

2003-133-CD
BETH ROBERTSON

VS
GINNY CHUBA

NOTICE OF APPEAL

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS NO.

03-133 CJS

NOTICE OF APPEAL

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

NAME OF APPELLANT	MAG. DIST. NO. OR NAME OF D.J.		
Ginny Chuba	46-3-02	Richard A. Irchard	ZIP CODE
ADDRESS OF APPELLANT	CITY	STATE	
P. O. Box 1258, State College, Pa. 16804			
DATE OF JUDGMENT	IN THE CASE OF (Plaintiff) (Defendant)		
1-2-03	Beth Robertson vs. Ginny Chuba		
CLAIM NO.	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT		
CV # 0000490-02	Ginny Chuba		
LT 19			
<p>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.</p>		<p>If appellant was CLAIMANT (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.</p>	
<p>Signature of Prothonotary or Deputy</p>			

PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

(This section of form to be used ONLY when appellant was DEFENDANT (see Pa. R.C.P.J.P. No. 1001(7) in action before District Justice. IF NOT USED, detach from copy of notice of appeal to be served upon appellee).

PRAECIPE: To Prothonotary

Enter rule upon Beth Robertson, appellee(s), to file a complaint in this appeal
Name of appellee(s)

(Common Pleas No. 03-133 CJS) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Ginny Chuba

Signature of appellant or his attorney or agent

RULE: To Beth Robertson, 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: January 31, 2003

Willie L. Chapman

Signature of Prothonotary or Deputy

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

GINNY CHUBA
PO BOX 1258
STATE COLLEGE, PA 16804

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF: **ROBERTSON, BETH** NAME and ADDRESS

PO BOX 351
BIGLER, PA 16825

DEFENDANT: **CHUBA, GINNY** NAME and ADDRESS

PO BOX 1258
STATE COLLEGE, PA 16804

Docket No.: **CV-0000490-02**
Date Filed: **10/17/02**



THIS IS TO NOTIFY YOU THAT:

Judgment:

DEFAULT JUDGMENT PLTF

Judgment was entered for: (Name) **ROBERTSON, BETH**

Judgment was entered against: (Name) **CHUBA, GINNY**

in the amount of \$ **804.50** on: (Date of Judgment) **1/02/03**

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 \$ _____

Amount of Judgment	\$ 700.00
Judgment Costs	\$ 104.50
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 804.50

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

Certified Judgment Total \$ _____

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.

EXCEPT AS OTHERWISE PROVIDED IN THE RULES OF CIVIL PROCEDURE FOR DISTRICT JUSTICES, IF THE JUDGMENT HOLDER ELECTS TO ENTER THE JUDGMENT IN THE COURT OF COMMON PLEAS, ALL FURTHER PROCESS MUST COME FROM THE COURT OF COMMON PLEAS AND NO FURTHER PROCESS MAY BE ISSUED BY THE DISTRICT JUSTICE.

UNLESS THE JUDGMENT IS ENTERED IN THE COURT OF COMMON PLEAS, ANYONE INTERESTED IN THE JUDGMENT MAY FILE A REQUEST FOR ENTRY OF SATISFACTION WITH THE DISTRICT JUSTICE IF THE JUDGMENT DEBTOR PAYS IN FULL, SETTLES, OR OTHERWISE COMPLIES WITH THE JUDGMENT.

JAN 02 2003 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

44

Def pd. 85,00

013:38 ~~85~~ Copies to Def

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

BETH ROBERTSON
P.O. BOX 351
BIGLER, PA. 16825
Plaintiff

VS. District Justice Appeal Case NO.
2003-133-CD

GINNY CHUBA
P.O. BOX 1258
STATE COLLEGE, PA. 16804
Defendant

CERTIFICATE OF SERVICES

I, Beth Robertson, Plaintiff above named, do hereby certify that on twelfth day of June, 2003, at 10:03 A.M. I caused a certified copy of the Rule Returnable be served by James L. Cornman, Constable of 291 Horton St., Philipsburg, Pa., 16866 to the Defendant at her address as follows:

Ginny Chuba
422 Clay Lane
State College, Pa. 16801

Beth A. Robertson 6/13/03
Beth A. Robertson

FILED
012:57 PM
JUN 13 2003
NO CC
EKA

William A. Shaw
Prothonotary

SERVICE OF PROCESS

SERVED UPON GINNY CHUBA, BY HANDING A COPY OF
MOTION TO STRIKE APPEAL AND A COPY OF RULE RETURNABLE IN
REFERENCE TO NO. 2003-133-CD

SERVED TO X *Ginny Chuba*
HOW RELATED Self

ON 5-12-03 AT 10:03 A M. AT THE FOLLOWING LOCATION

422 Clay Lane, State College Pa 16801
SERVED BY James L Cornwell, Constable
James L Cornwell

291 HORTON ST., PHILIPSBURG, PA., 16866

Address for
Ginny Chuba. 901 Crabapple Drive
State College Pa, 16801

LA

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

BETH ROBERTSON, PO BX 351 :
Plaintiff Bigler, Pa. :
VS. 16825 : NO. 2003-133-CD

GINNY CHUBA, :
Defendant PO BX 1258 :
State College, Pa. :
16804

10:00 AM 10/26/04

MOTION TO STRIKE APPEAL

AND NOW comes the Plaintiff, pro se, who moves your Honorable Court to strike the appeal of the Defendant in the above captioned action, and avers as follows:

1. That a Civil Complaint was filed with the Office of District Justice Richard Ireland on October 17, 2002.
2. That Defendant was served the Complaint and Notice of Hearing by Centre County Sheriff on November 20, 2002.
3. That Judgment was entered for the Plaintiff and against the Defendant on January 2, 2003.
4. The Plaintiff was proceeding to execute on her judgment when she was informed that an Appeal had been filed by the Defendant.
5. Plaintiff was not served with Notice of that Appeal.
6. That in accordance with Rule 1005B, Service of Notice of Appeal and other Papers, "The Appellant shall file with the Prothonotary proof of service of copies of his notice of appeal, and proof of service of a rule upon the Appellee to file a Complaint if required to request such a rule by Rule 1004B within ten (10) days after filing notice of appeal." Neither Magistrate Ireland, nor Plaintiff, were notified by the Defendant of her appeal.

7. Rule 1006, Striking Appeal, states that "Upon failure of the appellant to comply with Rule 1005B, the Prothonotary shall, upon Praeclipe of the Appellee, mark the appeal stricken from the record."

WHEREFORE, Plaintiff requests your Honorable Court to have the appeal of the Defendant stricken from the records in accordance with Rule 1005B and Rule 1006.

Respectfully submitted,

Beth A. Robertson 6/5/03
BETH A. ROBERTSON

P.O. BX 351

Bigler Pa.
16825

phone (814) 857-7584

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

BETH ROBERTSON, PO BX 351 :
Plaintiff Bigler, Pa. :
VS. 16825 : NO. 2003-133-CD
GINNY CHUBA, PO BX 1258 :
Defendant State College Pa. :
16804

RULE RETURNABLE

AND NOW, this 5th day of June, 2003, in consideration of the foregoing Motion, it is the ORDER of this Court that a Rule be issued upon the Defendant in this matter to show cause why her Notice of Appeal should not be stricken from the records. Rule Returnable scheduled for the 25 day of July, 2003 in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania 16830. at 1:30 P.M.

NOTICE TO DEFEND

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE PROMPT ACTION. YOU ARE WARNED THAT IF YOU FAIL TO DO SO, THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST BY THE COURT, AND AGAINST YOU FOR ANY OTHER CLAIM OR RELIEF REQUESTED IN THESE PAPERS 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'S OFFICE
1 N. Second Street
Clearfield, PA 16830
8914-765-2641

BY THE COURT,

JUDGE

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION

BETH ROBERTSON : :

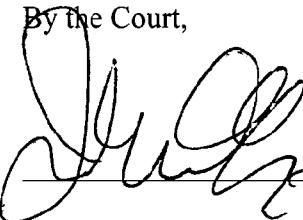
-vs- : No. 03 - 133 - CD

GINNY CHUBA : :

ORDER

NOW, this 25th day of June, 2003, this being the day and date set for hearing into the above-captioned Motion to Strike Appeal filed on behalf of Plaintiff, Defendant having failed to appear she having received due and proper notice thereof, it is the ORDER of this Court that said Motion be and is hereby granted and the appeal stricken.

By the Court,



President Judge

FILED

JUN 25 2003

William A. Shaw
Prothonotary

① 143 BA. 3cc to Beth Robertson
JUN 25 2003 1cc to Sammy Charles
PO Box 1258
St. Catharines, 16804

William A. Shaw
Protestant

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