

01-1646-CD
ALLSTATE INSURANCE COMPANY -vs- TOM PRISK

KRAFT & KRAFT, P.C.

BY: Robert E. Cherwony, Esquire
Identification No. 17623
1311 Spruce Street
Philadelphia, PA 19107
(215) 546-5100

Attorney for Plaintiff(s)

ALLSTATE INSURANCE COMPANY,
SUBROGEE OF LESTER WITHERITE, JR.
3800 Electric Road
Roanoke, VA 24018

COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PA

vs.

CIVIL ACTION AT LAW

TOM PRISK
RD 1, Box 433A
Grampion, PA 16838

NO. 01-1646-00

CIVIL ACTION COMPLAINT

"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.

"AVISO"

"Le han demandado a usted en la corte. Si usted quiere defenderse de este demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demands y la notification. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notification. Ademass, la corte puede decidir a favor dei demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u ostros derechos importantes para usted.

"LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFIICINA CUYA DIRECCION SE ENCUENTRA ESRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL."

David Meholic
Court Administrator
1 N. 2nd Street
Clearfield, PA 16830
1-814-765-2641

FILED

OCT 03 2001

William A. Shaw
Prothonotary

KRAFT & KRAFT, P.C.
BY: Robert E. Cherwony, Esquire
Attorney No. 17623
1311 Spruce Street
Philadelphia PA 19107
(215) 546-5100

Attorney for Plaintiff(s)

ALLSTATE INSURANCE COMPANY,
SUBROGEE OF LESTER WITHERITE,
JR.
3800 Electric Road
Roanoke, VA 24018

: COMMON PLEAS COURT OF
CLEARFIELD COUNTY, PA

: CIVIL ACTION AT LAW

v.

TOM PRISK
RD 1, Box 433A
Grampion, PA 16838

: No.

CIVIL ACTION

1. Plaintiff is a corporation with an address as set forth above.

2. Defendant is an individual who resides at the address set forth above.

3. On or about 12/24/00 due to defendant's negligence and carelessness, plaintiff's insured sustained damages in the sum of \$5,620.00.

4. Although demand has been made, defendant has failed and refused to compensate plaintiff.

WHEREFORE, plaintiff claims of the defendant(s) the sum of \$5,620.00 plus interest in the amount of \$263.78, for a total of \$5,883.78 plus court costs, all of which are justly due and owing from the defendant(s) to the plaintiff.

KRAFT & KRAFT, P.C.

BY: 

Robert E. Cherwony, Esquire
Attorney for Plaintiff

OVERALL FINDINGS AND CONCLUSION:

After conducting the scene examination, reviewing the scene photographs and conducting witness interviews, together with the education and experience of this investigator, it is my professional opinion, within a reasonable degree of scientific certainty, that the fire at R.D. #1, Box 453, Grampian, Pa. 16838, in Penn Township in Grampian, Pa. 16838, County of Clearfield, Commonwealth of Pennsylvania was ***accidental in nature*** and is attributed to ***careless smoking*** on the part of the renter, Tom Prisk. *It should be noted that Mr. Prisk was the only one at the mobile home at the time of the fire thereby eliminating other persons responsible for the fire.*

It is also the opinion of this investigator, within a reasonable degree of scientific certainty, that the incipient stage of the fire originated on the couch, at the North front sector of the living room at the location of the couch. It should be noted that Prisk related to the insured's wife, Paula that the couch was smoking when he got up to go to the bathroom.

POINT OF ORIGIN INDICATORS:

- ① Deepest char at the point of origin.
- ② No arcing, beading and dark discoloration to the electrical wiring.
- ③ The presence of more thermal exposure at the area of origin
- ④ Char measured on the floor joists and minimized away from the point and area of origin.
- ⑤ Truncated cone effect above the point of origin illustrated on the underside of the metal roof by the light discoloration.
- ⑥ Measurement of the shortest wall studs at the area and point of origin.
- ⑦ The absence of flooring at the point and area of origin.
- ⑧ The annealing of the springs.
- ⑨ The deep depth of char in the floor joists.

ELIMINATION FACTORS:

- ① Elimination of lightening strikes and all other natural fire causes.
- ② Elimination of the aerial electrical service entrance as a fire cause.
- ③ Elimination of the electrical service panel box as a fire cause.
- ④ Elimination of the interior electrical wiring as a fire cause.
- ⑤ Elimination of the kerosine heater as a fire cause.
- ⑥ Elimination of spontaneous combustion.

Refer to the conflicting statements of Mr. Thomas Prisk at the witness interviews section. This investigator also maintained a telephonic conference with the State Police Fire Marshal, Trooper McCracken, PSP Clearfield Station and both investigators agreed as to the origin and cause of the fire.

VERIFICATION

The undersigned hereby certifies that she is the Asst. Staff Clerk Rep. in this action and verifies that the statements made in the foregoing pleading are true and correct to the best of her knowledge, information and belief. The undersigned understands that the statements therein are made subject to the penalties of 18 Pa C.S. Section relating to unsworn falsification to authorities.

Aug 23, 2001
Date

Nancy Mundy
Name

Allstate Insurance Co.
v.
Tom Prisk

FILED

OCT 03 2001
m12321 etty Chausong
Prothonotary
William A. Shaw

PD. \$80.06

1cc Shuck

AUG 21 2001

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 11602

ALLSTATE INSURANCE COMPANY

01-1646-CD

VS.

PRISK, TOM

COMPLAINT

SHERIFF RETURNS

NOW OCTOBER 29, 2001 AT 2:33 PM EST SERVED THE WITHIN COMPLAINT
ON TOM PRISK, DEFENDANT AT RESIDENCE, RD#1 BOX 433A, GRAMPAN,
CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO TOM PRISK A TRUE
AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HIM
THE CONTENTS THEREOF.
SERVED BY: NEVLING

Return Costs

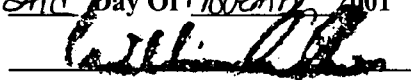
Cost	Description
26.48	SHFF. HAWKINS PAID BY: ATTY.
10.00	SURCHARGE PAID BY: ATTY.

FILED

NOV 02 2001
019121 GM
William A. Shaw
Prothonotary

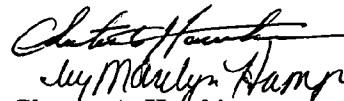
Sworn to Before Me This

2nd Day Of November, 2001



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

So Answers,



Chester A. Hawkins
Sheriff

KRAFT & KRAFT, P.C.
By: Robert E. Cherwony
Attorney No. 17623
1311 Spruce Street
Philadelphia, PA 19107
(215) 546-5100

Attorney for Plaintiff

ALLSTATE INSURANCE COMPANY, SUBROGEE
OF LESTER WITHERITE, JR.
3800 Electric Road
Roanoke, VA 24018

: COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PA

VS.

: CIVIL ACTION AT LAW

TOM PRISK
RD 1 Box 433A
Grampton, PA 16838

: NO. 01-1646CD

**PRAECIPE FOR ENTRY OF JUDGMENT FOR WANT OF ANSWER,
ASSESSMENT OF DAMAGES AND VERIFICATION OF ADDRESS
AND NON MILITARY SERVICE**

TO THE PROTHONOTARY:

Enter judgment by default for want of an answer in favor of plaintiff and against the above-named defendant(s) only and assess as follows:


Principal	\$ 5,620.00
Interest	263.78
Total	\$ 5,883.78

Understanding that false statement herein made are subject to penalty under 18Pa.C.S. Section 4904 relating to unsworn falsification to authority, I verify that:

1. The above are the precise last-known addresses of the judgment debtor(s) and creditor.

2. The annexed notice(s) of intention to file this praecipe was (were) mailed to all parties against whom judgment is to be entered and to their record attorneys, if any, after the default occurred, and at least ten days prior to the date of the filing of this praecipe.

3. The said defendant(s) is(are) not in the Military Service of the United States of its Allies or otherwise within the coverage of the Soldiers and Sailors Relief Act of 1940, as amended; is(are) over 18 years of age; and has(have) civilian occupation(s).


Robert E. Cherwony
Attorney for Plaintiff

JUDGMENT BY DEFAULT ENTERED AND
DAMAGES ASSESSED AS ABOVE:
NOTICE GIVEN UNDER PA.R.CIV.P.236


PRO PROTHONOTARY (Em)

FILED

DEC 03 2001

11:44 p.m.

William A. Slay

Prothonotary (Em)

Notice to def

Statement to atty

20th pd by atty

ES

Date of Notice: November 19, 2001

Tom Prisk
Rd 1, Box 433A
Grampion, PA 16838

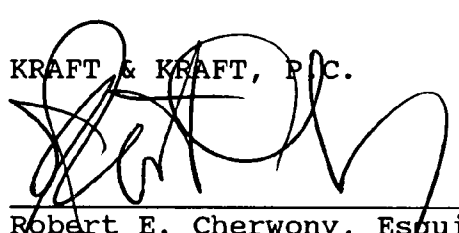
Caption: ALLSTATE INSURANCE COMPANY,
SUBROGEE LESTER WITHERITE, JR. v.
TOM PRISK
COMMON PLEAS COURT OF CLEARFIELD, PA
No. 01-1646 CD

IMPORTANT

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN (10) DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

David Meholick
Court Administrator
1 N. 2nd Street
Clearfield, PA 16830

KRAFT & KRAFT, P.C.



Robert E. Cherwony, Esquire
1311 Spruce Street
Philadelphia, PA 19107
(215) 546-5100

YOU MAY SATISFY THIS MATTER BY PAYMENT BY RETURN MAIL IN THE ENCLOSED ENVELOPE.

(Rule of Civil Procedure No. 236)-Revised

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA
CIVIL ACTION AT LAW
NO. 01-1646CD

ALLSTATE INSURANCE COMPANY, SUBROGEE
OF LESTER WITHERITE, JR.)
Plaintiff

VS.

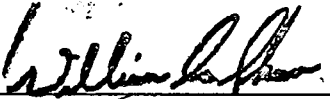
TOM PRISK)
Defendant

Notice is given that an Order in the above-captioned matter has been
Judgment
Decree

entered against you on , 2001.

PROTHONOTARY

BY:


Deputy

If you have any questions concerning the above, please contact:

KRAFT & KRAFT, P.C.
1311 Spruce Street
Philadelphia, PA 19107
(215) 546-5100

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

Allstate Insurance Company
Lester Witherite Jr.
Plaintiff(s)

No.: 2001-01646-CD

Real Debt: \$5,833.78

Atty's Comm:

Vs.

Costs: \$

Int. From:

Tom Prisk
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: December 03, 2001

Expires: December 03, 2006

Certified from the record this this 3rd day of December, 2001



William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

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

Plaintiff/Attorney

PRAECIPE FOR WRIT OF EXECUTION — (MONEY JUDGMENTS)
P.R.C.P. 3101 to 3149 Etc.

ALLSTATE INSURANCE
COMPANY, SUBROGEE OF
LESTER WITHERITE, JR.
3800 Electric Road
Roanoke, VA 24018

vs.

TOM PRISK
RD 1 Box 433A
Grampton, PA 16838

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
Writ No. 01-1646CD

Term, 19_____

No. _____ Term, 19_____

Amount due \$ 5,883.78

Interest from 12/3/01

Att'y's Com. _____

Costs \$ _____

To the Prothonotary of said Court: **ISSUE WRIT OF EXECUTION IN THE ABOVE MATTER.**

(1) Directed to the Sheriff of Clearfield County, Penna.;

(2) against TOM PRISK

Defendant (s) ;

(3) and against _____ Garnishee (s) ;

(4) and index this writ

(a) against _____

Defendant (s) and

(b) against _____

Garnishee (s),


as a lis pendens against the real property of the defendant (s) in the name of the Garnishee (s) as follows : (Specifically describe property)

FILED

MAR 13 2002
m/3201 att, Churwong pd
William A. Shaw \$20.00
Prothonotary 6 writs Sherry
E 104

(5) Exemption has (not) been waived.

Dated 2/25/02


Attorney for Plaintiff (s)

NOTE

Under paragraph (1) when the writ is directed to the sheriff of another county as authorized by Rule 3103(b), the county should be indicated.

Under Rule 3103(c) a writ issued on a transferred judgement may be directed only to the sheriff of the county in which issued.

Paragraph (3) above should be completed only if a named garnishee is to be included in the writ.

Paragraph (4) (a) should be completed only if indexing of the execution in the county of issuance, is desired as authorized by Rule 3104(a). When the writ issues to another county indexing is required as of course in that county by the prothonotary. See Rule 3104(b).

Paragraph (4) (b) should be completed only if real property in the name of a garnishee is attached and indexing as a lis pendens is desired. See Rule 3104(c).

Writ No. ----- Term, 19-----

No. ----- Term, 19-----

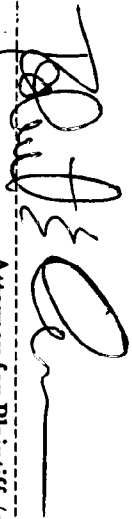
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

ALLSTATE INSURANCE
COMPANY, SUBROGEE OF
LESTER WISHERIE, JR.-----
3800 Electric Road
Roanoke, VA 24018

vs.-----

TOM PRISK
RD 1 Box 433A
Grampton, PA 16838

PRAECIPE FOR WRIT OF EXECUTION
(Money Judgments)
P. R. C. P. 3101 to 3149 etc.



Attorney for Plaintiff (s)

Address :

Where papers may be served.

KRAFT & KRAFT, P.C.
ATTORNEYS-AT-LAW
1301 SPRING STREET
PHILADELPHIA, P.A. 19107
(215) 546-5500

**WRIT OF EXECUTION and/or ATTACHMENT
COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD
CIVIL ACTION - LAW**

Allstate Insurance Company,
Subrogee of Lester Witherite Jr.,

COPY

Vs.

NO.: 01-1646-CD

Tom Prisk

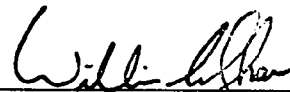
TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the debt, interest and costs due ALLSTATE INSURANCE COMPANY,
Subrogee of LESTER WITHERITE JR., Plaintiff(s) from TOM PRISK, Defendant(s):

- (1) You are directed to levy upon the property of the defendant(s) and to sell interest(s) therein:
Personal Property - all contents, R.D. 1, Box 433A, Grampian, PA 16838
- (2) If property of the defendant(s) not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify him/her that he/she has been added as a garnishee and is enjoined as above stated.

AMOUNT DUE: \$5,883.78
INTEREST FROM 12/3/01
PROTH. COSTS: \$
ATTY'S COMM: \$
DATE: 03/13/2002

PAID: \$156.48
SHERIFF: \$
OTHER COSTS: \$



William A. Shaw
Prothonotary/Clerk Civil Division

Received this writ this _____ day
of _____ A.D. _____

At _____ A.M./P.M.

Requesting Party: Robert Cherwony, Esquire
KRAFT & KRAFT, P.C.
1311 Spruce Street
Philadelphia, PA 19107

Sheriff

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 12276

ALLSTATE INSURANCE CO ET AL

01-1646-CD

VS.

PRISK, TOM

WRIT OF EXECUTION PERSONAL PROPERTY

SHERIFF RETURNS

NOW, APRIL 1, 2002, DEFENDANT WAS BURNED OUT IN HOUSE FIRE, AND IS INDIGENT. DEPUTIES COULD FIND NOTHING TO LEVY ON.

NOW, APRIL 2, 2002, RETURN WRIT AS DEPUTIES COULD FIND NOTHING TO LEVY ON, PAID COSTS FROM ADVANCE AND MADE REFUND OF UNUSED ADVANCE TO THE ATTORNEY.

SHERIFF HAWKINS \$35.14

SURCHARGE \$20.00

PAID BY ATTORNEY

FILED

013:5781 NO CC
APR 02 2002

William A. Shaw
Prothonotary

Sworn to Before Me This

2nd Day Of April 2002
William A. Shaw

So Answers,

Chester A. Hawkins
by Margaret W. Pratt
Chester A. Hawkins
Sheriff

PERSONAL PROPERTY

SCHEDULE OF DISTRIBUTION

01-1646-CD PRISK

NOW, _____, by virtue of the writ hereunto attached, after having given due and legal Notice of the time and place of sale, by handbills posted on the premises, setting forth the time and place of sale, I sold on the day of _____ 2002, the defendant's personal property for and made the following appropriations.

SHERIFF COSTS:

RDR	\$ 9.00
SERVICE	9.00
MILEAGE	7.80
LEVY	20.00
MILEAGE	7.80
POSTING	2.00
HANDBILLS	10.00
COMMISSION	9.00
UNABLE TO LEVY (\$9.00)	.34
POSTAGE	1.36
ADD'L SERVICE	
ADD'L MILEAGE - DEPUTIZE	
ADD'L POSTING	
COPIES/BILLING	15.00
BID	
RETURN OF INTERROGATORIES	
PHONE CALLS	
TOTAL SHERIFF COSTS	\$ 35.14

DEBT & INTEREST:

DEBT	\$ 5,883.78
INTEREST FROM 12-3-01	
TO BE ADDED	
TOTAL DEBT & INTEREST	\$

COSTS:

ATTORNEY PAID	\$
ATTORNEY FEES	
COSTS TO PROTHONOTARY	\$ 156.48
SHERIFF'S COSTS	35.14
REFUND OF ADVANCE	
REFUND OF SURCHARGE	
COSTS	\$
OTHER COSTS - POUNDAGE	\$
TOTAL COSTS	\$

TOTAL DEBT AND COSTS	\$ 35.14
-----------------------------	-----------------

Commission 2% on the first \$100,000.00 and ½% on all over that. Distribution will be made in accordance with the above schedule unless exceptions are filed with this office within ten (10) days from this date.

Chester A. Hawkins, Sheriff

**WRIT OF EXECUTION and/or ATTACHMENT
COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD
CIVIL ACTION - LAW**

Allstate Insurance Company,
Subrogee of Lester Witherite Jr.,

Vs.

NO.: 01-1646-CD

Tom Prisk

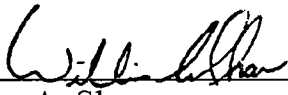
TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the debt, interest and costs due ALLSTATE INSURANCE COMPANY,
Subrogee of LESTER WITHERITE JR., Plaintiff(s) from TOM PRISK, Defendant(s):

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AMOUNT DUE: \$5,883.78
INTEREST FROM 12/3/01
PROTH. COSTS: \$
ATTY'S COMM: \$
DATE: 03/13/2002


PAID: \$156.48
SHERIFF: \$
OTHER COSTS: \$



William A. Shaw
Prothonotary/Clerk Civil Division

Received this writ this 14th day
of March A.D. 2002

At 1:54 A.M./P.M.



Sheriff by Margaret H. Pitt

Requesting Party: Robert Cherwony, Esquire
KRAFT & KRAFT, P.C.
1311 Spruce Street
Philadelphia, PA 19107