

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

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS

JUDICIAL DISTRICT

46th

NOTICE OF APPEAL

FROM

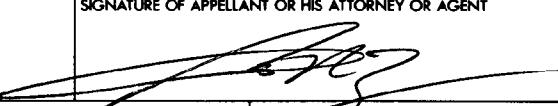
DISTRICT JUSTICE JUDGMENT

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		MAG. DIST. NO. OR NAME OF D.J.		
Performance One/Alan Tresnicky		46-3-03		
ADDRESS OF APPELLANT		CITY	STATE	ZIP CODE
2590 Lincoln Highway, Stoystown, PA 15563				
DATE OF JUDGMENT	IN THE CASE OF (Plaintiff)	(Defendant)		
06/14/02	Kephart Trucking Co.	vs Performance One/Alan Tresnicky		
CLAIM NO.	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT			
CV 0000068-02				
LT				
<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><i>Signature of Prothonotary or Deputy</i></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>				

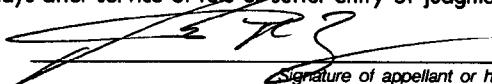
PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

(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 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.


 Signature of appellant or his attorney or agent

Kephart Trucking Co.

RULE: To Kephart Trucking Co., 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

11:23 AM
 JUL 08 2002
 Matthew Zatko
 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	\$ 7,760.00
Judgment Costs	\$ 101.00
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 7,861.00

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.

6-14-02 Date *M A 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

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS

JUDICIAL DISTRICT

46th

NOTICE OF APPEAL

FROM

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

MAG. DIST. NO. OR NAME OF D.J.

Performance One/Alan Tresnick

46-3-03

ADDRESS OF APPELLANT

CITY

STATE

ZIP CODE

2590 Lincoln Highway, Stoystown, PA 15563

DATE OF JUDGMENT

IN THE CASE OF (Plaintiff)

(Defendant)

06/14/02

Kephart Trucking Co.

vs. Performance One/Alan Tresnick

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.

Signature of Prothonotary or Deputy

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.

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.

Signature of appellant or his attorney or agent

RULE: To Kephart Trucking Co., 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

William A. Shaw

Signature of Prothonotary or Deputy

JUL 10 2002

William A. Shaw
 Prothonotary

COURT FILE

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

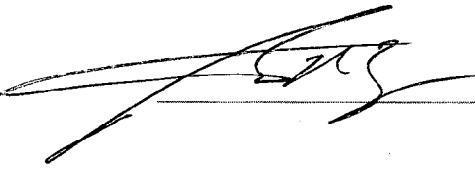
COUNTY OF Somerset ; ss

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) Kephart 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

07/13/2002
JUL 10 2002
FEB

William A. Shaw
Prothonotary

7924
7959
7900
7001 1940

U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
OFFICIAL USE	
Postage	\$.37
Certified Fee	23¢
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.42

Postmark
Here
09 2002

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

7900
7959
7900
7001 1940

U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
OFFICIAL USE	
Postage	\$.37
Certified Fee	23¢
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.42

Postmark
Here
JUL 6 2002

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

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:

KEPHART TRUCKING CO
P O BOX 386
BIGLER, PA 16825

NAME and ADDRESS

VS.
DEFENDANT:
PERFORMANCE ONE/ALLEN TRIZHICKEY
2590 LINCOLN HIGHWAY
STOYSTOWN, PA 15563

NAME and ADDRESS

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	\$ 7,760.00
Judgment Costs	\$ 101.00
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 7,861.00

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

FILED

JUL 17 2002

012301 nocc

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

M A Rudella

, District Justice

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

7/14/02 Date

M A Rudella

, District Justice

MATTHEW R. ZATKO

ATTORNEY AT LAW

202 EAST-UNION STREET
SOMERSET, PENNSYLVANIA 15501

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

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

PRAECIPE FOR ENTRY OF JUDGMENT OF NON PROS

To: William A. Shaw, Prothonotary

ENTER JUDGMENT of Non Pros in favor of Defendant and against Plaintiff in the above captioned matter for failure to file a Complaint.

IT IS certified that written notice of intention to file this Praecipe was delivered to Plaintiff, Kephart Trucking Co., via postage paid, First Class US Mail, after the default occurred and at least ten (10) days prior to the date of the filing of this Praecipe.

Respectfully submitted,

Matthew R. Zatko, Esq.

FILED

18 AUG 28 2002
M/ 1:30/ ms EWS
William A. Shaw PA
Prothonotary 20-
NOTICE TO PLAINTIFF

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.

AMERICAN VINTAGE CIGAR CO TO C.R. AND CO 30 TRUO BRI

AMERICAN VINTAGE CIGAR CO

1900

AMERICAN VINTAGE CIGAR CO

AMERICAN VINTAGE CIGAR CO TO C.R. AND CO 30 TRUO BRI

FILED

AUG 28 2002

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

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

NOTICE OF ORDER, DECREE OR JUDGMENT

TO: Plaintiff Defendant Garnishee

You are hereby notified that on the 28th 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 \$_____.

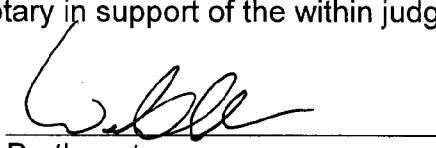
Trespass Judgment for liability in the amount of \$_____, plus costs in the amount of \$_____.

Trespass Judgment in the amount of \$_____, plus costs in the amount of \$_____.

Decree in Divorce.

Entry of Judgment by: Court Order 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.)