

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

COURT OF COMMON PLEAS

CLARFIELD

JUDICIAL DISTRICT

46TH

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 2003-422-CN

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 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) Fred Sacks	(Defendant) Ron Luzier	
CLAIM NO. 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]*  
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

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

*[Signature]*  
Signature of appellant or his attorney or agent

RULE: To Fred Sacks, 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

*[Signature]*  
Signature of Prothonotary or Deputy

FILED

MAR 24 2003

0/3:30/ly

William A. Shaw  
Prothonotary

*[Stamp]*  
PP  
\$5-  
Plus  
1.050.-  
DEPOSIT  
in Escrow Account

## 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:

**FOR PLAINTIFF**

- ☒ 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	\$ <b>1,750.00</b>	\$ <b>.00</b>	=	\$ <b>1,750.00</b>
Physical Damages Leasehold Property	\$ <b>.00</b>	\$ <b>.00</b>	=	\$ <b>.00</b>
Damages/Unjust Detention	\$ <b>.00</b>	\$ <b>.00</b>	=	\$ <b>.00</b>
Less Amt Due Defendant from Cross Complaint				\$ <b>.00</b>
Interest (if provided by lease)				\$ <b>.00</b>
L/T Judgment Amount				\$ <b>1,750.00</b>
Judgment Costs				\$ <b>89.10</b>
Attorney Fees				\$ <b>.00</b>
<b>Total Judgment</b>				\$ <b>1,839.10</b>
Post Judgment Credits				\$
Post Judgment Costs				\$
<b>Certified Judgment Total</b>				\$

- ☐ 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 **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

# CLEARFIELD COUNTY PROTHONOTARY WILLIAM SHAW

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

CURRENCY ▶

COIN ▶

CHECKS ▶

60-629/313

DATE March 27, 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.

\$

1050.00  
1050.00



Main Office  
11 North 2nd Street  
Clearfield, PA 16830

⑆031306294⑆ 1 2 26577 20 41

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

<b>RONALD E. LUZIER</b> PH 814-762-8594 310 DAISY STREET CLEARFIELD, PA 16830		0832 60-629/313 V2
Pay to the order of	<b>PROTHONOTARY</b>	Date <u>3-24-03</u>
<u>One thousand</u>	<u>00</u>	\$ <u>1050.00</u>
<b>CNB</b> COUNTY NATIONAL BANK MAIN OFFICE, CLEARFIELD, PA	<u>For Nov-Jan Feb-Dec 07-Rent</u>	Dollars
⑆031306278⑆ 1 48181 ⑆	0832	

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

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.

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		STATE PA ZIP CODE 16830	
DATE OF JUDGMENT 3-13-03	IN THE CASE OF (Plaintiff) Fred Sacks	vs.	(Defendant) Ron Luzier
CLAIM NO. 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.

*W. J. [Signature]*  
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

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

RULE: To Fred Sacks, appellee(s).

*Ronald E. Luzier*  
Signature of appellant or his attorney or agent

(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

*W. J. [Signature]*  
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.

*W. J. [Signature]*  
Prothonotary/  
Clerk of Courts

# 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) Fred Sacks, 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

US 25<sup>th</sup> DAY OF March 2003

*William A. Shaw*

*Ronald E. Lugin*

Signature of affiant

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

U.S. Postal Service™

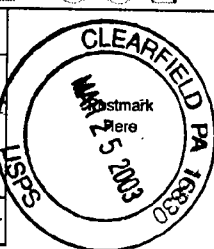
**CERTIFIED MAIL™ RECEIPT**

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://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 PO Box No.

City, State, ZIP+4

PS Form 3800, June 2002

See Reverse for Instructions

**FILED**

01:30 PM  
MAR 25 2003

**William A. Shaw**  
Prothonotary

## COMMONWEALTH OF PENNSYLVANIA

COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:	<b>46-3-02</b>
DJ Name: Hon.	<b>RICHARD A. IRELAND</b>
Address:	<b>650 LEONARD STREET CLEARFIELD, PA</b>
Telephone: (814) 765-5335	<b>16830</b>

**RICHARD A. IRELAND  
650 LEONARD 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:

**FOR PLAINTIFF**

- ☒ 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**

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Judgment Costs				\$ <b>89.10</b>
Attorney Fees				\$ <b>.00</b>
<b>Total Judgment</b>				\$ <b>1,839.10</b>
Post Judgment Credits				\$ <b></b>
Post Judgment Costs				\$ <b></b>
<b>Certified Judgment Total</b>				\$ <b>1,839.10</b>

**FILED****APR 04 2003****William A. Shaw**  
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.

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

My commission expires first Monday of January, 2006.  
AOPC 315A-03

**SEAL**

**FILED**

APR 04 2003

0/12:2014

William A. Shaw  
Prothonotary

no c/c *ES*  
*K21*

2002-422-CD

SACKS  
v-s  
Luzim

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"><li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li><li>■ Print your name and address on the reverse so that we can return the card to you.</li><li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>		<p>A. Signature X <i>Fred Sacks</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
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 checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input 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	

FILED

APR 07 2003

William A. Shaw  
Prothonotary

*E. KOS*

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 :  
: Action In Ejectment  
vs. :  
:   
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. Meholick  
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	:	
	:	Action In Ejectment
vs.	:	
	:	
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.

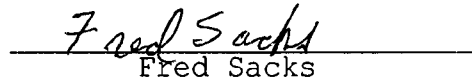
Respectfully submitted,

A handwritten signature in cursive script, reading "Girard Kasubick", written over a horizontal line.

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.

A handwritten signature in cursive script, reading "Fred Sacks", written over a horizontal line.

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

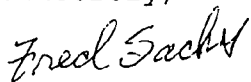
Dear Mr. Luzier:

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

APR 08 2003

200  
Atty Kasabick  
Kok

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. :  
RONALD E. LUZIER, :  
Defendant :

**AFFIDAVIT OF PROOF OF SERVICE**

COMMONWEALTH OF PENNSYLVANIA :  
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 16<sup>th</sup> day  
of April, 2003.

*Girard Kasubick*  
N.P.

Notarial Seal  
Girard Kasubick, Notary Public  
Houtzdale Boro. Clearfield County  
My Commission Expires June 8, 2003

**FILED**

0 10:25 BA

APR 17 2003 *Est*

William A. Shaw  
Prothonotary

7002 2030 0000 2452 6182

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

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$ 6.00
Certified Fee	236
Return Receipt Fee (Endorsement Required)	175
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.65

**HOULTZDALE PA**  
 Postmark Here  
**APR 08 2003**

**Sent To** Ronald E. Luzier  
**Street, Apt. No., or PO Box No.** 310 Daisy Street  
**City, State, ZIP+4** Clearfield, PA 16830

PS Form 3800, June 2002 See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- 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.

1. Article Addressed to:

Ronald E. Luzier  
 310 Daisy Street  
 Clearfield, PA 16830

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

X *Ronald E. Luzier* ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes ☐ No  
 If YES, enter delivery address below:

3. Service Type

☒ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label)

7002 2030 0000 2452 6182

**Return Receipt  
 Requested**

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:  
: Praecipe 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

SENT BY NOTICE  
TO DEPT. & D.J.

IRRAW

*[Handwritten signature]*


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 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 THAT 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	:	No.: 2003-422-CD
a/k/a JAMES T. SACKIE,	:	Type of Case: Civil
Plaintiffs	:	Type of Pleading:
	:	Praecipe for Default
	:	Judgment
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 16851
	:	(814) 578-7840

**FILED**

MAY 28 2003

(Eva)

0 / 9:50 / w

William A. Shaw  
Prothonotary

CERT TO DEPT W/NOTICE

1 CERT 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 :  
 : Action In Ejectment  
vs. :  
 :  
RONALD E. LUZIER, :  
Defendant :

**PRAECIPE FOR DEFAULT JUDGMENT**

TO: William A. Shaw, Prothonotary

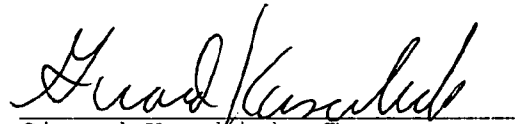
Please enter Default Judgment against the Defendant, Ronald E. Luzier, in the above matter, in the amount of \$2,450.00, plus court costs and attorney fees for failure of the Defendant to file the required Answer to the Complaint after proper ten (10) day notice under Pa. R.C.P. 237.1(a)(2). I hereby 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 :

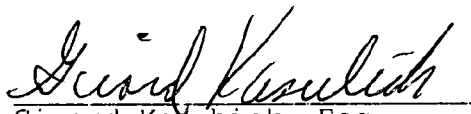
TO: Ronald E. Luzier  
310 Daisy Street  
Clearfield, PA 16830

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. Meholick  
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 :  
 : Action In Ejectment  
vs. :  
 :  
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 Praecipe 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: \$

Int. From: \$

Ronald E. Luzier  
Defendant(s)

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  
a/k/a JAMES T. SACKIE,  
Plaintiffs

vs.

RONALD E. LUZIER,  
Defendant

: No.: 2003-422-CD  
: Type of Case: Civil  
: Type of Pleading:  
: Praecipe 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

**FILED**

MAY 28 2003

William A. Shaw  
Prothonotary

FILED

3cc Atty Kasubick

019:59~~24~~ le conts to SHF

May 2 07003

Atty pd. 20.00

William A. Shaw  
Prothonotary

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

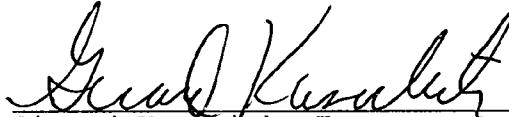
FRED SACKS and JAMES SACKS :  
a/k/a JAMES T. SACKIE, : No.: 2003-422-CD  
Plaintiffs :  
vs. : Action In Ejectment  
RONALD E. LUZIER, :  
Defendant :

**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

3 cc Atty Kasebick

Q19: 59 ~~set~~ le wnts to SHH

MAY 28 2003

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  
a/k/a JAMES T. SACKIE,  
Plaintiffs

vs.

RONALD E. LUZIER,  
Defendant

: No.: 2003-422-CD  
: Type of Case: Civil  
: Type of Pleading:  
: Motion for Release  
: of Funds under  
: Pa.R.C.P.D.J. 1013 B.  
: 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 28 2003

01:10:10/101

William A. Shaw

Prothonotary/Clerk of Courts

2 Cents to Attorney

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 :

**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)

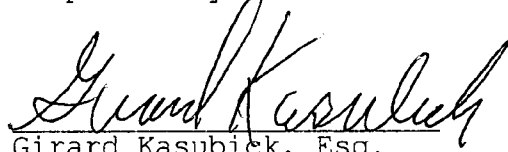
months rent in the total amount of \$1,050.00 with the Prothonotary at the time of filing the appeal on March 24, 2003.

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 20 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:

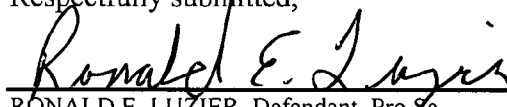
**COUNT II — RENTS**

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

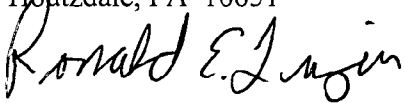
vs.

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, pro se

FILED

3cc

019:53  
MAY 29 2003

~~BA~~ Ronald Luzier, Def.

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 Plaintiffs 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*  
RONALD E. LUZIER, Defendant

**FILED**

JUN 09 2003

William A. Shaw  
Prothonotary

310 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. Luzzi

FILED

of 11:15 AM  
JUN 09 2003

William A. Shaw  
Prothonotary

NO cc  
9/25

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

FRED SACKS and JAMES SACKS :

a/k/a JAMES T. SACKIE :

-vs- :

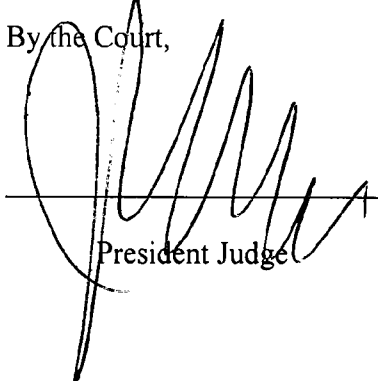
No. 03 - 422 - CD

RONALD E. LUZIER :

**ORDER**

NOW, this 1<sup>st</sup> 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

01/12/20 ~~BY~~  
AUG 04 2003

2 cc Atty Kosubick

1 cc Def. - 310 Daisy St.

Clearfield, PA 16830

William A. Shaw

Prothonotary/Clerk of Courts



**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  
ATTESTED 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

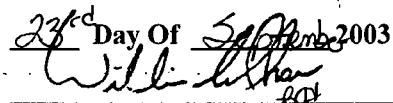
PAID BY ATTORNEY

**FILED**

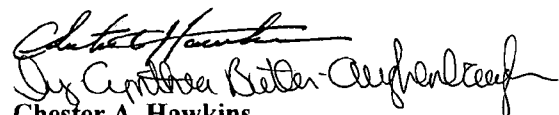
01:38 PM  
SEP 23 2003

William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

23<sup>rd</sup> Day Of September 2003  
  
WILLIAM A. SHAW  
Prothonotary  
My Commission Expires  
1st Monday in Jan. 2006  
Clearfield Co., Clearfield, PA

So Answers,

  
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*

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-Aughendaugh

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

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

-vs-

RONALD E. LUZIER

No. 03 – 422 – CD

**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 23<sup>rd</sup> 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**

0 3:53 PM

SEP 23 2003

*ice city roadkill  
ice city 310 County St apt 10  
ice city 1000 to city wheel*

*(Signature)*

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA  
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FRED SACKS and JAMES SACKS :  
a/k/a JAMES T. SACKIE, : No.: 2003-422-CD  
Plaintiffs :  
 : Action In Ejectment  
vs. :  
 :  
RONALD E. LUZIER, :  
Defendant :

ORDER

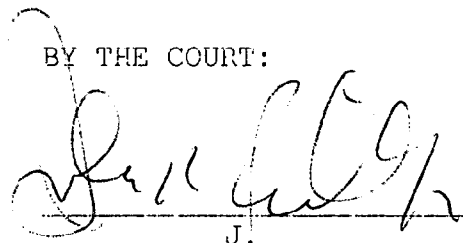
AND NOW, this 29 day of October, 2003, after argument on Plaintiffs Motion for Release of Funds under Pa.R.C.P.D.J. § 1008 B. and judgment being entered and no appeal taken from the Order on Defendant's Motion to Open/Strike Default Judgment, it is hereby ORDERED and DECREED that the Prothonotary shall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

4

FILED

01/10/12 2:34  
OCT 29 2003

*[Signature]*

2 cc Atty Kaseebick

1 cc to Dep

William A. Shaw  
Prothonotary/Clerk of Courts

CLEARFIELD COUNTY PROTHONOTARY 7-83

1170

ALLEN D. BIETZ  
ESCROW ACCOUNT  
P.O. BOX 549  
CLEARFIELD, PA 16830

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

⑆031306294⑆ 1 2 26577 20 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