

02-1063-CD  
KEPHART TRUCKING CO. -vs- PERFORMANCE ONE et al

COURT OF COMMON PLEAS

FROM

JUDICIAL DISTRICT

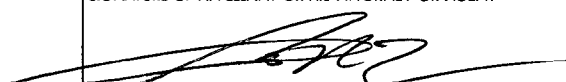
## DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No.

02-1063-C2

## 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 Performance One/Alan Tresnicky		MAG. DIST. NO. OR NAME OF D.J. 46-3-03	
ADDRESS OF APPELLANT 2590 Lincoln Highway, Stoystown, PA 15563		CITY PA	STATE ZIP CODE
DATE OF JUDGMENT 06/14/02	IN THE CASE OF (Plaintiff) Kephart Trucking Co.		
		(Defendant) Performance One/Alan Tresnicky	
CLAIM NO. CV 0000068-02 LT	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 Kephart Trucking Co., appellee(s), to file a complaint in this appeal  
Name of appellee(s)

(Common Pleas No. 02-1063-C2) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Kephart Trucking Co.

**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: July 8, 2002.



\_\_\_\_\_  
Signature of Prothonotary or Deputy

**FILED**

m11:23:21  
JUL 08 2002

Atty  
Matthew Zatk  
pd. 80.00

Copies to Atty

William A. Shaw  
Prothonotary

**COURT FILE TO BE FILED WITH 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 \_\_\_\_\_; 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

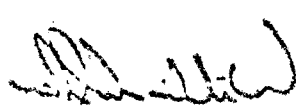
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
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.:

**46-3-03**

DJ Name: Hon.

**MICHAEL A. RUDELLA**

Address: **MOUNTAIN VIEW PLAZA**

**P.O. BOX 210**

**KYLERTOWN, PA**

Telephone: **(814) 345-6789**

**16847-0000**

**ATTORNEY DEF PRIVATE :**

**MATTHEW R. ZATKO**  
**202 EAST UNION ST.**  
**SOMERSET, PA 15011**

**NOTICE OF JUDGMENT/TRANSCRIPT  
CIVIL CASE**

PLAINTIFF:

NAME and ADDRESS

**KEPHART TRUCKING CO**

**P O BOX 386**

**BIGLER, PA 16825**

**VS.**

DEFENDANT:

NAME and ADDRESS

**PERFORMANCE ONE/ALLEN TRIZHICKEY**

**2590 LINCOLN HIGHWAY**

**STOYSTOWN, PA 15563**

Docket No.: **CV-0000068-02**

Date Filed: **3/18/02**



**THIS IS TO NOTIFY YOU THAT:**

Judgment:

**DEFAULT JUDGMENT PLTF**

☒ Judgment was entered for: (Name) **KEPHART TRUCKING CO**

☒ Judgment was entered against: (Name) **PERFORMANCE ONE/ALLEN TRIZHICKEY**

in the amount of \$ **7,861.00** on: (Date of Judgment) **6/14/02**

☐ 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	\$ <b>7,760.00</b>
Judgment Costs	\$ <b>101.00</b>
Interest on Judgment	\$ <b>.00</b>
Attorney Fees	\$ <b>.00</b>
<b>Total</b>	<b>\$ 7,861.00</b>

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.**

6-14-02 Date *MA Rudella*, 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

COURT OF COMMON PLEAS

FROM

JUDICIAL DISTRICT


DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No.

02-1063-CD

## 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 <b>Performance One/Alan Tresnicky</b>		MAG. DIST. NO. OR NAME OF D.J. <b>46-3-03</b>	
ADDRESS OF APPELLANT <b>2590 Lincoln Highway, Stoystown, PA 15563</b>		CITY <b>PA</b>	STATE <b>15563</b>
DATE OF JUDGMENT <b>06/14/02</b>	IN THE CASE OF (Plaintiff) <b>Kephart Trucking Co.</b>		(Defendant) <b>vs. Performance One/Alan Tresnicky</b>
CLAIM NO. <b>CV 0000068-02</b> <b>LT</b>	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 **Kephart Trucking Co.**, appellee(s), to file a complaint in this appeal  
Name of appellee(s)

(Common Pleas No. **02-1063-CD**) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

**Kephart Trucking Co.**

**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: **July 8, 2002**

**FILED**

**JUL 10 2002**

William A. Shaw  
Prothonotary



\_\_\_\_\_  
Signature of Prothonotary or Deputy

## 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

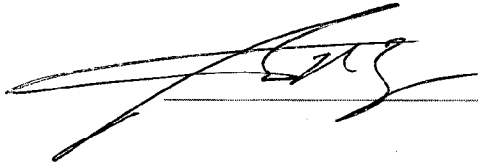
COUNTY OF Somerset; SS

**AFFIDAVIT:** I hereby swear or affirm that I served

- ☒ a copy of the Notice of Appeal, Common Pleas No. 02-1003-CD, upon the District Justice designated therein on  
(date of service) 7/9/02, ☐ by personal service ☒ by (certified) (registered) mail, sender's  
receipt attached hereto, and upon the appellee, (name) Kephor+ Trucking Co., on  
7/9/02, ☐ 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 7/9/02, ☐ by personal service ☒ by (certified) (registered)  
mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS 9th DAY OF July, 2002



Signature of affiant


Christine L Brock  
Signature of official before whom affidavit was made

Notary Public  
Title of official

My commission expires on

Notarial Seal  
Christine L. Brock, Notary Public  
Somerset Boro, Somerset County  
My Commission Expires July 18, 2005  
Member, Pennsylvania Association of Notaries

FILED

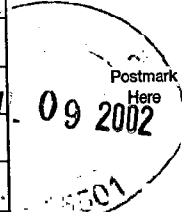
@m/3:26  
JUL 10 2002 

William A. Shaw  
Prothonotary

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

Postage	\$ .37
Certified Fee	2.35
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 4.42</b>



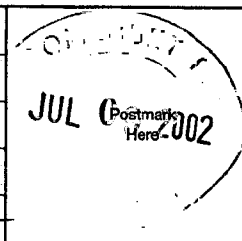
Sent To Mag. Dist. 46-3-03  
Street, Apt. No.;  
or PO Box No. PO Box 210  
City, State, ZIP+4 Kylertown PA 16847  
PS Form 3800, January 2001 See Reverse for Instructions

7001 1940 0006 0459 7924

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

Postage	\$ .37
Certified Fee	2.35
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 4.42</b>



Sent To Kephart Trucking Co.  
Street, Apt. No.;  
or PO Box No. PO Box 386  
City, State, ZIP+4 Bigler, PA 16825  
PS Form 3800, January 2001 See Reverse for Instructions

7001 1940 0006 0459 7900

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

**46-3-03**

DJ Name: Hon.

**MICHAEL A. RUDELLA**

Address: **MOUNTAIN VIEW PLAZA**

**P.O. BOX 210**

**KYLERTOWN, PA**

Telephone: **(814) 345-6789**

**16847-0000**

**MICHAEL A. RUDELLA**  
**MOUNTAIN VIEW PLAZA**  
**P.O. BOX 210**  
**KYLERTOWN, PA 16847-0000**

**NOTICE OF JUDGMENT/TRANSCRIPT  
CIVIL CASE**

PLAINTIFF:

NAME and ADDRESS

**KEPHART TRUCKING CO**

**P O BOX 386**

**BIGLER, PA 16825**

VS.

DEFENDANT:

NAME and ADDRESS

**PERFORMANCE ONE/ALLEN TRIZHICKEY**

**2590 LINCOLN HIGHWAY**

**STOYSTOWN, PA 15563**

Docket No.: **CV-0000068-02**

Date Filed: **3/18/02**



**THIS IS TO NOTIFY YOU THAT:**

Judgment:

**DEFAULT JUDGMENT PLTF**

**02-1063-CO**

☒ Judgment was entered for: (Name) **KEPHART TRUCKING CO**

☒ Judgment was entered against: (Name) **PERFORMANCE ONE/ALLEN TRIZHICKEY**

in the amount of \$ **7,861.00** on: (Date of Judgment) **6/14/02**

☐ 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	\$ <b>7,760.00</b>
Judgment Costs	\$ <b>101.00</b>
Interest on Judgment	\$ <b>.00</b>
Attorney Fees	\$ <b>.00</b>
<b>Total</b>	<b>\$ 7,861.00</b>

Post Judgment Credits \$ \_\_\_\_\_  
Post Judgment Costs \$ \_\_\_\_\_

**Certified Judgment Total** \$ \_\_\_\_\_

**FILED**

Date:	Place:
Time:	

**JUL 17 2002**

**012301 noc**

**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.

**6-14-02** Date **MA Rudella**, District Justice

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.  
**7/19/02** Date **MA Rudella**, District Justice

My commission expires first Monday of January,

**2006**

SEAL

202 EAST UNION STREET  
SOMERSET, PENNSYLVANIA 15501

**MATTHEW R. ZATKO**  
ATTORNEY AT LAW

PHONE: (814) 443-1631  
FAX: (814) 445-7570

KEPHART TRUCKING CO.,  
Plaintiff,

**VS.**

No. 02-1063-CD

PERFORMANCE ONE /  
ALAN TRESNICKY,  
Defendant.

FILED

AUG 28 2002  
 M/1:30 / ms  
 William A. Shaw  
 Prothonotary  
 NOTICE TO PRACTICE

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KEPHART TRUCKING CO.,	)	
Plaintiff,	)	
	)	
vs.	)	No. 02-1063-CD
	)	
	)	
PERFORMANCE ONE /	)	
ALAN TRESNICKY,	)	
Defendant.	)	


To: Kephart Trucking Co.  
PO Box 386  
Bigler, PA 16825

Date of Notice: August 7, 2002

**IMPORTANT NOTICE**

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO FILE A COMPLAINT IN THIS CASE. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR RIGHT TO SUE THE DEFENDANT AND THEREBY LOSE PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

David S. Meholick, Court Administrator  
Clearfield County Courthouse  
Clearfield, PA 16830  
814/ 765 2641, Ext. 5982

  
Matthew R. Zatko, Esq.



KEPHART TRUCKING CO., )  
Plaintiff, )  
vs. )  
PERFORMANCE ONE / )  
ALAN TRESNICKY, )  
Defendant. )

## NOTICE OF ORDER, DECREE OR JUDGMENT

TO:    ☒ Plaintiff            ☐ Defendant            ☐ Garnishee

You are hereby notified that on the 28<sup>th</sup> day of August, 2002 the following Order, Decree or Judgment has been entered against you in the above case:

- ( ) Assumpsit Judgment in the amount of \$\_\_\_\_\_, plus costs in the amount of \$\_\_\_\_\_.
- ( ) Trespass Judgment for liability in the amount of \$\_\_\_\_\_, plus costs in the amount of \$\_\_\_\_\_.
- ( ) Trespass Judgment in the amount of \$\_\_\_\_\_, plus costs in the amount of \$\_\_\_\_\_.
- ( ) Decree in Divorce.
- (X) Entry of Judgment by:      ( ) Court Order      (X) Non-Pros  
   ( ) Default      ( ) Default Liability  
   ( ) Verdict      ( ) Arbitration Award  
   ( ) Transcript of Magistrate Judgment  
   ( ) Other:

( ) A copy of all documents filed with the Prothonotary in support of the within judgment is/are enclosed.

Prothonotary

If you have any questions regarding this Notice, please contact the filing party.

FILED

**Matthew R. Zatko, Esq**  
**202 East Union Street**  
**Somerset, PA 15501**  
**814/ 443 1631**

AUG 28 2002

**William A. Shaw**  
**Prothonotary**

(This Notice is given in accordance with Pa. R.C.P.236.)