

02-417-CD
CARL KEITH, JR. -vs- RODGER STONE et al

COMMONWEALTH OF PENNSYLVANIA

NOTICE OF APPEAL

COURT OF COMMON PLEAS

FROM

JUDICIAL DISTRICT

DISTRICT JUSTICE JUDGMENT

46th
CLEARFIELD COUNTY

COMMON PLEAS NO. 02- 417-CO

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.

RODGER STONE AND NANCY STONE, HIS WIFE
NAME OF APPELLANT

JAMES L. HAWKINS #46-3-04

MAG. DIST. NO. OR NAME OF D.J.

RR 1 BOX 2
ADDRESS OF APPELLANT

HOUTZDALE
CITY

PA
STATE
16651
ZIP CODE

2/21/2002
DATE OF JUDGMENT

CARL KEITH, JR.
IN THE CASE OF (PLAINTIFF)

VS.

RODGER STONE AND NANCY STONE
(DEFENDANT)

CLAIM NO.

SIGNATURE OF APPELLANT OR THEIR ATTORNEY OR AGENT

NT-000-CV-0000010-02
LT 2002

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.

Signature of Prothonotary or Deputy

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

FILED

MAR 20 2002

William A. Shaw
Prothonotary

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 CARL KEITH, JR., appellee(s), to file a complaint in this appeal (Common Pleas No. 02-

02-417-CO) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Signature of appellant or his attorney or agent

RULE: To CARL KEITH, JR., appellee(s).
Name of Appellee(s)

(1) You are notified that a rule is hereby entered upon you to file a complaint in his 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 JUDGEMENT 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: March 20, 2002

Signature of Prothonotary or Deputy

FILED

MAR 20 2002

PD
01/30/02 City of Thompson
William A. Shaw
Prothonotary
PD \$80.00

City of Thompson

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, ss

02-417-CD

AFFIDAVIT: I hereby swear or affirm that I served

a copy of the Notice of Appeal, Common Pleas No. 02-417, upon the District Justice designated therein on

(date of service) 3-25-02, by personal service, by (certified)(registered) mail, sender's receipt

attached hereto, and upon the appellee, (name) Carl Keith, Jr. on 3-23-02, 2002 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 3-23-02, 2002, by personal service, by (certified) (registered) mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

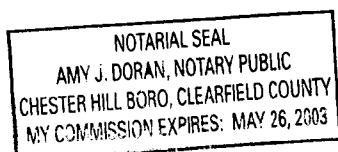
THIS 26 DAY OF March, 2002

Amy J. Doran
Signature of official before whom affidavit was made
Notary Public
Title of official

Carl Keith

Signature of affiant

My commission expires on _____, 20____.



FILED

MAR 27 2002

011401CC et al, Thompson
William A. Shaw
Prothonotary

2/90

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ 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. 		<p>A. Received by (Please Print Clearly) <u>Carl Keith</u> B. Date of Delivery <u>32302</u></p> <p>C. Signature <u>Carl Keith</u></p> <p><input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>1. Article Addressed to:</p> <p><u>James L. Hawkins</u> <u>District Magistrate</u> <u>430 Spring Street</u> <u>P.O. Box 362</u> <u>Hazledale PA 16651</u></p>		<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number (Copy from service label)</p> <p><u>7000 0000 0028 5264 2585</u></p>			

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ 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. 		<p>A. Received by (Please Print Clearly) <u>Carl Keith, Jr.</u> B. Date of Delivery <u>32502</u></p> <p>C. Signature <u>James L. Hawkins</u></p> <p><input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>1. Article Addressed to:</p> <p><u>Carl Keith, Jr.</u> <u>RR 1 Box 24</u> <u>Hazledale PA 16651</u></p>		<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number (Copy from service label)</p> <p><u>7000 0000 0028 5264 2592</u></p>			

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-04

DJ Name: Hon.

JAMES L. HAWKINS
Address: **430 SPRING STREET**
P.O. BOX 362
HOUTZDALE, PA

Telephone: **(814) 378-7160**

16651-0362

JAMES L. HAWKINS
430 SPRING STREET
P.O. BOX 362
HOUTZDALE, PA 16651-0362

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF:

KEITH, JR, CARL
RR 1, BOX 24
HOUTZDALE, PA 16651

NAME and ADDRESS

DEFENDANT:

STONE, RODGER, ET AL.
R.R.1 BOX 2
HOUTZDALE, PA 16651

NAME and ADDRESS

Docket No.: **CV-0000010-02**
Date Filed: **1/22/02**



THIS IS TO NOTIFY YOU THAT:

Judgment:

FOR PLAINTIFF

02-417-CO

- Judgment was entered for: (Name) **KEITH, JR, CARL**
- Judgment was entered against: (Name) **STONE, NANCY**
- in the amount of \$ **2,328.50** on: (Date of Judgment) **2/21/02**
- 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	\$ 2,250.00
Judgment Costs	\$ 78.50
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 2,328.50

Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
=====	
Certified Judgment Total	\$ _____

FILED

APR 03 2002

1019:04

EPL

William A. Shaw

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY SERVING 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.

2-21-02 Date James L. Hawkins, District Justice

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

5-28-02 Date James L. Hawkins, District Justice

My commission expires first Monday of January,

2006

SEAL

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: CLEARFIELD

Mag. Dist. No.:

46-3-04

DJ Name: Hon.

JAMES L. HAWKINS

Address: **430 SPRING STREET**
P.O. BOX 362
HOUTZDALE, PA

Telephone: **(814) 378-7160** **16651-0362**

NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE

PLAINTIFF: NAME and ADDRESS

KEITH, JR, CARL
RR 1, BOX 24
HOUTZDALE, PA 16651

VS.

DEFENDANT: NAME and ADDRESS

STONE, RODGER, ET AL.
R.R.1 BOX 2
HOUTZDALE, PA 16651

Docket No.: **CV-0000010-02**
Date Filed: **1/22/02**



JAMES L. HAWKINS
430 SPRING STREET
P.O. BOX 362
HOUTZDALE, PA 16651-0362

THIS IS TO NOTIFY YOU THAT:

Judgment: **FOR PLAINTIFF**

Judgment was entered for: (Name) **KEITH, JR, CARL**

Judgment was entered against: (Name) **STONE, RODGER**

in the amount of \$ **2,328.50** on: (Date of Judgment) **2/21/02**

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	\$ 2,250.00
Judgment Costs	\$ 78.50
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 2,328.50

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.

2-21-02 Date James L. Hawkins, District Justice

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

3-28-02 Date James L. Hawkins, District Justice

My commission expires first Monday of January,

2006

SEAL

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

CIVIL ACTION - LAW

CARL KEITH, JR.,

*
* No. 02-417-CD

PLAINTIFF

VS.

RODGER STONE a/k/a ROGER D.
STONE, and NANCY K. STONE,
his wife,

DEFENDANTS

* TYPE OF PLEADING: COMPLAINT

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* FILED ON BEHALF OF:
* PLAINTIFF

* ATTORNEY FOR PLAINTIFF:
* David C. Mason, Esquire
* Supreme Court ID #39180
* MASON LAW OFFICE
* P.O. Box 28
* Philipsburg, PA 16866
* (814) 342-2240

FILED

AUG 02 2002
01:10 AM
William A. Shaw

Prothonotary

WAS EJ
RJD

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

CIVIL ACTION - LAW

CARL KEITH, JR.,

*

* No. 02-417-CD

PLAINTIFF

*

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VS.

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RODGER STONE a/k/a ROGER D.
STONE, and NANCY K. STONE,
his wife,

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DEFENDANTS

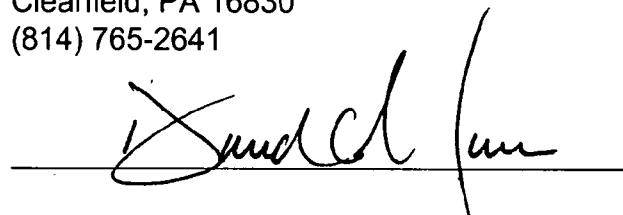
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NOTICE TO DEFEND

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 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 AN 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
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641



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

CIVIL ACTION - LAW

CARL KEITH, JR.,

*

* No. 02-417-CD

PLAINTIFF

*

*

VS.

*

*

RODGER STONE a/k/a ROGER D.
STONE, and NANCY K. STONE,
his wife,

*

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DEFENDANTS

*

COMPLAINT

1. Plaintiff is Carl Keith, Jr., an individual, who resides at 504 Ida Street, Houtzdale, Clearfield County, Pennsylvania, 16651.
2. Defendants are Rodger Stone a/k/a Roger D. Stone and Nancy K. Stone, his wife, currently of 121 Walnut Street, Philipsburg, Pennsylvania, 16866.
3. Plaintiff is the owner of premises situate in the Borough of Houtzdale, Clearfield County, Pennsylvania, which were rented and occupied by the Defendants commencing in 1998.
4. The monthly rental for the residential premises was \$250.00 per month.
5. The Defendants paid the Plaintiff sporadically, unevenly, and moved out July 1, 2001.
6. The rent remaining unpaid on July 1, 2001, was \$2,450.00.
7. Plaintiff filed an action at District Justice Court and paid the costs in the amount

of \$78.50.

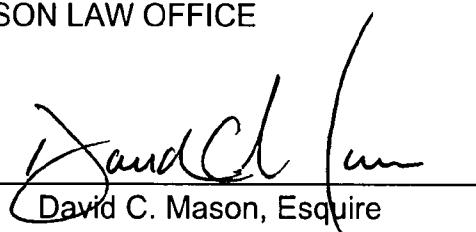
8. Interest at the legal rate of six (6%) percent is due and owing on the rent from July 1, 2001.

9. Despite Plaintiff's repeated demands for payment, the Defendants have failed and refused and continue to fail and refuse to pay any portion whatsoever.

WHEREFORE, Plaintiff demands that judgment be entered in favor of Plaintiff and against the Defendants in the amount of \$2,528.50, plus interest from July 1, 2001, and costs of suit.

Respectfully submitted,

MASON LAW OFFICE

By: 

David C. Mason, Esquire
I.D. #39180
Attorney for Plaintiff

VERIFICATION

I, Plaintiff herein, verify that the statements made in the foregoing Complaint are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 PA. C.S. §4904 relating to unsworn falsification to authorities.


Carl Keith, Jr.

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

CIVIL ACTION - LAW

CARL KEITH, JR.,

PLAINTIFF

VS.

RODGER STONE a/k/a ROGER D.
STONE, and NANCY K. STONE,
his wife,

DEFENDANTS

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* No. 02-417-CD
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* TYPE OF PLEADING: CERTIFICATE OF
* SERVICE
*
* FILED ON BEHALF OF:
* PLAINTIFF
*
* ATTORNEY FOR PLAINTIFF:
* David C. Mason, Esquire
* Supreme Court ID #39180
* MASON LAW OFFICE
* P.O. Box 28
* Philipsburg, PA 16866
* (814) 342-2240
*

FILED

AUG 02 2002

0/1:10 AM
VICTORY LAW
MASON LAW OFFICE
No cc
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KED

FILED

AUG 02 2002

William A. Shaw
Prothonotary

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

CIVIL ACTION - LAW

CARL KEITH, JR.

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* No. 02-417-CD

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* Civil Action Law

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* TYPE OF PLEADING: Praeclipe for

* Entry of Default Judgment

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

CIVIL ACTION - LAW

CARL KEITH, JR.

*
* No. 02-417-CD
*

PLAINTIFF

*

vs.

*

RODGER STONE a/k/a ROGER D.
STONE, and NANCY K. STONE,
his wife,

*

DEFENDANTS

*

PRAECIPE FOR ENTRY OF DEFAULT JUDGMENT

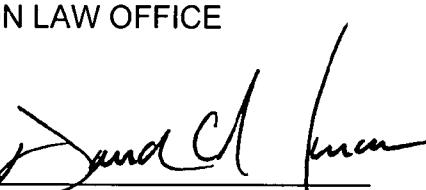
TO THE PROTHONOTARY:

Kindly enter judgment by default in favor of the Plaintiff and against the Defendants, Rodger Stone a/k/a Roger D. Stone and Nancy K. Stone, in the amount of \$2,528.50 plus interest from July 1, 2001. Defendants Rodger Stone a/k/a Roger D. Stone and Nancy K. Stone, his wife, were served with the Complaint through their attorney on July 30, 2002. On October 14, 2002, a Notice in the form required by Pa. R. C. P. 237.5 was mailed to the Defendants Rodger Stone a/k/a Roger D. Stone and Nancy K. Stone, his wife. A true and correct copy of each Notice is attached hereto.

MASON LAW OFFICE

DATED: November 1, 2002

By:



David C. Mason, Attorney for Plaintiff

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

CIVIL ACTION - LAW

CARL KEITH, JR.,

*
* No. 02-417-CD

PLAINTIFF

VS.

RODGER STONE a/k/a ROGER D.
STONE, and NANCY K. STONE,
his wife,

*

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DEFENDANTS

*

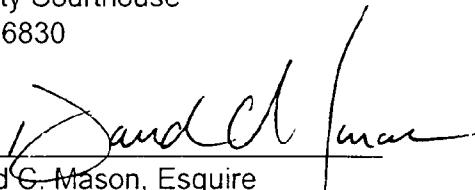
TO: David R. Thompson, Esquire
Attorney for Rodger Stone a/k/a
Roger D. Stone and Nancy Stone
308 Walton Street, Suite 4
P.O. Box 587
Philipsburg, PA 16866

DATE OF NOTICE: October 14, 2002

IMPORTANT NOTICE

**YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO FILE A COMPLAINT
IN THIS CASE. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS
NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING
AND YOU MAY LOSE YOUR RIGHT TO SUE THE DEFENDANT AND THEREBY LOSE
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
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641



David C. Mason, Esquire
Attorney for Defendant
P. O. Box 28
Philipsburg, PA 16866
I.D. No. 39180

Date: 10-14-02

FILED 10-20-02
013:00 PM 2002
NOV 05 2002 2CC to attorney
, notice to
William A. Shaw
Prothonotary
WAS

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

CIVIL ACTION - LAW

CARL KEITH, JR.

*
* No. 02-417-CD

PLAINTIFF

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vs.

*

RODGER STONE a/k/a ROGER D.
STONE, and NANCY K. STONE,
his wife,

*

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DEFENDANTS

*



NOTICE OF ENTRY OF JUDGMENT

To: Rodger Stone a/k/a Roger D. Stone
121 Walnut Street
Philipsburg, PA 16866

Pursuant to Rule 236, please be advised that the Court has entered a

- Order
 Decree
 Judgment
 Opinion

in the above proceeding, and a copy thereof is enclosed.

Dated:

Prothonotary

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

COPY

Carl Keith Jr.
Plaintiff(s)

No.: 2002-00417-CD

Real Debt: \$2,528.50

Atty's Comm:

Vs.

Costs: \$

Int. From:

Rodger Stone
Nancy Stone
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: November 5, 2002

Expires: November 5, 2007

Certified from the record this 5th day of November

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