

02-1762-CD
Elizabeth Seybert vs William Danch

02

02-1762-CD
ELIZABETH J. VS. DANCH, WILLIAM
SEYBERT,

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: CLEARFIELD

Mag. Dist. No.:

46-3-01

DJ Name: Hon.

PATRICK N. FORD
Address: 309 MAPLE AVENUE
P.O. BOX 452
DUBOIS, PA
Telephone: (814) 371-5321 15801

WILLIAM DANCH
1199 S BRADY STREET
DBA BASIC TRANSPORTATION
DUBOIS, PA 15801

NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE

PLAINTIFF:

SEYBERT, ELIZABETH J
RD 7 BOX 284
PUNXSUTAWNEY, PA 15767

NAME and ADDRESS

DEFENDANT:

DANCH, WILLIAM
1199 S BRADY STREET
DBA BASIC TRANSPORTATION
DUBOIS, PA 15801

NAME and ADDRESS

Docket No.: CV-0000496-02
Date Filed: 8/20/02



THIS IS TO NOTIFY YOU THAT:

Judgment:

DEFAULT JUDGMENT PLTF

Judgment was entered for: (Name) SEYBERT, ELIZABETH J

Judgment was entered against: (Name) DANCH, WILLIAM

in the amount of \$ 2,070.17 on: (Date of Judgment) 10/14/02

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	\$ <u>1,989.52</u>
Judgment Costs	\$ <u>80.65</u>
Interest on Judgment	\$ <u>.00</u>
Attorney Fees	\$ <u>.00</u>
Total	\$ <u>2,070.17</u>
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
Certified Judgment Total \$ _____	

FILED

089:58 PM Oct 13 2002
NOV 13 2002 85-00
3cc to WPF

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.

10/15/02 Date Patrick N. Ford - PNF, 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

JUDICIAL DISTRICT

NOTICE OF APPEAL

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No.

02-1762-CJ
02-1286-CJ

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.

William M. DANCH

NAME OF APPELLANT

1199 1/2 S. Beary St

ADDRESS OF APPELLANT

DUBOIS

CITY

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

PA

15801

DATE OF JUDGMENT

10-15-02 CV-0000496-02

IN THE CASE OF (Plaintiff)

ELIZABETH J Seybert vs William M DANCH

(Defendant)

CLAIM NO.

CV
LT

SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT

William M Danch

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 ELIZABETH J Seybert, appellee(s), to file a complaint in this appeal

Name of appellee(s)

(Common Pleas No. 02-1762-CJ 02-1286-CJ) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

William M Danch

Signature of appellant or his attorney or agent

RULE: To ELIZABETH J. Seybert, 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: 11-13, 2002

FILED

Signature of Prothonotary or Deputy

NOV 13 2002
William A. Shaw
Prothonotary

Deputy Prothonotary
My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

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 _____

APR 10 1982
1982
APR 10 1982
APR 10 1982

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. 02 1262 CD, upon the District Justice designated therein on (date of service) 11/22/02, by personal service by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) Eliza J. Seybert, on NOV 22 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 Nov 22, 2002, by personal service by (certified) (registered) mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS 23 DAY OF Nov, 2002

Carl E. Reagle

Signature or official before whom affidavit was made

Notarial Seal

Carl E. Reagle, Notary Public

Title of official Sandy Twp., Clearfield County

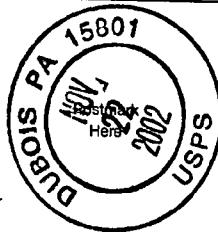
My Commission Expires Apr. 4, 2005

Member Pennsylvania Association of Notaries


Signature of affiant

U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
0549	REGULAR USE
Postage	\$ <u>37</u>
Certified Fee	<u>230</u>
Return Receipt Fee (Endorsement Required)	<u>175</u>
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ <u>442</u>
Sent To Eliza J. Seybert Street, Apt. No.; or PO Box No. <u>RR 7 Box 284</u> City, State, ZIP+ <u>Punxsy PA 15767</u>	

PS Form 3800, January 2001 See Reverse for Instructions



Nov 22 2002

RECEIVED
CLEARFIELD COUNTY
CLERK'S OFFICE

E
RECEIVED

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-01

DJ Name: Hon.

PATRICK N. FORD
Address: **309 MAPLE AVENUE**
P.O. BOX 452
DUBOIS, PA
Telephone: **(814) 371-5321** **15801**

PATRICK N. FORD
309 MAPLE AVENUE
P.O. BOX 452
DUBOIS, PA 15801

NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE

PLAINTIFF: NAME and ADDRESS

SEYBERT, ELIZABETH J
RD 7 BOX 284
PUNXSUTAWNEY, PA 15767

VS.

DEFENDANT: NAME and ADDRESS

DANCH, WILLIAM
1199 S BRADY STREET
DBA BASIC TRANSPORTATION
DUBOIS, PA 15801

Docket No.: **CV-0000496-02**
Date Filed: **8/20/02**



02-1762-CJ

THIS IS TO NOTIFY YOU THAT:

Judgment: **DEFAULT JUDGMENT PLTF**

Judgment was entered for: (Name) **SEYBERT, ELIZABETH J**

Judgment was entered against: (Name) **DANCH, WILLIAM**

in the amount of \$ **2,070.17** on: (Date of Judgment) **10/14/02**

Defendants are jointly and severally liable.

(Date & Time) _____

Damages will be assessed on:

Amount of Judgment	\$ 1,989.52
Judgment Costs	\$ 80.65
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 2,070.17

This case dismissed without prejudice.

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

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

Certified Judgment Total \$ _____

Levy is stayed for _____ days or generally stayed.

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

Date:	Place:
Time:	

Place:

10/14/02

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COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: CLEARFIELD

Mag. Dist. No.:	46-3-01
Def. Name: Hon.	
PATRICK N. FORD	
Address:	309 MAPLE AVENUE
	P.O. BOX 452
	DUBOIS, PA
	Telephone (814) 371-5321
	15801

CIVIL COMPLAINT

PLAINTIFF: NAME AND ADDRESS

ELIZABETH JEAN SEYBERT
RR 7, Box 284
Punxsutawney, PA 15767

DEFENDANT: NAME AND ADDRESS

William Danch, d.b.a Basic Transportation
1199 South Brady Street
DuBois, PA 15801

VS.

Docket No.:
Date Filed:



	AMOUNT	DATE PAID
FILING COSTS	\$ _____	/ /
POSTAGE	\$ _____	/ /
SERVICE COSTS	\$ _____	/ /
CONSTABLE ED	\$ _____	/ /
TOTAL	\$ _____	/ /

TO THE DEFENDANT: The above named plaintiff(s) asks judgment against you for \$ 1, 989.52 together with costs upon the following claim (Civil fines must include citation of the statute or ordinance violated): Defendant failed to make required disposition of funds, namely, Defendant wrongfully held \$450.00 payment from Plaintiff for the purchase of a warranty at the time of the purchase of an automobile by the Plaintiff from the Defendant. Plaintiff encountered transmission problems with said vehicle within the warranty period but is unable to submit a claim under the warranty as a result of the Defendant's failure to properly deposit Plaintiff's monies, purchasing the same. (Transmission repairs \$1,639.52 towing \$50.00; rental/lost use \$300.00)

SEE EXHIBITS A-E

I, Elizabeth Jean Seybert verify that the facts set forth in this complaint are true and correct to the best of my knowledge, information, and belief. This statement is made subject to the penalties of Section 4904 of the Crimes Code (18 PA. C.S. § 4904) related to unsworn falsification to authorities.

Elizabeth Jean Seybert
Signature of Plaintiff or Authorized Agent

Plaintiff's Attorney: Scott C. Allen Address: 257 Main Street
Telephone: 814-849-4129 Brookville, PA 15825

IF YOU INTEND TO ENTER A DEFENSE TO THIS COMPLAINT, YOU SHOULD SO NOTIFY THIS OFFICE IMMEDIATELY AT THE ABOVE TELEPHONE NUMBER. YOU MUST APPEAR AT THE HEARING AND PRESENT YOUR DEFENSE. UNLESS YOU DO, JUDGMENT WILL BE ENTERED AGAINST YOU BY DEFAULT.

If you have a claim against the plaintiff which is within district justice jurisdiction and which you intend to assert at the hearing, you must file it on a complaint form at this office at least five (5) days before the date set for the hearing. If you have a claim against the plaintiff which is not within district justice jurisdiction, you may request information from this office as to the procedures you may follow. If you are disabled and require assistance, please contact the Magisterial District office at the address above.

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ELIZABETH J. SEYBERT,
Plaintiff

vs.

WILLIAM DANCH, d/b/a
BASIC TRANSPORTATION,
Defendant

CIVIL ACTION - AT LAW

No. 02-1762-CD

Type of Pleading:

Complaint

Filed on Behalf of:

Plaintiff

Counsel of Record for This
Party:

Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
498 Jeffers Street
P. O. Box 487
DuBois, PA 15801

814-371-7768

FILED

DEC 12 2002

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - AT LAW

ELIZABETH J. SEYBERT,
Plaintiff

vs.

No. 02-1762-CD

WILLIAM DANCH, d/b/a
BASIC TRANSPORTATION,
Defendant

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defense or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed 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
230 E. Market Street
Clearfield, PA 16830

(814) 765-2641 Ext. 1300

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - AT LAW

ELIZABETH J. SEYBERT,
Plaintiff

vs.

No. 02-1762-CD

WILLIAM DANCH, d/b/a
BASIC TRANSPORTATION,
Defendant

COMPLAINT

AND NOW, comes the Plaintiff, Elizabeth J. Seybert, by her attorneys, Hanak, Guido and Taladay, and hereby files the within civil complaint:

1. Plaintiff is Elizabeth J. Seybert, an individual of R.R. #7, Box 248, Punxsutawney, Jefferson County, Pennsylvania.

2. Defendant is William Danch, an individual doing business as Basic Transportation with a business address of 1199 South Brady Street, DuBois, Clearfield County, Pennsylvania.

3. At all times relevant hereto, Defendant was in the business of selling used automobiles and related products and services, including automobile warranty contracts.

4. On or about December 5, 2000, Plaintiff purchased from Defendant a 1993 Chrysler Fifth Avenue automobile.

5. At the time of purchase of the automobile, the Plaintiff also paid an additional sum of \$450.00 to Defendant for extended warranty coverage consisting of a 24 month/30,000 mile

warranty policy to be issued by Protection Plus, Inc. A copy of the warranty policy is attached hereto as Exhibit "A".

6. On approximately May 6, 2002, Plaintiff experienced transmission difficulties with the 1993 Chrysler sedan. The vehicle was towed to Noble Auto Truck and Repair in Brookville where it was determined that the transmission required extensive repair and rebuilding. Estimated costs for this work is \$1,595.00.

7. Plaintiff attempted to invoke the coverages as set forth in the limited warranty and learned that the warranty was never issued because Defendant had failed to remit the coverage application and \$450.00 fee to C-A-R-S Protection Plus, Inc.

**COUNT I
FRAUD**

8. Defendant's actions were wrongful and fraudulent in that he induced Plaintiff to pay the sum of \$450.00 believing to have purchased extended warranty coverage, but failed to make the required payment for the warranty or to submit the necessary paperwork.

9. By offering the warranty coverage and accepting payment for such coverage, Defendant made a material representation that the warranty coverage would be applied for and provided.

10. At the time that Defendant offered the warranty coverage, he knew that he would not remit the application and payment or was indifferent as to whether or not the application and payment would be remitted.

11. The Defendant intended that the Plaintiff would rely on the misrepresentation that warranty coverage would be applied for and provided.

12. Defendant did indeed rely on the misrepresentation that the warranty coverage would be applied for and provided.

13. Plaintiff's reliance on Defendant's misrepresentation was a substantial factor in bringing about the harm suffered by the Plaintiff.

14. Defendant has wrongfully converted the warranty payment to his own use and benefit thereby depriving Plaintiff of the benefit of the extended warranty.

15. Defendant's conduct is sufficiently wrongful and outrageous to justify award of punitive damages against Defendant.

COUNT II
BREACH OF CONTRACT

16. The purchase and sale transaction between Plaintiff and Defendant expressly required Plaintiff to activate the extended warranty coverage by remitting the extended warranty application and \$450.00 fee to C-A-R-S Complete Automotive Repair Services.

17. Defendant breached his obligation to Plaintiff by failing to remit the payment and application to the warranty provider and by failing to take appropriate measures to see that the extended warranty became effective.

**COUNT III
DAMAGES**

18. As the direct and proximate result of Defendant's acts and omissions as set forth above, Plaintiff has suffered damages as follows:

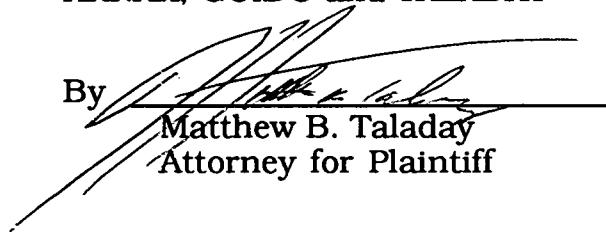
(a)	Cost of transmission repairs	\$1,639.00
(b)	Towing	50.00
(c)	Automobile rental/loss of use	300.00
(d)	Cost of extended warranty	<u>450.00</u>
	Total	\$2,439.00

WHEREFORE, Plaintiff demands judgment in the sum of \$2,439.00, plus punitive damages, counsel fees, court costs and such other damages as may be allowed by the Court.

Respectfully submitted,

HANAK, GUIDO and TALADAY

By


Matthew B. Taladay
Attorney for Plaintiff

VERIFICATION

I, ELIZABETH J. SEYBERT, do hereby verify that I have read the foregoing COMPLAINT. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.

Date: 12/11/02

Elizabeth J. Seybert
Elizabeth J. Seybert



COMPLETE AUTOMOTIVE REPAIR SERVICES

7408 Saltsburg Road, Pittsburgh, PA 15235

toll free: 1-888-335-6838 fax: 412-795-5236

VALUE LIMITED WARRANTY

3 MONTHS/4,500 MILES \$150.00
 6 MONTHS/7,500 MILES \$200.00
 12 MONTHS/18,000 MILES \$325.00

24 MONTHS/30,000 MILES \$450.00
 36 MONTHS/45,000 MILES \$550.00
 48 MONTHS/55,000 MILES \$650.00

DATE 12-6-00

OWNER'S NAME ELIZABETH J SEYBERT

ADDRESS REH7 BOY 284

CITY PUNXSUTAWNEY

STATE PA ZIP 15767

PHONE 814 938 8946

DEALER'S NAME PASIC TRANSPORTATION

SALESMAN'S NAME Bill Danch

DEALER'S PHONE 814 375 2780

VIN# 1C3XV66R9PD113455

VEHICLE YEAR 1993

VEHICLE MAKE CHRYSLER

VEHICLE MODEL 5TH AVE.

MILEAGE 157,700

PURCHASE PRICE 2300.00

LIEN HOLDER None

OWNER'S ACCEPTANCE TO TERMS:

XX Elizabeth J Seybert.
(Please read contract in full before signing)

COVERED COMPONENTS

ENGINE

All internally lubricated parts: Engine block, cylinder head(s), intake manifold, pistons, piston rings, wrist pins, connecting rods and rod bearings, crank-shaft and main bearings, camshaft and bearings, timing chain and gears, valve covers, rocker arms/shafts and bushing, valves, valve springs, seats and guides, valve push rods, hydraulic valve lifters, oil pump and oil pan. Seals and gaskets, with the exception of cylinder head gaskets and intake manifold gaskets, are covered only in conjunction with the covered repair. Cylinder head and manifold gaskets are covered for coolant leak only. Coverage limited to above parts.

TRANSMISSION

Automatic or Manual Transmission. All internally lubri-

DRIVE AXLE ASSEMBLY

All internally lubricated parts: Front or Rear Drive axle housing and all internal parts, pinion bearings, wheel bearings, side carrier bearings, ring and pinion, gears, spider gears and case, thrust washers and spacers, housings, when damaged by an abnormal lubricant. Part covered by the contract. Drive shaft, universal joints, and front constant velocity joints on four wheel drive vehicles only. Seals and gaskets are covered only in conjunction with a covered repair. Coverage limited to above parts.

SEALS & GASKETS

All seals and gaskets are covered when required in conjunction with the replacement of a covered component. Head gaskets and intake manifold gaskets are

ELECTRICAL COMPONENTS

Starter motor, solenoid and drive assembly, alternator, generator, and voltage regulator, front and rear window wiper motor. Coverage limited to above parts.

LABOR

The labor charges shall be based on the current Mitchell's labor guide and hourly rate will be based on the industry accepted flat rate to repair or replace the covered component in question.

RENTAL BENEFITS

You will be given twenty-five dollars (\$25) per eight hours of flat rate time based on Mitchell's labor guide to repair or replace a covered component with a maximum of three-hundred dollars (\$300).

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - AT LAW

ELIZABETH J. SEYBERT,
Plaintiff

vs.

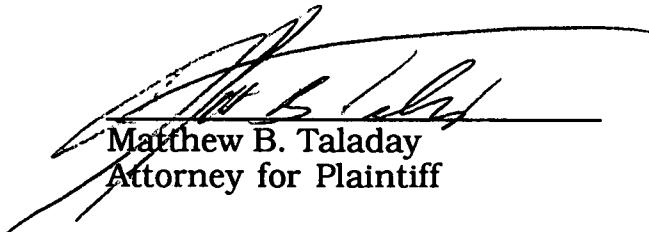
No. 02-1762-CD

WILLIAM DANCH, d/b/a
BASIC TRANSPORTATION,
Defendant

CERTIFICATE OF SERVICE

I certify that on the 11th day of December, 2002, a true and correct copy of the foregoing COMPLAINT was sent via first class mail, postage prepaid, to the following:

William Danch
Basic Transportation
1199 South Brady Street
DuBois, PA 15801


Matthew B. Taladay
Attorney for Plaintiff

FILED

NO
cc

12/3/2002
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12/3/2002

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ELIZABETH J. SEYBERT,
Plaintiff

vs.

WILLIAM DANCH, d/b/a
BASIC TRANSPORTATION,
Defendant

CIVIL ACTION - AT LAW

No. 02-1762-CD

Type of Pleading:

Certificate of Service

Filed on Behalf of:

Plaintiff

Counsel of Record for This
Party:

Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
498 Jeffers Street
P. O. Box 487
DuBois, PA 15801

814-371-7768

FILED

JUL 20 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - AT LAW

ELIZABETH J. SEYBERT,
Plaintiff

vs.

No. 02-1762-CD

WILLIAM DANCH, d/b/a
BASIC TRANSPORTATION,
Defendant

CERTIFICATE OF SERVICE

I hereby certify that on January 17, 2003, I mailed a
Default Notice, copy of which is attached hereto, by first class mail,
postage prepaid, to the following:

William Danch
Defendant
Basic Transportation
1199 South Brady Street
DuBois, PA 15801

Matthew B. Taladay
Matthew B. Taladay, Esq.
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - AT LAW

ELIZABETH J. SEYBERT,
Plaintiff

vs.

No. 02-1762-CD

WILLIAM DANCH, d/b/a
BASIC TRANSPORTATION,
Defendant

IMPORTANT NOTICE

TO: William Danch
Basic Transportation
1199 South Brady Street
DuBois, PA 15801

DATE: January 17, 2003

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO
TAKE ACTION REQUIRED OF YOU IN THIS CASE. UNLESS YOU ACT
WITHIN TEN (10) DAYS OF THE DATE OF THIS NOTICE, 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:

Court Administrator
Clearfield County Courthouse
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830
(814) 765-2641 Ext. 1300

Matthew B. Taladay
Matthew B. Taladay, Esq.
Attorney for Plaintiff
498 Jeffers Street
P. O. Box 487
DuBois, PA 15801

FILED

NO
CC

18:55 PM
JAN 20 2003

ED
HES

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - AT LAW

ELIZABETH J. SEYBERT,
Plaintiff

vs.

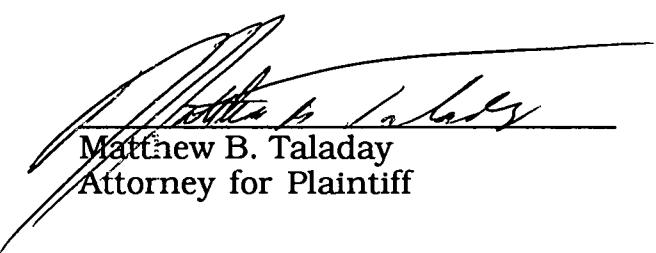
No. 02-1762-CD

WILLIAM DANCH, d/b/a
BASIC TRANSPORTATION,
Defendant

PRAECIPE FOR DEFAULT JUDGMENT

TO THE PROTHONOTARY:

Kindly enter a default judgment by default in favor of the Plaintiff and against the Defendant for failure to file a responsive pleading in the amount of \$2,439.00, together with costs of suit and interest. It is hereby certified a Notice of Praecipe to enter judgment by default in accordance with Rule Pa.R.C.P. Rule 237.5 was served on the Defendant by first class mail on January 17, 2003. A true and correct copy of the Notice is attached hereto.


Matthew B. Taladay
Attorney for Plaintiff

FILED

FEB 19 2003

William A. Shaw
Prothonotary

COPY

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - AT LAW

ELIZABETH J. SEYBERT,
Plaintiff

vs.

No. 02-1762-CD

WILLIAM DANCH, d/b/a
BASIC TRANSPORTATION,
Defendant

NOTICE OF JUDGMENT

TO: WILLIAM DANCH, d/b/a BASIC TRANSPORTATION
1199 South Brady Street
DuBois, PA 15801

On this the 19th day of February, 2003,
judgment was entered against you and in favor of the Plaintiff in the
amount of \$2,439.00.

William Danch

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - AT LAW

ELIZABETH J. SEYBERT,
Plaintiff

vs.

No. 02-1762-CD

WILLIAM DANCH, d/b/a
BASIC TRANSPORTATION,
Defendant

IMPORTANT NOTICE

TO: William Danch
Basic Transportation
1199 South Brady Street
DuBois, PA 15801

DATE: January 17, 2003

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TAKE ACTION REQUIRED OF YOU IN THIS CASE. UNLESS YOU ACT
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MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU
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Clearfield, PA 16830
(814) 765-2641 Ext. 1300

Matthew B. Taladay
Matthew B. Taladay, Esq.
Attorney for Plaintiff
498 Jeffers Street
P. O. Box 487
DuBois, PA 15801

FILED

ice A/Hy Taladay

101214 881
FEB 18 2003

Notice to Def

Statement to A/Hy Taladay

William A. Shaw
Prothonotary

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

COPY

Elizabeth J. Seybert
Plaintiff(s)

No.: 2002-01762-CD

Real Debt: \$2,439.00

Atty's Comm: \$

Vs.

Costs: \$

William Danch
Defendant(s)

Int. From: \$

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: February 19, 2003

Expires: February 19, 2008

Certified from the record this 19th day of February, 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

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ELIZABETH J. SEYBERT,
Plaintiff

vs.

WILLIAM DANCH, d/b/a
BASIC TRANSPORTATION,
Defendant

CIVIL ACTION - AT LAW

No. 02-1762-CD

Type of Pleading:

Certificate
of Service

Filed on Behalf of:

Plaintiff

Counsel of Record for This
Party:

Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
498 Jeffers Street
P. O. Box 487
DuBois, PA 15801

814-371-7768

FILED

MAR 07 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - AT LAW

ELIZABETH J. SEYBERT,
Plaintiff

vs.

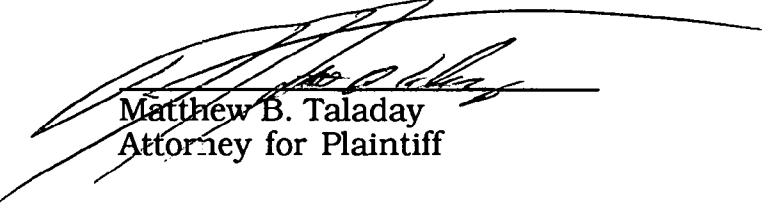
No. 02-1762-CD

WILLIAM DANCH, d/b/a
BASIC TRANSPORTATION,
Defendant

CERTIFICATE OF SERVICE

I certify that on the 6th day of March, 2003, a true and correct copy of Plaintiff's INTERROGATORIES IN AID OF EXECUTION was sent via first class mail, postage prepaid, to the following:

William Danch
Basic Transportation
1199 South Brady Street
DuBois, PA 158C1


Matthew B. Taladay
Attorney for Plaintiff

FILED

MAR 07 2003

111:15/
William A. Shaw
Prothonotary
MO Court

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ELIZABETH J. SEYBERT,
Plaintiff

vs.

JOHN R. FIKE and
DON J. REID, d/b/a
BASIC TRANSPORTATION,
and WILLIAM DANCH,
Defendants

CIVIL ACTION - AT LAW

No. 02-1762-CD

Type of Pleading:

Amended Complaint

Filed on Behalf of:

Plaintiff

Counsel of Record for This
Party:

Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
498 Jeffers Street
P. O. Box 487
DuBois, PA 15801

814-371-7768

FILED

NOV 17 2003

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - AT LAW

ELIZABETH J. SEYBERT,	:	
Plaintiff	:	
vs.	:	No. 02-1762-CD
JOHN R. FIKE and	:	
DON J. REID, d/b/a	:	
BASIC TRANSPORTATION,	:	
and WILLIAM DANCH,	:	
Defendants	:	

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 defense or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed 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
230 E. Market Street
Clearfield, PA 16830

(814) 765-2641 Ext. 1300

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - AT LAW

ELIZABETH J. SEYBERT,
Plaintiff

vs.

No. 02-1762-CD

JOHN R. FIKE and
DON J. REID, d/b/a
BASIC TRANSPORTATION,
and WILLIAM DANCH,
Defendants

AMENDED COMPLAINT

AND NOW, comes the Plaintiff, Elizabeth J. Seybert, by her attorneys, Hanak, Guido and Taladay, and hereby files the within civil complaint:

1. Plaintiff is Elizabeth J. Seybert, an individual of R.R. #7, Box 248, Punxsutawney, Jefferson County, Pennsylvania.
2. Defendants are John R. Fike and Don J. Reid, d/b/a Basic Transportation, with a business address of 1199 South Brady Street, DuBois, Clearfield County, Pennsylvania.
3. Defendant is also William Danch, at all times relevant hereto an agent or employee of Defendants John R. Fike and Don J. Reid, d/b/a Basic Transportation.
4. At all times relevant hereto, Defendants were in the business of selling used automobiles and related products and services, including automobile warranty contracts.
5. On or about December 5, 2000, Plaintiff purchased from Defendant a 1993 Chrysler Fifth Avenue automobile.

6. At the time of purchase of the automobile, the Plaintiff also paid an additional sum of \$450.00 to Defendants for extended warranty coverage consisting of a 24 month/30,000 mile warranty policy to be issued by Protection Plus, Inc. A copy of the warranty policy is attached hereto as Exhibit "A".

7. On approximately May 6, 2002, Plaintiff experienced transmission difficulties with the 1993 Chrysler sedan. The vehicle was towed to Noble Auto Truck and Repair in Brookville where it was determined that the transmission required extensive repair and rebuilding. Estimated costs for this work is \$1,595.00.

8. Plaintiff attempted to invoke the coverages as set forth in the limited warranty and learned that the warranty was never issued because Defendants had failed to remit the coverage application and \$450.00 fee to C-A-R-S Protection Plus, Inc.

COUNT I
FRAUD

9. Defendants' actions were wrongful and fraudulent in that they induced Plaintiff to pay the sum of \$450.00 believing to have purchased extended warranty coverage, but failed to make the required payment for the warranty or to submit the necessary paperwork.

10. By offering the warranty coverage and accepting payment for such coverage, Defendants made a material representation that the warranty coverage would be applied for and provided.

11. At the time that Defendants offered the warranty coverage, they knew that they would not remit the application and

payment or were indifferent as to whether or not the application and payment would be remitted.

12. The Defendants intended that the Plaintiff would rely on the misrepresentation that warranty coverage would be applied for and provided.

13. Plaintiff did indeed rely on the misrepresentation that the warranty coverage would be applied for and provided.

14. Plaintiff's reliance on Defendants' misrepresentation was a substantial factor in bringing about the harm suffered by the Plaintiff.

15. Defendants have wrongfully converted the warranty payment to their own use and benefit thereby depriving Plaintiff of the benefit of the extended warranty.

16. Defendants' conduct is sufficiently wrongful and outrageous to justify award of punitive damages against Defendants.

COUNT II BREACH OF CONTRACT

17. The purchase and sale transaction between Plaintiff and Defendants expressly required Defendants to activate the extended warranty coverage by remitting the extended warranty application and \$450.00 fee to C-A-R-S Complete Automotive Repair Services.

18. Defendants breached their obligation to Plaintiff by failing to remit the payment and application to the warranty provider and by failing to take appropriate measures to see that the extended warranty became effective.

**COUNT III
DAMAGES**

19. As the direct and proximate result of Defendants' acts and omissions as set forth above, Plaintiff has suffered damages as follows:

(a)	Cost of transmission repairs	\$1,639.00
(b)	Towing	50.00
(c)	Automobile rental/loss of use	300.00
(d)	Cost of extended warranty	<u>450.00</u>
	Total	\$2,439.00

WHEREFORE, Plaintiff demands judgment in the sum of \$2,439.00, plus punitive damages, counsel fees, court costs and such other damages as may be allowed by the Court.

Respectfully submitted,
HANAK, GUIDO and TALADAY

By Matthew B. Taladay
Matthew B. Taladay
Attorney for Plaintiff



COMPLETE AUTOMOTIVE REPAIR SERVICES

7408 Saltsburg Road, Pittsburgh, PA 15235
toll free: 1-888-335-6838 fax: 412-795-5236

VALUE LIMITED WARRANTY

<input type="checkbox"/> 3 MONTHS/4,500 MILES	\$150.00
<input type="checkbox"/> 6 MONTHS/7,500MILES	\$200.00
<input type="checkbox"/> 12 MONTHS/18,000 MILES	\$325.00

<input checked="" type="checkbox"/> 24 MONTHS/30,000 MILES	\$450.00
<input type="checkbox"/> 36 MONTHS/45,000 MILES	\$550.00
<input type="checkbox"/> 48 MONTHS/55,000 MILES	\$650.00

DATE 12-6-00

OWNER'S NAME ELIZABETH J SAYBET

ADDRESS Rt#7 Box 284

CITY PUNXSUTAWNEY

STATE PA ZIP 15767

PHONE 814 938 8946

DEALER'S NAME PASIC TRANSPORTATION

SALESMAN'S NAME Bill Danch

DEALER'S PHONE 814 375 2780

VIN# 1C3XV66R9PD113459

VEHICLE YEAR 1993

VEHICLE MAKE CHRYSLER

VEHICLE MODEL 5TH AVE

MILEAGE 157,700

PURCHASE PRICE 2300.00

LIEN HOLDER NON R

OWNER'S ACCEPTANCE TO TERMS:

X Elizabeth J Saybet
(Please read contract in full before signing)

COVERED COMPONENTS

ENGINE

All internally lubricated parts: Engine block, cylinder head(s), intake manifold, pistons, piston rings, wrist pins, connecting rods and rod bearings, crank-shaft and main bearings.

DRIVE AXLE ASSEMBLY

All internally lubricated parts: Front or Rear Drive axle housing and all internal parts, pinion bearings, wheel bearings, side carrier bearings, ring and pinion, gears,

ELECTRICAL COMPONENTS

Starter motor, solenoid and drive assembly, alternator, generator, and voltage regulator, front and rear window wiper motor. Coverage limited to

VERIFICATION

I, ELIZABETH J. SEYBERT, do hereby verify that I have read the foregoing AMENDED COMPLAINT. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.

Date: November 14, 2003


Elizabeth J. Seybert

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - AT LAW

ELIZABETH J. SEYBERT, Plaintiff	:	
vs.	:	No. 02-1762-CD
JOHN R. FIKE and DON J. REID, d/b/a BASIC TRANSPORTATION, and WILLIAM DANCH, Defendants	:	

CERTIFICATE OF SERVICE

I certify that on the 14th day of November, 2003, a true and correct copy of the foregoing AMENDED COMPLAINT was sent via first class mail, postage prepaid, to the following:

William Danch
Basic Transportation
1199 South Brady Street
DuBois, PA 15801

Matthew B. Taladay
Matthew B. Taladay
Attorney for Plaintiff

In The Court of Common Pleas of Clearfield County, Pennsylvania

SEYBERT, ELIZABETH J.

Sheriff Docket # 14820

VS.

02-1762-CD

FIKE, JOHN R. & DON J. REID d/b/a BASIC TRANSPORTATION & WILLIAM

AMENDED COMPLAINT

SHERIFF RETURNS

NOW NOVEMBER 19, 2003 AT 130 PM SERVED THE WITHIN AMENDED COMPLAINT ON JOHN R. FIKE d/b/a BASIC TRANSPORTATION, DEFENDANT AT EMPLOYMENT, 1199 SOUTH BRADY ST., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO WILLIAM DANCH, OWNER A TRUE AND ATTESTED COPY OF THE ORIGINAL AMENDED COMPLAINT AND MADE KNOWN TO HIM THE CONTENTS THEREOF.

SERVED BY: COUDRIET/RYEN

NOW NOVEMBER 19, 2003 AT 1:30 PM SERVED THE WITHIN AMENDED COMPLAINT ON DON J. REID d/b/a BASIC TRANSPORTATION, DEFENDANT AT EMPLOYMENT, 1199 SOUTH BRADY ST., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO WILLIAM DANCH, OWNER A TRUE AND ATTESTED COPY OF THE ORIGINAL AMENDED COMPLAINT AND MADE KNOWN TO HIM THE CONTENTS THEREOF.

SERVED BY: COUDIET/RYEN

Return Costs

Cost	Description
43.05	SHERIFF HAWKINS PAID BY: ATTY CK# 13062
20.00	SURCHARGE PAID BY: ATTY CK# 13063

Sworn to Before Me This

19th Day Of Jan 2004



WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

So Answers,


Chester A. Hawkins

Sheriff

FILED

*03:33 PM
JAN 19 2004*

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ELIZABETH J. SEYBERT,
Plaintiff

vs.

JOHN R. FIKE and DON J. REID,
d/b/a BASIC TRANSPORTATION,
and WILLIAM DANCH,
Defendants

CIVIL ACTION - AT LAW

No. 02-1762-CD

Type of Pleading:

Certificate of Service

Filed on Behalf of:

Plaintiff

Counsel of Record for This
Party:

Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
498 Jeffers Street
P. O. Box 487
DuBois, PA 15801

814-371-7768

FILED

APR 12 2004

WILSON & SCHAFFER
PROFESSIONAL CORPORATION

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - AT LAW

ELIZABETH J. SEYBERT,
Plaintiff

vs.

No. 02-1762-CD

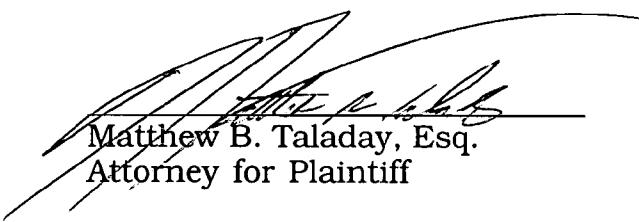
JOHN R. FIKE and DON J. REID,
d/b/a BASIC TRANSPORTATION
and WILLIAM DANCH,
Defendants

CERTIFICATE OF SERVICE

I hereby certify that on April 8, 2004, I mailed a Default Notice, copy of which is attached hereto, by first class mail, postage prepaid, to the following:

John R. Fike, d/b/a Basic Transportion
Defendant
1199 South Brady Street
DuBois, PA 15801

Don J. Reid, d/b/a Basic Transportation
Defendant
1199 South Brady Street
DuBois, PA 15801


Matthew B. Taladay, Esq.
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - AT LAW

ELIZABETH J. SEYBERT,
Plaintiff

vs. : No. 02-1762-CD

JOHN R. FIKE and DON J. REID,
d/b/a BASIC TRANSPORTATION
and WILLIAM DANCH,
Defendants

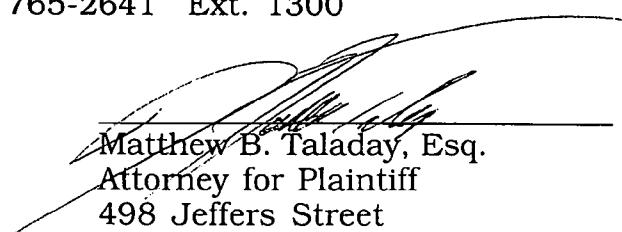
IMPORTANT NOTICE

TO: John R. Fike, d/b/a Basic Transportation
1199 South Brady Street
DuBois, PA 15801

DATE: April 8, 2004

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO
TAKE ACTION REQUIRED OF YOU IN THIS CASE. UNLESS YOU ACT
WITHIN TEN (10) DAYS OF THE DATE OF THIS NOTICE, JUDGMENT
MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU
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Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830
(814) 765-2641 Ext. 1300


Matthew B. Taladay, Esq.
Attorney for Plaintiff
498 Jeffers Street
P. O. Box 487
DuBois, PA 15801

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - AT LAW

ELIZABETH J. SEYBERT,
Plaintiff

vs.

No. 02-1762-CD

JOHN R. FIKE and DON J. REID,
d/b/a BASIC TRANSPORTATION
and WILLIAM DANCH,
Defendants

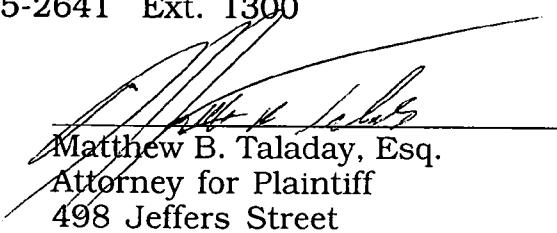
IMPORTANT NOTICE

TO: Don J. Reid, d/b/a Basic Transportation
1199 South Brady Street
DuBois, PA 15801

DATE: April 8, 2004

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO
TAKE ACTION REQUIRED OF YOU IN THIS CASE. UNLESS YOU ACT
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Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830
(814) 765-2641 Ext. 1300


Matthew B. Taladay, Esq.
Attorney for Plaintiff
498 Jeffers Street
P. O. Box 487
DuBois, PA 15801

FILED

193084
APR 12 2004

William A. Shaw
Prothonotary/Clerk of Courts

Shaw

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ELIZABETH J. SEYBERT,
Plaintiff

vs.

JOHN R. FIKE and DON J. REID,
d/b/a BASIC TRANSPORTATION
and WILLIAM DANCH,
Defendants

CIVIL ACTION - AT LAW

No. 02-1762-CD

Type of Pleading:

Certificate
of Service

Filed on Behalf of:

Plaintiff

Counsel of Record for This
Party:

Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
498 Jeffers Street
P. O. Box 487
DuBois, PA 15801

814-371-7768

Hand FILED *Hand* NO
JUL 10 2004
JUL 22 2004
William A. Danner
Prothonotary, Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - AT LAW

ELIZABETH J. SEYBERT,	:	
Plaintiff	:	
vs.	:	No. 02-1762-CD
JOHN R. FIKE and DON J. REID,	:	
d/b/a BASIC TRANSPORTATION	:	
and WILLIAM DANCH,	:	
Defendant	:	

CERTIFICATE OF SERVICE

I certify that on the 21st day of July, 2004, a true and correct copy of Plaintiff's INTERROGATORIES IN AID OF EXECUTION was sent via first class mail, postage prepaid, to the following:

John R. Fike
Basic Transportation
1199 South Brady Street
DuBois, PA 15801

Don J. Reid
Basic Transportation
1199 South Brady Street
DuBois, PA 15801

Matthew B. Taladay
Matthew B. Taladay
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ELIZABETH J. SEYBERT,
Plaintiff

vs.

JOHN R. FIKE and DON J. REID,
d/b/a BASIC TRANSPORTATION,
and WILLIAM DANCH,
Defendants

CIVIL ACTION - AT LAW

No. 02-1762-CD

Type of Pleading:

Praecipe for Entry
of Judgment

Filed on Behalf of:

Plaintiff

Counsel of Record for This
Party:

Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
498 Jeffers Street
P. O. Box 487
DuBois, PA 15801

814-371-7768

FILED

JUN 16 2004

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - AT LAW

ELIZABETH J. SEYBERT, :
Plaintiff :
vs. : No. 02-1762-CD
JOHN R. FIKE and DON J. REID, :
d/b/a BASIC TRANSPORTATION :
and WILLIAM DANCH, :
Defendants :

PRAECIPE FOR ENTRY OF JUDGMENT

TO THE PROTHONOTARY:

Please enter judgment by default in favor of Plaintiff,
Elizabeth J. Seybert, and against Defendants, John R. Fike and Don J.
Reid, d/b/a Basic Transportation, for failure to file a responsive
pleading, calculated as follows:

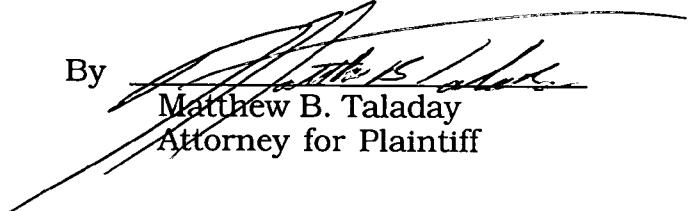
Claim Amount	\$2,439.00
Interest from 05/06/02 - 06/16/04 (@6% per annum)	\$ 308.48
Sheriff's fee	\$ 63.05
Filing Praecipe	\$ 20.00
Total Amount of Judgment	\$2,830.53

It is hereby certified that a Notice of Praecipe to Enter
Judgment by Default in accordance with Pa.R.C.P. 237.5 was served on
the Defendant by first class mail on April 8, 2004. True and correct

copies of the Notices are attached hereto. Defendants' address is
1199 South Brady Street, DuBois, PA 15801.

HANAK, GUIDO and TALADAY

By


Matthew B. Taladay
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - AT LAW

ELIZABETH J. SEYBERT,
Plaintiff

vs.

No. 02-1762-CD

JOHN R. FIKE and DON J. REID,
d/b/a BASIC TRANSPORTATION
and WILLIAM DANCH,
Defendants

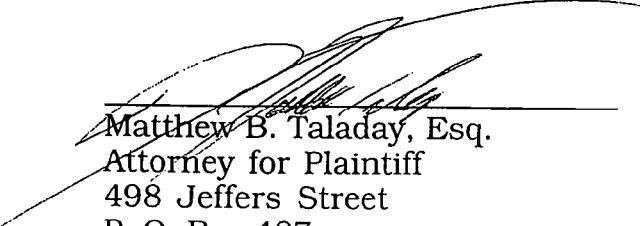
IMPORTANT NOTICE

TO: John R. Fike, d/b/a Basic Transportation
1199 South Brady Street
DuBois, PA 15801

DATE: April 8, 2004

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO
TAKE ACTION REQUIRED OF YOU IN THIS CASE. UNLESS YOU ACT
WITHIN TEN (10) DAYS OF THE DATE OF THIS NOTICE, 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:

Court Administrator
Clearfield County Courthouse
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830
(814) 765-2641 Ext. 1300


Matthew B. Taladay, Esq.
Attorney for Plaintiff
498 Jeffers Street
P. O. Box 487
DuBois, PA 15801

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - AT LAW

ELIZABETH J. SEYBERT,
Plaintiff

vs.

No. 02-1762-CD

JOHN R. FIKE and DON J. REID,
d/b/a BASIC TRANSPORTATION
and WILLIAM DANCH,
Defendants

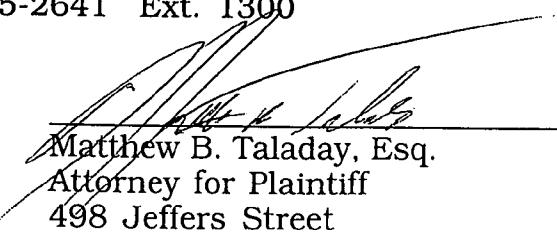
IMPORTANT NOTICE

TO: Don J. Reid, d/b/a Basic Transportation
1199 South Brady Street
DuBois, PA 15801

DATE: April 8, 2004

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO
TAKE ACTION REQUIRED OF YOU IN THIS CASE. UNLESS YOU ACT
WITHIN TEN (10) DAYS OF THE DATE OF THIS NOTICE, 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
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Court Administrator
Clearfield County Courthouse
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830
(814) 765-2641 Ext. 1300


Matthew B. Taladay, Esq.
Attorney for Plaintiff
498 Jeffers Street
P. O. Box 487
DuBois, PA 15801

FILED

PL 11:32 mt 2004. John T. Pike
Notice to Digi. Don P. Reed
JUN 16 2004
for Basic Transportation

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - AT LAW

COPY

ELIZABETH J. SEYBERT,
Plaintiff

vs.

No. 02-1762-CD

JOHN R. FIKE and DON J. REID,
d/b/a BASIC TRANSPORTATION
and WILLIAM DANCH,
Defendants

NOTICE OF JUDGMENT

TO: JOHN R. FIKE
Basic Transportation
1199 South Brady Street
DuBois, PA 15801

You are hereby notified that judgment has been entered
against you in favor of Elizabeth J. Seybert in the sum of \$_____,
together with costs of suit and interest, this ____ day of
_____, 2004.

Prothonotary

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

COPY

Elizabeth J. Seybert
Plaintiff(s)

No.: 2002-01762-CD

Real Debt: \$2,830.53

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Entry: \$20.00

Basic Transportation
Defendant(s)

Instrument: Default Judgment

Date of Entry: June 16, 2004

Expires: June 16, 2009

Certified from the record this 16th day of June, 2004

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

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ELIZABETH J. SEYBERT, : Type of Case: Civil Action
Plaintiff :
: No. 02-1762 C.D.
-vs- :
: Type of Pleading:
JOHN R. FIKE and DON J. REID, : Certificate of
d/b/a BASIC TRANSPORTATION : Service
and WILLIAM DANCH, :
Defendants : Filed on Behalf of:
: Plaintiff
: Counsel of Record for This
: Party:
: Matthew B. Taladay, Esq.
: Supreme Court No. 49663
: Hanak, Guido and Taladay
: 498 Jeffers Street
: P.O. Box 487
: DuBois, PA 15801
: (814) 371-7768

FILED NO cc
m/11/2006
FEB 16 2006
51

William A. Shaw
Prothonotary/Clerk of Courts

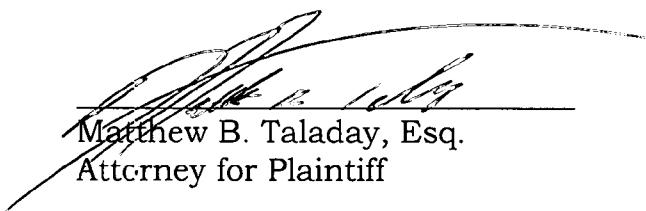
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

ELIZABETH J. SEYBERT, :
Plaintiff :
: :
-vs- : :
: No. 02-1762 C.D.
JOHN R. FIKE and DON J. REID, :
d/b/a BASIC TRANSPORTATION :
and WILLIAM DANCH, :
Defendants :
:

CERTIFICATE OF SERVICE

I certify that on the 15th day of February, 2006, an original
of Plaintiff's Notice of Deposition of Defendant William Danch, copy of
which is attached hereto, was mailed by United States First Class Mail
to the following:

Theron G. Noble, Esq.
Attorney for Defendant Danch
301 E. Pine Street
Clearfield, PA 16830


Matthew B. Taladay, Esq.
Attorney for Plaintiff

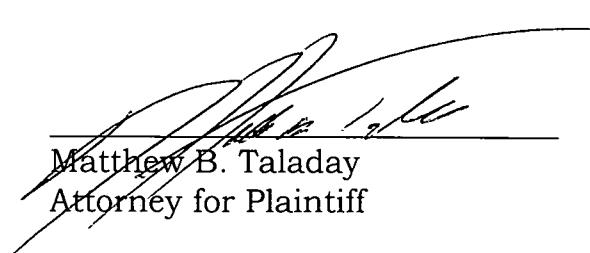
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

ELIZABETH J. SEYBERT,	:	
Plaintiff	:	
	:	
	:	
-vs-	:	
	:	No. 02-1762 C.D.
JOHN R. FIKE and DON J. REID,	:	
d/b/a BASIC TRANSPORTATION	:	
and WILLIAM DANCH,	:	
Defendants	:	

NOTICE OF DEPOSITION

TO: WILLIAM DANCH
c/o Theron G. Noble, Esq.

TAKE NOTICE that your deposition by oral examination will be taken on **Thursday, March 16, 2006 at 1:30 p.m.** at the law office of Hanak, Guido and Taladay, 498 Jeffers Street, DuBois, Pennsylvania. This deposition is being taken for the purpose of discovery and for use at trial, pursuant to the Pennsylvania Rules of Civil Procedure regarding Discovery.


Matthew B. Taladay
Attorney for Plaintiff

cc: Schreiber Reporting Service

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - AT LAW

ELIZABETH J. SEYBERT,
Plaintiff

vs.

JOHN R. FIKE and DON J. REID,
d/b/a BASIC TRANSPORTATION
and WILLIAM DANCH,
Defendants

: No. 02-1762- C.D.
:
: Type of Case: Civil Action
:
: Type of Pleading: Praecep
: to Satisfy Judgment
:
: Filed on Behalf of:
: Plaintiff
:
: Counsel of Record for This
: Party:
: Matthew B. Taladay, Esq.
: Supreme Court No. 49663
: Hanak, Guido and Taladay
: 487 Jeffers Street
: P.O. Box 487
: DuBois, PA 15801
: (814) 371-7768

FILED *per 7.00 Atty*
m/11:00am No CC, 1 Cert of.
JUN 4 9 2006 Sat issued to
Atty Taladay

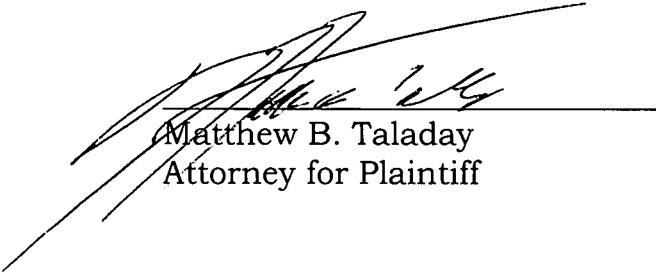
*William A.
Prost*

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - AT LAW

ELIZABETH J. SEYBERT,	:	
Plaintiff	:	
	:	
vs.	:	No. 02-1762-C.D.
	:	
JOHN R. FIKE and DON J. REID	:	
d/b/a BASIC TRANSPORTATION	:	
and WILLIAM DANCH,	:	
Defendants	:	

PRAECIPE TO SATISFY JUDGMENT

AND NOW, comes Matthew B. Taladay, Attorney for Plaintiff, and requests the Prothonotary to mark the above captioned judgment settled, terminated and ended. Payment has been made in full on the debt.



Matthew B. Taladay
Attorney for Plaintiff

FILED

JUN 29 2006

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

CERTIFICATE OF SATISFACTION OF JUDGMENT

No.: 2002-01762-CD

Elizabeth J. Seybert

Debt: \$

Vs.

Atty's Comm.:

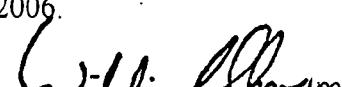
William Danch
Basic Transportation
John R. Fike
Don J. Reid

Interest From:

Cost: \$7.00

NOW, Thursday, June 29, 2006 , directions for satisfaction having been received, and all costs having been paid, SATISFACTION was entered of record.

Certified from the record this 29th day of June, A.D. 2006.



Prothonotary

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ELIZABETH J. SEYBERT,
Plaintiff

Type of Case: Civil Action

No. 02-1762 C.D.

-vs-

JOHN R. FIKE and DON J. REID,
d/b/a BASIC TRANSPORTATION
and WILLIAM DANCH,

Defendants

Type of Pleading:
Praecipe for
Discontinuance

Filed on Behalf of:
Plaintiff

Counsel of Record for This
Party:

Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801
(814) 371-7768

FILED

11:00am No cc 1CeA of
disc issued to
JUN 29 2008 ATTY Taladay

William A. Shaw
Prothonotary

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

ELIZABETH J. SEYBERT,	:	
Plaintiff	:	
	:	
-vs-	:	
	:	No. 02-1762 C.D.
JOHN R. FIKE and DON J. REID,	:	
d/b/a BASIC TRANSPORTATION	:	
and WILLIAM DANCH,	:	
Defendants	:	

PRAECIPE FOR DISCONTINUANCE

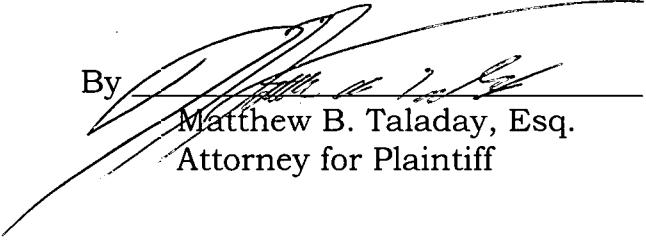
TO THE PROTHONOTARY:

Kindly mark the above referenced matter settled and discontinued.

Respectfully submitted,

HANAK, GUIDO and TALADAY

By


Matthew B. Taladay, Esq.
Attorney for Plaintiff

FILED

JUN 29 2008

William A. Shaw
Prothonotary

HANAK, GUIDO and TALADAY
Attorneys at Law

Robert M. Hanak
Anthony S. Guido
Matthew B. Taladay

Nicole Hanak Bankovich
S. Casey Bowers

Telephone: (814) 371-7768
Fax: (814) 371-1974

June 28, 2006

498 Jeffers Street
P.O. Box 487
DuBois, PA 15801
mbtaladay@verizon.net

William A. Shaw
Prothonotary
P.O. Box 549
Clearfield, PA 16830

Re: Seybert vs. Fike, et al.
No. 2002-1762-CD

Dear Mr. Shaw:

Enclosed for filing is Plaintiffs' Praeclipe for Discontinuance. After filing, please forward a Certificate of Discontinuance to my office. I have enclosed a self-addressed, stamped envelope for this purpose.

Also enclosed is a Praeclipe to Satisfy Judgment for filing. I have enclosed a check made payable to you in the sum of \$7.00 representing the required filing fee. If you have any questions regarding the enclosed, please contact me. Thank you for your assistance in this matter.

Sincerely,

Matthew B. Taladay

Matthew B. Taladay

MBT:kam

Encs.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Elizabeth J. Seybert

Vs.

No. 2002-01762-CD

William Danch
Basic Transportation
John R. Fike
Don J. Reid

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 June 29, 2006, marked:

Settled and discontinued

Record costs in the sum of \$132.00 have been paid in full by Matthew B. Taladay Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 29th day of June A.D. 2006.



William A. Shaw, Prothonotary