

03-476-CD
GOOD TIRE SERVICE VS. G & R EXCAVATING & DEMOLITION

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS

CLEARFIELD
JUDICIAL DISTRICT

46-3

NOTICE OF APPEAL

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS NO. 03-476-CJ

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 G&R Excavating & Demolition		MAG. DIST. NO. OR NAME OF D.J. 46-3-01		
ADDRESS OF APPELLANT 5 Gardner Road		CITY Tyrone	STATE PA	ZIP CODE 16686
DATE OF JUDGMENT 03-10-03	IN THE CASE OF (Plaintiff) Good Tire Service	(Defendant) vs. G&R Excavating & Demolition		
CLAIM NO. CV 19 LT 19	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT <i>Edward E. Zang</i>			
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.		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. _____ Signature of Prothonotary or Deputy		

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 Good Tire Service, appellee(s), to file a complaint in this appeal
Name of appellee(s)

(Common Pleas No. 03-476-CJ) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

RULE: To Good Tire Service, appellee(s).
Name of appellee(s)

Edward E. Zang
Signature of appellant or his attorney or agent
Edward E. Zang, Esq.
Gieg, Gieg, Montgomery & Zang
401 N. Logan Blvd.
Altoona, PA 16602

(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: April 3, 2003

FILED
EDLT
m 13:15 304 APR 03 2003
Atty Zang Ad 85.00
Copies to Atty
William A. Shaw
Prothonotary

William A. Shaw
Signature of Prothonotary or Deputy

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
_____, 19_____, 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 _____, 19_____, by personal service by (certified) (registered)
mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS _____ DAY OF _____, 19_____

Signature of affiant

Signature of official before whom affidavit was made

Title of official

My commission expires on _____, 19_____



COMMONWEALTH OF PA
COUNTY OF: **CLEARFIELD**

8143715323

Mag. Dist. No.:

46-3-01

DJ Name: Hon.

PATRICK N. FORDAddress: **309 MAPLE AVENUE
P.O. BOX 452
DUBOIS, PA**Telephone: **(814) 371-5321 15801****PATRICK N. FORD
309 MAPLE AVENUE
P.O. BOX 452
DUBOIS, PA 15801****NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF/JUDGMENT DEBTOR: NAME AND ADDRESS

**GOOD TIRE SERVICE
401 SOUTH WATER ST
KITTANNING, PA 16201**

VS.

DEFENDANT/JUDGMENT CREDITOR: NAME AND ADDRESS

**G & R EXCAVATING & DEMOLITION
5 GARDNER ROAD
TYRONE, PA 16686**Docket No.: **CV-0000049-03**
Date Filed: **1/31/03****THIS IS TO NOTIFY YOU THAT:**

Judgment:

DEFAULT JUDGMENT PLTF

Judgment was entered for: (Name) **GOOD TIRE SERVICE**

Judgment was entered against: (Name) **G & R EXCAVATING & DEMOLITION**

in the amount of \$ **5,634.18** on: (Date of Judgment) **3/10/03**

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

Damages will be assessed on: _____

This case dismissed without prejudice. _____

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

Amount of Judgment	\$ 5,517.68
Judgment Costs	\$ 116.50
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 5,634.18
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
=====	
Certified Judgment Total	\$ _____

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

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

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

3-10-03 Date Patrick N. Ford - PNF, 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

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS

JUDICIAL DISTRICT

NOTICE OF APPEAL

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No.

NOTICE OF APPEAL

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

NAME OF APPELLANT

MAG. DIST. NO. OR NAME OF DJ.

ADDRESS OF APPELLANT

CITY

STATE

ZIP CODE

DATE OF JUDGMENT

IN THE CASE OF (Plaintiff)

(Defendant)

CLAIM NO.

SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT

CV 19
LT 19

VS.

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

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

Signature of appellant or his attorney or agent

RULE: To _____, 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: _____, 19 ____.

Signature of Prothonotary or Deputy

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 BLAIR ; ss

AFFIDAVIT: I hereby swear or affirm that I served

a copy of the Notice of Appeal, Common Pleas No. 03-476-CD, upon the District Justice designated therein on (date of service) 04-08-03. by personal service by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) Good Tire Service, on 04-03, XX03 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 April 8, X2003 by personal service by (certified) (registered) mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

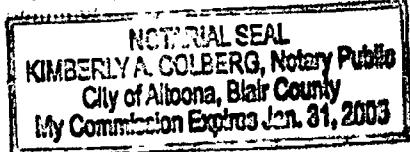
THIS 8th DAY OF April, 2003

Kimberly A. Colberg
Signature of officer before whom affidavit was made

Notary Public

Title of officer

My commission expires on 19



Thomas E. Shaw
Signature of affiant

FILED
M-1109871
APR 10 2003
NO CC
S
FBS

William A. Shaw
Prothonotary

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-01

DJ Name: Hon.

PATRICK N. FORD

Address: **309 MAPLE AVENUE
P.O. BOX 452
DUBOIS, PA**

Telephone: **(814) 371-5321 15801**

**PATRICK N. FORD
309 MAPLE AVENUE
P.O. BOX 452
DUBOIS, PA 15801**

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF/JUDGMENT DEBTOR: NAME and ADDRESS

GOOD TIRE SERVICE

**401 SOUTH WATER ST
KITTANNING, PA 16201**

VS.

DEFENDANT/JUDGMENT CREDITOR: NAME and ADDRESS

G & R EXCAVATING & DEMOLITION

**5 GARDNER ROAD
TYRONE, PA 16686**

Docket No.: **CV-0000049-03**
Date Filed: **1/31/03**



THIS IS TO NOTIFY YOU THAT:

Judgment:

DEFAULT JUDGMENT PLTF

03-476-CA

Judgment was entered for: (Name) **GOOD TIRE SERVICE**

Judgment was entered against: (Name) **G & R EXCAVATING & DEMOLITION**

in the amount of \$ **5,634.18** on: (Date of Judgment) **3/10/03**

Defendants are jointly and severally liable **FILED** (Date & Time) **APR 16 2003**

Damages will be assessed on: **APR 16 2003**

This case dismissed without prejudice.

Amount of Judgment Subject to **William A. Shaw**
Attachment/Act 5 of 1996 \$ **5,517.68**

Amount of Judgment	\$ 5,517.68
Judgment Costs	\$ 116.50
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 5,634.18
Post Judgment Credits	\$
Post Judgment Costs	\$
Certified Judgment Total \$ 	

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

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

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

3-10-03 Date *Patrick N. Ford - PNF*, 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

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-01

DJ Name: Hon.

PATRICK N. FORD
Address: **309 MAPLE AVENUE**
P.O. BOX 452
DUBOIS, PA
Telephone: **(814) 371-5321**

15801

**CIVIL ACTION
HEARING NOTICE**

PLAINTIFF: **GOOD TIRE SERVICE** NAME and ADDRESS

401 SOUTH WATER ST
KITTANNING, PA 16201

VS.

DEFENDANT: **G & R EXCAVATING & DEMOLITION** NAME and ADDRESS
5 GARDNER ROAD
TYRONE, PA 16686

Docket No.: **CV-0000049-03**
Date Filed: **1/31/03**



PATRICK N. FORD
309 MAPLE AVENUE
P.O. BOX 452
DUBOIS, PA 15801

A civil complaint has been filed against you in the above captioned case. A hearing has been set in this matter for:

Date:	3/10/03	Place: DISTRICT COURT 46-3-01
Time:	9:15 AM	309 MAPLE AVENUE P.O. BOX 452 DUBOIS, PA 15801

NOTICE TO DEFENDANT

If you intend to enter a defense to this complaint, you should so notify this office immediately at the above telephone number.

YOU MUST APPEAR AT THE HEARING AND PRESENT YOUR DEFENSE. UNLESS YOU DO, JUDGMENT MAY BE ENTERED AGAINST YOU BY DEFAULT.

If you have a claim against the plaintiff which is within district justice jurisdiction and which you intend to assert at the hearing, you must file it on a complaint form at this office at least five days before the date set for the hearing.

Pursuant to PA.R.CP.D.J. No. 342(B)(2), no claim by the defendant will be permitted in a supplementary action filed for failure of judgment creditor to enter satisfaction.

NOTICE TO PLAINTIFF

If the defendant enters a Notice of Intent to Defend, you will be notified of the date and time of the scheduled hearing and must appear.

If you are disabled and require a reasonable accommodation to gain access to the Magisterial District Court and its services, please contact the Magisterial District Court at the above address or telephone number. We are unable to provide transportation.

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

CIVIL COMPLAINT

Mag. Dist. No.:

46-3-01

DJ Name: Hon.

PATRICK N. FORD

Address: **309 MAPLE AVENUE**
P.O. BOX 452
DUBOIS, PA
Telephone: **(814) 371-5321**

15801

PLAINTIFF:

NAME and ADDRESS

GOOD TIRE SERVICE, INC.
RD 1 Route 219 South
Dubois, PA 15801

VS.

DEFENDANT:

NAME and ADDRESS

G & R EXCAVATING & DEMOLITION
5 Gardner Road
Tyrone, PA 16686

Docket No.: **CV 49-03**
Date Filed:



	AMOUNT	DATE PAID
FILING COSTS	\$ <u>116.50</u>	/ /
POSTAGE	\$ _____	/ /
SERVICE COSTS	\$ _____	/ /
CONSTABLE ED.	\$ _____	/ /
TOTAL	\$ _____	/ /

TO THE DEFENDANT: The above named plaintiff(s) asks judgment against you for \$ **5517.68** together with costs upon the following claim (Civil fines must include citation of the statute or ordinance violated):

Defendant opened an account with Good Tire Service, Inc. in January 1998. As of January 2003, there is an unpaid balance of \$5517.68 which Defendant is refusing to pay.

I, Sharon F. Juris verify that the facts set forth in this complaint are true and correct to the best of my knowledge, information, and belief. This statement is made subject to the penalties of Section 4904 of the Crimes Code (18 PA. C.S. § 4904) related to unsworn falsification to authorities.

(Signature of Plaintiff or Authorized Agent)

Plaintiff's
Attorney: _____

Address: _____

Telephone: _____

IF YOU INTEND TO ENTER A DEFENSE TO THIS COMPLAINT, YOU SHOULD SO NOTIFY THIS OFFICE IMMEDIATELY AT THE ABOVE TELEPHONE NUMBER. YOU MUST APPEAR AT THE HEARING AND PRESENT YOUR DEFENSE. UNLESS YOU DO, JUDGMENT MAY BE ENTERED AGAINST YOU BY DEFAULT.

If you have a claim against the plaintiff which is within district justice jurisdiction and which you intend to assert at the hearing, you must file it on a complaint form at this office at least five days before the date set for the hearing. If you are disabled and require assistance, please contact the Magisterial District office at the address above.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GOOD TIRE SERVICE, INC., : Civil Action
Plaintiff, : No. 03-476 CD
v. : Type of Pleading:
G & R EXCAVATING & DEMOLITION, INC., : COMPLAINT IN CIVIL ACTION
Defendant. : Filed on behalf of:
Plaintiff : Counsel for this party:
Ronald T. Elliott, Esquire
Pa. I.D. No. 71567
DILLON McCANDLESS KING
COULTER & GRAHAM, L.L.P.
128 West Cunningham Street
Butler, PA 16001
(724) 283-2200

FILED

APR 28 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GOOD TIRE SERVICE, INC.,	:	Civil Action
	:	
Plaintiff,	:	No. 03-476 CD
	:	
V.	:	
	:	
G & R EXCAVATING & DEMOLITION, INC.,	:	
	:	
Defendant.	:	

NOTICE TO DEFEND

To: The Above-Named Defendant

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, Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641

IN THE COURT OF COMMON PLEAS OF CLARION COUNTY, PENNSYLVANIA

GOOD TIRE SERVICE, INC.,	:	Civil Action
	:	
Plaintiff,	:	No. 03-476 CD
	:	
V.	:	
	:	
G & R EXCAVATING & DEMOLITION, INC.,	:	
	:	
Defendant.	:	

COMPLAINT IN CIVIL ACTION

AND NOW, comes the Plaintiff, Good Tire Service, Inc., by and through its attorneys, Dillon McCandless King Coulter & Graham LLP, and files the following Complaint in Civil Action based upon the following:

1. Good Tire Service, Inc. (Plaintiff) is a Pennsylvania Corporation with an address of 401 South Water Street, Kittanning, Pennsylvania 1620.
2. G & R Excavating and Demolition, Inc. (Defendant) is a Pennsylvania Corporation with an address of 5 Gardner Road, Tyrone, Pennsylvania, 16686.
3. Plaintiff is in the business of selling and installing, *inter alia* automobile tires.
4. On and before March 21, 2001, Defendant purchased tires and related supplies from Plaintiff.
5. A copy of Defendant's account history is attached hereto, incorporated herein, and marked Exhibit A.

6. Plaintiff supplied tires to Defendant with the express agreement that Defendant would pay for said tires.

7. Plaintiff's charges to Defendant are reasonable and customary for the specific tires and supplies ordered and received by Defendant.

8. Defendant agreed to accept and pay for the tires in accordance with the amount charged by Plaintiff.

9. The tire mounting and related equipment and services were provided by Plaintiff to Defendant as set forth on the account detail.

10. Plaintiff has fully performed and provided all of its covenants and agreements contained in its agreement with Defendant in good faith and in accordance with the parties' agreement.

11. Defendant has not made any payment on account for the goods and services claimed herein as specified on the account detail.

12. As of the filing of this Complaint, the amount of liquidated damage due is Five Thousand Five Hundred and Seventeen Dollars and Sixty Eight Cents (\$5,517.68).

13. The amount claimed includes interest at one and one-half(11/2%) percent per month, eighteen percent (18%) annual percentage rate for all invoices thirty (30) days past due as per the parties' agreement.

14. Defendants failure to pay for the goods and services provided by Plaintiff is a breach of the parties' agreement.

WHEREFORE, Plaintiff respectfully requests your Honorable Court enter judgment in an amount in less than twenty-five (\$25,000) dollars; and, such other relief your Honorable Court deems appropriate.

COUNT II
QUANTUM MERUIT/UNJUST ENRICHMENT

15. Paragraphs 1 through 14 are incorporated by reference as if fully set forth herein.

16. Defendant has received the benefits of the goods and services provided by Plaintiff to Defendant as detailed herein.

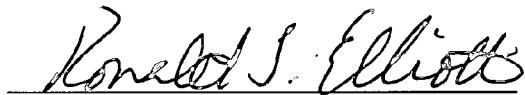
17. All goods and services provided to Defendant were of standard quality and reasonable price.

18. In the event Defendant denies the existence of an agreement between the parties for Defendant to pay for goods and services provided, Plaintiff claims the amount due as set forth herein for the reason that it would be unjust for Defendant to retain said goods and services without properly compensating the Plaintiff.

WHEREFORE, Plaintiff respectfully requests your Honorable Court enter judgment in favor of Plaintiff and against Defendant in an amount in less than Twenty Five Thousand Dollars; and, such other relief that your Honorable Court deems appropriate.

Respectfully submitted,

DILLON McCANDLESS KING COULTER & GRAHAM, L.L.P.



Ronald T. Elliott
Attorneys for Plaintiff

4w
19-NOV-2002 16:59:2
ARBAL-R08.06.05

0.00 *

Oper# 0089 Page 1

Detail Aging Analysis

0.00 *

As of: 11/19/02

30348 Active Opt: B "I"=Inactive Customer "D"=Disputed Trx.

Cust:	Date	Doc#	App	80-34	81-54	5,355.80	5,517.68	FG NOV	DEC	Future	Current	LPD:07/02	1-30	500.00	** OPEN ITEM **	31-60	61-90	Over 90	Total
12/15/00	670467	678																	
07/24/02	2769	678																	
12/28/00	670698	678																	
12/28/00	670699	678																	
01/24/01	671138	671																	
03/21/01	672072	678																	
03/21/01	672072	672072	6	15	INV	665.00													
03/24/01	672158	672158	6	1	INV	46.00													
09/26/01	675852	675852	6	1	INV	132.00													
09/18/02	683159	683159	6	1	CRM	100.00-									100.00-				100.00-
09/19/02	683191	683191	6	1	CRM	55.00-									55.00-				55.00-
02/28/01	990102	990102	6	1	F/C	98.86													
07/17/02	2738	990102	6	1	PMT	67.32-													
03/28/01	990103	990103	6	1	F/C	92.04													
04/28/01	990104	990104	6	1	F/C	94.21													
05/28/01	990105	990105	6	1	F/C	105.60													
06/28/01	990106	990106	6	1	F/C	109.66													
07/28/01	990107	990107	6	1	F/C	121.28													
08/28/01	990108	990108	6	1	F/C	123.10													
09/28/01	990109	990109	6	1	F/C	117.44													
10/28/01	990110	990110	6	1	F/C	111.65													
11/28/01	990111	990111	6	1	F/C	103.37													
12/28/01	990112	990112	6	1	F/C	104.92													
01/28/02	990201	990201	6	1	F/C	103.49													
02/28/02	990202	990202	6	1	F/C	97.55													
03/28/02	990203	990203	6	1	F/C	99.01													
04/28/02	990204	990204	6	1	F/C	97.50													
05/28/02	990205	990205	6	1	F/C	98.96													
06/28/02	990206	990206	6	1	F/C	100.44													
07/28/02	990207	990207	6	1	F/C	77.95													
08/28/02	990208	990208	6	1	F/C	79.12										79.12			
09/28/02	990209	990209	6	1	F/C	77.98													
10/28/02	990210	990210	6	1	F/C	79.15													
***** OVER LIMIT *****										Cust. Total:					79.15	77.02-	79.12	5274.55	5355.80
										Open Item Total:					79.15	77.02-	79.12	5274.55	5355.80
										Budget Total:									
										Revolving Total:									
										Grand Total:					79.15	77.02-	79.12	5274.55	5355.00

Ez A

VERIFICATION

I, Ronald T. Elliott, Attorney for Good Tire Service, Inc., do hereby verify that the attached pleading is based upon facts of which have been furnished to me; that the party was unavailable to sign this verification within the time requirements; and that the facts set forth in the foregoing document are true and correct to the best of my knowledge, information and belief. I understand that the statements herein are made subject to the penalties of 18 Pa. Cons. Stat. Ann. Section 4904, relating to unsworn falsifications to authorities.


Ronald T. Elliott
Ronald T. Elliott
Attorney for Good Tire Service, Inc.

Dated: April 24, 2003

CERTIFICATE OF SERVICE

On this date I served a true and correct copy of the foregoing Complaint in Civil Action by regular US Mail, postage prepaid, on the following counsel of record:

Edward E. Zang, Esquire
Gieg, Gieg, Montgomery & Zang
401 N. Logan Boulevard
Altoona, PA 16602

Date: April 24, 2003

Ronald S. Elliott
Ronald T. Elliott

FILED

NO
cc

M 11:26 AM
APR 28 2003

8
KPS

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GOOD TIRE SERVICE, INC., : Civil Action
Plaintiff, : No. 03-476 CD
v. : Type of Pleading:
G & R EXCAVATING & DEMOLITION, INC., : SUBSTITUTE VERIFICATION
Defendant. : Filed on behalf of:
Plaintiff : Counsel for this party:
Ronald T. Elliott, Esquire
Pa. I.D. No. 71567
DILLON McCANDLESS KING
COLTER & GRAHAM, L.L.P.
128 West Cunningham Street
Butler, PA 16001
(724) 283-2200

FILED

MAY 22 2003

**William A. Shaw
Prothonotary**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

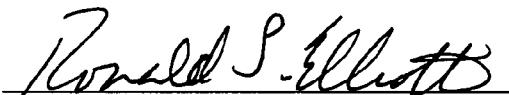
GOOD TIRE SERVICE, INC.,	:	Civil Action
	:	
Plaintiff,	:	No. 03-476 CD
	:	
V.	:	
	:	
G & R EXCAVATING & DEMOLITION, INC.,	:	
	:	
Defendant.	:	

SUBSTITUTE VERIFICATION

Please substitute the attached verification for the verification contained on the Complaint in Civil Action filed in the above-captioned action.

Respectfully submitted,

DILLON McCANDLESS KING COULTER & GRAHAM, L.L.P.

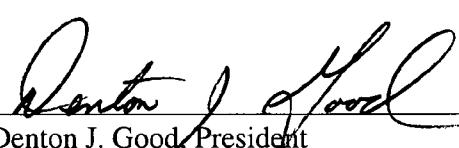

Ronald T. Elliott
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GOOD TIRE SERVICE, INC.,	:	Civil Action
	:	
Plaintiff,	:	No. 03-476 CD
	:	
V.	:	
	:	
G & R EXCAVATING & DEMOLITION, INC.,	:	
	:	
Defendant.	:	

VERIFICATION

I, Denton J. Good, President, Good Tire Service, Inc., do hereby verify that the attached pleading is based upon facts of which I have personal knowledge or information furnished to me by counsel; that the language of the document is that of counsel and not my own; and that the facts set forth in the foregoing document are true and correct to the best of my knowledge, information and belief. I understand that the statements herein are made subject to the penalties of 18 Pa. Cons. Stat. Ann. Section 4904, relating to unsworn falsifications to authorities.



Denton J. Good, President
GOOD TIRE SERVICE, INC.

Dated: May 15, 2003

CERTIFICATE OF SERVICE

On this date I served a true and correct copy of the foregoing Substitute Verification by regular US Mail, postage prepaid, on the following counsel of record:

Edward E. Zang, Esquire
Gieg, Gieg, Montgomery & Zang
401 N. Logan Boulevard
Altoona, PA 16602

Date: 5-20-03

Ronald S. Elliott
Ronald T. Elliott

FILED NO
MAY 22 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GOOD TIRE SERVICE, INC., : Civil Action
: No. 03-476 CD
Plaintiff, : Type of Pleading:
v. : PRAECIPE TO DISCONTINUE
: Filed on behalf of:
G & R EXCAVATING & DEMOLITION, INC., : Plaintiff
: Counsel for this party:
Defendant. : Ronald T. Elliott, Esquire
: Pa. I.D. No. 71567
: DILLON McCANDLESS KING
: COULTER & GRAHAM, L.L.P.
: 128 West Cunningham Street
: Butler, PA 16001
: (724) 283-2200

FILED

3/12/03

W. Miller
F. J. Shaw
S. J. Barry

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GOOD TIRE SERVICE, INC.,	:	Civil Action
	:	
Plaintiff,	:	No. 03-476 CD
	:	
V.	:	
	:	
G & R EXCAVATING & DEMOLITION, INC.,	:	
	:	
Defendant.	:	

PRAECIPE TO DISCONTINUE

TO: THE PROTHONOTARY

Please mark the above-captioned action settled and discontinued.

Respectfully submitted,

DILLON McCANDLESS KING COULTER & GRAHAM, L.L.P.


Ronald T. Elliott
Ronald T. Elliott
Attorneys for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GOOD TIRE SERVICE, INC.,	:	Civil Action
	:	
Plaintiff,	:	No. 03-476 CD
	:	
v.	:	
	:	
G & R EXCAVATING & DEMOLITION, INC.,	:	
	:	
Defendant.	:	

CERTIFICATE OF SERVICE

On this date I served a true and correct copy of the foregoing Praecipe to Discontinue by regular US Mail, postage prepaid, on the following counsel of record:

Edward E. Zang, Esquire
Gieg, Gieg, Montgomery & Zang
401 N. Logan Boulevard
Altoona, PA 16602

Date: June 5, 2003

Ronald S. Elliott
Ronald T. Elliott

FILED
m 2:50 AM ~~Guest cc toccp~~
JUN 09 2003
William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

Good Tire Service

Vs.
G & R Escavating & Demolition

No. 2003-00476-CD

COPIES

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on June 9, 2003, marked:

Settled, Discontinued and Ended

Record costs in the sum of \$85.00 have been paid in full by Attorney.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 9th day of June A.D. 2003.



William A. Shaw, Prothonotary