

02-849-CD
GREENWOOD TOWNSHIP -vs- DENNIS D. ZORGER

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

GREENWOOD TOWNSHIP, Plaintiff

vs.

DENNIS D. ZORGER,
Defendant

COMPLAINT IN EQUITY

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

GREENWOOD TOWNSHIP,
Plaintiff

vs.

DENNIS D. ZORGER,
Defendant

: No. 02-849-CD
:
: Type of Case: Civil
:
:
: Type of Pleading: Complaint in Equity
:
: Filed on Behalf of: Plaintiff
:
: 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

MAY 20 2002

03/08/02
b7c
William A. Shaw pd \$0.00
Prothonotary

3cc atty
Kesner

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

GREENWOOD TOWNSHIP,	:	No. 02-	-CD
Plaintiff	:		
	:		
vs.	:		
	:		
DENNIS D. ZORGER,	:		
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 (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET HELP.

Court Administrator's Office
Clearfield County Courthouse
1 North Second Street
Clearfield, PA 16830
Telephone: (814) 765-2641

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

GREENWOOD TOWNSHIP, : No. 02- -CD
Plaintiff :
: vs.
: :
DENNIS D. ZORGER, :
Defendants :
:

COMPLAINT

1. Plaintiff is Greenwood Township, a second class township of the Commonwealth of Pennsylvania with its offices at R.R. 1, Box 604, Mahaffey, Pennsylvania, 15757.

2. Dennis D. Zorger is an adult individual with a mailing address at R.R. 1, Box 433A, Grampian, Pennsylvania, 16838.

3. Plaintiff believes and therefore avers that Donald A. Zorger, Droz A. Clapsaddle, Troy D. Zorger of William D. Clapsaddle, and Dennis D. Zorger t/a Chest Falls Camp Ground are the owners of a 44 acre parcel identified by Clearfield County Tax Assessment Map Number 117-D11-16 and more fully described in that Deed to them dated July 21, 1995 and recorded in Clearfield County Deeds & Records Book Volume 1690 at page 562. ("Premises")

4. On or before November, 2001, the owners agreed to subdivide and transfer a portion of the Premises to Defendant.

5. Plaintiff believes and therefore avers that a survey by Fred Shuss was performed of the parcel to be conveyed to Defendant ("Zorger Parcel").

6. Occupation and use of the Zorger Parcel is governed by the Pennsylvania Sewage Facilities Act, 35 P.S. §750.1, et seq. ("Sewage Act") and the Clearfield County Subdivision and Land Development Ordinance of 1995 ("County Subdivision Ordinance").

7. The Sewage Act and the County Ordinance apply to and govern subdivisions. Section 7 of the Sewage Act prohibits occupation of any building or structure without first

obtaining a sewage permit. The County Subdivision Ordinance prohibits the subdivision of property without an application for approval which requires, *inter alia*, confirmation of compliance with the sewage act. At an exact time not known to Plaintiff but believed to be in March or April of 2002, Defendant located a modular home on to the Zorger Parcel to be used as his residence.

8. On a date or dates unknown to Plaintiff but believed to be during March or April 2002, Defendant constructed and connected a sewage disposal system to the modular home without a permit issued by Plaintiff under the Sewage Act.

9. No Deed has been recorded for the Zorger Parcel.

10. By an Order dated May 10, 2002, the Commonwealth of Pennsylvania Department of Environmental Protection (“DEP”) declared Plaintiff to be in violation of the Sewage Act as well as the Clean Streams Law, 35 P.S. §691.101, et seq. and ordered Greenwood Township to “take (sic) an action in equity under Section 12 of the Sewage Facilities Act to require the occupants of the prefabricated home to immediately vacate the structure until a sewage system is properly permitted and installed.” A copy of DEP’s Order is annexed hereto as Exhibit “A”

WHEREFORE, Plaintiff respectfully requests your Honorable Court in accordance with Pa. R.Civ.P. Rule 1501-1550 to:

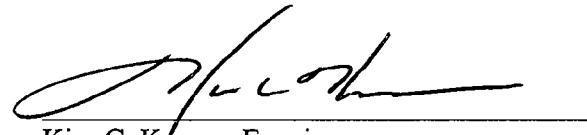
a. Issue a preliminary injunction in accordance with Pa. R.Civ. P. Rule 1531, to be made permanent after hearing, ordering Defendant to cease or prevent any occupation of any structure on the Zorger Parcel until a permit has been issued under Section 7 of the Sewage Act and/or there has been compliance with the Sewage Act;

b. In the alternative, to enter such an injunction as is necessary and appropriate to restrain, correct and abate Defendant’s violations including the full and complete cessation of any further illegal occupancy of the modular home and/or the Zorger Parcel;

c. To enter judgment against the Defendant for Plaintiff by authority of 53 P.S. §10515.3 in an amount assessed by the Court of up to \$500.00 per each day of the continuing violation, plus Plaintiff's court costs and its reasonable attorney's fees incurred as a result of Defendant's violations;

d. Such other relief as the Court deems just and proper.

Respectfully submitted,



Kim C. Kesner, Esquire
Greenwood Township Solicitor
Supreme Ct. I.D. 28307

Commonwealth Of Pennsylvania

:

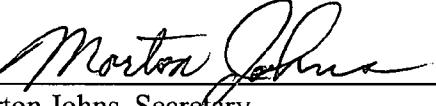
: S. S.

County Of Clearfield

:

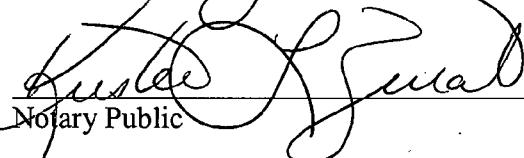
On this the 28th day of May, 2002, before me the undersigned authority personally appeared MORTON JOHNS who acknowledged himself to be the Secretary of the Board of Supervisors of Greenwood Township, and that as such, according to law deposes and says that the facts and averments set forth in the foregoing Complaint are true and correct to the best of his knowledge, information, and belief.

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



Morton Johns, Secretary
Greenwood Township Board of Supervisors

Sworn to and subscribed before me this 28th day of May, 2002.



Kristen L. Zurat
Notary Public

My Commission Expires:

NOTARIAL SEAL
KRISTEN L. ZURAT, NOTARY PUBLIC
CLEARFIELD BORO, CLEARFIELD CO., PA
MY COMMISSION EXPIRES, MAY 7, 2005

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 12585

GREENWOOD TOWNSHIP

02-849-CD

VS.
ZORGER, DENNIS D.

COMPLAINT IN EQUITY

SHERIFF RETURNS

NOW JUNE 4, 2002 AT 9:35 AM DST SERVED THE WITHIN COMPLAINT IN EQUITY ON DENNIS D. ZORGER, DEFENDANT AT RESIDENCE, RR#1 BOX 433A, GRAMPIAN, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO DENNIS ZORGER A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN EQUITY AND MADE KNOWN TO HIM THE CONTENTS THEREOF.

SERVED BY: MCCLEARY/NEVILNG.

Return Costs

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

Sworn to Before Me This
12th Day Of August, 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
My Manley Harr
Chester A. Hawkins
Sheriff

FILED

AUG 12 2002

04:00

William A. Shaw
Prothonotary

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

FILED

AUG 01 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

GREENWOOD TOWNSHIP,
Plaintiff

vs.

DENNIS D. ZORGER,
Defendant

: No. 02-0849-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
: 15 North Front Street
: Clearfield, PA 16830
: 814-765-8972
: 814-765-9893 – facsimile

FILED 2008
01/10/38/2008 Cest. of Disc
AUG 01 2007 to Atty
im

William A. Shaw
Prothonotary/Clerk of Courts

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

GREENWOOD TOWNSHIP, : No. 02-0849-CD

Plaintiff :

vs. :

DENNIS D. ZORGER, :

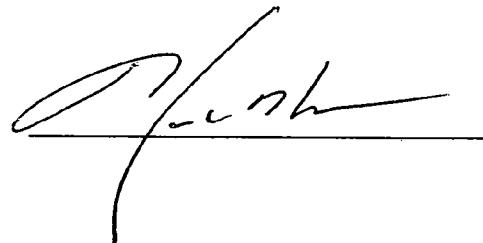
Defendant :

PRAECIPE TO DISCONTINUE

TO WILLIAM A. SHAW, PROTHONOTARY:

Kindly discontinue this action.

Respectfully submitted



cc: Morton Johns, Secretary, Greenwood Township

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Greenwood Township

Vs. **No. 2002-00849-CD**
Dennis D. Zorger

CERTIFICATE OF DISCONTINUATION

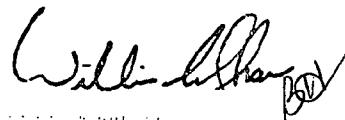
Commonwealth of PA
County of Clearfield

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