

03-422-CD
FRED SACKS ET AL. VS RONALD E. LUZIER

NOTICE OF APPEAL

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 2003-422-CO

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		4'		
Ronald E. Luzier				
ADDRESS OF APPELLANT		MAG. DIST. NO. OR NAME OF D.J.		
310 Daisy St. Clearfield		46-3-02		
DATE OF JUDGMENT		STATE		
3-13-03		PA ZIP CODE		
CLAIM NO.		16830		
IN THE CASE OF (Plaintiff)		(Defendant)		
Fred Sacks		vs. Ron Luzier		
CV		SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT		
LT		Ronald E. Luzier		

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 Fred Sacks, appellee(s), to file a complaint in this appeal

Name of appellee(s)

(Common Pleas No. 2003-422-CO) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Ronald E. Luzier

Signature of appellant or his attorney or agent

RULE: To Fred Sacks, 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: MARCH 24, 2003

Willie

Signature of Prothonotary or Deputy

FILED

MAR 24 2003

03:30 AM

William A. Shaw
Prothonotary

PD \$5.00
Plus 1.050.
Deposit in Escrow Accru

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**

RONALD E. LUZIER
310 DAISY STREET
CLEARFIELD, PA 16830

**NOTICE OF JUDGMENT/TRANSCRIPT
RESIDENTIAL LEASE**

PLAINTIFF: **SACKS, FRED & JAMES** NAME and ADDRESS

PO BOX 465
CLEARFIELD, PA 16830

VS.

DEFENDANT: **LUZIER, RONALD E** NAME and ADDRESS

310 DAISY STREET
CLEARFIELD, PA 16830

Docket No.: **LT-0000074-03**
Date Filed: **2/26/03**



THIS IS TO NOTIFY YOU THAT:

Judgment:

Judgment was entered for: (Name) **SACKS, FRED & JAMES**

Judgment was entered against **LUZIER, RONALD E** in a

Landlord/Tenant action in the amount of \$ **1,839.10** on **3/13/03** (Date of Judgment)
The amount of rent per month, as established by the District Justice, is \$ **350.00**.

The total amount of the Security Deposit is \$ **.00**

	Total Amount Established by DJ	Less Security Deposit Applied	= Adjudicated Amount
Rent in Arrears	\$ 1,750.00	-\$.00	\$ 1,750.00
Physical Damages Leasehold Property	\$.00	-\$.00	\$.00
Damages/Unjust Detention	\$.00	-\$.00	\$.00
	Less Amt Due Defendant from Cross Complaint	-\$.00	
	Interest (if provided by lease)	\$.00	
	L/T Judgment Amount	\$ 1,750.00	
	Judgment Costs	\$ 89.10	
	Attorney Fees	\$.00	
	Total Judgment	\$ 1,839.10	
	Post Judgment Credits	\$.00	
	Post Judgment Costs	\$.00	
	Certified Judgment Total	\$.00	

Attachment Prohibited/
Victim of Abuse (Act 5, 1996)

This case dismissed without prejudice.

Possession granted.

Possession granted if money judgment is not satisfied by time of eviction.

Possession not granted.

Defendants are jointly and severally liable.

IN AN ACTION INVOLVING A RESIDENTIAL LEASE, ANY PARTY HAS THE RIGHT TO APPEAL FROM A JUDGMENT FOR POSSESSION WITHIN TEN DAYS AFTER THE DATE OF ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF COURTS OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. THIS APPEAL WILL INCLUDE AN APPEAL OF THE MONEY JUDGMENT, IF ANY. IN ORDER TO OBTAIN A SUPERSEDEAS, THE APPELLANT MUST DEPOSIT WITH THE PROTHONOTARY/CLERK OF COURTS THE LESSER OF THREE MONTHS RENT OR THE RENT ACTUALLY IN ARREARS ON THE DATE THE APPEAL IS FILED.

IF A PARTY WISHES TO APPEAL ONLY THE MONEY PORTION OF A JUDGMENT INVOLVING A RESIDENTIAL LEASE, THE PARTY HAS 30 DAYS AFTER THE DATE OF ENTRY OF JUDGMENT IN WHICH TO FILE A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF COURTS OF THE COURT OF COMMON PLEAS, CIVIL DIVISION.

THE PARTY FILING AN APPEAL MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH THE 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.

MAR 13 2003

Date

Ronald 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

**CLEARFIELD COUNTY PROTHONOTARY
WILLIAM SHAW**

ESCROW ACCOUNT
P.O. BOX 549
CLEARFIELD, PA 16830

CURRENCY ►

60-629/313

COIN ►

CHECKS ►

1050.00

1050.00

DATE MARCH 24, 2003

DEPOSITS MAY NOT BE AVAILABLE FOR IMMEDIATE WITHDRAWAL

\$

DEPOSIT TICKET

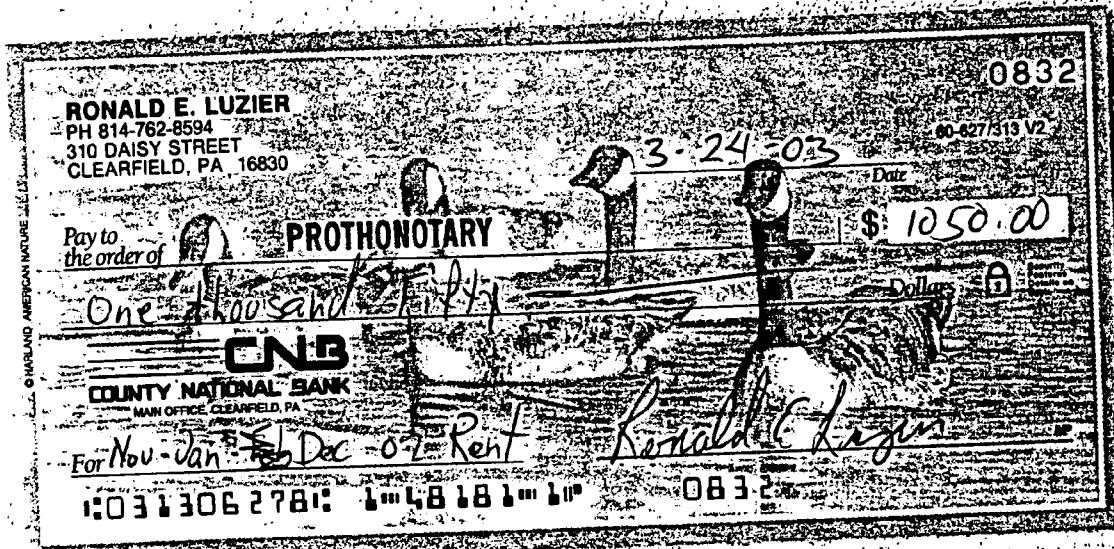
PLEASE ENTER AMOUNT OF CASH AND CHECKS.
ATTACH ADDING MACHINE TAPE OR DEPOSIT RECAP.



Main Office
11 North 2nd Street
Clearfield, PA 16830

10313062941: 1 2 26577 210 41

CHECKS AND OTHER ITEMS ARE RECEIVED FOR DEPOSIT SUBJECT TO THE PROVISION OF THE UNIFORM COMMERCIAL CODE OR ANY APPLICABLE COLLECTION AGREEMENT.



Date: 03/24/2003

Time: 04:05 PM

Page 1 of 1

Clearfield County Court of Common Pleas

User: BILLSHAW

Trust Report

Luzier, Ronald E.

2003-00422-CD

Date	Transaction	Received	Transferred	Balance
03/24/2003	Beginning balance	1050.00		1050.00

COURT OF COMMON PLEAS
 CLEARFIELD
 JUDICIAL DISTRICT
 46TH

NOTICE OF APPEAL

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 2003-422-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.

Ronald E. Luzier

4'

NAME OF APPELLANT

Ronald E. Luzier

MAG. DIST. NO. OR NAME OF D.J.
46-3-02

ADDRESS OF APPELLANT

310 Daisy St. Clearfield PA ZIP CODE 16830

DATE OF JUDGMENT

3-13-03 IN THE CASE OF (Plaintiff)

CITY

STATE

ZIP CODE

CLAIM NO.

Fred Sacks

(Defendant)

CV

LT

SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT

Ronald E. Luzier

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 Fred Sacks, Name of appellee(s), to file a complaint in this appeal

(Common Pleas No. 2003-422-CD) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Ronald E. Luzier

Signature of appellant or his attorney or agent

RULE: To Fred Sacks, 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: MARCH 24, 2003

Weller

Signature of Prothonotary or Deputy

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

MAR 24 2003

Attest.

Weller
Prothonotary/
Clerk of Courts

COURT FILE

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. 2003-422-CP, upon the District Justice designated therein on
(date of service) 3-25-03 by personal service by (certified) (registered) mail, sender's receipt attached hereto and upon the appellee (name) Fixed Socks, on
3-25-03 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 3-25-03 by personal service by (certified) (registered)
mail, sender's receipt attached hereto.

WORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

VS. 25th DAY OF March 2003
William A. Shaw

Ronald E. Lujan

Signature of affiant

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

5013 12226

U.S. Postal Service™	
CERTIFIED MAIL™ RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$ 37
Certified Fee	\$ 230
Return Receipt Fee (Endorsement Required)	\$ 175
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 442
Sent To	
Street, Apt. No., or P.O. Box No.	
City, State, ZIP+4	

16830

PS Form 5800, June 2002

See Reverse for Instructions

FILED
01-30-04
MAR 26 2003
NO CC
C
RJD

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
RESIDENTIAL LEASE**

PLAINTIFF: NAME and ADDRESS

SACKS, FRED & JAMES
PO BOX 465
CLEARFIELD, PA 16830

DEFENDANT: NAME and ADDRESS

LUZIER, RONALD E
310 DAISY STREET
CLEARFIELD, PA 16830

Docket No.: **LT-0000074-03**

Date Filed: **2/26/03**



2003-422-40

THIS IS TO NOTIFY YOU THAT:

Judgment:

Judgment was entered for: (Name) **SACKS, FRED & JAMES**

Judgment was entered against **LUZIER, RONALD E** in a

Landlord/Tenant action in the amount of \$ **1,839.10** on **3/13/03** (Date of Judgment)
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The total amount of the Security Deposit is \$ **.00**

	Total Amount Established by DJ	Less Security Deposit Applied	= Adjudicated Amount
Rent in Arrears	\$ 1,750.00	-\$.00	\$ 1,750.00
Physical Damages Leasehold Property	\$.00	-\$.00	\$.00
Damages/Unjust Detention	\$.00	-\$.00	\$.00
		Less Amt Due Defendant from Cross Complaint	-\$.00
		Interest (if provided by lease)	\$.00
		L/T Judgment Amount	\$ 1,750.00
		Judgment Costs	\$ 89.10
		Attorney Fees	\$.00
		Total Judgment	\$ 1,839.10
		APR 04 2003	
		Post Judgment Credits	\$.00
		Post Judgment Costs	\$.00
		William A. Shaw	
		Certified Judgment Total	\$.00
		Prothonotary	

Attachment Prohibited/
Victim of Abuse (Act 5, 1996)

This case dismissed without prejudice.

Possession granted.

Possession granted if money judgment is not satisfied by time of eviction.

Possession not granted.

Defendants are jointly and severally liable.

FILED

IN AN ACTION INVOLVING A RESIDENTIAL LEASE, ANY PARTY HAS THE RIGHT TO APPEAL FROM A JUDGMENT FOR POSSESSION WITHIN TEN DAYS AFTER THE DATE OF ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF COURTS OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. THIS APPEAL WILL INCLUDE AN APPEAL OF THE MONEY JUDGMENT, IF ANY. IN ORDER TO OBTAIN A SUPERSEDEAS, THE APPELLANT MUST DEPOSIT WITH THE PROTHONOTARY/CLERK OF COURTS THE LESSER OF THREE MONTHS RENT OR THE RENT ACTUALLY IN ARREARS ON THE DATE THE APPEAL IS FILED.

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MAR 13 2003 Date Richard A. Ireland, District Justice

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

MAR 25 2003 Date Richard A. Ireland, District Justice

SEAL

My commission expires first Monday of January, 2006.

AOPC 315A-03

FILED

APR 04 2003

0/12:20/03

William A. Shaw

Prothonotary

no c/c *PS*

2002-422-cd

Sacks
4-5
Luzia

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature	<input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to: <i>Fred Sacks</i>		B. Received by (Printed Name)	C. Date of Delivery
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
		3. Service Type	<input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input checked="" type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.
2. Article Number (Transfer from service label)		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
PS Form 3811, August 2001		7002 2030 0004 5013 1226	
Domestic Return Receipt			
102595-02-M-1540			

LAKEFIELD, MN 55351-3022

FILED

APR 07 2003

William A. Shaw
Prothonotary

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

FRED SACKS and JAMES SACKS
a/k/a JAMES T. SACKIE,
Plaintiffs

vs.

RONALD E. LUZIER,
Defendant

: No.: 2003-422-CD
: Type of Case: Civil
: Type of Pleading:
: Complaint In Ejectment
: Filed on behalf of:
: Plaintiffs
: Counsel of Record for
: This Party:
: Girard Kasubick, Esq.
: Supreme Court No. 30109
: LEHMAN & KASUBICK
: 611 Brisbin Street
: Houtzdale, PA 16651
: (814) 378-7840

FILED

APR 08 2003

William A. Shaw
Prothonotary

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

FRED SACKS and JAMES SACKS :
a/k/a JAMES T. SACKIE, : No.: 2003-422-CD
Plaintiffs :
vs. : Action In Ejectment
: :
RONALD E. LUZIER, :
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.**

David S. Meholic
Clearfield County Courthouse
One North Second Street
Clearfield, PA 16830
(814) 765-2641, Ext. 5982

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

FRED SACKS and JAMES SACKS :
a/k/a JAMES T. SACKIE, : No.: 2003-422-CD
Plaintiffs :
vs. : Action In Ejectment
RONALD E. LUZIER, :
Defendant :
:

COMPLAINT IN EJECTMENT

AND NOW, comes Fred Sacks and James Sacks a/k/a James T. Sackie, Plaintiffs, by and through their attorney, Girard Kasubick, Esq., and files the following Complaint:

COUNT I - EJECTMENT

1. The Plaintiff is Fred Sacks, who resides at P.O. Box 465, Clearfield, Pennsylvania 16830.

2. The Plaintiff is James Sacks also known as James T. Sackie, who resides at P.O. Box 138, Somerville, New Jersey 08876.

3. The Defendant is Ronald L. Luzier, who resides at 310 Daisy Street, Clearfield, Pennsylvania 16830.

4. The Plaintiff, James Sacks a/k/a James T. Sackie, is the owner of real property containing a duplex building in Clearfield Borough, Clearfield County, Pennsylvania by deed dated April 14, 1998 and recorded in Clearfield County Deed Book 1923, Page 273.

5. The Plaintiff, Fred Sacks, is the step-father of James Sacks a/k/a James T. Sackie who has authorized his step-father to act as his agent in renting out the aforesaid duplex owned by James Sacks a/k/a James T. Sackie.

6. The duplex building has addresses of 308 Daisy Street, Clearfield, PA 16830 and 310 Daisy Street, Clearfield, PA 16830.

7. On or about late July 2001, Fred Sacks, as agent for James Sacks a/k/a James T. Sackie, entered into an oral lease agreement with the Defendant, Ronald E. Luzier, to rent the premises known as 310 Daisy Street, Clearfield, PA 16830.

8. The terms of the oral lease agreement between the parties was for the Defendant to pay Three Hundred Fifty (\$350.00) Dollars per month rent on the first day of each calendar month for that calendar month commencing August 1, 2001. No set term was established for the lease, but a security deposit of Three Hundred Fifty (\$350.00) Dollars was to be paid by Defendant to Plaintiffs.

9. The Defendant has never paid the security deposit.

10. The Defendant has paid rent, although not always on time from August 2001 through and including October 2002.

11. The Defendant has not paid the monthly rent for November 2002 through April 2003 for a total of six (6) months.

12. On February 13, 2003, the Plaintiff, Fred Sacks, posted on the front door, when no one answered the door, of the 310 Daisy Street, Clearfield, Pennsylvania address a Notice to Quit for the Defendant to vacate the premises for failure to pay rent, a copy of which is attached hereto and marked Exhibit "A".

13. The Plaintiffs desire that the Defendant be ejected from the 310 Daisy Street, Clearfield, PA 16830 premises and possession be granted to Plaintiffs.

WHEREFORE, Plaintiffs request Your Honorable Court to eject the Defendant from the property rented and grant possession to Plaintiffs.

COUNT II - RENTS

14. Paragraphs 1 through 13 are incorporated herein by reference thereto.

15. The Defendant owes Two Thousand One Hundred (\$2,100.00) Dollars for rent from November 2002 through April 2003 or for a total of six (6) months.

WHEREFORE, Plaintiffs request Your Honorable Court to enter judgment in favor of the Plaintiffs and against the Defendant for Two Thousand One Hundred (\$2,100.00)

Dollars, plus additional monthly rent after April 2003,
interest, court costs and attorney fees.

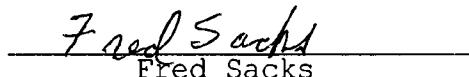
Respectfully submitted,



Girard Kasubick, Esq.
Attorney for Plaintiffs

VERIFICATION

I verify 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.A. 4904 relating to unsworn falsification to
authorities.



Fred Sacks

P.O. Box 465
Clearfield, PA 16830

February 13, 2003

Ronald E. Luzier
310 Daisy Street
Clearfield, PA 16830

Re: Notice to Quit - Property Address:
310 Daisy Street, Clearfield, PA 16830

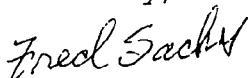
Dear Mr. Luzier:

You have failed to pay your rent of \$350.00 per month for November and December 2002 and January and February 2003. Under your oral lease agreement the rent payment was due on the first day of each calendar month.

By this letter, I am providing you with the Notice to Quit under the Landlord and Tenant Act and you must vacate and remove from the premises owned by Fred Sacks and James Sacks. You must remove all your possessions and leave the premises within ten (10) days from the date you are served with this Notice. You will be responsible if there are any damages to the premises.

Your failure to vacate within ten (10) days may result in additional costs and expenses to you, if court proceedings are necessary. We trust that you will comply with this Notice, and you will still owe rent up to the date of your vacating of the premises.

Sincerely,



Fred Sacks

FILED

cc ANY KASUBICK
APR 08 2003
FBI
FBI

William A. Shaw
Paralegals

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

FRED SACKS and JAMES SACKS :
a/k/a JAMES T. SACKIE, : No.: 2003-422-CD
Plaintiffs :
vs. :
RONALD E. LUZIER, :
Defendant :
:

AFFIDAVIT OF PROOF OF SERVICE

COMMONWEALTH OF PENNSYLVANIA :
S:
COUNTY OF CLEARFIELD :
:

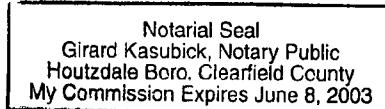
Before me, Girard Kasubick, Esq., personally appeared
Shelby Podliski, who being duly sworn according to law,
deposes and says that she served the Complaint In
Ejectment in the above captioned matter by sending it by
certified mail, postage prepaid to Ronald E. Luzier on
April 8, 2003. The certified mail was accepted by Ronald
E. Luzier on April 11, 2003, as evidenced by the attached
receipt and return receipt.

Shelby Podliski
Shelby Podliski

Sworn to and subscribed
before me this 16th day
of April, 2003.

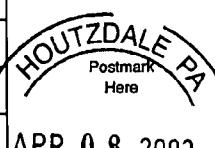
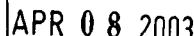
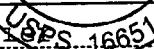
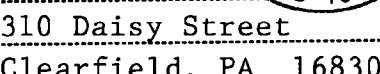
Girard Kasubick

N.P.



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William A. Shaw
Prothonotary

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

FRED SACKS and JAMES SACKS
a/k/a JAMES T. SACKIE,
Plaintiffs

vs.

RONALD E. LUZIER,
Defendant

: No.: 2003-422-CD
: Type of Case: Civil
: Type of Pleading:
: Praeclipe to Terminate
: the Supersedeas
: Filed on behalf of:
: Plaintiffs
: Counsel of Record for
: This Party:
: Girard Kasubick, Esq.
: Supreme Court No. 30109
: LEHMAN & KASUBICK
: 611 Brisbin Street
: Houtzdale, PA 16651
: (814) 378-7840

FILED

MAY 16 2003

William A. Shaw
Prothonotary

CLERK W/ NOTICE
TO DEPT. + D.J.

Inman

6
2003

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

FRED SACKS and JAMES SACKS :
a/k/a JAMES T. SACKIE, : No.: 2003-422-CD
Plaintiffs :
vs. : Action In Ejectment
: :
RONALD E. LUZIER, :
Defendant : :

PRAECIPE TO TERMINATE THE SUPERSEDEAS

TO: William A. Shaw, Prothonotary:

Please terminate the supersedeas in the above matter under Pa.R.C.P.D.J. No. 1008 due to the Defendant's failure to make additional deposits to your office within thirty (30) days of the three month deposit made on March 24, 2003. Please provide the proper note as required by Pa.R.C.P.D.J. No. 1008 B.



Girard Kasubick, Esq.
Attorney for Plaintiffs

Dated: May 16, 2003

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY
CIVIL DIVISION

FRED SACKS AND JAMES SACKS
a/k/a JAMES T. SACKIE
Plaintiffs

VS

No. 2003-422-CD

RONALD E. LUZIER

NOTICE

TO THE DISTRICT JUSTICE:

UPON CONFIRMATION OF FAILURE OF THE APPELLANT TO
DEPOSIT THE MONTHLY RENTAL FOR MORE THAN THIRTY (30)
DAYS. THE SUPERSEDEAS IS TERMINATED.

DATE: MAY 16, 2003

William A. Shaw, Prothonotary

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

FRED SACKS and JAMES SACKS
a/k/a JAMES T. SACKIE,
Plaintiffs

vs.

RONALD E. LUZIER,
Defendant

: No.: 2003-422-CD
: Type of Case: Civil
: Type of Pleading:
: Praeclipe for Default
: Judgment
: Filed on behalf of:
: Plaintiffs
: Counsel of Record for
: This Party:
: Girard Kasubick, Esq.
: Supreme Court No. 30109
: LEHMAN & KASUBICK
: 611 Brisbin Street
: Houtzdale, PA 16651
: (814) 578-7840

FILED

MAY 28 2003 *Eva*

0 / 9:50 / m

William A. Shaw
Prothonotary

1 CENT TO DEPT W/NOTICE

1 CENT TO ATTY

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

FRED SACKS and JAMES SACKS :
a/k/a JAMES T. SACKIE, : No.: 2003-422-CD
Plaintiffs :
vs. : Action In Ejectment
: :
RONALD E. LUZIER, :
Defendant : :

PRAECIPE FOR DEFAULT JUDGMENT

TO: William A. Shaw, Prothonotary

Please enter Default Judgment against the Defendant, Ronald E. Luzier, in the above matter, in the amount of \$2,450.00, plus court costs and attorney fees for failure of the Defendant to file the required Answer to the Complaint after proper ten (10) day notice under Pa. R.C.P. 237.1(a)(2). I hereby certify that written notice was sent by regular first class U.S. mail on May 16, 2003 to the Defendant and a copy of the Notice is attached hereto. The judgment entered is determined as follows:

Amount set forth in the Complaint through 5/1/2003	\$2,450.00
Court Costs (Judgment & Writ of Possession) . . .	<u>40.00</u>
TOTAL AMOUNT	\$2,490.00

Further, please enter Default Judgment against the Defendant, Ronald E. Luzier, in the above matter for possession of the property at 310 Daisy Street, Clearfield, PA 16830 for failure of the Defendant to file

the required Answer to the Complaint after proper ten (10) day notice under Pa. R.C.P. 237.1(a)(2). I hereby certify that written notice was sent by regular first class U.S. mail on May 16, 2003 to the Defendant and a copy of the Notice is attached hereto.

Date: 5/28/2003


Girard Kasubick, Esq.
Attorney for Plaintiffs
611 Brisbin Street
Houtzdale, PA 16651

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

FRED SACKS and JAMES SACKS :
a/k/a JAMES T. SACKIE, : No.: 2003-422-CD
Plaintiffs : Action In Ejectment
vs. :
RONALD E. LUZIER, :
Defendant :
:

TO: Ronald E. Luzier
310 Daisy Street
Clearfield, PA 16830

Date of Notice: May 16, 2003

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN (10) DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Clearfield County Court
Administrator's Office
David S. Meholic
Clearfield County Courthouse
One North Second Street
Clearfield, PA 16830
(814) 765-2641 Ext. 5982



Girard Kasubick, Esq.
LEHMAN & KASUBICK
611 Brisbin Street
Houtzdale, PA 16651
(814) 378-7840

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

FRED SACKS and JAMES SACKS :
a/k/a JAMES T. SACKIE, : No.: 2003-422-CD
Plaintiffs :
vs. : Action In Ejectment
RONALD E. LUZIER, :
Defendant :
:

NOTICE OF JUDGMENT

TO: DEFENDANT, RONALD E. LUZIER of
310 Daisy Street, Clearfield, PA 16830

You are hereby notified that the following Judgment was entered against you on May _____, 2003, in ejectment action in the amount of \$2,490.00, which includes court costs. You are hereby further notified that judgment was entered against you for possession of the property at 310 Daisy Street, Clearfield, PA 16830. The Entry of the Judgment for monies and possession was upon Default for failure to file an Answer to the Plaintiff's Complaint and was entered upon filing of the Praeclipe for Judgment.

William A. Shaw, Prothonotary

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

Fred Sacks
James Sacks
Plaintiff(s)

No.: 2003-00422-CD

Real Debt: \$2,490.00

Atty's Comm: \$

Vs.

Costs: \$

Ronald E. Luzier
Defendant(s)

Int. From: \$

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: May 28, 2003

Expires: May 28, 2008

Certified from the record this May 28, 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, PA
CIVIL DIVISION

FRED SACKS and JAMES SACKS : No.: 2003-422-CD
a/k/a JAMES T. SACKIE, : Type of Case: Civil
Plaintiffs : Type of Pleading:
 : Praecept for Writ
 : of Possession
 : Filed on behalf of:
 : Plaintiffs
 : Counsel of Record for
 : This Party:
 : Girard Kasubick, Esq.
 : Supreme Court No. 30109
 : LEHMAN & KASUBICK
 : 611 Brisbin Street
 : Houtzdale, PA 16651
 : (814) 378-7840
vs.
RONALD E. LUZIER, :
Defendant

FILED

MAY 28 2003

William A. Shaw
Prothonotary

ED 3cc Atg Kasekick
19:59 AM 10 cents to self
May 26 1966
WILLIAM A STRAW
PROSTONARY

Atg pd. 20.00

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

FRED SACKS and JAMES SACKS :
a/k/a JAMES T. SACKIE, : No.: 2003-422-CD
Plaintiffs : Action In Ejectment
vs. :
RONALD E. LUZIER, :
Defendant :
:

PRAECIPE FOR WRIT OF POSSESSION

TO: William A. Shaw, Prothonotary:

Please issue writ of possession in the above matter
against the Defendant, Ronald E. Luzier.

Date: 5/28/2003



Girard Kasubick, Esq.
Attorney for Plaintiffs
611 Brisbin Street
Houtzdale, PA 16651

FILED

3cc Atty Kasabick

019:59 AM MAY 28 2003

LeWants to Shift

Atty pd.20.00

William A. Shaw
Prothonotary

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

FRED SACKS and JAMES SACKS :
a/k/a JAMES T. SACKIE, : No.: 2003-422-CD
Plaintiffs :
vs. : Action In Ejectment
: :
RONALD E. LUZIER, :
Defendant : :

WRIT OF POSSESSION

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF CLEARFIELD)

To Chester A. Hawkins, Sheriff of Clearfield County:

1. To satisfy the judgment for possession in the above matter you are directed to deliver possession of the following described property to Fred Sacks and James Sacks a/k/a James T. Sackie, Plaintiffs, which property is known by 310 Daisy Street, Clearfield, Pennsylvania and being the half portion of a duplex owned by the Plaintiffs by Deed recorded in Clearfield County Deed Book 1923, Page 273.

2. To satisfy the costs against Ronald E. Luzier, Defendant, you are directed to levy upon any

property of Ronald E. Luzier, Defendant, and sell his interest therein.

William A. Shaw, Prothonotary

Seal of the Court

(Deputy)

Date _____

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

FRED SACKS and JAMES SACKS : No.: 2003-422-CD
a/k/a JAMES T. SACKIE, : Type of Case: Civil
Plaintiffs : Type of Pleading:
 : Motion for Release
 : of Funds under
 : Pa.R.C.P.D.J. 1013 B.
vs. : Filed on behalf of:
 : Plaintiffs
RONALD E. LUZIER, : Counsel of Record for
Defendant : This Party:
 : Girard Kasubick, Esq.
 : Supreme Court No. 30109
 : LEHMAN & KASUBICK
 : 611 Brisbin Street
 : Houtzdale, PA 16651
 : (814) 378-7840

FILED

MAY 28 2003

010:101 WAT

William A. Shaw

Prothonotary/Clerk of Courts

2 cent to Att'y

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

FRED SACKS and JAMES SACKS	:	
a/k/a JAMES T. SACKIE,	:	No.: 2003-422-CD
Plaintiffs	:	
	:	Action In Ejectment
vs.	:	
RONALD E. LUZIER,	:	
Defendant	:	

MOTION FOR RELEASE OF FUNDS UNDER
Pa.R.C.P.D.J. 1013 B.

AND NOW, comes Fred Sacks and James Sacks a/k/a James T. Sackie, Plaintiffs, by and through their attorney, Girard Kasubick, Esq., and files the following Motion:

1. The above captioned matter is a Landlord-Tenant Action which was appealed by the Defendant, Ronald E. Luzier, from District Justice Richard A. Ireland's decision dated February 26, 2003.

2. The appeal was filed by the Defendant on March 24, 2003 to the Clearfield County Court of Common Pleas.

3. The Defendant has failed to pay monthly rent in the amount of \$350.00 per month from November 2002 through May 2003 as set forth in the Complaint of the Plaintiffs' filed on April 8, 2003.

4. As required by the District Justice rules in Pa.R.C.P.D.J. 1013 B. the Defendant did deposit three (3)

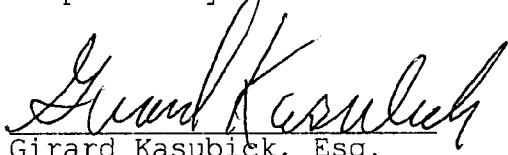
months rent in the total amount of \$1,050.00 with the Prothonotary at the time of filing the appeal on March 24, 2003.

5. The Defendant has failed to make additional monthly payments of \$350.00 on April 24, 2003 and May 24, 2003 as required by Pa.R.C.P.D.J. 1013 B., and the Defendant has failed to file an Answer or Responsive Pleading to the Complaint and the Plaintiffs are proceeding with a Default Judgment.

6. The Plaintiffs desire that the Court issue an Order releasing the funds held in escrow by the Prothonotary in the amount of \$1,050.00 which is permitted upon application under Pa.R.C.P.D.J. 1013 B.

WHEREFORE, Plaintiffs request Your Honorable Court to issue an Order releasing the funds held by William A. Shaw, Prothonotary, in the amount of \$1,050.00 to be paid to Fred Sacks and James T. Sackie.

Respectfully submitted:


Girard Kasubick, Esq.
Attorney for Plaintiffs

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

FRED SACKS and JAMES SACKS
a/k/a JAMES T. SACKIE,
Plaintiffs

No.: 2003-422-CD
Action In Ejectment

vs.

RONALD E. LUZIER,
Defendant

FILED

MAY 2 2003

William A. Shaw
Prothonotary

DEFENDANT'S PRELIMINARY OBJECTIONS FILED TO
PLAINTIFFS' COMPLAINT IN EJECTMENT

RONALD E. LUZIER, Defendant avers as follows:

MOTION TO STRIKE

- 1. Plaintiffs' seek in their Prayer for Relief in Count II of their Complaint the following damages:

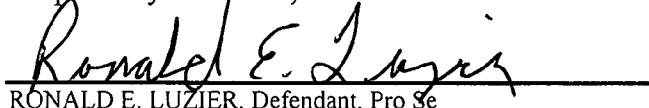
COUNT II — RENTS

WHEREFORE, Plaintiffs request Your Honorable Court to enter judgment in favor of the Plaintiffs and against the Defendant for Two Thousand One Hundred (\$2,100.00) Dollars, plus additional monthly rent after April 2003, interest, court costs and attorney fees.

- 2. The Plaintiffs did not allege that they are entitled to attorney fees as part of their oral agreement with Defendant nor did they allege their entitlement to attorney's fees pursuant to any relevant statute of this Commonwealth .

WHEREFORE, Defendant respectfully requests this honorable court to strike the above Prayer for Relief and Order them to file an amended complaint deleting the request for attorney fees.

Respectfully submitted,


RONALD E. LUZIER, Defendant, Pro Se

VERIFICATION

I verify 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.A. 4904 relating to unsworn falsification to authorities.



RONALD E. LUZIER, Defendant, Pro Se

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

FRED SACKS and JAMES SACKS
a/k/a JAMES T. SACKIE,
Plaintiffs

No.: 2003-422-CD
Action In Ejectment

vs.

RONALD E. LUZIER,
Defendant

CERTIFICATE OF SERVICE

I, Ronald E. Luzier, hereby certify that service was made on the following individual and in the stated manner of a copy of Defendant's Preliminary Objections Filed to Plaintiff's Complaint in Ejectment in the above captioned matter. Said Service was made on the 28 th day of May, 2003 by Certified Mail.

Girard Kasubick, Esquire
Lehman & Kasubick
611 Brisbin Street
Houtzdale, PA 16651

Ronald E. Luzier

Ronald E. Luzier, pro se

FILED

3cc

019:53 AM
MY 29 2003

Ronald Lurier, Def.
get

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA
CIVIL DIVISIONFRED SACKS and JAMES SACKS
a/k/a JAMES T. SACKIE,
Plaintiffs

No.: 2003-422-CD

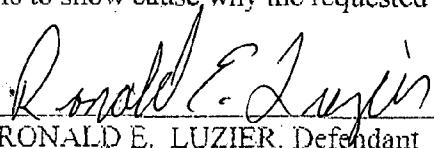
V.

Action In Ejectment

RONALD E. LUZIER,
Defendant**MOTION TO OPEN/STRIKE DEFAULT JUDGEMENT
AND FOR STAY OF EXECUTION**

1. Plaintiffs entered default judgment and a praecipe for a writ of execution on May 28, 2003.
2. Defendant filed Preliminary objections on May 29, 2003 and had previously obtained a supercedes by paying his rent into court.
3. Defendant erred by one day in the filing of the instant motion as a result of miscalculation of the due date of his Answer.
4. The instant Motion has been quickly filed.
5. Defendant has a defense to the instant complaint. Plaintiffs are not allowed to recover Attorney fees and the leased premises were rendered uninhabitable due to a leaking roof, which Plaintiff's knew of and refused to repair.
6. A sheriff's sale has been scheduled for June _____, 2003.

WHEREFORE, Defendant requests that this honorable court enter an immediate order staying the Sheriff's sale and issue a Rule on Plaintiffs to show cause why the requested relief should not be granted.


RONALD E. LUZIER, Defendant**FILED**

JUN 09 2003

William A. Shaw
Prothonotary310 Daisy St.
Clearfield PA 16830

VERIFICATION

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

Ronald E. Lujin

FILED

NO
cc

01/11/2003
JUN 09 2003

DET

William A. Shaw
Prothonotary

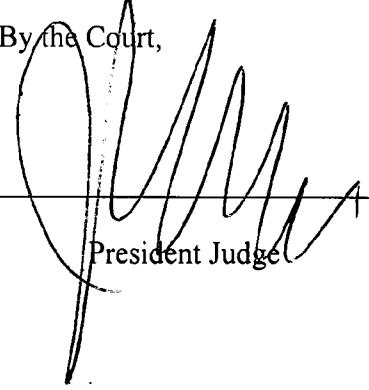
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION

FRED SACKS and JAMES SACKS :
a/k/a JAMES T. SACKIE :
-vs- : No. 03 - 422 - CD
RONALD E. LUZIER :

ORDER

NOW, this 1st day of August, 2003, following argument into Motion to Open/Strike Default Judgment filed on behalf of Defendant above-named, it is the ORDER of this Court that said Defendant shall file, within 30 days from date hereof, a brief in support of his motion and Plaintiff shall have 20 days following receipt of said brief to file his reply brief.

By the Court,

President Judge

FILED

AUG 04 2003

William A. Shaw
Prothonotary/Clerk of Courts

FILED

2 cc Amy Kasubick

01220070
1ccdef. - 310 Daisy St.

AUG 04 2003

William A. Shaw

Clearfield, PA 16830

Prothonotary/Clerk of Courts

[Signature]

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 14106

SACKS, FRED

03-422-CD

VS.

LUZIER, RONALD E.

WRIT OF EXECUTION POSSESSION

SHERIFF RETURNS

**NOW, MAY 29, 2003, @ 9:00 P.M. O'CLOCK SERVED RONALD LUZIER, DEFENDANT
AT HIS RESIDENCE 310 DAISY STREET, CLEARFIELD, CLEARFIELD COUNTY,
PENNSYLVANIA, BY HANDING TO RONALD LUZIER, DEFENDANT, A TRUE AND
ATTTESTED COPY OF THE ORIGINAL WRIT OF POSSESSION AND BY MAKING KNOWN
TO HIM THE CONTENTS THEREOF.**

**NOW, SEPTEMBER 23, 2003 RETURN WRIT AS BEING SERVED, PAID COSTS FROM
THE ADVANCED AND MADE A REFUND OF THE UNUSED ADVANCE TO THE ATTORNEY.**

**SHERIFF HAWKINS \$64.37
SURCHARGE \$10.00
PAID BY ATTORNEY**

FILED

01:138-01
SEP 23 2003

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

Sworn to Before Me This

23rd Day Of *September* 2003
W.A. Shaw

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

So Answers,

Chester A. Hawkins
Dy. Compt. Beller-Chester Co.
Chester A. Hawkins
Sheriff

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

FRED SACKS and JAMES SACKS :
a/k/a JAMES T. SACKIE, : No.: 2003-422-CD
Plaintiffs : Action In Ejectment
vs. :
RONALD E. LUZIER, :
Defendant :
:

WRIT OF POSSESSION

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF CLEARFIELD)
)

To Chester A. Hawkins, Sheriff of Clearfield County:

1. To satisfy the judgment for possession in the above matter you are directed to deliver possession of the following described property to Fred Sacks and James Sacks a/k/a James T. Sackie, Plaintiffs, which property is known by 310 Daisy Street, Clearfield, Pennsylvania and being the half portion of a duplex owned by the Plaintiffs by Deed recorded in Clearfield County Deed Book 1923, Page 273.

2. To satisfy the costs against Ronald E. Luzier, Defendant, you are directed to levy upon any

property of Ronald E. Luzier, Defendant, and sell his interest therein.



William A. Shaw, Prothonotary

Seal of the Court

_____ (Deputy)

Date 5/28/03

Received 5-28-03 @ 3:00 P.M.

Chester A. Hawkins

By Cynthia Butler Auger-Daugh

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

FRED SACKS and JAMES SACKS :
a/k/a JAMES T. SACKIE :
: :
-vs- : No. 03 - 422 - CD
: :
RONALD E. LUZIER :
:

OPINION AND ORDER

The above-captioned action in ejectment is an appeal from a district justice's decision in favor of Plaintiffs. Defendant timely filed his appeal therefrom and Plaintiffs filed their Complaint on April 8, 2003, Defendant being served with a copy thereof on April 11, 2003. No Responsive Pleadings were filed to the Complaint and Plaintiffs sent the ten (10) day default notice to the Defendant on May 16, 2003, giving Defendant until May 27, 2003, to file a Responsive Pleading. No such pleading was filed by May 27, 2003, and Plaintiffs thereupon filed their Praecipe for Default Judgment on May 28, 2003. On May 29, 2003, the Defendant filed a pro se Preliminary Objection to the Complaint and on June 9, 2003, filed his Motion to Open/Strike Default Judgment and for Stay of Execution which is now before this Court. Plaintiffs were never served with a copy of this Motion until Plaintiffs' new counsel faxed an unsigned copy to Plaintiff's counsel on September 2, 2003.

The issue before this Court is whether the default judgment should be opened pursuant to Rule of Civil Procedure 237.3. The requirements for opening are as follows:

1. The Petition to Open must be timely filed;
2. There is a reasonable excuse for the delay; and
3. There must be a showing of a meritorious defense.

FILED

SEP 23 2003

William A. Shaw
Prothonotary

Clearly the Motion to Open was filed beyond the ten (10) days after the entry of the judgment and the only excuse given by the Defendant is that he miscalculated the time. This clearly is not a reasonable excuse in that any Defendant could argue that he miscalculated the time and be successful on this issue.

Moreover, the Defendant did not attach to his Petition a certified copy of an answer setting forth a meritorious defense. Although he claims in his Motion that attorney's fees should not be awarded, the Court notes that the Default Judgment entered in favor of Plaintiffs contained no award of attorney's fees.

For all of the above reasons, this Court enters the following:

ORDER

NOW, this 23rd day of September, 2003, following argument and briefs into Defendant's Motion to Open/Strike Default Judgment and for Stay of Execution, it is the ORDER of this Court that said Motion be and is hereby dismissed.

By the Court,

President Judge

FILED

ice et al. v. Karpinski et al. 310 Pa. 300
cc. D.C. 310 Pa. 300
cc. to Amy Mchesell

SEP 23 2003

9/24

William A. Shaw
Prothonotary

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

FRED SACKS and JAMES SACKS :
a/k/a JAMES T. SACKIE, : No.: 2003-422-CD
Plaintiffs :
vs. : Action In Ejectment
: :
RONALD E. LUZIER, :
Defendant : :

ORDER

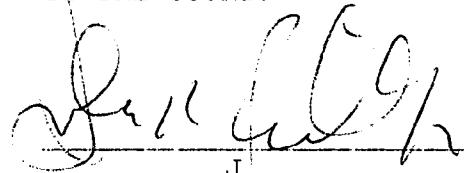
AND NOW, this 29 day of October, 2003, after argument on Plaintiffs Motion for Release of Funds under Pa.R.C.P.D.J.S 1008 B. and judgment being entered and no appeal taken from the Order on Defendant's Motion to Open/Strike Default Judgment, it is hereby ORDERED and DECREED that the Prothonotary shall release the funds in the amount of \$1,050.00 being held by the Prothonotary under Pa.R.C.P.D.J.S 1008 B. made payable to the Plaintiff, Fred Sacks, and the payment of these funds by the Prothonotary shall be a credit on the amount of the judgment due.

FILED

OCT 29 2003

William A. Shaw
Prothonotary/Clerk of Courts

BY THE COURT:


J.

FILED

01/10/2004 2CC Atty Kasebick
OCT 29 2003

William A. Shaw
Prothonotary/Clerk of Courts

10/29/03

cc: Atty Kasebick
1 copy + to D.E.P.

CLEARFIELD COUNTY PROTHONOTARY 7-83
ALLEN D. BIETZ
ESCROW ACCOUNT
P.O. BOX 549
CLEARFIELD, PA 16830

1170

60-629/313

October 29, 2003

PAY
TO THE
ORDER OF Fred Sacks

\$1,050.00

One Thousand Fifty and no/100-----

DOLLARS



Main Office
11 North 2nd Street
Clearfield, PA 16830

IMMA

FOR 2003-422-CD Per Court Order

10313062940 1 2 26577 21 1170

Clearfield County Court of Common Pleas

NO. 0012331

DISBURSEMENT

Wednesday, October 29, 2003

Paid to: Fred Sacks \$1050.00
c/o Atty. Kasubick
Houtzdale PA

One Thousand Fifty and 00/100 Dollars

Case: 2003-00422-CD Defendant: Luzier, Ronald E.

For: Trust 1050.00 William A. Shaw, Prothonotary/Clerk of Courts
By: _____
Deputy Clerk

Clerk: BILLSHAW

NOT NEGOTIABLE