

03-325-CD
LINDA JO KENNEDY - vs - TIMOTHY N. ELGAR

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

LINDA JO KENNEDY,
Plaintiff

vs.

TIMOTHY N. ELGAR,
Defendant

NO. 2003-325-C0

Type of Case: Quiet Title Action

Type of Pleading: Complaint

Filed on behalf of: Plaintiff

Counsel of Record for this Party:
David P. King, Esquire
23 Beaver Drive
P. O. Box 1016
DuBois, PA 15801
(814) 371-3760

Supreme Court No. 22980

FILED

MAR 07 2003
0/125/was
William A. Shaw
Prothonotary
2 CERT TO ATTY

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

LINDA JO KENNEDY, :
Plaintiff :
: :
vs. : NO. _____ C.D.
: :
TIMOTHY N. ELGAR, :
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 defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE.
IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE,
GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO
FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator
Clearfield County Courthouse
230 East Market Street, Suite 228
Clearfield, PA 16830
(814) 765-2641 Ext. 50-51

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

LINDA JO KENNEDY, :
Plaintiff :
: vs. : NO. _____ C.D.
: :
TIMOTHY N. ELGAR, :
Defendant :
:

QUIET TITLE COMPLAINT

AND NOW, comes the Plaintiff, LINDA JO KENNEDY, through her Attorney, David P. King, and for her cause of action respectfully represents as follows:

1. The Plaintiff is LINDA JO KENNEDY, an adult individual, who resides at R. R. 1, Box 32A, Penfield, PA 15849.

2. The Defendant is TIMOTHY N. ELGAR, an adult individual, and he resides at R. R. 1, Box 21A, Rockton, PA 15856.

3. The Plaintiff and the Defendant were never married.

4. However, during all times relevant hereto, the Defendant, TIMOTHY N. ELGAR, did acquire certain real property in which he presently resides, through a Deed dated the 24th day of June 1993, and recorded in the Office of the Recorder of Deeds of Clearfield County, PA, in Deed Book Volume 1539, at Page 267. A copy of the same is attached hereto and marked as Exhibit "A".

5. Also, during all times relevant hereto, the Plaintiff and the Defendant lived together and resided together in the subject matter premises as above described.

6. During said time, and by mutual agreement, the Plaintiff, LINDA JO KENNEDY, did use \$22,000.00 of her own funds for improvements to said

residence, which was understood and agreed to be for their mutual benefit.

7. As part of this agreement and understanding, the Defendant, TIMOTHY N. ELGAR, did acknowledge his obligations and the interest of the Plaintiff in said property and in fact signed a document to that effect, a copy of which is attached hereto and marked as Exhibit "B".

8. Moreover, subsequent to that, the Plaintiff, LINDA JO KENNEDY, understood that because the parties anticipated a long term relationship, her name should also be upon the deed and title to the premises.

9. However, it was not until sometime later that the Plaintiff became aware that the same was never accomplished and formally documented.

10. Unfortunately, differences arose between the parties whereby they separated in September of 2002.

11. At that time, the parties signed an agreement, a copy of which is attached hereto and marked as Exhibit "C". Said agreement, among other things, acknowledged the obligation to the Plaintiff, LINDA JO KENNEDY.

12. Notwithstanding, the Plaintiff thought that she was legally protected as a matter of record, but has since come to realize that contrary to prior discussions, she was never recognized as an owner of the subject matter premises, nor having any claim of right, title or interest in the same.

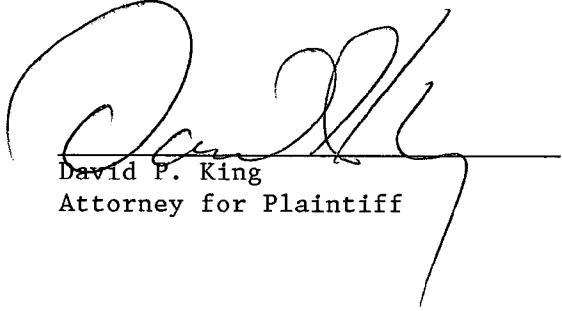
13. Additionally, since their separation, and the deterioration of their relationship, the Plaintiff is concerned and has fears that the subject matter premises may be sold or otherwise encumbered in such a manner and at such a time as would defeat her right, title and interest as per the mutual

promises and agreements between the parties.

14. Plaintiff's purpose in filing this action is to have the Court enter an appropriate Order or Judgment protecting her interest as a matter of record and otherwise compelling the Defendant to fulfill the agreements and obligations agreed upon between the parties.

WHEREFORE, Plaintiff requests this Court to enter an Order declaring that the Defendant, TIMOTHY N. ELGAR, is barred from conveying the subject matter premises free and clear from Plaintiff's claim and lien herein asserted.

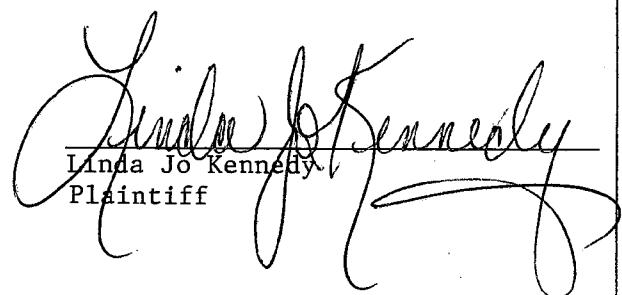
ADDITIONALLY, Plaintiff requests your Honorable Court to enter an appropriate Order, to appear in the office of the Recorder of Deeds of Clearfield County, Pennsylvania, formally recognizing her rights, lien and claim on the subject matter premises, and she will so ever pray.



David P. King
Attorney for Plaintiff

I verify that the statements made in this 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.

Date: March 3, 2003



Linda Jo Kennedy
Plaintiff

This Indenture

Made the 24th day of June 1993,

Between DREXEL PENTZ and NORMA PENTZ, husband and wife, of R. D.,
Grampian, Pennsylvania, Grantors,

parties of the first part and

TIMOTHY N. ELGAR, an individual, of R. D. 1, Box 32A, Penfield,
Pennsylvania, Grantee,

party of the second part:

Witnesseth, that the said parties of the first part, in consideration of the sum of

Forty-Seven Thousand (\$47,000.00) Dollars

*to them now paid by the said party of the second part, do grant, bargain, sell
and convey unto the said party of the second part, his heirs, executors and assigns,*

All that certain piece or parcel of land situate, lying and being
in Union Township, Clearfield County, Pennsylvania, and being
bounded and described as follows to wit:

BEGINNING at a 1 3/4" iron pin, said pin being the common
corner of lands now or formerly of Agnes Postlewait,
Harvey, Ansel Beer Estate; thence North 6° 23' East, a
distance of 108.03 feet to a point in the centerline of
Pennsylvania Legislative Route 17030; thence by said
centerline North 39° 48' 15" East a distance of 838.53
feet to a nail in said centerline; thence along R.
Cochran, South 48° 02' 15" East, a distance of 455.49
feet to an iron pin in the common line of Postlewait;
thence along Postlewait, South 6° 23' West, a distance of
542.86 feet to a found iron pipe; thence along
Postlewait, North 83° 37' West, a distance of 832.29 feet
to the place of beginning. Containing 10.59 acres
including the legal right of way of Pennsylvania
Legislative Route 17030.

BEING the same premises conveyed to the Grantors herein
by deed of John M. Noble dated June 20, 1984 and recorded
in Clearfield County Deed and Record Book 953, page 585.

M A K

I TIMOTHY N ELGAR OWE
TO LINDA KENNEDY \$22,000⁰⁰ (TWENTY
Two THOUSAND DOLLARS)

SHOULD OUR RELATIONSHIP TERMINATE;
ANY UNPAID BALANCE SHALL BE
REPAYED TO LINDA KENNEDY AT THE RATE
OF \$10,000; (TEN THOUSAND DOLLARS) WITHIN
THE FIRST YEAR, WITHOUT INTEREST.

THE UNPAID BALANCE SHALL BE PAID
WITHIN THE NEXT FIVE YEARS, ALSO
WITHOUT INTEREST.

UPON MY DEATH; THE UNPAID BALANCE
OF THE \$22,000⁰⁰ SHALL BE PAID
FROM MY ESTATE.

APRIL 29, 1998

Timothy J. Elgar

Witness:

Linda C Lewis
Clearfield, PA 16830

Doreen L. Kelly
R.D #1 Box 86
GRAMPIAN, PA 16838

9-06-2002

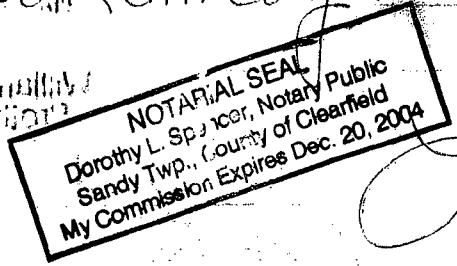
I Linda Jo Kennedy accept, MC
1968 Harley Davidson, titled # 40304061006 EL,
Vehicle ID# 68XLH14879 from Timothy N. Elgar
Upon immediate inspection any major
repairs needed will be the responsibility
of Timothy N. Elgar.

Plus, Timothy is to pay for
Electrical work & Labor & any materials
for job for Mountain Ben Home RR1 Box 324
Penfield P.A 15849, Work to be completed
By October 2002.

And honor the agreement of April 29th 1998
to pay back unpaid Balance of \$22,000.00
to: Linda Jo Kennedy or her
death to her Sons if not paid in full.

Timothy N. Elgar will be released
from a Common Law Divorce &
clear of Responsibility of mate,
Linda Jo Kennedy.

Sworn to and subscribed before me
this 7 day of Sept 2002.



D.A.Y.

Linda Jo Kennedy
Timothy N. Elgar

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 13758

KENNEDY, LINDA JO

03-325-CD

VS.

ELGAR, TIMOTHY N.

COMPLAINT ACTION TO QUIET TITLE

SHERIFF RETURNS

NOW MARCH 10, 2003 AT 10:00 AM EST SERVED THE WITHIN COMPLAINT ACTION TO QUIET TITLE ON TIMOTHY N. ELGAR, DEFENDANT AT RESIDENCE, RR 1, BOX 21A, ROCKTON, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO TIMOTHY N. ELGAR A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT ACTION TO QUIET TITLE AND MADE KNOWN TO THE CONTENTS THEREOF.

SERVED BY: COUDRIET/RYEN

Return Costs

Cost Description

26.82 SHFF. HAWKINS PAID BY: PLFF.

10.00 SURCHARGE PAID BY: PLFF.

FILED *03/5/03* *APR 01 2003* *cc*
W.A. Shaw

**William A. Shaw
Prothonotary**

Sworn to Before Me This

1st Day Of *April* 2003
2-10-03

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

So Answers,

*Chester A. Hawkins
by Marilyn Harris*
Chester A. Hawkins
Sheriff

THE HOPKINS LAW FIRM

900 Beaver Drive, DuBois, Pennsylvania 15801
VOICE: (814) 375-0300. FAX: (814) 375-5035

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

LINDA JO KENNEDY,
Plaintiff

vs.

No. 2003-325 C.D.

TIMOTHY N. ELGAR
Defendant

Type of Pleading: Answer to Complaint,
New Matter and Counterclaim

Filed on behalf of: Timothy N. Elgar,
Defendant

Counsel of Record for this party:

THE HOPKINS LAW FIRM

David J. Hopkins, Esquire
Supreme Court No. 42519

Lea Ann Heltzel, Esquire
Supreme Court No. 83998

900 Beaver Drive
DuBois, Pennsylvania 15801

(814) 375-0300

NOTICE TO PLEAD

You are hereby notified to plead
to the within pleading within
twenty (20) days of service thereof
or default judgment may be entered
against you.


David J. Hopkins, Esquire
Attorney for Defendant

FILED

APR 04 2003

William A. Shaw
Prothonotary

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

LINDA JO KENNEDY, :
Plaintiff :
: :
vs. : No. 2003-325 C.D.
: :
TIMOTHY N. ELGAR :
Defendant :
:

ANSWER TO COMPLAINT

NOW COMES, Defendant, Timothy N. Elgar, by and through his attorneys, The Hopkins Law Firm and files the within answer and in support thereof says as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted in part and denied in part. Defendant admits Plaintiff paid Defendant \$22,000.00 of her own funds. Defendant denies the funds were used for improvements to the residence. To the contrary, Defendant used the funds for his own use in reducing the mortgage outstanding against the property.
7. Admitted.
8. Denied. Plaintiff and Defendant never agreed Plaintiff's name would be placed upon the deed and title to the premises. Plaintiff's sole remedy and Defendant's sole obligation was set forth in the Note dated April 29, 1998 in which Defendant agreed to pay Plaintiff

\$22,000.00 in the event their relationship should terminate.

9. Denied. At all material times, Plaintiff knew her name was not placed on the deed and title to the premises. Only subsequent to the parties' separation did Plaintiff make any demands to cause her name to be placed on the deed and title to the property.

10. Admitted.

11. Admitted.

12. Denied. At all material times, Plaintiff knew her name was not placed on the deed and title to the premises. Only subsequent to the parties' separation did Plaintiff make any demands to cause her name to be placed on the deed and title to the property.

13. Denied. The parties' April 29, 1998 obligation defines the rights and responsibilities of the parties. There were no other agreements between the parties.

14. No answer is required of this paragraph. To the extent an answer is required, same is denied. The parties' April 29, 1998 obligation defines the rights and responsibilities of the parties. There were no other agreements between the parties.

WHEREFORE, Defendant respectfully requests Plaintiff's Complaint be dismissed with prejudice together with cost of suit and for such other and further relief as the Court deems fair, just and equitable.

NEW MATTER

1. Plaintiff's claims are barred by the statute of frauds.
2. Plaintiff's claims are barred by the statute of limitations.
3. Plaintiff's claims are barred inasmuch as the April 29, 1998 agreement between the parties does not obligate Plaintiff's name be placed upon the property.

COUNTERCLAIM

AND NOW, comes Defendant/Plaintiff on this Counterclaim, by and through his attorney, The Hopkins Law Firm, and files the within Counterclaim and in support avers as follows:

1. Defendant/Plaintiff on the Counterclaim, Timothy N. Elgar is an adult individual who resides at R.R. #1, Box 21A, Rockton, Pennsylvania 15856.
2. Plaintiff/Defendant on the Counterclaim, Linda Jo Kennedy, is an adult individual who resides at R.R. #1, Box 32A, Penfield, Pennsylvania 15849.
3. Plaintiff and Defendant were never married.
4. Plaintiff and Defendant resided together from approximately 1992 through September, 2002.
5. In or about September, 2002, Linda Jo Kennedy vacated R.R. #1, Box 21A, Rockton, Pennsylvania and took up residence at her current location, R. R. #1, Box 32A, Penfield, Pennsylvania 15849.
6. When Linda Jo Kennedy vacated the residence, she took with her various property which is solely the property of Timothy Elgar as follows:
 - A. Mother's diamond ring;
 - B. Military metals;
 - C. Male jewelry;
 - D. Coin collection;
 - E. Stamp collection;

F. Titles to Timothy Elgar's vehicles consisting of:

1954 Chevrolet pickup truck

1966 MGB

1952 Harley Davidson

1946 Indian Chief

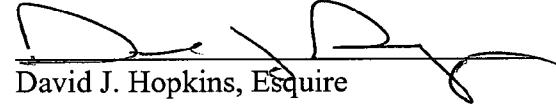
Various other "chunk" titles

G. 1907 Victor talking machine and records.

7. Linda Jo Kennedy took possession of said property in violation of the ownership rights of Timothy Elgar.

WHEREFORE, Defendant/Plaintiff on the Counterclaim, Timothy N. Elgar, respectfully requests this Honorable Court enter an Order obligating Plaintiff/Defendant on the Counterclaim, Linda Jo Kennedy, to return the personal property and titles set forth herein.

Respectfully submitted,



David J. Hopkins, Esquire
Attorney for Timothy N. Elgar

VERIFICATION

With full understanding that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities, I verify that the statements made in this pleading are true and correct.

Timothy N. Elgar
Timothy N. Elgar

Date: April 2, 2003

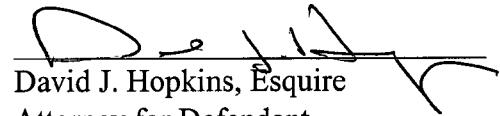
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

LINDA JO KENNEDY, :
Plaintiff :
: vs. : No. 2003-325 C.D.
: :
TIMOTHY N. ELGAR :
:

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of Answer to Complaint, Counterclaim and New Matter, filed on behalf of Timothy N. Elgar, was forwarded on the 3rd day of April, 2003, by U.S. Mail, postage prepaid, to all counsel of record, addressed as follows:

David P. King, Esquire
23 Beaver Drive
P.O. Box 1016
DuBois, PA 15801


David J. Hopkins, Esquire
Attorney for Defendant

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

LINDA JO KENNEDY,
Plaintiff

NO. 2003-325-C.D.

vs.

TIMOTHY N. ELGAR,
Defendant

Type of Case: Civil

Type of Pleading: Reply to New Matter
and Counterclaim and Cross-Counterclaim

Filed on behalf of: Plaintiff

Counsel of Record for this Party:
David P. King, Esquire
23 Beaver Drive
P. O. Box 1016
DuBois, PA 15801
(814) 371-3760

Supreme Court No. 22980

FILED

APR 24 2003

William A. Shaw
Prothonotary

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

LINDA JO KENNEDY, :
Plaintiff :
:
vs. : NO. 2003-325 C.D.
:
TIMOTHY N. ELGAR, :
Defendant :
:

REPLY TO NEW MATTER AND COUNTERCLAIM

AND NOW, comes the Plaintiff, LINDA JO KENNEDY, through her Attorney, David P. King, and Replies to Defendant's New Matter and Counterclaim as follows:

REPLY TO NEW MATTER

1. It is denied that the Plaintiff's claims are barred by the statute of frauds, and notwithstanding, claims an equitable interest in the subject matter premises in accordance with her Complaint.
2. Plaintiff further denies that this case is barred by any applicable statute of limitations.
3. It is denied that Plaintiff's claims are barred as for the reasons as set forth above, and further, notwithstanding Plaintiff claims an equitable title or interest in the subject matter premises.

REPLY TO COUNTERCLAIM

1. Admitted.
2. Admitted.
3. Admitted.

4. In actuality, the Plaintiff and Defendant resided together for some years even before 1992.

5. Admitted.

6. The Plaintiff responds to Defendant's allegations as follows:

A. As to the diamond ring, the same was a gift from a third person, not a party to this action, and said diamond ring was never the property of Defendant;

B. Plaintiff at the time of this response cannot say whether she is even in possession of such military metals as referred to. If the same are contained in a box which is in her possession, she will return it to the Defendant at the proper time;

C. Plaintiff answers in the same manner as set forth in B. above;

D. Plaintiff answers in the same manner as set forth in B. and C. above;

E. Plaintiff is unaware of any stamp collection that the Defendant ever had and thus denies possession of such unless the same may be unknown to her in a box in her possession;

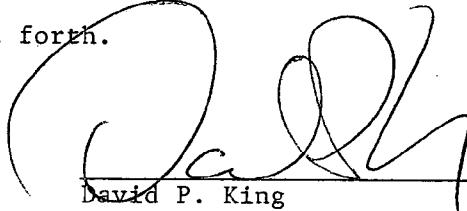
F. Plaintiff does hold the Certificates of Title to the vehicles mentioned, and in fact Defendant holds a Certificate of Title to a vehicle of the Plaintiff. By mutual agreement, the Defendant was going to try to sell all of the vehicles so mentioned, including Plaintiff's vehicle as a "package"

to some interested party, and Plaintiff is still willing to do and cooperate regarding the same;

G. Plaintiff is in possession of the "1907 Victor talking machine and records", but further avers that this was included as items on a list of things that she was to get as per mutual agreement.

7. For reasons as set forth above, Plaintiff denies that she wrongfully took possession of any property or property rights of the Defendant.

WHEREFORE, Plaintiff prays your Honorable Court to grant her the relief as requested herein and throughout her Complaint, as well as in the additional cause of action hereinafter set forth.



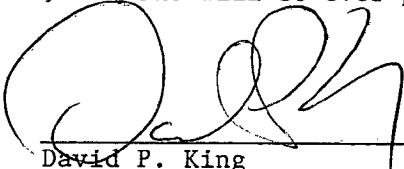
David P. King
Attorney for Plaintiff

CROSS-COUNTERCLAIM

1. Plaintiff further avers that the agreement as identified as Exhibit "C" of her Complaint, the Defendant still has failed to pay for the electrical work and labor and any materials for the job on the Mountain Run home.

2. Additionally, Defendant has further failed to have the 1968 Harley Davidson inspected and the anticipated repairs made, or if he has, has not paid for the same in accordance with the parties' agreement.

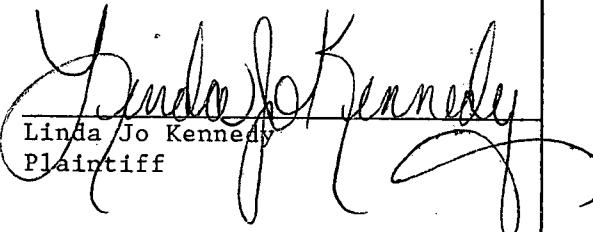
WHEREFORE, Plaintiff prays your Honorable Court to require Defendant to comply fully with the parties' agreements and understandings, and in the alternate, to award her damages in excess of \$20,000.00, notwithstanding any and all other entitlements of the Plaintiff, and she will so ever pray.



David P. King
Attorney for Plaintiff

I verify that the statements made in this Reply and Cross-Counterclaim 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.

Date: April 21, 2003



Linda Jo Kennedy
Plaintiff

Notice of Proposed Termination of Court Case

October 23, 2007

RE: 2003-00325-CD

Linda Jo Kennedy

Vs.

Timothy Neil Elgar

FILED

OCT 23 2007

WAS
William A. Shaw
Prothonotary/Clerk of Courts

Dear David P. King, Esq.:

Please be advised that the Court intends to terminate the above captioned case without notice, because the Court records show no activity in the case for a period of at least two years.

You may stop the Court terminating the case by filing a Statement of Intention to Proceed. The Statement of Intention to Proceed must be filed with the **Prothonotary of Clearfield County, PO Box 549, Clearfield, Pennsylvania 16830**. The Statement of Intention to Proceed must be filed on or before **December 24, 2007**.

If you fail to file the required statement of intention to proceed within the required time period, the case will be terminated.

By the Court,

Daniel J. Nelson

Daniel J. Nelson
Court Administrator

Notice of Proposed Termination of Court Case

October 23, 2007

RE: 2003-00325-CD

Linda Jo Kennedy

Vs.

Timothy Neil Elgar

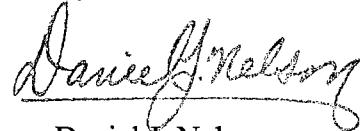
Dear David J. Hopkins, Esq:

Please be advised that the Court intends to terminate the above captioned case without notice, because the Court records show no activity in the case for a period of at least two years.

You may stop the Court terminating the case by filing a Statement of Intention to Proceed. The Statement of Intention to Proceed must be filed with the **Prothonotary of Clearfield County, PO Box 549, Clearfield, Pennsylvania 16830**. The Statement of Intention to Proceed must be filed on or before **December 24, 2007**.

If you fail to file the required statement of intention to proceed within the required time period, the case will be terminated.

By the Court,



Daniel J. Nelson
Court Administrator

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

LINDA JO KENNEDY,
Plaintiff

vs.

TIMOTHY N. ELGAR,
Defendant

NO. 2003-325-C.D.

Type of Case: Quiet Title Action

Type of Pleading: Praeclipe for
Trial List

Filed on behalf of: Plaintiff

Counsel of Record for this Party:
David P. King, Esquire
23 Beaver Drive
P. O. Box 1016
DuBois, PA 15801
(814) 371-3760

Supreme Court No. 22980

FILED NO CC
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OCT 23 2001
(6K)

William A. Shaw
Prothonotary/Clerk of Courts

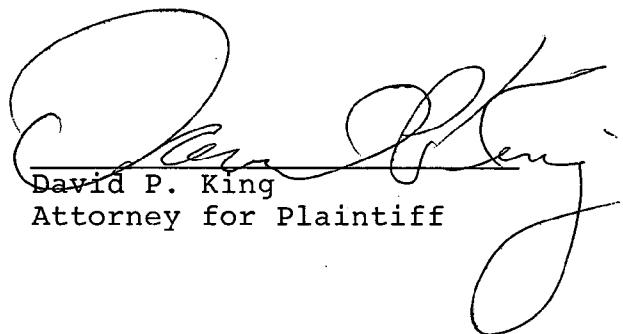
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

LINDA JO KENNEDY, :
Plaintiff :
: :
vs. : NO. 2003-325-C.D.
: :
TIMOTHY N. ELGAR, :
Defendant :
: :

PRAECIPE FOR TRIAL LIST

TO THE PROTHONOTARY:

Please place the above captioned matter on the Non-Jury
Trial List.



David P. King
Attorney for Plaintiff

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

LINDA JO KENNEDY,

Plaintiff

*

*

*

NO. 03-325-CD

vs.
TIMOTHY N. ELGAR,

Defendant

*

*

*

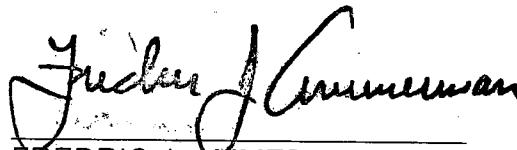
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*

ORDER

AND NOW, this 4th day of December, 2007, it is the ORDER of this Court that
Pre-trial conference in the above matter shall be held on the 24th day of January, 2008
in Chambers at 10:00 a.m.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

FILED

01:43 PM
DEC 04 2007

1CC Attns: King
William A. Shaw
Prothonotary/Clerk of Courts

(GW)

Hopkins

FILED

DEC 04 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 12/4/07

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Special Instructions:

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

LINDA JO KENNEDY,

Plaintiff,

: NO. 2003-325-C.D.

vs.

: NO. 2007-1696-C.D.

TIMOTHY N. ELGAR

Defendant,

SCHEDULING ORDER

AND NOW, this 25th day of January 2008, following pre-trial conference, it is the ORDER of the Court that a Civil Bench Trial shall be and is hereby scheduled in the **above captioned cases** for the 11th day of July 2008 at 9:00 o'clock A.M. in Courtroom #1 of the Court of Common Pleas of Clearfield County, Pennsylvania.

BY THE COURT:


FREDRIC J. AMMERMAN

President Judge

FILED
01/11/2008
JAN 28 2008

1CC Atty's:
King
Hopkins

William A. Shaw
Prothonotary/Clerk of Courts

FILED

JAN 28 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 1/28/08

 You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

 Plaintiff(s) Plaintiff(s) Attorney Other

 Defendant(s) Defendant(s) Attorney Other

 Special Instructions:

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

LINDA JO KENNEDY,
Plaintiff

vs.

TIMOTHY N. ELGAR,
Defendant

NO. 2003-325 C.D.

Type of Case: Civil

Type of Pleading: Praeclipe for
Settlement and Discontinuance

Filed on behalf of: Plaintiff

Counsel of Record for this Party:
David P. King, Esquire
23 Beaver Drive
P. O. Box 1016
DuBois, PA 15801
(814) 371-3760

Supreme Court No. 22980

FILED NOCC +
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SEP 16 2008 ISSUED TO
ATTN King.

W.M.
William A. Shaw
Prothonotary/Clerk of Courts

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

LINDA JO KENNEDY,
Plaintiff

vs.

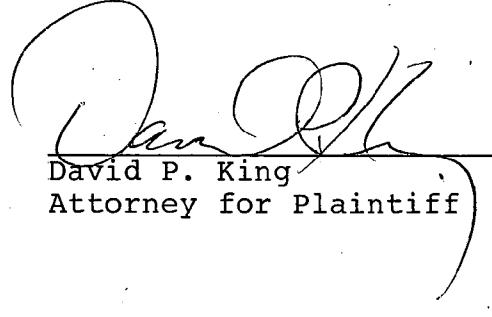
TIMOTHY N. ELGAR,
Defendant

NO. 2003-325 C.D.

PRAECIPE

TO THE PROTHONOTARY:

Please mark the above captioned case "SETTLED AND DISCONTINUED".



David P. King
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Linda Jo Kennedy

Vs.
Timothy Neil Elgar

No. 2003-00325-CD

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 September 16, 2008, marked:

Settled and Discontinued

Record costs in the sum of \$95.00 have been paid in full by First Commonwealth & David P. King Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 16th day of September A.D. 2008.



LM

William A. Shaw, Prothonotary