

02-677-CD
CARN'S EQUIPMENT -vs- NICHOLAS A. PALUMBO

NOTICE OF APPEAL

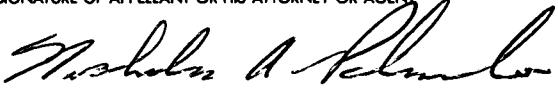
FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 2002-677-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.

NAME OF APPELLANT NICHOLAS A. PALUMBO	MAG. DIST. NO. OR NAME OF D.J. 46 - 3 - 02 R.A. IRELAND		
ADDRESS OF APPELLANT R.O. # 2 Box 314	CITY WEEDVILLE	STATE Pa.	ZIP CODE 15868
DATE OF JUDGMENT 4/08/02	IN THE CASE OF (Plaintiff) CARNS EQUIPMENT	vs. (Defendant) PALUMBO, NICHOLAS A.	
CLAIM NO. CV 0000112-02	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT 		
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.		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.	
Signature of Prothonotary or Deputy			

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 _____, appellee(s), to file a complaint in this appeal
Name of appellee(s)

(Common Pleas No. _____) 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 _____, appellee(s).
Name of appellee(s)

(1) You are notified that a rule is hereby entered upon you to file a complaint in this 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 JUDGMENT 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: _____,

Signature of Prothonotary or Deputy

FILED

APR 29 2002
0/11/01
William A. Shaw
Prothonotary
86-1

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 _____; SS

AFFIDAVIT: I hereby swear or affirm that I served

a copy of the Notice of Appeal, Common Pleas No. _____, upon the District Justice designated therein on
(date of service) _____, by personal service by (certified) (registered) mail, sender's
receipt attached hereto, and upon the appellee, (name) _____, on
_____, _____ 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 _____, _____, by personal service by (certified) (registered)
mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS _____ DAY OF _____,

Signature of affiant

Signature of official before whom affidavit was made

Title of official

My commission expires on _____.

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-02

DJ Name: Hon.

RICHARD A. IRELAND
Address: **650 LEONARD STREET**
CLEARFIELD, PA

Telephone: **(814) 765-5335** **16830**

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF: **CARNS EQUIPMENT** NAME and ADDRESS

RD1, BOX 266A
CLEARFIELD, PA 16830

VS.

DEFENDANT: **PALUMBO, NICHOLAS A** NAME and ADDRESS

RD 2 BOX 314
WEEDVILLE, PA 15868

NICHOLAS A. PALUMBO
RD 2 BOX 314
WEEDVILLE, PA 15868

Docket No.: **CV-0000112-02**
Date Filed: **2/27/02**



2002-677-CO

THIS IS TO NOTIFY YOU THAT:

Judgment:

FOR PLAINTIFF

Judgment was entered for: (Name) **CARNS EQUIPMENT**

Judgment was entered against: (Name) **PALUMBO, NICHOLAS A**

in the amount of \$ **3,940.50** on: (Date of Judgment) **4/08/02**

Defendants are jointly and severally liable. (Date & Time) _____

Damages will be assessed on: _____

Amount of Judgment	\$ 3,839.00
Judgment Costs	\$ 101.50
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 3,940.50

This case dismissed without prejudice.

Amount of Judgment Subject to
Attachment/Act 5 of 1996 \$ _____

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

Levy is stayed for _____ days or generally stayed.

Objection to levy has been filed and hearing will be held:

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.

APR 09 2002 Date **Rosa Ireland**, District Justice

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

Date _____, District Justice

My commission expires first Monday of January,

2006

SEAL

NOTICE OF APPEAL

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 2002-177-0

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.

NAME OF APPELLANT <i>NICHOLAS A. PALUMBO</i>	MAG. DIST. NO. OR NAME OF D.J. <i>46-3-02 R.H. TIGLIANO</i>
ADDRESS OF APPELLANT <i>P.O. Box 314</i>	CITY <i>WEEHAWKEN</i>
STATE <i>Pa.</i>	ZIP CODE <i>15660</i>
DATE OF JUDGMENT <i>1-13-02</i>	IN THE CASE OF (Plaintiff) <i>CARNS EQUIPMENT</i>
CLAIM NO. <i>CV 2000112-02</i>	vs. <i>PALUMBO, NICHOLAS A.</i> SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT <i>William J. Palumbo</i>
<p>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.</p> <p>_____ Signature of Prothonotary or Deputy</p>	
<p>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.</p>	

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 _____, appellee(s), to file a complaint in this appeal
Name of appellee(s)

(Common Pleas No. _____) 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 _____, appellee(s).
Name of appellee(s)

(1) You are notified that a rule is hereby entered upon you to file a complaint in this 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 JUDGMENT 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: _____

Signature of Prothonotary or Deputy

copy THIS TO BE MAILED
to the appellee(s)
a copy of the original
statement filed in this case.

APR 29 2002

Attest.

William J. Palumbo
Prothonotary

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

AFFIDAVIT: I hereby swear or affirm that I served

a copy of the Notice of Appeal, Common Pleas No. 2002-677-CD, upon the District Justice designated therein on (date of service) 4/29/02, by personal service by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) William C. Krueger, on _____, 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 _____, by personal service by (certified) (registered) mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS 29th DAY OF April, 2002



Signature of affiant


Signature of official before whom affidavit was made

Title of official

WILLIAM A. SHAW

Prothonotary

My commission expires on

My Commission Expires

1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

FILED

APR 29 2002

01:05 PM

William A. Shaw
Prothonotary

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-02

DJ Name: Hon.

RICHARD A. IRELAND
Address: **650 LEONARD STREET**
CLEARFIELD, PA

Telephone: **(814) 765-5335**

16830

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF:

CARNS EQUIPMENT
RD1, BOX 266A
CLEARFIELD, PA 16830

NAME and ADDRESS

FILED
VS.

DEFENDANT:

PALUMBO, NICHOLAS A ~~AD 3 2002~~
RD 2 BOX 314
WEEDVILLE, PA 15868

NAME and ADDRESS

m 11/10/01
William A. Shaw
Prothonotary

Docket No.: **CV-0000112-02**
Date Filed: **2/27/02**



RICHARD A. IRELAND
650 LEONARD STREET
CLEARFIELD, PA 16830

THIS IS TO NOTIFY YOU THAT:

Judgment:

FOR PLAINTIFF

02-677-CD

Judgment was entered for: (Name) **CARNS EQUIPMENT**

Judgment was entered against: (Name) **PALUMBO, NICHOLAS A**

in the amount of \$ **3,940.50** on: (Date of Judgment) **4/08/02**

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	\$ <u>3,839.00</u>
Judgment Costs	\$ <u>101.50</u>
Interest on Judgment	\$ <u>.00</u>
Attorney Fees	\$ <u>.00</u>
Total	\$ <u>3,940.50</u>

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.

APR 09 2002 Date *Richard Ireland*, District Justice

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

APR 29 2002 Date *Richard Ireland*, District Justice

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-02

DJ Name: Hon.

RICHARD A. IRELAND
Address: **650 LEONARD STREET**
CLEARFIELD, PA

Telephone: **(814) 765-5335** **16830**

RICHARD A. IRELAND
650 LEONARD STREET
CLEARFIELD, PA 16830

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF:

NAME and ADDRESS

PALUMBO, NICHOLAS A
RD 2 BOX 314
WEEDVILLE, PA 15868

VS.

DEFENDANT:

NAME and ADDRESS

CARNS EQUIPMENT
RD1, BOX 266A
CLEARFIELD, PA 16830

Docket No.: **CV-0000112-02**
Date Filed: **3/07/02**
CROSS COMPLAINT **001**



THIS IS TO NOTIFY YOU THAT:

Judgment:

FOR DEFENDANT

Judgment was entered for: (Name) **CARNS EQUIPMENT**

Judgment was entered against: (Name) **PALUMBO, NICHOLAS A**

in the amount of \$ **00** on: (Date of Judgment) **4/08/02**

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	\$.00
Judgment Costs	\$.00
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$.00
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.

APR 09 2002

Date Richard Ireland, District Justice

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

APR 09 2002 Date Richard Ireland, District Justice

My commission expires first Monday of January,

2006

SEAL

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION-LAW

CARNS EQUIPMENT COMPANY

: No. 02- 677 -CD

: vs.

NICHOLAS A. PALUMBO,
Defendant

: Type of Case: Civil

: Type of Pleading: Praeclipe for
Entry of Appearance

: Filed on behalf of: Plaintiffs

:
: Counsel of Record for this
Party:

: Andrew P. Gates, Esquire

: Supreme Court No.: 36604

:
: GATES & SEAMAN
: Attorneys at law
: Two North Front Street
: P. O. Box 846
: Clearfield, Pennsylvania 16830
: (814) 765-1766

FILED

DEC 31 2002
11:00 AM
William A. Shaw
Prothonotary

No C-1000

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION-LAW

CARNS EQUIPMENT COMPANY, :
Plaintiff :
vs. : Case No. 2002-677-CD
NICHOLAS A. PALUMBO, :
Defendant :
:

PRAECIPE

TO: WILLIAM A. SHAW, PROTHONOTARY,

Please enter my appearance on behalf of the Plaintiff,
CARNS EQUIPMENT COMPANY, in the above-captioned action.

GATES & SEAMAN
By:


Andrew P. Gates, Esquire

Two North Front Street
P. O. Box 846
Clearfield, PA 16830
(814) 765-1766

Date: Dec. 31, 2002

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CARNS EQUIPMENT COMPANY, :
Plaintiff : No. 2002-677-CD
-vs- :
NICHOLAS A. PALUMBO, :
Defendant :
:

AFFIDAVIT OF SERVICE

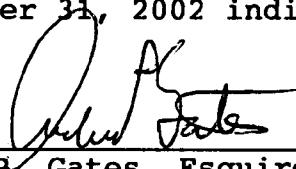
I, ANDREW P. GATES, ESQUIRE, Attorney for Plaintiff, Carns Equipment Company, hereby depose and state the following were served upon Defendant, Nicholas A. Palumbo, by regular first class mail, postage prepaid, on January 3, 2002, mailed to the following:

Nicholas A. Palumbo
R. D. #2, Box 314
Weedville, PA 15868

The documents served upon Nicholas A. Palumbo aforesaid were the following:

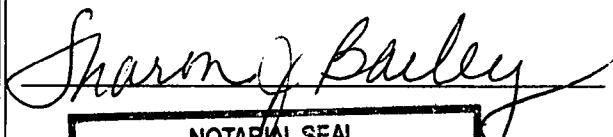
a. A true and correct copy of my Praecepice for Entry of Appearance which was filed with the Clearfield County Prothonotary on December 31, 2002;

b. A certified copy of the Praecepice filed on behalf of Plaintiff, Carns Equipment Company, to have the Defendant's Appeal stricken pursuant to Pa.R.C.P.D.J. No. 1006 and the Prothonotary's Certification of December 31, 2002 indicating that said appeals were stricken.


Andrew P. Gates, Esquire

FILED

Sworn to and subscribed before
me this 16th day of January, 2003.



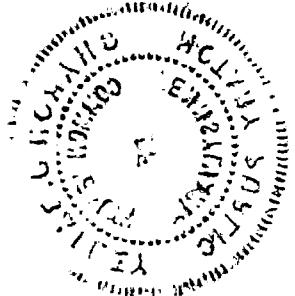
NOTARIAL SEAL
SHARON J. BAILEY, Notary Public
Bradford Twp., Clearfield County
My Commission Expires June 23, 2005

JAN 16 2003
01/12/23/03
William A. Shaw
Prothonotary/Clerk of Courts

FILED

JAN 16 2003

William A. Shaw
Prothonotary/Clerk of Courts



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CARNS EQUIPMENT COMPANY, :
Plaintiff :
vs. : Case No. 2002-677-CD
NICHOLAS A. PALUMBO, :
Defendant :
:

PRAECIPE

TO: WILLIAM A. SHAW, PROTHONOTARY

NOW COMES, Plaintiff, Carns Equipment Company, by its attorneys, Gates & Seaman, and file this Praecipe pursuant to Pa. R.C.P.D.J. No. 1006 directing the Prothonotary to strike the above captioned appeal, and in support thereof avers the following:

1. Defendant/Appellant, Nicholas A. Palumbo, filed a timely Notice of Appeal on April 29, 2002 from the Notice of Judgment entered by Richard A. Ireland, District Justice (Magisterial District 46-3-02) in favor of Plaintiff/Appellee on April 9, 2002. A true and correct copy of the filed Notice of Appeal which has attached to it the Notice of Judgment entered by said District Justice in Plaintiff/Appellee's favor is attached hereto and made a part hereof as Exhibit "A".

2. Defendant/Appellant's Notice of Appeal did not include a Praecipe requesting the Prothonotary to enter Rule on the appellee (Plaintiff herein) to file a Complaint as mandated by Pa. R.C.P.D.J. No. 1004(B).

FILED

DEC 31 2002
11/11/02
F-Way

William A. Shaw
Prothonotary

3. Although Defendant/Appellant's Notice of Appeal (see Exhibit "A" which is attached hereto and made a part hereof) was subsequently served on the aforementioned District Justice and upon Plaintiff/Appellee's counsel of record in the District Justice proceedings, as evidenced by a Proof of Service and Notice of Appeal filed of record, said service did not include a Rule to File Complaint since Defendant did not Praecipe to have such a Rule entered. Attached hereto and made a part hereof as Exhibit "B" is a true and correct copy of the Proof of Service of Notice of Appeal filed in the within matter.

4. Since Defendant/Appellant did not file a Praecipe to have a Rule entered and served upon the Plaintiff/Appellee to file a complaint and no subsequent Rule to file a complaint was ever entered by the Prothonotary, Defendant/Appellant's service of the Notice of Appeal did not constitute Proof of Service of a Rule to file a complaint upon the Plaintiff/Appellee as mandated by Pa. R.C.P.D.J. No. 1005(B).

5. Since Defendant/Appellant either in his Notice of Appeal or by attaching to his Notice of Appeal a copy of the Notice of Judgment entered by Richard A. Ireland, District Justice (Magisterial District 46-3-02), has not effectively appealed his cross complaint filed with said District Justice. A copy of said Notice of Judgment entered on Defendant/Appellant's cross complaint below, in favor of Plaintiff, is attached hereto and made a part hereof as Exhibit "C".

6. In any event, since Defendant/Appellant was the Claimant in his cross complaint filed with the aforementioned District Justice, by not filing a complaint with the Prothonotary within twenty days of when he filed his Notice of Appeal (April 29, 2002), he has failed to comply with Pa. R.C.P.D.J. No. 1004(A).

WHEREFORE, Plaintiff/Appellee prays that pursuant to Pa. R. C.P.D.J. No. 1006, the Prothonotary is required to strike:

(a) Defendant/Appellant's Appeal to the Notice of Judgment entered in Plaintiff/Appellee's favor by District Justice Richard A. Ireland in the amount of \$3,940.50 as evidenced on Exhibit "A"; and

(b) Any Appeal of the Notice of Judgment entered on Defendant/Appellant's cross-complaint by District Justice Richard A. Ireland on April 9, 2002 as evidenced by Exhibit "C".

GATES & SEAMAN
By:



Andrew P. Gates, Esquire
Attorney for Plaintiff/Appellee,
Carns Equipment Company

NOTICE OF APPEAL

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 2002-677-CV

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.

NAME OF APPELLANT <i>NICHOLAS A. PALUMBO</i>		MAG. DIST. NO. OR NAME OF D.J. 46 - 3 - 02 R.A. IRELAND	
ADDRESS OF APPELLANT R.O. # 2 Box 314		CITY WEEDEVILLE	STATE Pa.
DATE OF JUDGMENT 4/05/02	IN THE CASE OF (Plaintiff) CIRNS EQUIPMENT	ZIP CODE 15868	
CLAIM NO.	vs. <i>Nicholas A. Palumbo</i> , <i>NICHOLAS A.</i>		
CV 0000112-02 LT	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT <i>Nicholas A. Palumbo</i>		
This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.		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.	
Signature of Prothonotary or Deputy			

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 _____, appellee(s), to file a complaint in this appeal
Name of appellee(s)

(Common Pleas No. _____) 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 _____, appellee(s).
Name of appellee(s)

(1) You are notified that a rule is hereby entered upon you to file a complaint in this 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 JUDGMENT 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: _____

Signature of Prothonotary or Deputy

FILED

APR 29 2002
O/11:10 AM
William A. Shaw
Prothonotary
See -

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 _____; SS

AFFIDAVIT: I hereby swear or affirm that I served

a copy of the Notice of Appeal, Common Pleas No. _____, upon the District Justice designated therein on
(date of service) _____, by personal service by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) _____, on _____
 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 _____, by personal service by (certified) (registered)
mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS _____ DAY OF _____

Signature of affiant

Signature of official before whom affidavit was made

Title of official

My commission expires on _____

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-02

DJ Name: Hon.

RICHARD A. IRELAND
Address: **650 LEONARD STREET**
CLEARFIELD, PA

Telephone: (814) 765-5335 16830

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF: **CARNS EQUIPMENT** NAME and ADDRESS

RD1, BOX 266A
CLEARFIELD, PA 16830

VS.

DEFENDANT: **PALUMBO, NICHOLAS A** NAME and ADDRESS
RD 2 BOX 314
WEEDVILLE, PA 15868

Docket No.: **CV-0000112-02**
Date Filed: **2/27/02**



NICHOLAS A. PALUMBO
RD 2 BOX 314
WEEDVILLE, PA 15868

2002-677-CO

THIS IS TO NOTIFY YOU THAT:

Judgment: FOR PLAINTIFF

Judgment was entered for: (Name) CARNS EQUIPMENT

Judgment was entered against: (Name) PALUMBO, NICHOLAS A

in the amount of \$ 3,940.50 on: (Date of Judgment) 4/08/02

Defendants are jointly and severally liable.

(Date & Time) _____

Damages will be assessed on:

Amount of Judgment	\$ <u>3,839.00</u>
Judgment Costs	\$ <u>101.50</u>
Interest on Judgment	\$ <u>.00</u>
Attorney Fees	\$ <u>.00</u>
Total	\$ 3,940.50

This case dismissed without prejudice.

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

Amount of Judgment Subject to
Attachment/Act 5 of 1996 \$ _____

Certified Judgment Total \$ _____

Levy is stayed for _____ days or generally stayed.

Objection to levy has been filed and hearing will be held:

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.

APR 09 2002 Date Richard Ireland, District Justice

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

Date _____, District Justice

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

AFFIDAVIT: I hereby swear or affirm that I served

a copy of the Notice of Appeal, Common Pleas No. 2002-677-CO, upon the District Justice designated therein on
(date of service) 4/29/02, by personal service by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) William C. Knister, on
 _____, 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 _____, by personal service by (certified) (registered) mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS 29th DAY OF April, 2002

Signature of official before whom affidavit was made

Title of official

WILLIAM A. SHAW

Prothonotary

My commission expires on

My Commission Expires

1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

Signature of affiant

FILED

APR 29 2002

0/11051ms

William A. Shaw
Prothonotary

MONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-02

DJ Name: Hon.

RICHARD A. IRELAND
Address: **650 LEONARD STREET**
CLEARFIELD, PA

Telephone: (814) 765-5335 16830

RICHARD A. IRELAND
650 LEONARD STREET
CLEARFIELD, PA 16830

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF: **PALUMBO, NICHOLAS A** NAME and ADDRESS

RD 2 BOX 314
WEEDVILLE, PA 15868

VS.

DEFENDANT: **CARNS EQUIPMENT** NAME and ADDRESS

RD1, BOX 266A
CLEARFIELD, PA 16830

Docket No.: **CV-0000112-02**

Date Filed: **3/07/02**

CROSS COMPLAINT **001**



THIS IS TO NOTIFY YOU THAT:

Judgment: FOR DEFENDANT

Judgment was entered for: (Name) CARNS EQUIPMENT

Judgment was entered against: (Name) PALUMBO, NICHOLAS A

in the amount of \$ 00 on: (Date of Judgment) 4/08/02

Defendants are jointly and severally liable. (Date & Time) _____

Damages will be assessed on: _____

Amount of Judgment	\$ <u>00</u>
Judgment Costs	\$ <u>00</u>
Interest on Judgment	\$ <u>00</u>
Attorney Fees	\$ <u>00</u>
Total	<u>00</u>

This case dismissed without prejudice. _____

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

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: _____

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.

APR 09 2002

Date Richard Ireland, District Justice

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

APR 29 2002 Date Richard Ireland, District Justice

My commission expires first Monday of January,

2006

SEAL

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CARNS EQUIPMENT COMPANY, :
Plaintiff :
vs. : Case No. 2002-677-CD
NICHOLAS A. PALUMBO, :
Defendant :
:

Appeals represented by Notice of Appeal filed by
Defendant, Nicholas A. Palumbo, on April 29, 2002 are hereby
stricken from the record.

Date: ~~December~~ November 31, 2002



William A. Shaw, Prothonotary

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

CARNS EQUIPMENT COMPANY, Plaintiff :
vs. :
NICHOLAS A. PALUMBO, Defendant :
: No. 02- 677 -CD
: Type of Case: Civil
: Type of Pleading: Praecipe for
Entry of Judgment Pursuant to
42 Pa.C.S.A. §1516 and
Pa.R.C.P.D.J. No. 402(D)
: Filed on behalf of: Plaintiff
: Counsel of Record for this
Party:
: Andrew P. Gates, Esquire
: Supreme Court No.: 36604
: GATES & SEAMAN
: Attorneys at law
: 2 North Front Street
: P. O. Box 846
: Clearfield, Pennsylvania 16830
: (814) 765-1766

FILED

JAN 17 2003
° / 3:40 / u
William A. Shaw
Prothonotary
NOT IN TO DEC 1

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

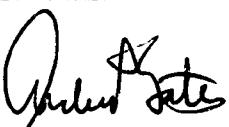
CARNS EQUIPMENT COMPANY, :
Plaintiff : No. 02- 677 - CD
vs. :
: :
NICHOLAS A. PALUMBO, :
Defendant : :

PRAECIPE

TO WILLIAM A. SHAW, PROTHONOTARY:

Pursuant to 42 Pa. C.S.A. §1516 and Pa. R.C.P.D.J. No. 402(D), kindly enter judgment in favor of Plaintiff, CARNS EQUIPMENT COMPANY, and against Defendant, NICHOLAS A. PALUMBO, in the amount of \$3,940.50 in accordance with the certified copy of the proceedings entered by Pennsylvania Magisterial District No. 46-3-02, which are attached hereto and made a part hereof, as Exhibit "A", and forthwith enter Judgment in the aforementioned amount in the appropriate docket and index the same against Defendant, NICHOLAS A. PALUMBO.

GATES & SEAMAN
By:


Andrew P. Gates, Esquire
Attorney for Plaintiff,
Carns Equipment Company

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-02

DJ Name: Hon.

RICHARD A. IRELAND
Address: **650 LEONARD STREET**
CLEARFIELD, PA

Telephone: **(814) 765-5335** **16830**

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF: **CARNS EQUIPMENT** NAME and ADDRESS

RD1, BOX 266A
CLEARFIELD, PA 16830

DEFENDANT: **PALUMBO, NICHOLAS A** NAME and ADDRESS

RD 2 BOX 314
WEEDVILLE, PA 15868

VS.

Docket No.: **CV-0000112-02**
Date Filed: **2/27/02**



CARNS EQUIPMENT
RD1, BOX 266A
CLEARFIELD, PA 16830

THIS IS TO NOTIFY YOU THAT:

Judgment:

FOR PLAINTIFF

Judgment was entered for: (Name) **CARNS EQUIPMENT**

Judgment was entered against: (Name) **PALUMBO, NICHOLAS A**

in the amount of \$ **3,940.50** on: (Date of Judgment) **4/08/02**

Defendants are jointly and severally liable. (Date & Time) _____

Damages will be assessed on: _____

Amount of Judgment	\$ 3,839.00
Judgment Costs	\$ 101.50
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 3,940.50

This case dismissed without prejudice.

Amount of Judgment Subject to
Attachment/Act 5 of 1996 \$ _____

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

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.

EXCEPT AS OTHERWISE PROVIDED IN THE RULES OF CIVIL PROCEDURE FOR DISTRICT JUSTICES, IF THE JUDGMENT HOLDER ELECTS TO ENTER THE JUDGMENT IN THE COURT OF COMMON PLEAS, ALL FURTHER PROCESS MUST COME FROM THE COURT OF COMMON PLEAS AND NO FURTHER PROCESS MAY BE ISSUED BY THE DISTRICT JUSTICE.

UNLESS THE JUDGMENT IS ENTERED IN THE COURT OF COMMON PLEAS, ANYONE INTERESTED IN THE JUDGMENT MAY FILE A REQUEST FOR ENTRY OF SATISFACTION WITH THE DISTRICT JUSTICE IF THE JUDGMENT DEBTOR PAYS IN FULL, SETTLES, OR OTHERWISE COMPLIES WITH THE JUDGMENT.

4-9-02 Date Ricardo Ireland, District Justice

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

1-15-03 Date John C. Schaefer, District Justice

My commission expires first Monday of January, **2006**.

SEAL

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

CARNS EQUIPMENT COMPANY,	:
Plaintiff	: No. 02- 677 - CD
vs.	:
:	:
:	:
NICHOLAS A. PALUMBO,	:
Defendant	:

TO: NICHOLAS A. PALUMBO
R. D. # 2, Box 314
Weedville, Pennsylvania 15868

Notice is given that a JUDGMENT in the above captioned matter has been entered against you in the amount of \$3,940.50 on January 17, 2003.

William A. Shaw, Prothonotary

By _____
Deputy

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

Carns Equipment Co.
Plaintiff(s)

No.: 2002-00677-CD

Real Debt: \$3940.50

Atty's Comm:

Vs.

Costs: \$

Int. From:

Nicholas A. Palumbo
Defendant(s)

Entry: \$20.00

Instrument: District Justice

Date of Entry: January 17, 2003

Expires: January 17, 2008

Certified from the record this January 17, 2003

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

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

CARNS EQUIPMENT COMPANY, Plaintiff :
vs. : No. 02-677-CD
NICHOLAS A. PALUMBO, :
Defendant :
vs. :
NORTHWEST SAVINGS BANK, Garnishee :
:

PRAECIPE FOR WRIT OF EXECUTION

TO WILLIAM A. SHAW, PROTHONOTARY:

Issue a Writ of Execution in the above matter,

(1) directed to the Sheriff of Clearfield County,
Pennsylvania;

(2) against

(i) Nicholas A. Palumbo
R. R. # 2, Box 314
Weedville, Pennsylvania 15868

(3) and index this Writ against:

JAN 17 2003

(i) Northwest Savings Bank
1200 Old Town Road
Clearfield, Pennsylvania 16830

William A. Shaw
Prothonotary

as Garnishee.

(4) The amount due:

(a) As per Judgment entered January 17, 2003 \$3,940.50
plus all statutory interest accruing
since January 17, 2003 \$ _____

(b) Costs to be added: \$ _____

GATES & SEAMAN

BY: Andrew Gates
Andrew P. Gates, Esquire
Attorney for Plaintiff
2 North Front Street
Clearfield, PA 16830
(814) 765-1766

Date: Jan. 17, 2003

FILED

JAN 17 2003
• 3:40

William A. Shaw
Prothonotary
6 weeks to Shaw

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

CARNS EQUIPMENT COMPANY :
Plaintiff :
vs. :No. 02-677-CD
NICHOLAS A. PALUMBO, :
Defendant :
vs. :
NORTHWEST SAVINGS BANK, Garnishee :
:

WRIT OF EXECUTION

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF CLEARFIELD :
:

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:
To satisfy the judgment, interest and costs against
Defendant, NICHOLAS A. PALUMBO:

(1) You are also directed to attach the following
described property of the Defendant not levied upon in the
custody, control and/or possession of (a) Northwest Savings Bank
(Garnishee), including all funds on deposit at any branch bank
of said Garnishee, specifically including all funds on deposit
in Account No. 544007552, belonging to or to be subsequently
paid to Defendant, NICHOLAS A. PALUMBO, including all funds
hereafter deposited with Garnishee in an account held by
Defendant, NICHOLAS A. PALUMBO.

And to notify the Garnishee that:

(a) an attachment has been issued;
(b) the Garnishee is enjoined from paying any debt to
or for the account of the Defendant and from delivering any
property or money of or to the Defendant or otherwise disposing

thereof;

(2) If property or money of the Defendant 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 and/or her that he or she has been added as a garnishee and is enjoined as stated above.

Amount Due:

(a) As per Judgment entered on \$3,940.50
January 17, 2003, plus all statutory
interest accruing since January 17, 2003 \$ _____

(b) Costs to be added: \$ _____
PAID to Prothonotary - 4/6-
BY:

Seal of the Court by:

Prothonotary of Clearfield County

Deputy

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

Carns Equipment Co.
Plaintiff(s)

No.: 2002-00677-CD

Real Debt: \$3940.50

Atty's Comm:

Vs.

Costs: \$

Int. From:

Nicholas A. Palumbo
Defendant(s)

Entry: \$20.00

Instrument: District Justice

Date of Entry: January 17, 2003

Expires: January 17, 2008

Certified from the record this January 17, 2003



William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

Received on January 30, 2003, of defendant full satisfaction of this Judgment,
Debt, Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

*Likewise, Please discontinue the writ of execution entered to the same term and
order date*

*Plaintiff/Attorney for Plaintiff, Carns Equipment
Company*

FILED

JAN 30 2003

01/11/501

William A. Shaw
Prothonotary/Clerk of Courts

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

CIVIL DIVISION

CERTIFICATE OF SATISFACTION OF JUDGMENT

No.: 2002-00677-CD

Carns Equipment Co.

Debt: \$3940.50

Vs.

Atty's Comm.:

Nicholas A. Palumbo

Interest From:

Cost: \$7.00

NOW, Thursday, January 30, 2003 , directions for satisfaction having been received, and all costs having been paid, SATISFACTION was entered of record.

Certified from the record this 30th day of January, A.D. 2003.

Prothonotary

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 13558

CARNS EQUIPMENT COMPANY

02-677-CD

VS.

PALUMBO, NICHOLAS A.

WRIT OF EXECUTION GARNISHEE

SHERIFF RETURNS

NOW, JANUARY 21, 2003 AT 10:25 A.M. O'CLOCK SERVED WRIT OF EXECUTION AND INTERROGATORIES TO GARNISHEE ON GIGI GEARHART, P.I.C. OF NORTHWEST SAVINGS BANK, GARNISHEE, AT HER PLACE OF EMPLOYMENT, 1200 OLD TOWN ROAD, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO GIGI GEARHART, P.I.C. OF NORTHWEST SAVINGS BANK, GARNISHEE, A TRUE AND ATTESTED ORIGINAL WRIT OF EXECUTION AND INTERROGATORIES TO GARNISHEE AND MAKING KNOWN TO HER THE CONTENTS THEREOF.

NOW, JANUARY 31, 2003 RETURN WRIT AS BEING SERVED, PAID COSTS FROM ADVANCE AND MADE REFUND OF UNUSED ADVANCE TO ATTORNEY.

SHERIFF HAWKINS \$20.37

SURCHARGE \$10.00

PAID BY ATTORNEY

FILED NOCC

1/10/37 2003
JAN 31 2003

William A. Shaw
Prothonotary

Sworn to Before Me This

31st Day Of Jan 2003

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

So Answers,

Chester Hawkins
By Cynthia Butler Augherbaugh
Chester A. Hawkins
Sheriff

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

CARNS EQUIPMENT COMPANY :
Plaintiff :
vs. :No. 02-677-CD
NICHOLAS A. PALUMBO, :
Defendant :
vs. :
NORTHWEST SAVINGS BANK, Garnishee :
:

WRIT OF EXECUTION

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF CLEARFIELD :
:

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:
To satisfy the judgment, interest and costs against
Defendant, NICHOLAS A. PALUMBO:

(1) You are also directed to attach the following
described property of the Defendant not levied upon in the
custody, control and/or possession of (a) Northwest Savings Bank
(Garnishee), including all funds on deposit at any branch bank
of said Garnishee, specifically including all funds on deposit
in Account No. 544007552, belonging to or to be subsequently
paid to Defendant, NICHOLAS A. PALUMBO, including all funds
hereafter deposited with Garnishee in an account held by
Defendant, NICHOLAS A. PALUMBO.

And to notify the Garnishee that:

(a) an attachment has been issued;
(b) the Garnishee is enjoined from paying any debt to
or for the account of the Defendant and from delivering any
property or money of or to the Defendant or otherwise disposing

thereof;

(2) If property or money of the Defendant 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 and/or her that he or she has been added as a garnishee and is enjoined as stated above.

Amount Due:

(a) As per Judgment entered on January 17, 2003, plus all statutory interest accruing since January 17, 2003 \$ _____

(b) Costs to be added: \$ _____

BY:

PAID to Plaintiff - 46.-

Prothonotary of Clearfield County

Seal of the Court by:

Deputy

Received 1-17-03 @ 3:55 P.M.

Chester A. Hawkins

By Cynthia Butler Aughenbaugh