

02-1511-CD
STATE INS. COM. et al. vs. WILLIAM C. MCCRACKEN, et al

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

ALLSTATE INSURANCE COMPANY, :
SUBROGEE OF BETTY BROWN :
Plaintiff :
:
vs. : No. 02 - 1511 - C.D.
:
WILLIAM C. McCACKEN i/t/a :
B & C HOME IMPROVEMENTS :
& CONTRACTING :
Defendant :
:

**PRAECIPE TO SATISFY
JUDGMENT**

Filed on behalf of:
Plaintiff

Counsel of Record for
this Party:

Robert E. Cherwony, Esquire
Attorney-At-Law

Pa. I.D. 17623

KRAFT & KRAFT, P.C.
1311 Spruce Street
Philadelphia, PA 19107
(215) 546-5100

FILED ^(CR)
07/28/05 Cert. of Sat.
JUL 28 2005 to Atty
William A. Shaw
Prothonotary/Clerk of Courts

Atty Ryan pd.
7.00

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

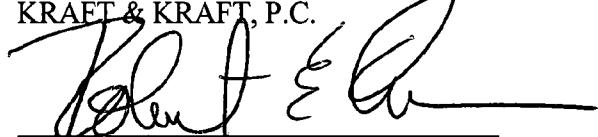
ALLSTATE INSURANCE COMPANY, :
SUBROGEE OF BETTY BROWN :
Plaintiff :
:
vs. : No. 02 - 1511 - C.D.
:
WILLIAM C. McCACKEN i/t/a :
B & C HOME IMPROVEMENTS :
& CONTRACTING :
Defendant :
:

PRAECIPE TO SATISFY JUDGMENT

TO: WILLIAM SHAW, PROTHONOTARY

Please satisfy the judgment, which Plaintiff has against the Defendant in the above-captioned action.

KRAFT & KRAFT, P.C.



Robert E. Cherwony, Esquire
Attorney for Plaintiff

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

FILED

JUL 28 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

 COPY

CERTIFICATE OF SATISFACTION OF JUDGMENT

No.: 2002-01511-CD

Allstate Insurance Company
Betty Brown

Debt: \$1,534.99

Vs.

Atty's Comm.:

William C. McCracken
B & C Home Improvements & Contracting

Interest From:

Cost: \$7.00

NOW, Thursday, July 28, 2005 , directions for satisfaction having been received, and all costs having been paid, SATISFACTION was entered of record.

Certified from the record this 28th day of July, A.D. 2005.

Prothonotary

KRAFT & KRAFT, P.C.

BY: Robert E. Cherwony, Esquire
Identification No. 17623
1311 Spruce Street
Philadelphia, PA 19107
(215) 546-5100

Attorney for Plaintiff(s)

ALLSTATE INSURANCE COMPANY,
SUBROGEE OF BETTY BROWN
3800 Electric Road
Roanoke, VA 24018

COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PA

vs.

CIVIL ACTION AT LAW

WILLIAM C. McCACKEN i/t/a
B & C HOME IMPROVEMENTS &
CONTRACTING
213 W. Pine Street
Clearfield, PA 16830 **CIVIL ACTION COMPLAINT**

NO. 02-1511-CD

"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 LEGAL HELP.

"AVISO"

"Le han demandado a usted en la corte. Si usted quiere defenderse de este demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demands y la notification. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notification. Ademas, la corte puede decidir a favor dei demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

"LLEVE ESTA DEMANDA A UN ABOGADO IMMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFIICINA CUYA DIRECCION SE ENCUENTRA ESRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL."

FILED

David Meholic
Court Administrator
1 N. 2nd Street
Clearfield, PA 16830

SEP 30 2002

William A. Shaw
Prothonotary

KRAFT & KRAFT, P.C.
BY: Robert E. Cherwony, Esquire
Attorney No. 17623
1311 Spruce Street
Philadelphia PA 19107
(215) 546-5100

Attorney for Plaintiff(s)

ALLSTATE INSURANCE COMPANY, : COURT OF COMMON PLEAS OF
SUBROGEE OF BETTY BROWN CLEARFIELD COUNTY, PA
3800 Electric Road
Roanoke, VA 24018

v. : CIVIL ACTION AT LAW

WILLIAM C. McCRACKEN i/t/a
B & C HOME IMPROVEMENTS & : No.
CONTRACTING
213 W. Pine Street
Clearfield, PA 16830 CIVIL ACTION

1. Plaintiff is a corporation with an address as set forth above.

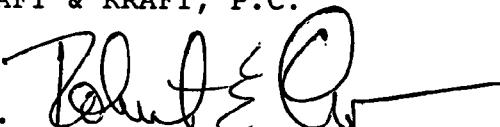
2. Defendant is a corporation with an address as set forth above.

3. On or about 12/18/01, due to defendant's negligence, carelessness and breach of contract, plaintiff's insured sustained damages in the amount of \$1,458.18.

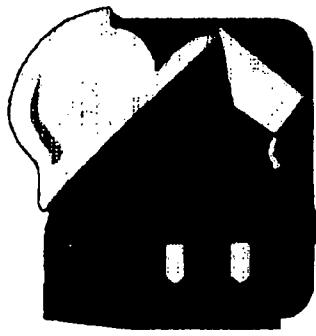
4. Although demand has been made, defendant has failed and refused to compensate plaintiff.

WHEREFORE, plaintiff claims of the defendant(s) the sum of \$1,458.18 plus interest in the amount of \$76.81, for a total of \$1,534.99 plus court costs, all of which are justly due and owing from the defendant(s) to the plaintiff.

KRAFT & KRAFT, P.C.

BY: 

Robert E. Cherwony, Esquire
Attorney for Plaintiff



Proposal

Date 8/7/98

B & C Contracting
213 West Pine Street
Clearfield, PA. 16830
(814) 765-7197

Betty Brown
Roof, Soffit And fascia

We propose to furnish all material and perform all labor necessary to complete the following:
We will remove old shingles from the main house roof and install new drip edge, ice and storm shield along the bottom edges and in the valleys. We will then install 15lb felt paper and 25 year shingles. This price does not include sheeting the roof. We will remove fiberglass roofing over back porch and install 7/16 osb and install 25 year shingles. We will remove aluminum sheeting over the garage roof and repair sheeting where necessary and then install a Firestone Modified roof system which has a 12 year warranty. We will remove all debri from the job site and dispose of it at a proper land fill. We will install soffit and fascia on the overhangs this price does not include under the porches

My Business insurance is with Erie (765-8152)
My Workmen's comp. is with Erie

We propose to furnish material and labor, complete in accordance with above specifications, for the sum of: \$4785.00

Payments to be made as follows:

1st Payment upon day of start \$3000.00
2nd Payment upon day of completion \$1785.00

Acceptance of proposal --The above price, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Contractor's signature: *Walter C. Brown*

Date 8/7/98

Owner's signature:

Date:

I. ROOF CLAIM ASSESSMENT FORM

1. Inspection Date: <u>12/24/00</u>	5. Client File Research:	6. Storm description:	
2. Claim Number: <u>5131677360</u>	Prior claim #	Wind (<input checked="" type="checkbox"/>) estimated wind speed <u>60</u>	
3. Insured: <u>Brown</u>	Roof Loss	Hail (<input type="checkbox"/>) estimated hail size	
Named Insured Home <input checked="" type="checkbox"/> Y N	Y / N	Other (<input type="checkbox"/>)	
4. Adjuster: <u>Bill Lenhardt</u>	Y / N		
7. Age of roof: <u>3 yrs</u>	9. Prior damages related to this loss	10. Roof Type: <u>Rubber Torch</u> (i.e. 20 yr 3 tab)	
8. Number of stories: <u>1</u>		11. Pitch: <u>0 / 12</u>	
9. Number of layers: <u>1</u>		12. I was on the roof <input checked="" type="checkbox"/> Y N If "N" check reason why A) (<input type="checkbox"/>) roof too steep C) (<input type="checkbox"/>) roof too high B) (<input type="checkbox"/>) weather D) (<input type="checkbox"/>) cause additional damage	
13. Ventilation roof vents:	14. Valley type:	15. Is there previous roof damage: Y / N	
A) (<input type="checkbox"/>) Can E) (<input checked="" type="checkbox"/>) Gable B) (<input checked="" type="checkbox"/>) Soffit F) (<input type="checkbox"/>) Turbine C) (<input type="checkbox"/>) Ridge G) (<input type="checkbox"/>) Other D) (<input type="checkbox"/>) Power H) (<input checked="" type="checkbox"/>) None	(<input checked="" type="checkbox"/>) None (<input type="checkbox"/>) Open (<input type="checkbox"/>) Closed	16. If yes, was it repaired properly: Y / N	
18. Are there unusual damages: Y / N	Comments: _____	17. Will prior damage affect claim: Y / N Comments: _____	
19. Need referral for unusual damages: Y / N	Comments: _____		
20. Underwriting referral needed: Y / N	Comments: _____		
21. Evidence of Collateral Damage:			
A) Trees, flowers & shrubs <input checked="" type="checkbox"/> Y N B) Patio furniture <input type="checkbox"/> Y / N C) Refrigeration coils <input type="checkbox"/> Y / N D) Fences or decks <input type="checkbox"/> Y / N E) Window screens <input type="checkbox"/> Y / N F) Outbuildings / Sheds <input type="checkbox"/> Y / N	G) Awnings / Patio Cover <input type="checkbox"/> Y / N H) Gutters <input type="checkbox"/> Y / N I) Oxidation removed with no dents <input type="checkbox"/> Y / N J) Roof vents / Flashing <input type="checkbox"/> Y / N K) Skylights <input type="checkbox"/> Y / N L) Neighborhood damage <input type="checkbox"/> Y / N M) Other <input type="checkbox"/> Y / N		
22. Collateral Damage Consistent With Report: <input checked="" type="checkbox"/> Y N	Comments: <u>Corner Torch Down Rubber Blown up Cracked Not Sealed Around Edges</u>		
General Comments: _____			
23. NON-WIND / HAIL CONDITIONS: Opportunities for CUSTOMER ASSISTANCE			
Condition	Found?	Slope location	Comments
A) Flashing not sealed	Y / N	N S E W O	
B) Decking in poor condition	Y / N	N S E W O	
C) Debris on roof / Clogged Drains	Y / N	N S E W O	
D) Brittleness / hardening	Y / N	N S E W O	
E) Surface cracks	Y / N	N S E W O	
F) Curled / Cupped shingles	Y / N	N S E W O	
G) Shrinkage / Eroded edges	Y / N	N S E W O	
H) Blisters	Y / N	N S E W O	
I) Significant granule loss	Y / N	N S E W O	
J) Weathering splits (wood)	Y / N	N S E W O	
K) Additional leak in roof found	Y / N	N S E W O	
L) Improper ventilation	Y / N	N S E W O	
M) Nail pops/ moving staples	Y / N	N S E W O	
N) Mechanical action	Y / N	N S E W O	
O) Shading	Y / N	N S E W O	
P) Other conditions	Y / N	N S E W O	

Property Subrogation Report
Negligence / Poor Workmanship by Builder/Contractor

Claim Number: 5131677360 Insured: Betty J. Brown
Address: Rd 1 Box 4804 Woodland PA 16881-9756
Date of Loss: 12/18/01 Location of Loss: Same

Description of Loss:

Wind Blew up Torch Down Rubber Roof
Roof Not sealed at edges

Identify the party/parties responsible for this loss:

Name: B+C Contracting

Address: 213 West Pine St Clearfield PA 16830

Phone Number (including area code) (814) 768-7197

Estimate, contract or cancelled check available? Yes No. Please forward COPY

Date work completed? 9/98

Was contact made with party to discuss damages? Yes No

Has the above party offered to pay your damages? Yes No

Contact person at company: Bill

Damages:

What was damaged? Garage Roof

Who fixed the problem? Not Repaired

Receipt/Invoice available? Yes No. Please forward

Additional Comments:

Mrs. Brown has tried to contact contractor several times w/ No Results

Insured Signature: Betty J Brown Date: 12, 24, 2001

VERIFICATION

The undersigned hereby certifies that he/she is the Plaintiff in this action and verifies that the statements made in the foregoing pleading are true and correct to the best of his/her knowledge, information and belief. The undersigned understands that the statements therein are made subject to the penalties of 18 Pa C.S. Section relating to unsworn falsification to authorities.

9/16/02

Date

Day off

Re: Allstate Insurance Co.
vs. B+C Contracting

FILED

10:35 AM
SEP 30 2002

A44
0d 80.00
1 re shft

William A. Shaw
Prothonotary

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 13110

ALLSTATE INSURANCE COMPANY

02-1511-CD

VS.

MCCRACKEN, WILLIAM C. I/t/a B&C HOME IMPROVEMENTS & CONTRACT

COMPLAINT

SHERIFF RETURNS

NOW OCTOBER 10, 2002 AT 11:30 AM DST SERVED THE WITHIN COMPLAINT ON WILLIAM C. MCCRACKEN I/T/A B&C HOME IMPROVEMENTS & CONTRACTING, DEFENDANT AT RESIDENCE, 218 CLEARFIELD ST., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO WILLIAM C. MCCRACKEN A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HIM THE CONTENTS THEREOF.

SERVED BY: MCCLEARY/NEVLING

Return Costs

Cost	Description
20.37	SHFF. HAWKINS PD. BY: ATTY.
10.00	SURCHARGE PD. BY: ATTY.

Sworn to Before Me This

17 Day Of January 2003
William A. Shaw

So Answers,

Chester A. Hawkins
Chester A. Hawkins
Sheriff

FILED
02-1511-CD
JAN 17 2003

William A. Shaw
Prothonotary

KRAFT & KRAFT, P.C.
By: Robert E. Cherwony
Attorney No. 17623
1311 Spruce Street
Philadelphia, PA 19107
(215) 546-5100

Attorney for Plaintiff

ALLSTATE INSURANCE COMPANY,
SUBROGEE OF BETTY BROWN
3800 Electric Road
Roanoke, VA 24018

: COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PA

FILED

VS.

: CIVIL ACTION AT LAW

JAN 27 2003

WILLIAM C. McCRACKEN i/t/a
B & C HOME IMPROVEMENTS &
CONTRACTING
213 W. Pine Street
Clearfield, PA 16830

: NO. 02-1511-CD

William A. Shaw
Prothonotary

**PRAECIPE FOR ENTRY OF JUDGMENT FOR WANT OF ANSWER,
ASSESSMENT OF DAMAGES AND VERIFICATION OF ADDRESS
AND NON MILITARY SERVICE**

TO THE PROTHONOTARY:

Enter judgment by default for want of an answer in favor of plaintiff and against the above-named defendant(s) only and assess as follows:

Principal	\$ 1,458.18
Interest	76.81
Total	\$ 1,534.99

Understanding that false statement herein made are subject to penalty under 18Pa.C.S. Section 4904 relating to unsworn falsification to authority, I verify that:

1. The above are the precise last-known addresses of the judgment debtor(s) and creditor.

2. The annexed notice(s) of intention to file this praecipe was (were) mailed to all parties against whom judgment is to be entered and to their record attorneys, if any, after the default occurred, and at least ten days prior to the date of the filing of this praecipe.

3. The said defendant(s) is(are) not in the Military Service of the United States or its Allies or otherwise within the coverage of the Soldiers and Sailors Relief Act of 1940, as amended; is(are) over 18 years of age; and has(have) civilian occupation(s).

Robert E. Cherwony
Robert E. Cherwony
Attorney for Plaintiff

JUDGMENT BY DEFAULT ENTERED AND
DAMAGES ASSESSED AS ABOVE:
NOTICE GIVEN UNDER PA.R.CIV.P.236

PRO PROTHONOTARY

William A. Shaw
William A. Shaw
Prothonotary

Date of Notice: December 10, 2002

William C. McCracken i/t/a
B & C Home Improvements &
Contracting
218 Clearfield Street
Clearfield, PA 16830

Caption: ALLSTATE INSURANCE COMPANY, SUBROGEE OF
BETTY BROWN v. WILLIAM C. MCCRACKEN
i/t/a B & C HOME IMPROVEMENTS &
CONTRACTING
COMMON PLEAS COURT OF CLEARFIELD COUNTY, PA
CIVIL ACTION AT LAW No. 02-1511-CD

IMPORTANT

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN (10) DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR 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 Meholic
Court Administrator
1 N. 2nd Street
Clearfield, PA 16830

KRAFT & KRAFT, P.C.



Robert E. Cherwony, Esquire
1311 Spruce Street
Philadelphia, PA 19107
(215) 546-5100

YOU MAY SATISFY THIS MATTER BY PAYMENT BY RETURN MAIL IN THE
ENCLOSED ENVELOPE.

(Rule of Civil Procedure No. 236) -Revised

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA
CIVIL ACTION AT LAW
NO. 02-1511-CD

ALLSTATE INSURANCE COMPANY,
SUBROGEE OF BETTY BROWN)
Plaintiff

VS.

WILLIAM C. McCRACKEN i/t/a
B & C HOME IMPROVEMENTS &
CONTRACTING)
Defendant

Notice is given that an Order in the above-captioned matter has been
Judgment
Decree

entered against you on

January 27, 2003, ~~2002~~

PROTHONOTARY

BY: William Sharpe
~~Deputy~~

If you have any questions concerning the above, please contact:

KRAFT & KRAFT, P.C.
1311 Spruce Street
Philadelphia, PA 19107
(215) 546-5100

FILED

11-3619A pg. 2000
11-3619A pg. 2000
JAN 27 2003
U.S. DISTRICT COURT
CLERK'S OFFICE

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA
STATEMENT OF JUDGMENT

COPY

Allstate Insurance Company
Betty Brown
Plaintiff(s)

No.: 2002-01511-CD

Real Debt: \$1,534.99

Atty's Comm:

Vs.

Costs: \$

William C. McCracken
B & C Home Improvements & Contracting
Defendant(s)

Int. From:

Entry: \$20.00

Instrument: Default judgment

Date of Entry: January 27, 2003

Expires: January 27, 2008

Certified from the record this 27th day of January, 2003

William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

Received on _____, _____, of defendant full satisfaction of this Judgment,
Debt, Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

Plaintiff/Attorney