn to and subscribed
before me this 8th day
of November, 1961.

Margaret Walk

Helen L. Beckett

NOTARY PUBLIC
DU BOIS, CLEARFIELD COUNTY, PA.
MY COMMISSION EXPIRES
FEBRUARY 26, 1963

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARGARET WALK and
WILLIAM WALK

-vs-

CITY OF DUBOIS,
M. E. SHAFFER ESTATE,
FRANK SHAFFER, Executor,
JOHN SHAFFER, Devisee

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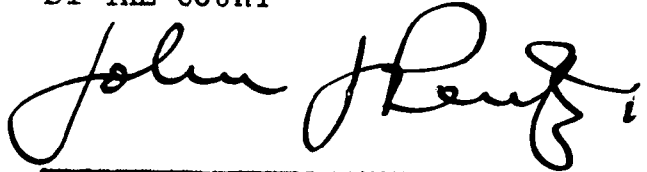
No.

Term, 1961

ORDER OF COURT

NOW, this 16th day of November, 1961, the within
Petition having been read and considered, rule is granted to show
cause why suit should not be filed. Returnable sec. leg.

BY THE COURT



President Judge