

**02-1463-CD**  
**Geraldine Saltsman vs Keith Lucas**

**02**

02-1463-CD  
GERALDINE SALTMAN vs. KEITH LUCAS

46 <sup>th</sup>

## NOTICE OF APPEAL

FROM

## DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 2002-1463-C0

## 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.

Keith Lucas

NAME OF APPELLANT

46-3-03

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

224 N. 7<sup>th</sup> Street

ADDRESS OF APPELLANT

Philipsburg

CITY

PA

16866

ZIP CODE

DATE OF JUDGMENT

IN THE CASE OF (Plaintiff)

(Defendant)

9-9-02

Geraldine Saltsman vs. Keith Lucas

CLAIM NO.

SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT

CV 0000226-02

LT

Keith Lucas

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

Geraldine Saltsman

Name of appellee(s)

(Common Pleas No. 2002-1463-C0) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Keith Lucas

Signature of appellant or his attorney or agent

**RULE:** To Geraldine Saltsman, 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: Sept. 23, 2002

W.B.

Signature of Prothonotary or Deputy

01/23/03  
SEP 23 2002

W.B.  
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) \_\_\_\_\_, 19\_\_\_\_\_,  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\_\_\_\_\_.

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

**46-3-03**

DJ Name: Hon.

**MICHAEL A. RUDELLA**

Address: **131 ROLLING STONE ROAD  
P.O. BOX 210  
KYLERTOWN, PA**

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

**16847-0444**

**KEITH LUCAS  
224 N. 7TH ST.  
PHILIPSBURG, PA 16866**

**NOTICE OF JUDGMENT/TRANSCRIPT  
CIVIL CASE**

PLAINTIFF:

**SALTSMAN, GERALDINE  
R.R.1 BOX 190  
FRENCHVILLE, PA 16836**

NAME and ADDRESS

DEFENDANT:

**LUCAS, KEITH  
224 N. 7TH ST.  
PHILIPSBURG, PA 16866**

NAME and ADDRESS

Docket No.: **CV-0000226-02**  
Date Filed: **8/15/02**



**THIS IS TO NOTIFY YOU THAT:**

Judgment: **FOR PLAINTIFF**

Judgment was entered for: (Name) **SALTSMAN, GERALDINE**

Judgment was entered against: (Name) **LUCAS, KEITH**

in the amount of \$ **1,656.50** on: (Date of Judgment) **9/09/02**

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

Damages will be assessed on: \_\_\_\_\_

Amount of Judgment	\$ <b>1,600.00</b>
Judgment Costs	\$ <b>56.50</b>
Interest on Judgment	\$ <b>.00</b>
Attorney Fees	\$ <b>.00</b>
<b>Total</b>	\$ <b>1,656.50</b>

This case dismissed without prejudice.

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

Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
<b>=====</b>	
<b>Certified Judgment Total</b>	\$ _____

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.

9-9-02 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

FILED

ED 10-3384 A  
SEP 23 2002

William A. Shaw  
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. 2002-1463-C upon the District Justice designated therein or (date of service) September 23, 2002  by personal service  by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) GERALDINE SATTSMAN (Clerk of Court) or September 23, 2002  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 September 23, 2002  by personal service  by (certified) (registered) mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS 23 DAY OF September 2002

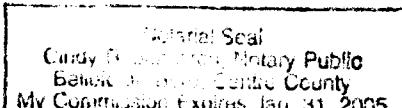
Candy R Johnston

Signature of official before whom affidavit was made

Notary

Title of official

My commission expires on Jan 2005



Member, Pennsylvania Association of Notaries

Keith Lucas Signature of affiant

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

Article Sent To:

Geraldine Sattzman

7618	Postage	\$	
8097	Certified Fee	\$	2.30
0007	Return Receipt Fee (Endorsement Required)	\$	1.75
0007	Restricted Delivery Fee (Endorsement Required)	\$	
3220	Total Postage & Fees	\$	4.05

SEP 23 2002  
Postmark  
Hershey  
PA

Name (Please Print Clearly) (To be completed by mailer)  
Keith Lucas

Street, Apt. No., or PO Box No.  
201 N 7th STREET

City, State, ZIP+4  
SPRINGFIELD, PA 16866

PS Form 2800, July 1999  
See Reverse for Instructions

## COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS

JUDICIAL DISTRICT

46-3-03

## NOTICE OF APPEAL

FROM

## DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No.

2002-1463-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.

Keith Lucas 46-3-03  
 NAME OF APPELLANT MAG. DIST. NO. OR NAME OF D.J.  
224 N. 7th Street PA  
 ADDRESS OF APPELLANT CITY STATE ZIP CODE

DATE OF JUDGMENT 9-9-02	IN THE CASE OF (Plaintiff) Geraldine Saltzman vs Keith Lucas	(Defendant)
CLAIM NO. CV 10-0000226-02	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT <u>Keith Lucas</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 Geraldine Saltzman, appellee(s), to file a complaint in this appeal  
 Name of appellee(s)

(Common Pleas No. 2002-1463-CO) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Keith Lucas

Signature of appellant or his attorney or agent

**RULE:** To Geraldine Saltzman, 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: SEP. 23, 2002

SLB

Signature of Prothonotary or Deputy

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

SEP 23 2002

Attest.

William R. Shaffer  
 Prothonotary/  
 Clerk of Courts

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: CLEARFIELD

Mag. Dist. No.:

**46-3-03**

DJ Name: Hon.

**MICHAEL A. RUDELLA**  
Address: **131 ROLLING STONE ROAD**  
**P.O. BOX 210**  
**KYLERTOWN, PA**  
Telephone: **(814) 345-6789**

**16847-0444**

**MICHAEL A. RUDELLA**  
**131 ROLLING STONE ROAD**  
**P.O. BOX 210**  
**KYLERTOWN, PA 16847-0444**

**NOTICE OF JUDGMENT/TRANSCRIPT  
CIVIL CASE**

PLAINTIFF:

**SALTSMAN, GERALDINE**

NAME and ADDRESS

**R.R.1 BOX 190**

**FRENCHVILLE, PA 16836**

VS.

DEFENDANT:

**LUCAS, KEITH**

NAME and ADDRESS

**224 N. 7TH ST.**

**PHILIPSBURG, PA 16866**

Docket No.: **CV-0000226-02**

Date Filed: **8/15/02**



*02-1463-CJ*

**THIS IS TO NOTIFY YOU THAT:**

Judgment:

**FOR PLAINTIFF**

Judgment was entered for: (Name) **SALTSMAN, GERALDINE**

Judgment was entered against: (Name) **LUCAS, KEITH**

in the amount of \$ **1,656.50** on:

(Date of Judgment) **9/09/02**

Defendants are jointly and severally liable.

(Date & Time) \_\_\_\_\_

Damages will be assessed on:

Amount of Judgment	\$ <b>1,600.00</b>
Judgment Costs	\$ <b>56.50</b>
Interest on Judgment	\$ <b>.00</b>
Attorney Fees	\$ <b>.00</b>
<b>Total</b>	<b>\$ 1,656.50</b>

This case dismissed without prejudice.

Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
<b>Certified Judgment Total</b> \$ _____	

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:	

**FILED**

*of 12:48 NO CC GRT  
SEP 25 2002*

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.

*9-9-02* Date *M. Rudella*, District Justice

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

*9-23-02* Date *M. Rudella*, District Justice

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

**46-3-03**

DJ Name: Hon.

**MICHAEL A. RUDELLA**

Address: **131 ROLLING STONE ROAD  
P.O. BOX 210  
KYLERTOWN, PA**

Telephone: **(814) 345-6789**      **16847-0444**

**NOTICE OF JUDGMENT/TRANSCRIPT  
CIVIL CASE**

PLAINTIFF: **LUCAS, KEITH** NAME and ADDRESS

**224 N. 7TH ST.  
PHILIPSBURG, PA 16866**

DEFENDANT: **SALTSMAN, GERALDINE, ET AL.** NAME and ADDRESS

**RR 1 BOX 190  
FRENCHVILLE, PA 16836**

**MICHAEL A. RUDELLA  
131 ROLLING STONE ROAD  
P.O. BOX 210  
KYLERTOWN, PA 16847-0444**

Docket No.: **CV-0000226-02**  
Date Filed: **8/26/02**  
CROSS COMPLAINT **001**



**THIS IS TO NOTIFY YOU THAT:**

**SALTSMAN, GERALDINE**  
**DISMISSED W/O PREJUDICE**

*02-1463-C*      DEF 001

Judgment was entered for: (Name) \_\_\_\_\_

Judgment was entered against: (Name) \_\_\_\_\_

in the amount of \$ \_\_\_\_\_ on: (Date of Judgment) \_\_\_\_\_

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

Damages will be assessed on: \_\_\_\_\_

This case dismissed without prejudice.

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

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

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

Levy is stayed for \_\_\_\_\_ days or  generally stayed.

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

=====

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

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

Date: _____	Place: _____
_____	_____
_____	_____

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.

9-9-02 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	
<u>9/13/02</u>	Date <u>K. J. Phillips</u> , District Justice

My commission expires first Monday of January,

**2006**

SEAL

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

**46-3-03**

DJ Name: Hon.

**MICHAEL A. RUDELLA**

Address: **131 ROLLING STONE ROAD  
P.O. BOX 210  
KYLERTOWN, PA**

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

**16847-0444**

**MICHAEL A. RUDELLA  
131 ROLLING STONE ROAD  
P.O. BOX 210  
KYLERTOWN, PA 16847-0444**

**NOTICE OF JUDGMENT/TRANSCRIPT  
CIVIL CASE**

PLAINTIFF: **LUCAS, KEITH** NAME and ADDRESS

**224 N. 7TH ST.  
PHILIPSBURG, PA 16866**

VS.

DEFENDANT: NAME and ADDRESS

**SALTSMAN, GERALDINE, ET AL.  
RR 1 BOX 190  
FRENCHVILLE, PA 16836**

Docket No.: **CV-0000226-02**  
Date Filed: **8/26/02**  
CROSS COMPLAINT **001**



**THIS IS TO NOTIFY YOU THAT:**

**FOLMAR, ALLEN**

**DEF 002**

Judgment:

**DISMISSED W/O PREJUDICE**

Judgment was entered for: (Name) \_\_\_\_\_

Judgment was entered against: (Name) \_\_\_\_\_

in the amount of \$ \_\_\_\_\_ on: (Date of Judgment) \_\_\_\_\_

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

Damages will be assessed on: \_\_\_\_\_

This case dismissed without prejudice.

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

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

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

Levy is stayed for \_\_\_\_\_ days or  generally stayed.

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

=====

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

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

Date:

Place:

Date:	Place:
-------	--------

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.

9-9-02 Date

M. Rudella, District Justice

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

7/23/02 Date

M. Rudella, District Justice

My commission expires first Monday of January,

2006

SEAL

ATTORNEY AT LAW

21 1/2 EAST LOCUST STREET

P.O. BOX 552

CLEARFIELD, PENNSYLVANIA 16830

\_\_\_\_\_  
Lap over margin \_\_\_\_\_

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

ALLEN J. FOLMAR and  
GERALDINE R. SALTSMAN,  
Plaintiffs,

V.

KEITH LUCAS, t/d/b/a  
K&B PAINTING & DRYWALL  
Defendant.

\*  
\*  
\*  
\*  
\* No. 02 - 1463 - CD

### Type of Pleading:

## **COMPLAINT**

\* Filed on behalf of:  
\* Plaintiffs

\* Counsel of Record for  
\* this party:

\* James A. Naddeo, Esq.  
\* Pa I.D. 06820

\* 211 1/2 E. Locust Street  
\* P.O. Box 552  
\* Clearfield, PA 16830  
\* (814) 765-1601

138 13.15 - 21.50  
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

ALLEN J. FOLMAR and  
GERALDINE R. SALTSMAN,  
Plaintiffs,

v.

KEITH LUCAS, t/d/b/a  
K&B PAINTING & DRYWALL  
Defendants.

\*  
\*  
\*  
\*

\* No. 02 - 1463 - CD  
\*  
\*

**N O T I C E**

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 LEGAL HELP.

COURT ADMINISTRATOR  
Clearfield County Courthouse  
Market and Second Streets  
Clearfield, PA 16830

(814) 765-2641, ext. 5982

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

ALLEN J. FOLMAR and \*  
GERALDINE R. SALTSMAN, \*  
Plaintiffs, \*  
\*  
v. \* No. 02 - 1463 - CD  
\*  
KEITH LUCAS, t/d/b/a \*  
K&B PAINTING & DRYWALL \*  
Defendants. \*

C O M P L A I N T

NOW COMES the Plaintiffs, ALLEN J. FOLMAR and  
GERALDINE R. SALTSMAN, and by their attorney, James A. Naddeo,  
Esquire, set forth the following:

1. That the Plaintiffs are Allen J. Folmar and  
Geraldine R. Saltsman who resides at RR1 Box 190, Frenchville,  
Pennsylvania 16836.

2. That Defendant is Keith Lucas t/d/b/a K&B Painting  
& Drywall, who resides at 224 North Seventh Street, Philipsburg,  
Pennsylvania 16866.

3. That at all times referred to herein the  
Plaintiffs were the owners of a piece or parcel of land located  
in Covington Township, Clearfield County, Pennsylvania, having  
erected thereon improvements consisting of a ranch-style brick  
and stone dwelling with wooden decks to the front and rear of  
the dwelling.

4. That during the latter part of May 2002, Plaintiff Allen J. Folmar met with Defendant at the residence described in Paragraph 3 hereof for the purpose of obtaining an estimate from Defendant to stain and seal the wooden decks to the front and rear of Plaintiffs' residence.

5. That on the same date referred to in Paragraph 4 hereof and incorporated herein by reference, Defendant presented Plaintiff Allen J. Folmar with two (2) charts depicting Woodsman semi-transparent stains.

6. That the following day, Plaintiffs met with Defendant at the residence described in Paragraph 3 hereof, at which time it was agreed that Defendant would provide material and labor necessary to stain and seal Plaintiffs' decks with a russet semi-transparent stain.

7. That on or about June 14, 2002, Defendant commenced preparation of Plaintiffs' decks for the purpose of staining and sealing.

8. That Plaintiffs made three (3) payments to Defendant in the amounts of \$560.00, \$659.51 and \$352.35 as appear from the checks attached hereto collectively as Exhibit "A".

9. That during the course of the work performed by Defendant, Plaintiffs discovered that Defendant had used white

oil-based primer on their wooden decks as opposed to the semi-transparent russet stain requested by the Plaintiffs.

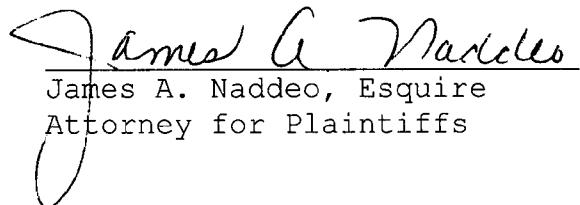
10. That when Plaintiffs discovered Defendant's mistake, they informed Defendant that he had failed to use the proper stain on their decks and that they expected him to correct the problem.

11. That Defendant failed and/or refused to properly stain Plaintiffs' decks with the material selected by Plaintiffs and, in fact, discontinued the work he was to perform on Plaintiffs' property, which work remains unfinished.

12. That Plaintiffs have obtained various estimates to correct the work improperly performed by Defendant the lowest of which was provided by Fowles Masonry & General Contracting in the amount of \$15,325.00, a copy of which is attached hereto as Exhibit "B".

WHEREFORE, Plaintiffs claim damages from Defendant in the amount of \$15,325.00 with interest as allowable by law.

Respectfully submitted,

  
James A. Naddeo  
James A. Naddeo, Esquire  
Attorney for Plaintiffs

ALLEN J. FOLMAR  
R.D. 1, BOX 15 PH. 814-263-4683  
FRENCHVILLE, PA 16836

8-9  
430 152

672

6-14 - 2002

PAY TO THE ORDER OF Keith Lucas \$ 560.00  
Five Hundred Sixty Dollars And <sup>00</sup>/<sub>100</sub> DOLLARS

**PNCBANK**

PNC Bank, N.A.  
Central PA 001  
MEMO PAINT MATERIAL, LABOR

Allen J. Folmar

10430000961 067210140084269 00000056000

ALLEN J. FOLMAR  
R.D. 1, BOX 15 PH. 814-263-4683  
FRENCHVILLE, PA 16836

8-9  
430 152

675

6-29-2002

PAY TO THE ORDER OF Keith Lucas \$ 659.51  
Six Hundred Fifty Nine Dollars & <sup>51</sup>/<sub>100</sub> DOLLARS

**PNCBANK**

PNC Bank, N.A. <sup>Box 190</sup>  
Central PA 001  
MEMO PAINT, LABOR, MATERIALS

Allen J. Folmar

10430000961 067510140084269 00000065951

ALLEN J. FOLMAR  
R.D. 1, BOX 15 PH. 814-263-4683  
FRENCHVILLE, PA 16836

8-9  
430 152

676

7/31 2002

PAY TO THE ORDER OF Keith Lucas \$ 352.35  
Three Hundred Fifty Two Dollars & <sup>35</sup>/<sub>100</sub> DOLLARS

**PNCBANK**

PNC Bank, N.A.  
Central PA 001  
MEMO PAINT, MATERIAL + LABOR Allen J. Folmar

10430000961 067610140084269 00000035235

Rowles Masonry & General Contracting  
Buck Run Road, P.O. Box 161  
Frenchville, PA 16836  
(814) 263-4160

September 4, 2002

Alan Folmar and Geraldine Saltsman  
Frenchville, PA 16836

---

Proposal to replace painted flooring and railing on treated decks. Customer wants paint removed, or wood replaced.

In my opinion it would be almost impossible to remove the paint and would be extremely time consuming. I believe the only alternative is to replace the painted wood. The railing on the porches is not completely painted, however, it was sanded very deep and left exposed to the weather, doing irreparable damage.

1125 sq.' Back porch and ramp- \$ 9,735.00

478 sq.' Front porch- \$ 5,165.00

Painting on eaves and Garage doors- \$ 425.00

Total- \$ 15,325.00

Proposal may be withdrawn within sixty (60) days.

All material is guaranteed to be as specified, and the above work to be completed in a substantial workmanlike manner. Payment to be upon job completion.

Liability insurance is carried by Erie Insurance Company/Boyles Insurance Agency.

Respectfully submitted,

Dan Rowles  
Rowles Masonry &  
General Contracting

COMMONWEALTH OF PENNSYLVANIA)

ss.

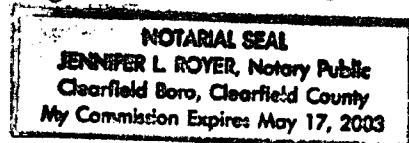
COUNTY OF CLEARFIELD )

Before me, the undersigned officer, personally appeared GERALDINE R. SALTSMAN, who being duly sworn according to law, deposes and states that the facts set forth in the foregoing Complaint are true and correct to the best of her knowledge, information and belief.

*Geraldine R. Saltsman*  
Geraldine R. Saltsman

SWORN and SUBSCRIBED before me this 8th day of October, 2002.

*Jennifer L. Royer*



CLIFFFIELD, PENNSYLVANIA 16830  
P.O. BOX 552  
21 1/2 EAST LOCUST STREET  
ATTORNEY AT LAW  
JAMES A. NADDEO

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

ALLEN J. FOLMAR and  
GERALDINE R. SALTSMAN,  
Plaintiffs,

v.

272

No. 02 - 1463 - CD

KEITH LUCAS, t/d/b/a  
K&B PAINTING & DRYWALL  
Defendant.

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### Type of Pleading:

\* CERTIFICATE OF SERVICE

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Filed on behalf of:

1

Counsel of Record for  
this party:

7

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James A. Naddeo, Esq.  
Pa I.D. 06820

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211 1/2 E. Locust Street  
P.O. Box 552  
Clearfield, PA 16830  
(814) 765-1601

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William A. Shaw  
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

ALLEN J. FOLMAR and \*  
GERALDINE R. SALTSMAN, \*  
Plaintiffs, \*  
\*  
v. \* No. 02 - 1463 - CD  
\*  
KEITH LUCAS, t/d/b/a \*  
K&B PAINTING & DRYWALL \*  
Defendants. \*

**CERTIFICATE OF SERVICE**

I, James A. Naddeo, Esquire, do hereby certify that a true and certified copy of Plaintiff's Complaint filed in the above-captioned action was served on the following person and in the following manner on the 9th day of October, 2002:

First-Class Mail, Postage Prepaid

Keith Lucas  
t/d/b/a K&B Painting & Drywall  
224 North Seventh Street  
Philipsburg, PA 16866

James A. Naddeo  
James A. Naddeo  
Attorney for Plaintiffs

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

ALLEN J. FOLMAR and :  
GERALDINE R. SALTSMAN, :  
Plaintiffs, :  
:  
v. : No. 02 - 1463 - CD  
:  
KEITH LUCAS, t/d/b/a :  
K&B PAINTING & DRYWALL, :  
Defendant. :  
:  
: Type of Pleading:  
:  
: ANSWER TO PLAINTIFFS'  
: COMPLAINT  
:  
: Filed on behalf of:  
: Defendant  
:  
: Counsel of Record for this party:  
:  
: WILLIAM G. TRESSLER, ESQUIRE  
: 410 North Allegheny Street  
: Bellefonte, PA 16823  
: PA ID No. 61753  
: Telephone No.: (814) 355-3142  
: Fax No.: (814) 353-2455

F I L E D

OCT 24 2002

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William A. Shaw a  
Prothonotary *WAS*

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

ALLEN J. FOLMAR and	:
GERALDINE R. SALTSMAN,	:
Plaintiffs,	:
	:
v.	: No. 02 - 1463 - CD
	:
KEITH LUCAS, t/d/b/a	:
K&B PAINTING & DRYWALL,	:
Defendant.	:

ANSWER TO PLAINTIFFS' COMPLAINT

AND NOW COMES the Defendant Keith Lucas t/d/b/a K&B Painting and Drywall, by and through his attorney William G. Tressler, and avers that he has a full, just, and complete defense to the matters set out in the complaint, the nature whereof is as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted. By way of further answer, Plaintiff Geraldine R. Saltsman first contacted Defendant by telephone. Defendant submitted a bid, which Defendant further offered to write up as a contract. Plaintiff Saltsman rejected both the bid and a written contract. Plaintiff Saltsman agreed to time and materials. Defendant then met with Plaintiff Allen J. Folmar.

5. Admitted. By way of further answer, the color charts showed both solid and semi-transparent stains.

6. Admitted in part and denied in part. It is admitted that Plaintiff met with Defendant Folmar. It is specifically denied that it was agreed that Defendant would stain and seal Plaintiffs' deck with a russet semi-transparent stain. To the contrary, after Defendant explained that he would have to hand sand the weathered decks to properly stain and seal, Plaintiffs entered in an oral contract with Defendant to prime and paint the decks for time and materials.

7. Denied. To the contrary, Defendant commenced power washing Plaintiffs' decks during the first week of June for purposes of priming and painting. By way of further answer, Plaintiffs rejected sanding by Defendant.

8. Admitted. By way of further answer, "paint" is listed on the memo line of the first two checks.

9. Admitted in part and denied in part. It is admitted that Defendant used primer. It is specifically denied that Plaintiffs requested semi-transparent russet stain. To the contrary, Plaintiffs agreed to primer and paint when Defendant advised them that the exposed parts of their decks were in rough condition, would not hold up to sand blasting, and would have to be hand sanded in preparation for staining and sealing.

10. Admitted in part and denied in part. It is admitted that Plaintiff Saltsman objected only after both decks had been primed. It is specifically denied that Defendant

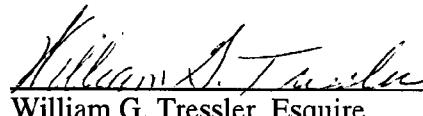
made a mistake. To the contrary, Plaintiffs agreed and directed Defendant to prime and paint both decks. By way of further answer, Plaintiffs did not object when the front deck was primed several days in advance of the rear deck.

11. Denied. To the contrary, Plaintiffs agreed and directed Defendant to prime and paint both decks. By way of further answer, Plaintiff Saltsman rejected all efforts by Defendant to finish the job to Plaintiffs' satisfaction.

12. Paragraph 12 of Plaintiffs' Complaint is denied. To the contrary, Defendant performed his job in a good and workman like manner and at the direction of Plaintiffs. By way of further answer, it is denied that it is necessary to replace the deck structures at a cost of \$15,325.00. To the contrary, the primer and paint, which Defendant properly applied as per direction of Plaintiffs, could be removed by application of a stripper and then by power wash.

WHEREFORE Defendant request that this honorable court dismiss Plaintiffs' Complaint with prejudice.

Respectfully submitted,

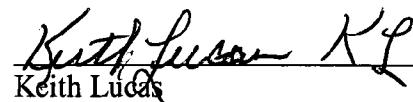


\_\_\_\_\_  
William G. Tressler, Esquire  
Attorney for Defendant  
410 North Allegheny Street  
Bellefonte, PA 16823  
PA ID No. 61753  
(814) 355-3142

**VERIFICATION**

I, KEITH LUCAS, do hereby swear or affirm that the facts set forth in the foregoing Complaint are true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities.

Date: 10/24/02

  
Keith Lucas KL

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA  
CIVIL ACTION – LAW

ALLEN J. FOLMAR and	:
GERALDINE R. SALTSMAN,	:
Plaintiffs,	:
	:
v.	:
	No. 02 - 1463 - CD
	:
KEITH LUCAS, t/d/b/a	:
K&B PAINTING & DRYWALL,	:
Defendant.	:

CERTIFICATE OF SERVICE

I, William G. Tressler, Esquire, hereby certify that a true and correct copy of the foregoing Answer to Plaintiffs' Complaint has been served upon the following person(s) by United States mail, with first-class postage, prepaid on this the 24<sup>th</sup> day of October, 2002, being addressed as follows:

James A. Naddeo, Esquire  
211½ East Locust Street  
P.O. Box 552  
Clearfield, PA 16830

By:

  
William G. Tressler, Esquire  
Attorney for Defendant  
410 North Allegheny Street  
Bellefonte, PA 16823  
PA ID No. 61753  
(814) 355-3142

FILED

OCT 24 2002

William A. Shaw  
Prothonotary

CLERKFIELD, PENNSYLVANIA 16830  
R.O. BOX 552  
ATTORNEY AT LAW  
JAMES A. NADDEO

— Lap over margin —

FILED  
6/3/2004  
JUN 04 2004 Atty Naddoo pd  
William A. Shaw  
Prothonotary Clerk of Courts  
COPY TO CIA  
20.00

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

ALLEN J. FOLMAR and  
GERALDINE R. SALTSMAN,  
Plaintiffs,

v.

KEITH LUCAS, t/d/b/a  
K&B PAINTING & DRYWALL  
Defendant.

\*

\*

\*

\*

\*      No. 02 - 1463 - CD

\*

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\*

\*      Type of Pleading:

\*

\*

\*

\*

**CERTIFICATE OF  
READINESS**

\*

\*

\*

\*

\*      Filed on behalf of:  
\*      Plaintiffs

\*

\*

\*

\*      Counsel of Record for  
\*      this party:

\*

\*

\*

\*

\*      James A. Naddeo, Esq.  
\*      Pa I.D. 06820

\*

\*

\*

\*

\*      207 E. Market Street  
\*      P.O. Box 552  
\*      Clearfield, PA 16830  
\*      (814) 765-1601

FILED

JUN 04 2004

William A. Shaw  
Prothonotary/Clerk of Courts

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
CIVIL TRIAL LISTING

CERTIFICATE OF READINESS

TO THE PROTHONOTARY

02-1463-CD	DATE PRESENTED	
CASE NUMBER	TYPE TRIAL REQUESTED	ESTIMATED TRIAL TIME

Date Complaint Filed:	( ) Jury (X) Non-Jury Arbitration	1/2 Days
10-9-02		

PLAINTIFF(S)

Allen J. Fulmar and Geraldine R. Saltsman ( )

DEFENDANT(S)

Keith Lucas t/d/b/a K&B Pairting & Drywall ( )

ADDITIONAL DEFENDANT(S)

Check Block if  
a Minor is a  
Party to the  
Case

( )

JURY DEMAND FILED BY:

DATE JURY DEMAND FILED:

AMOUNT AT ISSUE	CONSOLIDATION	DATE CONSOLIDATION ORDERED
-----------------	---------------	----------------------------

more than \$ 26,660	( ) yes (✓) no
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PLEASE PLACE THE ABOVE CAPTIONED CASE ON THE TRIAL LIST.

I certify that all discovery in the case has been completed; all necessary parties and witnesses are available; serious settlement negotiations have been conducted; the case is ready in all respects for trial, and a copy of this Certificate has been served upon all counsel of record and upon all parties of record who are not represented by counsel.

James A. Naddeo

FOR THE PLAINTIFF	TELEPHONE NUMBER
-------------------	------------------

James A. Naddeo, Esquire	(814) 765-1601
--------------------------	----------------

FOR THE DEFENDANT	TELEPHONE NUMBER
-------------------	------------------

William G. Tressler, Esquire	(814) 355-3142
------------------------------	----------------

FOR ADDITIONAL DEFENDANT	TELEPHONE NUMBER
--------------------------	------------------

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

ALLEN J. FOLMAR and \*  
GERALDINE R. SALTSMAN, \*  
Plaintiffs, \*  
\*  
v. \* NO. 02 - 1463 - CD  
\*  
\*  
KEITH LUCAS, t/d/b/a \*  
K&B PAINTING & DRYWALL \*  
Defendants. \*

**CERTIFICATE OF SERVICE**

I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy of Certificate of Readiness filed in the above-captioned action was served on the following person and in the following manner on the 4th day of June, 2004:

First-Class Mail, Postage Prepaid

William G. Tressler, Esquire  
410 North Allegheny Street  
Bellefonte, PA 16823

James A. Naddeo, Esquire  
Attorney for Plaintiffs

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

ALLEN J. FOLMAR and :  
GERALDINE R. SALTSMAN :  
vs. : No. 02-1463-CD  
KEITH LUCAS, t/d/b/a K&B :  
PAINTING & DRYWALL :  
COURT

**ORDER**

NOW, this 7 day of July, 2004, it is the ORDER of the Court that the above-captioned matter is scheduled for Arbitration on Monday, August 30, 2004 at 1:00 P.M. The following have been appointed as Arbitrators:

J. Richard Mattern, II, Esquire, Chairman

John A. Ayres, Jr., Esquire

Christopher E. Mohney, Esquire

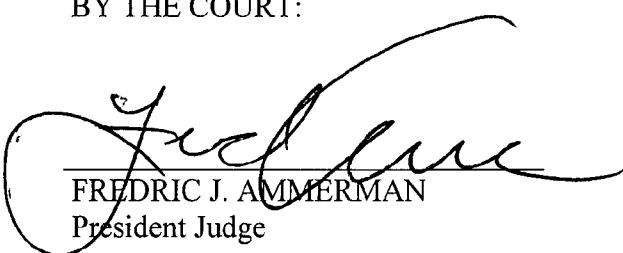
Pursuant to Local Rule 1306A, you must submit your Pre-Trial Statement seven (7) days prior to the scheduled Arbitration. The original should be forwarded to the Court Administrator's Office and copies to opposing counsel and each member of the Board of Arbitrators. For your convenience, a Pre-Trial (Arbitration) Memorandum Instruction Form is enclosed as well as a copy of said Local Rule of Court.

**FILED**

BY THE COURT:

JUL 07 2004

William A. Drew  
Prothonotary/Clerk of Courts

  
FREDRIC J. AMMERMAN  
President Judge

Arb 8-30-04

CA

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

ALLEN J. FOLMAR and :  
GERALDINE R. SALTSMAN, :  
Plaintiffs, :  
v. : No. 02 - 1463 - CD  
KEITH LUCAS, t/d/b/a :  
K&B PAINTING & DRYWALL, :  
Defendant. :  
: Type of Pleading:  
: DEFENDANT'S PRE-TRIAL  
: STATEMENT  
: Filed on behalf of:  
: Defendant  
: Counsel of Record for this party:  
: WILLIAM G. TRESSLER, ESQUIRE  
: 410 North Allegheny Street  
: Bellefonte, PA 16823  
: PA ID No. 61753  
: Telephone No.: (814) 355-3142  
: Fax No.: (814) 353-2455

RECEIVED

AUG 29 2004

COURT ADMINISTRATOR'S  
OFFICE

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

ALLEN J. FOLMAR and	:	
GERALDINE R. SALTSMAN,	:	
Plaintiffs,	:	
	:	
v.	:	No. 02 - 1463 - CD
	:	
KEITH LUCAS, t/d/b/a	:	
K&B PAINTING & DRYWALL,	:	
Defendant.	:	

DEFENDANT'S PRE-TRIAL STATEMENT

I. Statement of Defendant's Defense

In this action for an oral contract Plaintiffs cannot sustain their claim for the replacement cost for a new deck to replace their existing deck. Defendant factually denies that Plaintiffs correctly stated the terms of their agreement. To the contrary Defendant avers:

- (1) Plaintiffs rejected a written bid and contract and entered in an oral contract with Defendant to paint(stain) the Plaintiffs' decks for labor and materials;
- (2) Plaintiffs rejected the application of a semi-transparent stain to the deck; and
- (3) Plaintiffs are not entitled to replacement cost for a new deck when primer and paint(stain) could be removed by a stripper followed by power wash.

Defendant denies that the parties agreed to apply semi-transparent stain. Defendant pleads that rather than pay labor and materials for hand-sanding to prepare the deck, Plaintiffs agreed to primer and paint (solid stain). Defendant

further pleads that Plaintiffs directed him to use primer and paint when he explained to Plaintiffs the high costs to hand sand weathered and exposed portions of the deck to properly prepare it for sealing and staining with a semi-transparent stain. Defendant expressly advised Plaintiffs that the exposed parts of their decks were in rough condition, would not hold up to sand blasting, and would have to be hand sanded in preparation for (semi-transparent) staining and sealing.

Defendant substantially performed his agreement and any breach (which Defendant denies) was an immaterial failure of performance. Defendant pleads that he performed his job in a good and workman like manner and that Plaintiff Geraldine R. Saltsman rejected all efforts by Defendant to finish the job to Plaintiffs' satisfaction. Defendant further pleads that Plaintiffs failed to object when the front deck was primed several days in advance of the rear deck.

Plaintiffs cannot support their claim for Fifteen Thousand (\$15,000.00) Dollars to buy them a new deck. Defendant pleads that the deck does not need to be replaced with new material. The primer and paint stain could be removed by application of a stripper and then by power wash.

## II. Citations

Snyder v. Markitell et ux., 52 A.2d 186(Pa 1947)

Schlein v. Gross et ux., 142 A.2d 329 (Pa.Super. 1958)

Greentree Borough v. Tortorete, 211 A.2d 76 (Pa.Super. 1965)

Shuey v. Rump, 421 A.2d 324 (1980)

Schaeffer v. Stewartstown Development Co., 647 A.2d 945 (Pa.Super. 1994)

Restatement of Contracts 2d §69 (1977)

Johnston The Florist v. Tedco Construction Corp., 657A.2d 511(PA Super. 1995)

III. List of Witness

Leroy Johnston: Co-worker, photographer, and witness

Cindy Johnston: Photographer and witness

Keith Lucas: Defendant

Walter Swoope, JR.: Character witness for Defendant.

IV. Exhibits

Photographs showing Plaintiffs deck at various stages of work

Copies of receipts for supplies

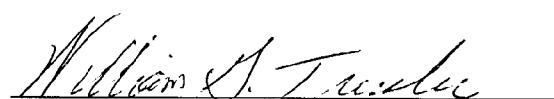
Copy of time spent on the job

Copy of the checks for payment by Plaintiff.

V. Estimated time for trial

One half of day

Respectfully Submitted,

  
\_\_\_\_\_  
William G. Tressler  
Attorney for Defendant  
410 N. Allegheny Street  
Bellefonte, PA 16823  
PA ID No. 61753  
(814) 355-3142

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA  
CIVIL ACTION – LAW

ALLEN J. FOLMAR and	:
GERALDINE R. SALTSMAN,	:
Plaintiffs,	:
	:
v.	: No. 02 - 1463 - CD
	:
KEITH LUCAS, t/d/b/a	:
K&B PAINTING & DRYWALL,	:
Defendant.	:

CERTIFICATE OF SERVICE

I, William G. Tressler, Esquire, hereby certify that a true and correct copy of the foregoing Defendant's Pretrial Statement has been served upon the following person(s) by United States mail, with first-class postage, prepaid on this the 23<sup>rd</sup> day of August, 2004, being addressed as follows:

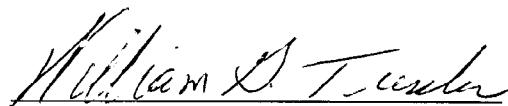
James A. Naddeo, Esquire  
211½ East Locust Street  
P.O. Box 552  
Clearfield, PA 16830

J. Richard Mattern, II, Esquire  
211 Pine Street  
Clearfield, PA 16830

Christopher E. Mohney, Esquire  
90 Beaver Drive  
Dubois PA, 15801

John A. Ayres, JR, Esquire  
101 S. 2<sup>nd</sup> Street  
Clearfield PA, 16830

By:

  
William G. Tressler, Esquire  
Attorney for Defendant  
410 North Allegheny Street  
Bellefonte, PA 16823  
PA ID No. 61753  
(814) 355-3142

**JAMES A. NADDEO**  
ATTORNEY AT LAW  
207 EAST MARKET STREET  
P.O. BOX 552  
CLEARFIELD, PENNSYLVANIA 16830

ASSOCIATE  
LINDA C. LEWIS

(814) 765-1601  
FAX: (814) 765-8142  
[naddeolaw@charterinternet.com](mailto:naddeolaw@charterinternet.com)

August 24, 2004

J. Richard Mattern, II, Esquire  
211 East Pine Street  
Clearfield, PA 16830

John A. Ayres, Jr., Esquire  
101 South Second Street  
Clearfield, PA 16830

Christopher E. Mohney, Esquire  
90 Beaver Drive, Suite 111B  
DuBois, PA 15801

Re: Folmar vs. Lucas  
No. 02-1463-CD

Gentlemen:

I just received notice from Plaintiffs that they do not intend to pursue their claim against Mr. Lucas. Neither my clients nor I will be appearing for the Arbitration scheduled for Monday, August 30, 2004, at 1:00 p.m.

Sincerely,

James A. Naddeo

JAN/jlr

cc: William G. Tressler, Esquire  
Marcy Kelley, Deputy Court Adm.  
Mr. Allen J. Folmar

*Bonnie*

CLERAFFIELD, PENNSYLVANIA 16830  
P.O. BOX 552  
ATTORNEY AT LAW  
JAMES A. NADDEO

— Lap over margin —

FILED  
Clerk  
AUG 26 2004  
William A. Shaw  
Prothonotary Clerk of Courts  
per Judge Zimmerman 8/26/04

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

ALLEN J. FOLMAR and  
GERALDINE R. SALTSMAN,  
Plaintiffs,

v.

KEITH LUCAS, t/d/b/a  
K&B PAINTING & DRYWALL  
Defendant.

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No. 02 - 1463 - CD

Type of Pleading:

**PRAECLPSE TO DISCONTINUE**

Filed on behalf of:

Plaintiffs

Counsel of Record for  
this party:

James A. Naddeo, Esq.  
Pa I.D. 06820

207 E. Market Street  
P.O. Box 552  
Clearfield, PA 16830  
(814) 765-1601

**FILED**

AUG 26 2004

William A. Shaw  
Prothonotary/Clerk of Courts

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

ALLEN J. FOLMAR and  
GERALDINE R. SALTSMAN,  
Plaintiffs,

v.

KEITH LUCAS, t/d/b/a  
K&B PAINTING & DRYWALL  
Defendants.

\*  
\*  
\*  
\*

\*      No. 02 - 1463 - CD  
\*  
\*

PRAECIPE TO DISCONTINUE

TO THE PROTHONOTARY:

Dear Sir:

Please mark the above-captioned case discontinued  
without prejudice.

James A. Naddeo

James A. Naddeo, Esquire  
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

**Allen J. Folmar and  
Geraldine Saltsman**

vs. No. 2002-01463-CD  
**Keith Lucas t/d/b/a  
K & B Painting & Drywall**

**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 26, 2004, marked:

Discontinued without prejudice

Record costs in the sum of \$80.00 have been paid in full by Keith Lucas; record costs in the sum of \$20.00 have been paid by James A. Naddeo, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 26th day of August A.D. 2004.

---

William A. Shaw, Prothonotary