

02-448-CD
MARY C. DAUB et al -vs- DONALD J. KLINE, JR. et al

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

MARY C. DAUB, ADMINISTRATRIX OF : No. 02-448 -CD
THE ESTATE OF WILLARD H. WILEY, :
DECEASED, : Type of Case: Civil
Plaintiff :
vs. : Type of Pleading: Complaint
DONALD J. KLINE, JR. and BARBARA : Filed on Behalf of: Plaintiff
KLINE, :
Defendants : Counsel of Record for this Party:
: Kim C. Kesner, Esquire
: Supreme Ct. I.D. 28307
: 23 North Second Street
: Clearfield, PA 16830
: 814-765-1706
: 814-765-7006 – facsimile
:
:
:
:

FILED

MAR 25 2002

0104613cc atty kesner
William A. Shaw
Prothonotary atty kesner
pd \$80.00

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

MARY C. DAUB, ADMINISTRATRIX OF :
THE ESTATE OF WILLARD H. WILEY, :
DECEASED, : No. 02 - - CD
Plaintiff :
: :
vs. :
: :
DONALD J. KLINE, JR. and BARBARA :
KLINE, :
Defendants :
:

COMPLAINT

1. Plaintiff is Mary C. Daub, Administratrix of the Estate of Willard H. Wiley, Deceased.
2. Defendants are Donald J. Kline, Jr. and Barbara Kline, adult individuals and husband and wife residing in the Borough of Grampian, Clearfield County, Pennsylvania with a mailing address of P.O. Box 223, Curwensville, Pennsylvania, 16833.
3. Willard H. Wiley died on November 16, 2001.
4. On December 4, 2001, Mary C. Daub was granted Letters of Administration by the Register of Wills of Clearfield County.
5. In and about September and November of 2001, the Decedent, Willard H. Wiley made loans to the Defendants totaling \$25,953.07.
6. The purpose of the loans was to permit the Defendants to meet their obligations under an installment sales contract on their residence in the Borough of Grampian, Clearfield County, Pennsylvania identified by Clearfield County Tax Assessment Map Number 9.0-F11-341-29.

7. With the loan proceeds from the Decedent, the Defendants concluded and closed the installment sales agreement with Jerry L. Bloom and Jennifer A. Bloom and on November 11, 2000 received a Deed for the Defendants' residence (the "Premises") which was recorded in the Office of the Recorder of Deeds of Clearfield County on December 13, 2001 at Instrument Number 200120073.

8. A portion of the funds loaned by the Decedent to the Defendants was obtained by the Decedent from a loan dated October 1, 2001 from CSB Bank, Curwensville, Clearfield County, Pennsylvania in the principle sum of \$15,000.00 ("CSB Loan").

9. The CSB Loan was secured by a term note with a maturity of January 1, 2002 at an annual percentage rate of 9.826% with one interest payment of \$115.60 payable on November 1, 2001, one interest payment of \$111.87 payable on December 1, 2001 and one principle and interest payment of \$15,115.60 payable on January 1, 2002.

10. The terms of the Decedent's loan to Defendants was that upon Defendants receipt of a Deed from the Blooms, they would obtain a mortgage secured by the acquired equity in the Premises and repay the Decedent on or prior to the maturity date of the CSB Loan on January 1, 2002. Defendants agreed to repay the principal sums advanced with the interest payable on the CSB Loan.

11. The Defendants obtained a loan on January 2, 2002 from Citifinancial Services, Inc., DuBois, Clearfield County, Pennsylvania in the principle sum of \$27,129.86 secured by a mortgage on the Premises.

12. Despite numerous request, Defendants have failed or refused to pay the Decedent's loans to them which were due and payable on or before January 1, 2001.

Commonwealth Of Pennsylvania

:

: S. S.

County Of Clearfield

:

On this the 20th day of March, 2002, before me the undersigned authority personally appeared, MARY C. DAUB, ADMINISTRATRIX OF THE ESTATE OF WILLARD H. WILEY, who acknowledged herself and according to law deposes and says that the facts and averments set forth in the foregoing Complaint are true and correct to the best of her knowledge, information, and belief.

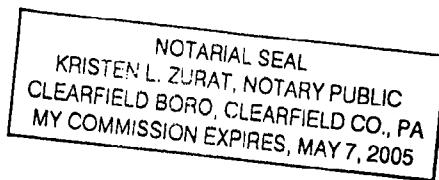
IN WITNESS WHEREOF, I have hereunto subscribed my hand and official seal.

Mary C. Daub
Mary C. Daub, Administratrix of the
Estate of Willard H. Wiley

Sworn to and subscribed before me this 20th day of March, 2002.

Kristen L. Zurat
Notary Public

My Commission Expires:



IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION
NO.

MARY C. DAUB, ADMINISTRATRIX OF
THE ESTATE OF WILLARD H. WILEY,
DECEASED,

Plaintiff

vs.

DONALD J. KLINE, JR. and BARBARA
KLINE,
Defendants

COMPLAINT

KIM C. KESNER
ATTORNEY AT LAW
23 North Second Street
CLEARFIELD, PA 16830
(814) 765-1706

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

MARY C. DAUB, ADMINISTRATRIX * *
OF THE ESTATE OF WILLARD H. * *
WILEY, DECEASED, * *
Plaintiff, * *
* *
v. * NO. 0No. 028--448 - CD
* *
DONALD J. KLINE, JR., and, * *
BARBARA KLINE, * *
Defendants. * *
* *
* *

ANSWER TO COMPLAINT

* Type of Pleading:

NOW COMES the Defendants, Donald J. Kline and Barbara
* ANSWER TO COMPLAINT
Kline, and by their attorney, James A. Naddeo, Esquire, set
forth the following:

1. Admitted. * Filed on behalf of:
* Defendants
*
2. Admitted. * Counsel of Record for
* this party:
*
3. Admitted. *
*
4. Admitted. * James A. Naddeo, Esq.
* Pa I.D. 06820
*
5. Denied. On the contrary, it is alleged that any
* 211 1/2 E. Locust Street
money given to Defendants was a gift from Box 552, Willard
* Clearfield, PA 16830
H. Wiley. * (814) 765-1601

6. Denied in so far as it states that Decedent made
loans to the Defendants. It is alleged that Decedent gifted
money to Defendants sufficient to meet their obligations
pursuant to an installment sales contract on their residence
located in the Borough of Grampian. William A. Shaw
Prothonotary

FILED

APR 10 2002

Defendant's attorney moves to strike Defendant's affidavit this witness to
be used by Defendant's witness re examination.

13. Denies. After reasonable inquiry.

Defendant's attorney knowledge or information sufficient to
form a belief as to the truth of said statement.

WHEREFORE, Defendant resuscitately denies him

Honorable Court to dismiss plaintiff's complaint.

Resuscitately submits,

James A. Nadeo, Esquire

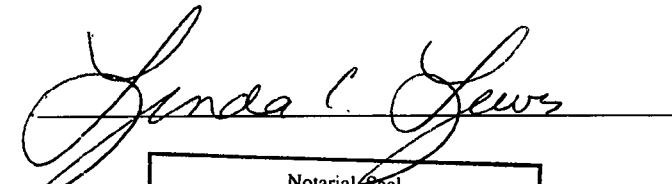
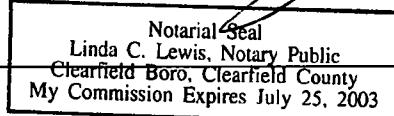
Attorney for Defendant

COMMONWEALTH OF PENNSYLVANIA)
ss.
COUNTY OF CLEARFIELD)

Before me, the undersigned officer, personally appeared DONALD L. KLINE, JR., who being duly sworn according to law, deposes and states that the facts set forth in the foregoing Answer to Complaint, New Matter and Counterclaim are true and correct to the best of his knowledge, information and belief.


Donald L. Kline, Jr.

SWORN and SUBSCRIBED before me this 9th day of April, 2002.

Notarial Seal
Linda C. Lewis, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires July 25, 2003

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

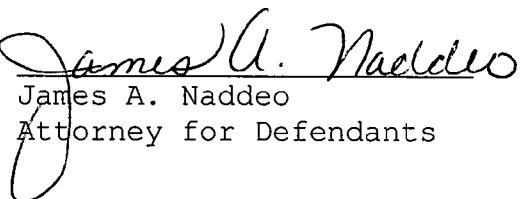
MARY C. DAUB, ADMINISTRATRIX *
OF THE ESTATE OF WILLARD H. *
WILEY, DECEASED, *
Plaintiff, *
*
v. * No. 02 - 448 - CD
*
DONALD J. KLINE, JR., and, *
BARBARA KLINE, *
Defendants. *

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of Defendants' Answer to Plaintiff's Complaint filed in the above-captioned action was mailed to the following person and in the following manner on the 10th day of April, 2002:

First-Class Mail, Postage Prepaid

Kim C. Kesner, Esquire
23 North Second Street
Clearfield, PA 16830


James A. Naddeo
Attorney for Defendants

JAMES A. NADDEO
ATTORNEY AT LAW
211 1/2 EAST LOCUST STREET
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

FILED

O 13:50 AM
APR 10 2002

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Any Mackie

William A. Shaw
Prothonotary

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E 100
Any Mackie

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 12293

DAUB, MARY C., ADMX. OF THE ESTATE OF WILLARD H. WILEY, DECEAS 02-448-CD

VS.

KLIN, DONALD J. JR. AND BARBARA

COMPLAINT

SHERIFF RETURNS

NOW MARCH 27, 2002 AT 11:19 AM EST SERVED THE WITHIN COMPLAINT
ON DONALD J. KLINE, JR., DEFENDANT AT RESIDENCE, BOROUGH OF
GRAMPIAN, PO BOX 233, CURWENSVILLE, CLEARFIELD COUNTY, PENNSYLVANIA
BY HANDING TO DONALD J. KLINE JR. A TRUE AND ATTESTED COPY OF THE
ORIGINAL COMPLAINT AND MADE KNOWN TO HIM THE CONTENTS THEREOF.
SERVED BY: DAVIS/MORGILLO

NOW MARCH 27, 2002 AT 11:19 AM EST SERVED THE WITHIN COMPLAINT
ON BARBARA KLINE, DEFENDANT AT BOROUGH OF GRAMPIAN, PO BOX 233,
CURWENSVILLE, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO
DONALD J. KLINE JR., HUSBAND A TRUE AND ATTESTED COPY OF THE ORIGINAL
COMPLAINT AND MADE KNOWN TO HIM THE CONTENTS THEREOF.
SERVED BY: DAVIS/MORGILLO

Return Costs

Cost	Description
28.24	SHFF. HAWKINS PAID BY: ATTY.
20.00	SURCHARGE PAID BY: ATTY.

FILED

MAY 02 2002

0/4/00

William A. Shaw
Prothonotary

Sworn to Before Me This

2nd Day Of May 2002
William A. Shaw

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield PA

So Answers,

Chester A. Hawkins
By Marilyn Harr
Chester A. Hawkins
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

MARY C. DAUB, ADMINISTRATRIX OF
THE ESTATE OF WILLARD H. WILEY,
DECEASED,

Plaintiff

vs:

DONALD J. KLINE, JR. and BARBARA
KLINE;

Defendants

No: 02-0448-CD

Type of Case: Civil

Type of Pleading: Praeclipe to Discontinue

Filed on Behalf of: Plaintiff

Counsel of Record for this Party:

Kim C. Kesner, Esquire
Supreme Ct.-I.D. 28307

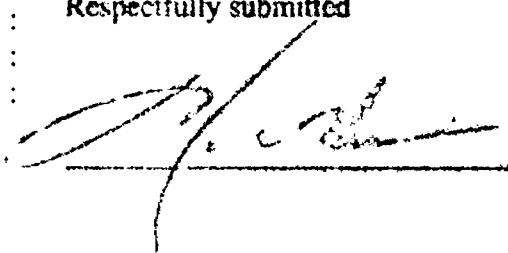
TO WILLIAM A. SHAW, PROTHONOTARY

Kindly discontinue this action.

15 North Front Street
Clearfield, PA 16830

814-765-8972
814-765-9893 – facsimile

Respectfully submitted



cc: Mary C. Daub

FILED 2CC02
01/03/2007 Cert. of Disc
AUG 01 2007 to Atty
LM
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEVERFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

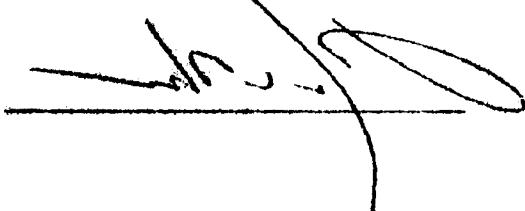
MARY C. DAUB, ADMINISTRATRIX OF
THE ESTATE OF MILDRED H. WILFEE, No. 05-0448-CD
DECASED Plaintiff
vs.
DONALD J. KLINE, JR. and BARBARA
KLINE, Defendants

PRAYER TO DISCONTINUE

TO ATTORNEY A. SHAW, PROTHONOTARY:

Kindly discontinue this action.

Respectfully submitted



cc: Mary C. Daub

BELIN, KUBISTA & RYAN
ATTORNEYS AT LAW
15 NORTH FRONT STREET
P O BOX 1
CLEARFIELD, PENNSYLVANIA 16830

COPY

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

CIVIL DIVISION

**Mary C. Daub
Willard H. Wiley**

Vs. **No. 2002-00448-CD**
Donald J. Kline Jr.

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 August 1, 2007, marked:

Discontinued

Record costs in the sum of \$80.00 have been paid in full by Kim C. Kesner, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 1st day of August A.D. 2007.



William A. Shaw, Prothonotary