

02-803-CD
JAMES P. HILE -vs- DAN FALTER

NOTICE OF APPEAL

COURT OF COMMON PLEAS

FROM

JUDICIAL DISTRICT

DISTRICT JUSTICE JUDGMENT

Clearfield County
46thCOMMON PLEAS NO. 02-803-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 Dan Falter		MAG. DIST. NO. OR NAME OF D.J. Richard A. Ireland		
ADDRESS OF APPELLANT 403 W. Bear St.		CITY Syracuse	STATE NY	ZIP CODE 13204
DATE OF JUDGMENT 4/22/02	IN THE CASE OF (Plaintiff) James P. Hile	vs. Dan Falter		
CLAIM NO. CV 19 0000139-02 LT 19		SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT <i>Dan Falter, Attorney for Appellant</i>		
<p>This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.</p> <p>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 James P. Hile, appellee(s), to file a complaint in this appeal
(Name of appellee(s))

(Common Pleas No. 02-803-CO) within twenty (20) days after service of rule or after entry of judgment of non pros.

Dan Falter
Signature of appellant or his attorney or agent

RULE: To James P. Hile, 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: May 20, 2002

Will A. Shaw

Signature of Prothonotary or Deputy

FILED

MAY 20 2002

200/11551 Atty Shely pd \$80.00
William A. Shaw
Prothonotary County

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
_____, 19_____, 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 _____, 19_____, by personal service by (certified) (registered) mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS _____ DAY OF _____, 19_____

Signature of affiant

Signature of official before whom affidavit was made

Title of official

My commission expires on _____, 19_____

Signature of official

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: NAME and ADDRESS

FILE, JAMES P.
RD1, BOX 318
COLORS GALORE
CLEARFIELD, PA 16830VS.
DEFENDANT: NAME and ADDRESSFALTER, DAN
C/O FALTER CONT
403 W BEAR ST
SYRACUSE, NY 13204Docket No.: CV-0000139-02
Date Filed: 3/19/02DAN FALTER
C/O FALTER CONT
403 W BEAR ST
SYRACUSE, NY 13204 APR 24 2002

THIS IS TO NOTIFY YOU THAT:

Judgment:

DEFALULT JUDGMENT PLATE

Judgment was entered for: (Name) FILE, JAMES P.

Judgment was entered against: (Name) FALTER, DAN

in the amount of \$ 2,212.17 on: (Date of Judgment) 4/22/02

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	\$ 2,139.67
Judgment Costs	\$ 72.50
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 2,212.17
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 22 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

My commission expires first Monday of January,

2006

SEAL

AOPC 315-99

Clearfield County
46th

NOTICE OF APPEAL

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS NO. 02-803-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	Dan Falter		MAG. DIST. NO. OR NAME OF D.J.	Richard A. Ireland
ADDRESS OF APPELLANT	403 W. Bear St.	CITY	STATE	ZIP CODE
DATE OF JUDGMENT	IN THE CASE OF (Plaintiff)	Syracuse NY 13204		
4/22/02	James P. Hile	vs.	(Defendant)	
CLAIM NO.	CV <u>17</u> 0000139-02	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT	<u>Daniel J. Falter, Attorney for Plaintiff</u>	
LT 19				

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 James P. Hile, appellee(s), to file a complaint in this appeal
(Name of appellee(s))

(Common Pleas No. 02-803-CO) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Daniel J. Falter
Signature of appellant or his attorney or agent

RULE: To James P. Hile, 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: May 20, 2002

Willie L. Hile

Signature of Prothonotary or Deputy

I hereby certify this to be a true and attested copy of the original statement filed in this case.

MAY 20 2002

Attest,

Willie L. Hile
Prothonotary,
Clerk of Courts

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 Cumberland

AFFIDAVIT: I hereby swear or affirm that I served

a copy of the Notice of Appeal, Common Pleas No. 02-803-CD, upon the District Justice designated therein on
(date of service) 5/23/02, by personal service by (certified) (registered) mail, sender's
receipt attached hereto, and upon the appellee, (name) James P. Hile, on
5/23/02, 10 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 5/23/02, 10 by personal service by (certified) (registered)
mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS 23rd DAY OF May, 2002

Signature of affiant

Signature of official before whom affidavit was made

Title of official

My commission expires on

Notarial Seal
Mariann L. Stiely, Notary Public
Lemoyne Boro, Cumberland County
My Commission Expires Jan. 2, 2005

FILED

MAY 24 2002

11/3:05/CWS
William A. Shaw
Prothonotary

40 C/C

1 7001 2510 0009 2217 8423

U.S. Postal Service CERTIFIED MAIL RECEIPT <i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
OFFICIAL USE	
Postage	\$.34
Certified Fee	2-10
Return Receipt Fee (Endorsement Required)	1.50
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 3.94
<i>James P. Hile</i> Street, Apt. No.: or P.O. Box: City, State, ZIP+4 Clearfield PA 16830	
PS Form 3800, January 2001	
See Reverse for Instructions	

USPS
2007
Postmark
Hite
PA
38
JAMES P. HILE PA

Certified Mail Provides:

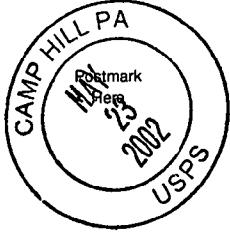
- A mailing receipt
- A unique identifier for your mailpiece
- A signature upon delivery
- A record of delivery kept by the Postal Service for two years

Important Reminders:

- Certified Mail may ONLY be combined with First-Class Mail or Priority Mail.
- Certified Mail is *not* available for any class of international mail.
- NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry.

1 2510 0009 2217 416

U.S. Postal Service CERTIFIED MAIL RECEIPT <i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
OFFICIAL USE	
Postage	\$.34
Certified Fee	2.10
Return Receipt Fee (Endorsement Required)	1.50
Restricted Delivery Fee (Endorsement Required)	.
Total Postage & Fees	\$ 3.94
	
Sent To John Richard A Ireland Street, Apt. No.: or P.O. Box No. Leonora St City, State, ZIP+4 Clearfield PA 16830	
See Reverse for Instructions	

1 2510 0009 2217 416

Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A signature upon delivery
- A record of delivery kept by the Postal Service for two years

Important Reminders:

- Certified Mail may ONLY be combined with First-Class Mail or Priority Mail.
- Certified Mail is *not* available for any class of international mail.
- NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry.

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

HILE, JAMES P.
RD1, BOX 318
COLORS GALORE
CLEARFIELD, PA 16830

VS.

DEFENDANT: NAME and ADDRESS

FALTER, DAN
C/O FALTER CONT
403 W BEAR ST
SYRACUSE, NY 13204

Docket No.: **CV-0000139-02**
Date Filed: **3/19/02**



THIS IS TO NOTIFY YOU THAT:

Judgment:

DEFAULT JUDGMENT PLTF

02-803-CO

Judgment was entered for: (Name) HILE, JAMES P.

Judgment was entered against: (Name) FALTER, DAN

in the amount of \$ 2,212.17 on: (Date of Judgment) 4/22/02

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>2,139.67</u>
Judgment Costs	\$ <u>72.50</u>
Interest on Judgment	\$ <u>.00</u>
Attorney Fees	\$ <u>.00</u>
Total	\$ <u>2,212.17</u>
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
Certified Judgment Total \$ _____	

FILED

Date:	Place:
	JUN 04 2002
Time:	m/1371pm William A. Shaw Prothonotary

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 22 2002 Date Rhonda Ireland, District Justice

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

MAY 28 2002 Date Rhonda Ireland, District Justice

My commission expires first Monday of January,

2006

SEAL

FILED ^{1CC}
01/30/02 Atty Pentz
JUN 07 2002 *Shaw*

William A. Shaw
Prothonotary

Fold Here

CHRIS A. PENTZ
ATTORNEY AT LAW
211 1/2 EAST LOCUST ST. P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

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

JAMES P. HILE,
Plaintiff

vs

* No. 02- 803 -C.D.

DAN FALTER,
Defendant

* Type of Case: Civil

* Type of Pleading: Complaint

* Filed on Behalf of: Plaintiff

* Counsel of Record for this Party:

* CHRIS A. PENTZ, Esquire

* Supreme Court I.D. # 39232
* 211 1/2 East Locust Street
* P. O. Box 552
* Clearfield PA 16830
* 814 765-4000

FILED

JUN 07 2002

William A. Shaw
Prothonotary

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

JAMES P. HILE,
Plaintiff

No. 2002- 803 -C.D.

vs

DAN FALTER,
Defendant

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 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 the 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.

Office of Court Administrator
Clearfield County Courthouse
1 North Second Street
Clearfield PA 16830
814 765-2641

7. The services provided at the Waste Treatment Facility required preparation and mobilization activities which were performed in Clearfield County, Pennsylvania.

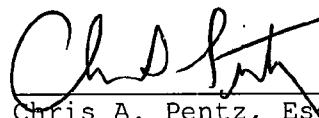
8. The Plaintiff had kept a running total of billing statements and payments made by Defendant showing total charges of \$21,270.69 and total payments of \$19,131.02.

9. Plaintiff has made demand upon the Defendant for payment of the balance due of \$2,139.67.

10. As of the date of filing this Complaint, Defendant has failed to pay the balance due.

WHEREFORE, the Plaintiff respectfully requests Your Honorable Court to enter judgment against the Defendant, Dan Falter, and in favor of the Plaintiff, James P. Hile, in the amount of \$2,139.67 plus costs, interest and such other relief as the Court deems appropriate.

Respectfully submitted this 7 day of June, 2002


Chris A. Pentz, Esquire
Attorney for Plaintiff

VERIFICATION

I, JAMES P. HILE, verify that the statements made in this COMPLAINT are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

6-7-02
Date



James P. Hile

— Fold Here —

CHRIS A. PENTZ
ATTORNEY AT LAW
211 1/2 EAST LOCUST ST. P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

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

JAMES P. HILE,
Plaintiff

vs

* No. 02-803-C.D.

DAN FALTER,
Defendant

* Type of Case: Civil

* Type of Pleading: Certificate
* of Service

* Filed on Behalf of: Plaintiff

* Counsel of Record for this Party:
* CHRIS A. PENTZ, Esquire

* Supreme Court I.D. # 39232
* 211 1/2 East Locust Street
* P. O. Box 552
* Clearfield PA 16830
* 814 765-4000

FILED

JUN 14 2002

01337/nocc
William A. Shaw
Prothonotary *ES*

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

JAMES P. HILE,
Plaintiff

vs * No. 02-803-C.D.

DAN FALTER,
Defendant

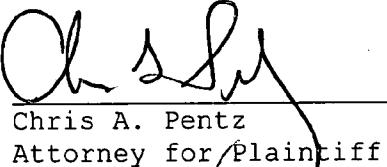
CERTIFICATE OF SERVICE

This is to certify a true and correct copy of a Complaint
filed on behalf of the Plaintiff was served upon:

Laws, Staruch & Pisarcik
20 Erford Road Suite 350
Lemoyne PA 17043-1163

Service was made by regular mail, postage prepaid, from the
U.S. Post Office at Clearfield PA 16830

Service was made the 14 th day of June, 2002.


Chris A. Pentz

Attorney for Plaintiff

CA

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

JAMES P. HILE,
Plaintiff

v. : No. 02-803-C.D.

DAN FALTER,
Defendant

NOTICE TO PLEAD

TO: James P. Hile

You are hereby notified to plead to the enclosed Preliminary Objections
within twenty (20) days from service hereof, or a judgment may be entered against you.

FILED

JUL 25 2002

7/25/02/cathy Shely
William A. Shaw
Prothonotary
E
Key

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

JAMES P. HILE,

Plaintiff

v.

No. 02-803-C.D.

DAN FALTER,

Defendant

**PRELIMINARY OBJECTIONS
OF DEFENDANT DAN FALTER**

**PRELIMINARY OBJECTION:
LACK OF PERSONAL JURISDICTION**

1. Defendant Dan Falter is a resident of the state of New York.
2. Defendant Dan Falter maintains no residence or domicile in Pennsylvania.
3. Defendant Dan Falter does not transact any business nor does he contract to supply services or things in Pennsylvania.
4. Defendant Dan Falter does not have an interest in, use or possess any real property in Pennsylvania.

WHEREFORE, Defendant Dan Falter respectfully requests this Honorable Court to enter judgment in favor of Defendant and against Plaintiff because this Court lacks jurisdiction over the person of Defendant.

**PRELIMINARY OBJECTION
RAISING QUESTION OF IMPROPER VENUE**

5. The averments of Paragraphs 1 through 4 are incorporated herein by reference as if fully set forth at length.
6. This action has been brought in Clearfield County on an alleged cause of action that allegedly arose in Potter County, Pennsylvania.

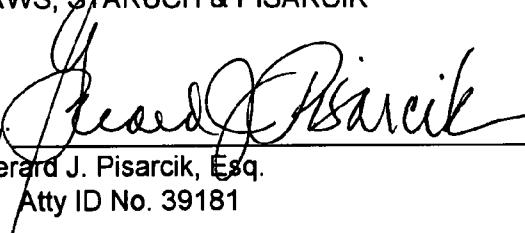
7. No transaction or occurrence took place out of which the cause of action arose in Clearfield County.

8. Service on Defendant Dan Falter was made by mail at the offices of C.O. Falter Construction Corporation, 403 West Bear Street, Syracuse, NY 13204.

WHEREFORE, Defendant Dan Falter respectfully requests this Honorable Court to enter judgment in favor of Defendant and against Plaintiff because the venue is improper.

Respectfully submitted,

LAWS, STARUCH & PISARCIK

By: 
Gerard J. Pisarcik, Esq.
Atty ID No. 39181

20 Erford Road, Suite 305
Lemoyne, PA 17043
(717) 975-0600

Attorney for Defendant
Dan Falter

VERIFICATION

Subject to the penalties of 18 Pa.C.S. Section 4904 (relating to unsworn falsification to authorities), I, Daniel Falter, hereby declare that I am authorized to execute this Verification and acknowledge that the facts set forth in the foregoing Preliminary Objections are true and correct to the best of my knowledge, information and belief.



Daniel Falter

CERTIFICATE OF SERVICE

I, Gerard J. Pisarcik, Esq., hereby certify that on the 24th day of July, 2002, I served a true and correct copy of the Preliminary Objections of Defendant Dan Falter by United States First Class Mail, Postage Prepaid, upon the following:

Chris A. Pentz, Esq.
211 1/2 E. Locust St.
Marino Building
P.O. Box 552
Clearfield, PA 16830



Gerard J. Pisarcik

LAWS, STARUCH & PISARCIK
20 Erford Road, Suite 305
Lemoyne, PA 17043
(717) 975-0600

CHRIS A. PENTZ
ATTORNEY AT LAW
211 1/2 EAST LOCUST STREET
MARINO BUILDING
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

TELEPHONE
(814) 765-4000

FAX
(814) 765-8142

August 26, 2002

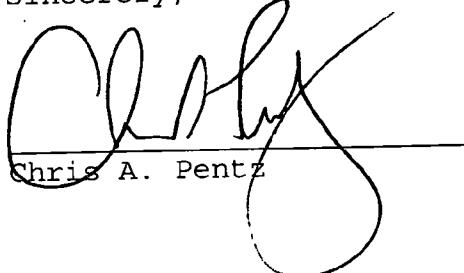
Office of Court Administrator
Clearfield County Courthouse
Clearfield PA 16830

In Re: Hile vs Falter/No. 2002-803-C.D.

Dear Sir or Madam:

I would note that Preliminary Objections have been filed on behalf of the Defendant with an Answer to the Objections having been filed by the Plaintiff. I would request that your office schedule this matter for hearing. It is my understanding that your office will establish a briefing schedule and a date for oral argument prior to formally scheduling an Evidentiary Hearing. If I am incorrect in this matter, please advise.

Sincerely,



Chris A. Pentz

CAP/jms

cc: Attorney Gerald Pisarcik
Mr. James Hile
file

Fold Here

CHRIS A. PENTZ
ATTORNEY AT LAW
211 1/2 EAST LOCUST ST. P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

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

JAMES P. HILE,
Plaintiff

Plaintiff

vs

* No. 02-803-C.D.

DAN FALTER,
Defendant

Defendant

* Type of Case: Civil

*
* **Type of Pleading:** Answer to
* Preliminary Objections/
* Certificate of Service

* Filed on Behalf of: Plaintiff

* Counsel of Record for this Party

* Counsel of Record for the
+ SUBSCRIBER DENOTES F

* Supreme Court I.D. # 39232
* 211 1/2 East Locust Street
* P. O. Box 552
* Clearfield PA 16830
* 814 765-4000

FILED

AUG 14 2007

0134511815

William A. Shaw
Prethonotary

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

JAMES P. HILE, *
Plaintiff *
*
vs * No. 02-803-C.D.
*
*
DAN FALTER, *
Defendant *
*

ANSWER TO PRELIMINARY OBJECTIONS

1. Paragraph 1 is denied. After reasonable investigation, the Plaintiff is without sufficient knowledge or information to form a belief as to the averment.
2. Paragraph 2 is denied. After reasonable investigation, the Plaintiff is without sufficient knowledge or information to form a belief as to the averment.
3. Paragraph 3 is denied. The Defendant has transacted business in Coudersport, Pennsylvania.
4. Paragraph 4 is denied. After reasonable investigation, the Plaintiff is without sufficient knowledge or information to form a belief as to the averment.

WHEREFORE, the Plaintiff respectfully requests Your Honorable Court to dismiss Defendant's Preliminary Objections.

ANSWERS TO PRELIMINARY OBJECTIONS

5. Paragraphs 1 through 4 of this Answer are incorporated herein by reference as though set forth in full.
6. Paragraph 6 is denied. Activities concerning the contract

in question occurred both in Clearfield County and in Potter County.

7. Paragraph 7 is denied. The Answer set forth in Paragraph 6 above and the Complaint filed to this matter are incorporated herein by reference as though set forth in full.

8. Paragraph 8 is admitted.

WHEREFORE, Plaintiff respectfully requests Your Honorable Court to dismiss Defendant's Preliminary Objections.

Respectfully submitted this 14th day of August, 2002.



Chris A. Pentz
Attorney for Plaintiff
211 1/2 East Locust Street
Clearfield PA 16830
814 765-4000
I.D. # 39232

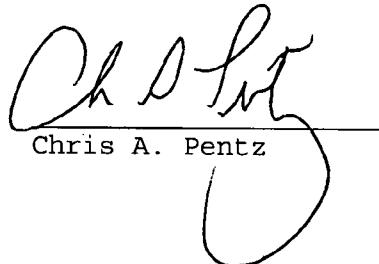
VERIFICATION

I, Chris A. Pentz, have read the foregoing Answers to Preliminary Objections. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification is made subject to penalties of 18 Pa. C.S. §4904 relating to unsworn falsifications to authorities, which provides that if I knowingly make false averments, I may be subject to criminal penalties.

I am authorized to make this verification on behalf of Plaintiff because of my position as counsel of record.

Dated: 8-14-02


Chris A. Pentz

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

JAMES P. HILE,
Plaintiff

vs * No. 02-803-C.D.

DAN FALTER,
Defendant

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of
Plaintiff's Answer to Preliminary Objections was served upon:

Gerald J. Pisarcik, Esquire
Attorney for Defendant, Dan Falter
20 Erford Road, Suite 305
Lemoyne PA 17043

Service was made by regular mail postage prepaid, from the
U.S. Post Office at Clearfield PA 16830.

Service was made the 14th day of August, 2002.

Chris A. Pentz
Chris A. Pentz
Attorney for Plaintiff

FILED

rec Atty Pentz
1 Disc. to Atty
copy to CJA
9/3:45 AM
NOV 13 2002
EAD

William A. Shaw
Prothonotary

— Fold Here —

CHRIS A. PENTZ
ATTORNEY AT LAW
211 1/2 EAST LOCUST ST. P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

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

JAMES P. HILE,
Plaintiff

VS

* No. 2002- 803 -C.D.

DAN FALTER,
Defendant

* Type of Case: Civil

* Type of Pleading: Praecipe to
* Discontinue

* Filed on Behalf of: Plaintiff

* Counsel of Record for this Party:
* CHRIS A. PENTZ, Esquire

* Supreme Court I.D. # 39232
* 211 1/2 East Locust Street
* P. O. Box 552
* Clearfield PA 16830
* 814 765-4000

FILED

NOV 13 2002

William A. Shaw
Prothonotary

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

JAMES P. HILE,)
Plaintiff)
vs) No. 02 - 803 - C.D.
DAN FALTER,)
Defendant)

PRAECIPE TO DISCONTINUE

TO THE PROTHONOTARY:

Please mark the record in the above captioned
matter settled and discontinued with prejudice.

Date: 11-17-02


Chris A. Pentz
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

COPY

CIVIL DIVISION

James P. Hile

Vs. No. 2002-00803-CD
Dan Falter

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 November 13, 2002, marked:

Settled and Discontinued with Prejudice

Record costs in the sum of \$80.00 have been paid in full by Mariann L. Stiely.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 13th day of November A.D. 2002.

William A. Shaw, Prothonotary