

02-1799-CD  
J&E Plumbing vs Robbie Tubbs

02

2002-1799-CD  
J&E PLUMBING & HEATING CO., INC. VS ROBBIE TUBBS  
ET AL

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

J & E PLUMBING & HEATING, INC.,	*	
Plaintiff	*	
-vs-	*	Docket No. 02-1799-CD
ROBBIE L. TUBBS AND DONNA J. TUBBS, Defendants	*	
	*	

Type of pleading:  
**PRAECIPE**

Filed on behalf of:  
**PLAINTIFF, J & E  
Plumbing & Heating, Inc.**

Counsel of record for  
this party:

Dwight L. Koerber, Jr.,  
Esquire  
PA I.D. No. 16332

110 North Second Street  
P. O. Box 1320  
Clearfield, PA 16830  
(814) 765-9611

⑧<sup>⑧</sup>  
**FILED** 4CC-Cert. of  
03/09/01 Disc. to Atty  
APR 25 2005  
William A. Shaw  
Prothonotary/Clerk of Courts  
copy to CJA

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

J & E PLUMBING & HEATING, \*  
INC., \*  
Plaintiff \*  
-vs- \* Docket No. 02-1799-CD  
ROBBIE L. TUBBS AND \*  
DONNA J. TUBBS, \*  
Defendants \*

PRAECLYPE

TO THE PROTHONOTARY:

Please mark the above-captioned case as withdrawn and discontinued with prejudice.

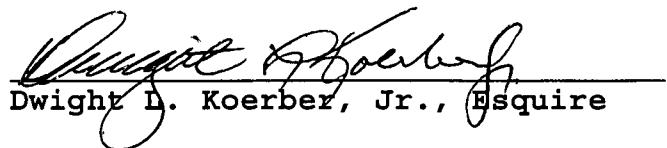
Respectfully submitted,

By: Dwight L. Koerber  
Dwight L. Koerber, Jr., Esquire  
Attorney for Plaintiff,  
J & E PLUMBING & HEATING, INC.  
DATE: 4/25/05

CERTIFICATE OF SERVICE

I certify that on this 25<sup>th</sup> day of April, 2005, a copy of the foregoing Praecipe has been served by United States First Class Mail upon the following:

Robbie L. Tubbs  
Donna J. Tubbs  
R. D. 2, Box 330J  
Curwensville, PA 16833

  
Dwight D. Koerber, Jr., Esquire

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

**J & E Plumbing & Heating Co., Inc.**

vs.

**No. 2002-01799-CD**

**Robbie Tubbs**  
**Donna Tubbs**

**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 April 25, 2005, marked:

Withdrawn and Discontinued with Prejudice

Record costs in the sum of \$85.00 have been paid by Robbie L. Tubbs. Costs in the sum of \$20.00 have been paid by Dwight L. Koerber, Jr., Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 25th day of April A.D. 2005.

---

William A. Shaw, Prothonotary

## NOTICE OF APPEAL

FROM

## DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 2002-1799-CD

## NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the District Justice on the date and in the case mentioned below.

Robbie L. Tubbs Sr.

NAME OF APPELLANT	RD#2 Box 330J	CITY	MAG. DIST. NO. OR NAME OF D.J.
ADDRESS OF APPELLANT	Curwensville		PA
DATE OF JUDGMENT	IN THE CASE OF (Plaintiff)		ZIP CODE
CLAIM NO.	Joe E Plumbing & Heating Co. vs. Robbie L. Tubbs & <sup>(Defendant)</sup> Donna Tubbs		SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT
CV	0000422-02	Robbie L. Tubbs Sr.	
LT			

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 Joe E Plumbing & Heating Co. Inc., appellee(s), to file a complaint in this appeal  
(Name of appellee(s))

(Common Pleas No. 2002-1799-CD) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Signature of appellant or his attorney or agent

Robbie L. Tubbs Sr.

Robbie L. Tubbs Sr.

Robbie L. Tubbs Sr.

(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: 11/18/02.

Signature of Prothonotary or Deputy

FILED

NOV 18 2002

10/3/00

William A. Shaw

Prothonotary/Clerk of Courts

Fm

Pn

85

## PROOF OF SERVICE OF NOTICE OF APPEAL AND RULE TO FILE COMPLAINT

(This proof of service MUST BE FILED WITHIN TEN (10) DAYS AFTER filing the notice of appeal. Check applicable boxes.)

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF \_\_\_\_\_; SS

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

a copy of the Notice of Appeal, Common Pleas No. \_\_\_\_\_, upon the District Justice designated therein on (date of service) \_\_\_\_\_,  by personal service  by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) \_\_\_\_\_, on \_\_\_\_\_, \_\_\_\_\_,  by personal service  by (certified) (registered) mail, sender's receipt attached hereto.

and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to whom the Rule was addressed on \_\_\_\_\_, \_\_\_\_\_,  by personal service  by (certified) (registered) mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

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

*Signature of affiant*

*Signature of official before whom affidavit was made*

*Title of official*

My commission expires on \_\_\_\_\_

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

**46-3-02**

DJ Name: Hon.

**RICHARD A. IRELAND**  
Address: **650 LEONARD STREET**  
**CLEARFIELD, PA**

Telephone: **(814) 765-5335** 16830

**DONNA TUBBS**  
**RD2, BOX 330J**  
**CURWENSVILLE, PA 16833**

**NOTICE OF JUDGMENT/TRANSCRIPT  
CIVIL CASE**

PLAINTIFF:

**J&E PLUMBING & HEATING CO., INC.**  
**RD 1 BOX 151A**  
**CLEARFIELD, PA 16830**

NAME and ADDRESS

DEFENDANT:

**TUBBS, ROBBIE, ET AL.**  
**RD2, BOX 330J**  
**CURWENSVILLE, PA 16833**

VS.

NAME and ADDRESS

Docket No.: **CV-0000422-02**  
Date Filed: **9/12/02**



**THIS IS TO NOTIFY YOU THAT:**

Judgment:

**FOR PLAINTIFF**

Judgment was entered for: (Name) **J&E PLUMBING & HEATING CO., TN**

Judgment was entered against: (Name) **TUBBS, ROBBIE**

in the amount of \$ **2,869.81** on: (Date of Judgment) **10/21/02**

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

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

This case dismissed without prejudice. \_\_\_\_\_

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

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

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

Amount of Judgment	\$ <b>2,789.81</b>
Judgment Costs	\$ <b>80.00</b>
Interest on Judgment	\$ <b>.00</b>
Attorney Fees	\$ <b>.00</b>
Total	\$ <b>2,869.81</b>
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
=====	
Certified Judgment Total \$ _____	

Date:	Place:
Time:	

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

**OCT 21 2002** Date Richard Ireland, District Justice

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

Date \_\_\_\_\_, District Justice

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

**46-3-02**

DJ Name: Hon.

**RICHARD A. IRELAND**  
Address: **650 LEONARD STREET**  
**CLEARFIELD, PA**

Telephone: **(814) 765-5335**      **16830**

**DONNA TUBBS**  
**RD2, BOX 330J**  
**CURWENSVILLE, PA 16833**

**NOTICE OF JUDGMENT/TRANSCRIPT  
CIVIL CASE**

PLAINTIFF:

**J&E PLUMBING & HEATING CO., INC.**  
NAME and ADDRESS  
**RD 1 BOX 151A**  
**CLEARFIELD, PA 16830**

DEFENDANT:

**TUBBS, ROBBIE, ET AL.**  
NAME and ADDRESS  
**RD2, BOX 330J**  
**CURWENSVILLE, PA 16833**

Docket No.: **CV-0000422-02**  
Date Filed: **9/12/02**



**THIS IS TO NOTIFY YOU THAT:**

Judgment:

**FOR PLAINTIFF**

Judgment was entered for: (Name) **J&E PLUMBING & HEATING CO., INC.**

Judgment was entered against: (Name) **TUBBS, DONNA**

in the amount of \$ **2,869.81** on: (Date of Judgment) **10/21/02**

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

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

This case dismissed without prejudice. \_\_\_\_\_

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

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

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

Amount of Judgment	\$ <b>2,789.81</b>
Judgment Costs	\$ <b>80.00</b>
Interest on Judgment	\$ <b>.00</b>
Attorney Fees	\$ <b>.00</b>
Total	\$ <b>2,869.81</b>
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
=====	
Certified Judgment Total	\$ _____

Date:	Place:
Time:	

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

**OCT 21 2002** Date **Richard Ireland**, 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

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

Postage	\$ 1.39
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.42

Postmark

Here  
FEB 22 2002

Sent To **RICHARD A IRELAND 46-302**  
Street, Apt. No.; **DISTRICT COURT**  
or PO Box No. **650 LONADA ST**  
City, State, ZIP+4 **CLF PA 16830**

PS Form 3800, January 2001

See Reverse for Instructions

PS Form 3800, January 2001  
I swear or affirm that I served

a copy of the Notice of Appeal, Common Pleas No. **2002-1799-CD**, upon the District Justice designated therein on (date of service) **Nov. 22, 02**,  by personal service  by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) **J.E. PLUMBING + HTG Co, Inc.**, on **November 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 \_\_\_\_\_,  by personal service  by (certified) (registered) mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME  
THIS **25<sup>th</sup>** DAY OF **NOVEMBER, 2002**

**Marjorie A. Nebgen**  
Signature of official before whom affidavit was made

**NOTARY**

Title of official

My commission expires on **FEB 12 2002**



Signature of affiant

Notarial Seal
Marjorie A. Nebgen, Notary Public
Jordan Twp., Clearfield County
My Commission Expires Feb. 12, 2005

Member, Pennsylvania Association of Notaries

ml 10481  
10/1/11 GES

John S. Shaw  
Pro bono notary

## COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS

JUDICIAL DISTRICT  
MONTGOMERY

## NOTICE OF APPEAL

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 1001-10-100000

## NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the District Justice on the date and in the case mentioned below.

NAME OF APPELLANT R. B. B. B. vs. R. B. B. B.	CITY Curwensville	MAG. DIST. NO. OR NAME OF D.J. P. J. B. B.
ADDRESS OF APPELLANT 1001-10-100000	STATE PA	ZIP CODE 16828
DATE OF JUDGMENT 10/10/01	IN THE CASE OF (Plaintiff) John B. B. vs. Robert B. B. B. (Defendant)	
CLAIM NO. CV LT	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT R. B. B. B.	

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 John B. B. B. vs. Robert B. B. B., appellee(s), to file a complaint in this appeal  
Name of appellee(s)

(Common Pleas No. 1001-10-100000) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

R. B. B. B.  
Signature of appellant or his attorney or agent

RULE: To John B. B. B. vs. Robert B. B. B. 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: 10/10/01

R. B. B. B.  
Signature of Prothonotary or Deputy

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

NOV 18 2002

Attest.

William B. B.  
Prothonotary/  
Clerk of Courts

COURT FILE

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

J & E PLUMBING & HEATING, INC., \*  
Plaintiff

-vs- \* Docket No. 02-1799-CD

ROBBIE L. TUBBS and  
DONNA J. TUBBS,  
Defendants \*

Type of Pleading:  
COMPLAINT

Filed on Behalf of:  
PLAINTIFF:  
J & E PLUMBING & HEATING,  
INC.

Counsel of Record for  
This Party:

Dwight L. Koerber, Jr.  
Pa. I.D. No. 16332

110 North Second Street  
P. O. Box 1320  
Clearfield, PA 16830  
(814) 765-9611

**FILED**

DEC 09 2002

o/22401m  
William A. Shaw  
Prothonotary

3 cent to *Any*



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

J & E PLUMBING & HEATING, INC., \*  
Plaintiff

-vs- \* Docket No. 02-1799-CD

ROBBIE L. TUBBS and  
DONNA J. TUBBS,  
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 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 within twenty (20) days. 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 relief claimed in the complaint by the plaintiff.

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.

DAVID S. MEHOLICK, COURT ADMINISTRATOR  
Clearfield County Courthouse  
230 East Market Street  
Clearfield, PA 16830  
(814) 765-2641 Ext. 5982

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

J & E PLUMBING & HEATING, INC., \*  
Plaintiff

-vs- \* Docket No. 02-1799-CD

ROBBIE L. TUBBS and \*  
DONNA J. TUBBS,  
Defendants

**COMPLAINT**

COMES NOW, J & E Plumbing & Heating, Inc., by and through its attorney, Dwight and L. Koerber, Jr., Esquire, and files the within Complaint, doing so pursuant to the Notice of Appeal filed by the Defendants.

1. Plaintiff is J & E Plumbing & Heating, Inc., which is a Pennsylvania corporation having its principal place of business at R. D. 1, Box 151A, Clearfield, Pennsylvania, 16830.

2. Defendants are Robbie L. Tubbs and Donna J. Tubbs, individuals, who reside at R. D. 2, Box 330J, Curwensville, Pennsylvania, 16833.

3. Plaintiff is in the business of providing services as a plumbing and heating contractor, and provides such services for various customers and accounts scattered throughout Clearfield County.

4. Defendants are the owners of a home located at R. D. 2, Box 330J, Curwensville, Pennsylvania, 16833.

5. During the year 2002, Defendants entered into an arrangement to have a heating system installed in their home, and had engaged another "contractor" to begin work on the project. When that contractor was unable to complete the project, Defendants called Plaintiff and asked Plaintiff to repair and complete work on the project.

6. Plaintiff initially gave an estimate that the cost of completing the heating system for the first floor and baseboard for the second floor and the porch would cost \$5,229.00. Plaintiff agreed to perform that work and to provide the services when the Defendants represented that "all the parts are there".

7. In September 2001, Plaintiff moved forward to complete work on the project but in doing so learned that the control system for the heating unit had not been provided among the parts that had been purchased by the prior contractor.

8. The control system was an integral part of the heating system and to deal with this problem, Plaintiff had to adjust the scope of the work and explain that there would be an additional charge. Defendants agreed that Plaintiff should do what was needed in order to complete the project.

9. In addition to installing the heat for the first floor and baseboard for the second floor and porch of the home, Plaintiffs were also requested to connect the domestic water unit, to extend in floor heating to the porch instead of the baseboard heat originally included in the contract, and to make repairs to the installed heating lines. The added expense to the project, because of the additional work required, as identified in paragraph 8 above, was \$2,691.90.

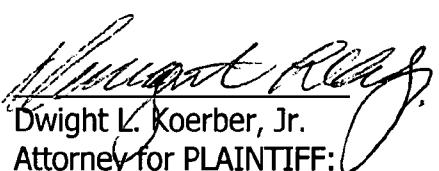
10. Attached hereto as Appendix A is a copy of the invoice covering the services that Plaintiff provided to Defendants as described herein. The invoice shows interest charged to the basic job in the amount of \$5,229.00 which had not been paid as agreed, but Plaintiff has agreed to accept payment on that part of the job without additional charge, showing the unpaid balance it is seeking pertaining only to the add on work that was done.

11. Attached hereto as Appendix B is an itemization of the additional charges assessed for the project. The combined expense outlined therein equals the \$2,631.90 fees that are due and owing.

12. Plaintiff completed work on the "add on" portion of the project on December 11, 2001. Pursuant to its invoice and pursuant to its standard billing procedures, Plaintiff seeks interest at the rate of 1½% per month, from 30 days after the completion of the project, meaning that Plaintiff seeks interest from January 11, 2002 to the present time.

WHEREFORE, Plaintiff prays that judgment be entered in its favor and against Defendant in the amount of \$2,631.90 plus interest at 18% as of January 10, 2002 and costs of suit.

Respectfully Submitted,

  
Dwight L. Koerber, Jr.  
Attorney for PLAINTIFF:  
J & E Plumbing & Heating, Inc.

## **VERIFICATION**

I certify that the statements made in the foregoing Complaint are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

J & E PLUMBING & HEATING, INC.

By: James R. Catherman Jr.  
James R. Catherman, Jr., President

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

J & E PLUMBING & HEATING, INC., \*  
Plaintiff

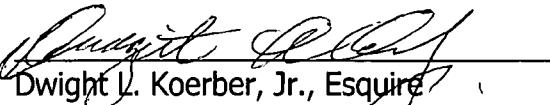
-vs- \* Docket No. 02-1799-CD

ROBBIE L. TUBBS and  
DONNA J. TUBBS,  
Defendants \*

**CERTIFICATE OF SERVICE**

This is to certify that on the 9th day of December, 2002, the undersigned served a certified copy of the foregoing upon Defendants. Such documents were served via United States First Class Mail upon the following:

Robbie L. Tubbs  
Donna J. Tubbs  
R. D. 2, Box 330J  
Curwensville, PA 16833

  
Dwight L. Koerber, Jr., Esquire  
Attorney for PLAINTIFF:  
J & E Plumbing & Heating, Inc.

## **APPENDIX A**

**J&E Plumbing & Heating, Inc**

**RD #1 Box 151 A (Turnpike Ext)**

**Clearfield, PA 16830**

**(814) 765-7460**

**Fax: (814) 765-1846**

**Invoice**

Order Date	Invoice Date	Invoice #	P.O. No.
10/29/2001	10/29/2001	252	

Bill To	Phone #
Mr. & Mrs Robbie Tubbs RD #2 Box 330 J Curwensville, PA 16833	277-6575

Job Location
Mr. & Mrs Robbie Tubbs RD #2 Box 330 J Curwensville, PA 16833

**1 1/2 % Per Month After 30 Days**

**Minimum Service Charge \$ 5.00**

Item	Description	Qty	Rate	Amount
01	Contract to provide in floor heat for the first floor and baseboard for the second floor and the porch.		5,229.00	5,229.00
01	Installation of automag control center, connection of the domestic water, and extra in floor heat not included in the original contract. Also, repairs made to the original installers heat lines.		2,631.90	2,631.90
SC	Service Charge 11/20/01		118.00	118.00
SC	Service Charge 12/20/01		120.00	120.00
SC	Service Charge 1/20/02		122.00	122.00
SC	Service Charge 2/20/02		124.00	124.00
SC	Service Charge 3/20/02		126.00	126.00
000	Paid on account ck # 463 3-22-02		-5,229.00	-5,229.00

**Thank you for your business.**

**Total**

**\$3,241.90**

## **APPENDIX B**

11/15 Thurs.

J&amp;E Plumbing &amp; Heating, Inc. Price

RD #1 Box 151 A (Turnpike Ext)

Clearfield, PA 16830

(814) 765-7460

Fax: (814) 765-1846

Invoice

Date	Invoice #	P.O. No.
10/29/2001	252	

Bill To	Robbie Tubbs
Phone	541-9692

Job Location
Robbie Tubbs

1 1/2 % Per Month After 30 Days

Minimum Service Charge \$ 5.00

Item	Description	Qty	Rate	Amount
01 11-15-01	Installation of heat. <i>Bid Plus</i> 2 men 5 1/2 hrs		385.00	
	1- Autom. Zone Transformer		80.00	
	2- 3/4" Copper 90°		2.40	
	1- Roll Solder		13.95	
	1- 1/2" Ball valve		10.50	
	1- 1" Ball valve		18.90	
	2 men 6 1/2 hrs		455.00	
	1- 1" x 1" x 1/2" Copper Tee		7.60	
	2- 1" Copper 90°		9.00	
	4- 1" Cop. Fitting Adapt.		12.00	
	1 Roll Solder		13.95	
	1- Small Can Paste		2.50	
	1- 250' Roll Pex Tubing		200.00	
	4-Bags Hanger clips		12.00	
	1-Roll T-stat wire		38.50	
	2-20 Amp Hm. SD Breakers		22.00	
	20' 14-2 Romex wire		10.00	
	2- 3/4" El. cop.		1.20	
	2 1/2" Type L copper		3.00	
Thank you for your business.				
				<b>Total</b>
				<b>\$0.00</b>

## Job Inventory List

**Job Name:** RIBBIE TRIBBS

**Invoice #**



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

J & E PLUMBING & HEATING, INC.,  
Plaintiff

-vs-

ROBBIE L. TUBBS and  
DONNA J. TUBBS,

Defendants

COMPLAINT  
Docket No. 02-1799-CD

*Law Office*

DWIGHT L. KOERBER, JR.  
ATTORNEY-AT-LAW  
110 NORTH SECOND STREET  
P. O. Box 1320  
CLEARFIELD, PENNSYLVANIA 16830

**FILED**

DEC 09 2002

William A. Shaw  
Prothonotary

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

**46-3-02**

DJ Name: Hon.

**RICHARD A. IRELAND**  
Address: **650 LEONARD STREET**  
**CLEARFIELD, PA**

Telephone: **(814) 765-5335** 16830

**RICHARD A. IRELAND**  
**650 LEONARD STREET**  
**CLEARFIELD, PA 16830**

**NOTICE OF JUDGMENT/TRANSCRIPT**

**CIVIL CASE**

PLAINTIFF:

NAME and ADDRESS

**J&E PLUMBING & HEATING CO., INC.**  
**RD 1 BOX 151A**  
**CLEARFIELD, PA 16830**

VS.

DEFENDANT:

NAME and ADDRESS

**TUBBS, ROBBIE, ET AL.**  
**RD2, BOX 330J**  
**CURWENSVILLE, PA 16833**

Docket No.: **CV-0000422-02**  
Date Filed: **9/12/02**



**02-1799-C**

**THIS IS TO NOTIFY YOU THAT:**

Judgment:

**FOR PLAINTIFF**

Judgment was entered for: (Name) **J&E PLUMBING & HEATING CO., INC.**

Judgment was entered against: (Name) **TUBBS, ROBBIE**

in the amount of \$ **2,869.81** on: (Date of Judgment) **10/21/02**

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

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

This case dismissed without prejudice. \_\_\_\_\_

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

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

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

Amount of Judgment	\$ <b>2,789.81</b>
Judgment Costs	\$ <b>80.00</b>
Interest on Judgment	\$ <b>.00</b>
Attorney Fees	\$ <b>.00</b>
Total	\$ <b>2,869.81</b>

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

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

**FILED**

**01:50**  
**DEC 10 2002**

**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.

**OCT 21 2002** Date *Richard Ireland*, District Justice

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

**11-27-02** Date *Richard Ireland*, District Justice

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

**46-3-02**

DJ Name: Hon.

**RICHARD A. IRELAND**  
Address: **650 LEONARD STREET**  
**CLEARFIELD, PA**

Telephone: **(814) 765-5335** 16830

**RICHARD A. IRELAND**  
**650 LEONARD STREET**  
**CLEARFIELD, PA 16830**

**NOTICE OF JUDGMENT/TRANSCRIPT  
CIVIL CASE**

PLAINTIFF:

**J&E PLUMBING & HEATING CO., INC.**  
RD 1 BOX 151A  
**CLEARFIELD, PA 16830**

NAME and ADDRESS

DEFENDANT:

**TUBBS, ROBBIE, ET AL.**  
RD2, BOX 330J  
**CURWENSVILLE, PA 16833**

VS.

NAME and ADDRESS

Docket No.: **CV-0000422-02**  
Date Filed: **9/12/02**



**THIS IS TO NOTIFY YOU THAT:**

Judgment: FOR PLAINTIFF

Judgment was entered for: (Name) J&E PLUMBING & HEATING CO., INC.

Judgment was entered against: (Name) TUBBS, DONNA

in the amount of \$ 2,869.81 on: (Date of Judgment) 10/21/02

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>2,789.81</u>
Judgment Costs	\$ <u>80.00</u>
Interest on Judgment	\$ <u>.00</u>
Attorney Fees	\$ <u>.00</u>
<b>Total</b>	<b>\$ 2,869.81</b>
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
<b>Certified Judgment Total</b> \$ _____	

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.

**OCT 21 2002**

Date Renee Ireland, District Justice

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

11.27.02 Date Renee Ireland, District Justice

My commission expires first Monday of January,

**2006**

SEAL

**COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA**

J& E PLUMBING & HEATING, INC.  
VS.  
ROBBIE & DONNA TUBBS

DISTRICT JUSTICE APPEAL  
CASE NO. 02-1799-CD

**ANSWER**

1. PARAGRAPH 1 IS ADMITTED.
2. PARAGRAPH 2 IS ADMITTED.
3. PARAGRAPH 3 IS ADMITTED.
4. PARAGRAPH 4 IS ADMITTED.
5. PARAGRAPH 5 IS ADMITTED.
6. PARAGRAPH 6 IS ADMITTED IN PART AND DENIED IN PART.

Estimate was supposed to be for in-floor heat on the 1<sup>st</sup> floor and porch, and baseboard heat for the 2<sup>nd</sup> floor. Defendants never represented that all parts were there, as they are not in the heating business and had no knowledge of what parts were needed. They did, however, invite the contractor in twice to inspect the jobsite so that they could see what was needed. As the Plaintiff stated to the District Justice more than once, he did not look, he merely assumed that everything was there. If they had properly inspected the jobsite and then submitted an estimate of almost \$8,000.00, defendants would have looked elsewhere for a contractor.

7. PARAGRAPH 7 IS ADMITTED.
8. PARAGRAPH 8 IS DENIED.

Plaintiff never discussed with defendants the extra cost of anything at anytime. Robbie returned from work to find all existing valves cut off and new valves put on. Plaintiff said it was easier for them to change the existing than to get the parts needed for it. Plaintiff never mentioned that it would cost \$2,000.00 more. Defendant assumed that since Plaintiff did not mention any extra cost, that they were still within the estimated cost of the job. Again, defendants would not have agreed to have this change made if they had known that it would cost the extra thousands of dollars, as they were already on a tight budget with construction costs. Only \$4900.00 was coming from the bank to pay for this portion of the project – the remainder would be coming from defendant's pockets.

9. PARAGRAPH 9 IS ADMITTED IN PART AND DENIED IN PART.

Once again, in-floor heat has always been the plan for the back porch. Baseboard was never requested. Plaintiffs were requested to connect the domestic water unit after the agreement was made. Defendants never denied payment to Plaintiff's for this work. But since Plaintiff's neglected (after many months and registered letters requesting) to send an itemized bill to defendants, defendants felt they had no other choice than to

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DEC 26 2002

William A. Shaw  
Prothonotary

withhold payment. Furthermore, the amount shown in Paragraph 9 is the wrong amount that was billed.

10. PARAGRAPH 10 IS DENIED.

Defendants agreed to pay when job was completed. Job was not completed until March 22, 2002. Therefore, no interest had accumulated on the contract amount of \$5229.00

11. PARAGRAPH 11 IS DENIED.

The amount shown as due and owing is in dispute.

12. PARAGRAPH 12 IS DENIED.

“Add on” portion is in dispute. Plaintiff’s first invoice never came until February of 2002. Defendants never agreed to pay interest, and no notice that interest would be charged was ever given. Plaintiff cannot charge interest from January if the job was not complete until March.

Respectfully Submitted,

Donna J. Tubbs Jr.

Donna J. Tubbs

RD #2 Box 330J 814-277-6575  
Curwensville, Pa. 16833

Verification

I verify that the statements made in this Answer are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to Unsworn Falsification to Authorities.

Date: 12.26.02

Donna J. Tubbs Jr. (Donna J. Tubbs)

**FILED**

DEC 26 2002

William A. Shaw  
Prothonotary  
125 N. 4th.

CC

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

J & E PLUMBING & HEATING, INC., \*  
Plaintiff \* Docket No. 02-1799-CD  
-vs- \*  
ROBBIE L. TUBBS and \*  
DONNA J. TUBBS, \*  
Defendants \*  
\*

Type of Pleading:  
CERTIFICATE OF SERVICE

Filed on behalf of:  
Plaintiff:  
J & E Plumbing & Heating, Inc.

Counsel of record for this party:

Dwight L. Koerber, Jr.  
PA I.D. No. 16332

110 North Second Street  
P.O. Box 1320  
Clearfield, PA 16830  
(814) 765-9611

**FILED**

JAN 14 2003

William A. Shaw  
Prothonotary

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

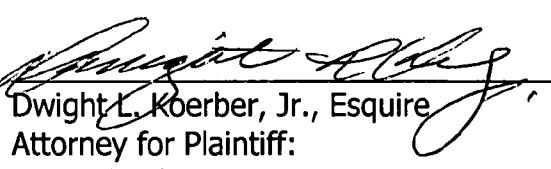
J & E PLUMBING & HEATING, INC., \*  
Plaintiff \* Docket No. 02-1799-CD  
-vs- \*  
ROBBIE L. TUBBS and \*  
DONNA J. TUBBS, \*  
Defendants \*  
\*

**CERTIFICATE OF SERVICE**

This is to certify that on the 14<sup>th</sup> day of January, 2003, the undersigned served an original and two copies of Set I Interrogatories and Request for Production of Documents Directed to Defendants in the above-captioned matter upon Defendants. Such documents were served via United States First Class Mail upon the following:

Mr. Robbie L. Tubbs  
R.D. 2, Box 330J  
Curwensville, PA 16833

Ms. Donna J. Tubbs  
R.D. 2, Box 330J  
Curwensville, PA 16833

  
Dwight L. Koerber, Jr., Esquire  
Attorney for Plaintiff:  
J & E Plumbing & Heating, Inc.

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET NO. 02-1799-CD

J & E Plumbing & Heating, Inc.

vs.

Robbie L. Tubbs and  
Donna J. Tubbs

CERTIFICATE OF SERVICE

4/2/2007  
4cc  
Amy Koerber  
Dwight L. Koerber

*Law Office*

DWIGHT L. KOERBER, JR.  
ATTORNEY-AT-LAW  
110 NORTH SECOND STREET  
P. O. BOX 1320  
CLEARFIELD, PENNSYLVANIA 16830

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

J & E PLUMBING & HEATING, \*  
INC., \*  
Plaintiff \*  
-vs- \* Docket No. 02-1799-CD  
ROBBIE L. TUBBS and \*  
DONNA J. TUBBS, \*  
Defendants \*

Type of pleading:  
PRAECIPE

Filed on behalf of:  
PLAINTIFF, J & E Plumbing  
& Heating, Inc.

Counsel of record for  
this party:

Dwight L. Koerber, Jr.,  
Esquire  
PA I.D. No. 16332

110 North Second Street  
P. O. Box 1320  
Clearfield, PA 16830  
(814) 765-9611

FILED

SEP 05 2003  
013:00 AM pd 20.00  
William A. Shaw  
Prothonotary/Clerk of Courts  
Copy CA  
no cc  
X

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of September, 2003, a copy of the foregoing pleading was served by United States First Class Mail upon the following:

Mr. Robbie L. Tubbs  
R. D. 2, Box 330J  
Curwensville, PA 16833

Ms. Donna J. Tubbs  
R. D. 2, Box 330J  
Curwensville, PA 16833

  
\_\_\_\_\_  
Dwight L. Koerber, Jr., Esquire

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
Docket No. 02-1799-CD

J & E PLUMBING & HEATING, INC.,  
Plaintiff

-vs-

ROBBIE L. TUBBS and  
DONNA J. TUBBS,  
Defendants

PRAECIPE

LAW OFFICE  
DWIGHT KOERBER, JR.  
ATTORNEY AT LAW  
110 NORTH SECOND STREET  
P. O. BOX 1320  
CLEARFIELD, PENNSYLVANIA 16830