

03-652-CD
THE HITE COMPANY vs. CONSERVCO

COURT OF COMMON PLEAS
CLEARFIELD COUNTY
JUDICIAL DISTRICT
XXXXXX
46-3-02

NOTICE OF APPEAL

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No.

03-1652-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 Conservco		MAG. DIST. NO. OR NAME OF D.J. 46-3-02
ADDRESS OF APPELLANT P.O. Box 1404, Clearfield, PA 16830		CITY STATE ZIP CODE
DATE OF JUDGMENT 03/31/03	IN THE CASE OF (Plaintiff) The Hite Company	(Defendant) vs. Conservco
CLAIM NO. CV 1 xx 0000081-03 LT 19	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT <i>James A. Nadeau</i>	
<p>This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B. This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.</p> <p>_____ Signature of Prothonotary or Deputy</p>		
<p>If appellant was CLAIMANT (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.</p>		

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 The Hite Company, appellee(s), to file a complaint in this appeal
(Name of appellee(s))

(Common Pleas No. 03-1652-CD) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

James A. Nadeau
Signature of appellant or his attorney or agent

RULE: To The Hite Company, 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: April 29, 2003

William A. Shaw
Signature of Prothonotary or Deputy

FILED

APR 29 2003

William A. Shaw
Prothonotary

COURT FILE TO BE FILED WITH PROTHONOTARY

PROOF OF SERVICE OF NOTICE OF APPEAL AND RULE TO FILE COMPLAINT

(This proof of service MUST BE FILED WITHIN FIVE (5) 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) _____, 19_____. 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 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

CONSERVCO
PO BOX 1404
CLEARFIELD, PA 16830

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF/JUDGMENT DEBTOR: NAME and ADDRESS

THE HITE COMPANY
RD FULLERTON ST
P.O. BOX 392-A
CLEARFIELD, PA 16830

VS.

DEFENDANT/JUDGMENT CREDITOR: NAME and ADDRESS

CONSERVCO
PO BOX 1404
CLEARFIELD, PA 16830

Docket No.: **CV-0000081-03**
Date Filed: **3/03/03**



THIS IS TO NOTIFY YOU THAT:

Judgment:

DEFAULT JUDGMENT PLTF

Judgment was entered for: (Name) **THE HITE COMPANY**,

Judgment was entered against: (Name) **CONSERVCO**

in the amount of \$ **4,225.24** on: (Date of Judgment) **3/31/03**

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	\$ 4,108.74
Judgment Costs	\$ 116.50
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 4,225.24

Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
<hr style="border-top: 1px dashed black;"/>	

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.

MAR 31 2003 Date Richard Ireland, District Justice

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

Date _____, District Justice

My commission expires first Monday of January, **2006**.

SEAL

PROOF OF SERVICE OF NOTICE OF APPEAL AND RULE TO FILE COMPLAINT

(This proof of service MUST BE FILED WITHIN FIVE (5) 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. 03-652-CD, upon the District Justice designated therein on (date of service) April 30, 2003, by personal service by (certified) (XXXXXX) mail, sender's receipt attached hereto, and upon the appellee, (name) The Hite Company, on April 30, 2003, by personal service by (certified) (XXXXXXX) 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 30, 2003, by personal service by (certified) (XXXXXXX) mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME
THIS 1st DAY OF May, 2003

Linda C. Lewis
Signature of official before whom affidavit was made

Title of official

My commission expires on July 25, 2003, 1903

Notarial Seal
Linda C. Lewis, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires July 25, 2003

James A. Naddeo
James A. Naddeo
Signature of affiant

FILED
of 3:46 AM
MAY 01 2003
WAS
KRS

William A. Shaw
Prothonotary

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS
CLEARFIELD COUNTY
JUDICIAL DISTRICT
XXXXXX
46-3002

NOTICE OF APPEAL

FROM

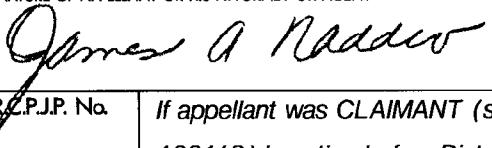
DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No.

03-652-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 Conservco	MAG. DIST. NO. OR NAME OF D.J. 46-3-02
ADDRESS OF APPELLANT P.O. Box 1404, Clearfield, PA 16830	CITY STATE ZIP CODE
DATE OF JUDGMENT 03/31/03	IN THE CASE OF (Plaintiff) The Hite Company (Defendant) vs. Conservco
CLAIM NO. CV 1XX000081-03 LT 19	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT 
<p>This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B. This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.</p> <p>_____ Signature of Prothonotary or Deputy</p>	
<p>If appellant was CLAIMANT (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.</p>	

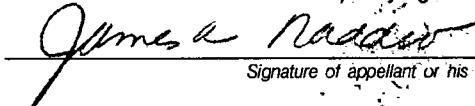
PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

(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 The Hite Company, appellee(s), to file a complaint in this appeal
Name of appellee(s)

(Common Pleas No. 03-652-CD) 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 The Hite Company, 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: April 29, 2003



Signature of Prothonotary or Deputy

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:
Richard A. Ireland
District Justice
650 Leonard Street
Clearfield, PA 16830

2. Article Number
(Transfer from service label)

7001 2510 0002 6639 2462

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Karen M. Ireland Agent Addressee

B. Received by (Printed Name) *MCayne* C. Date of Delivery *30 2003*

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

3. Service Type

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

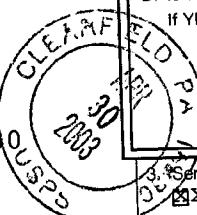
4. Restricted Delivery? (Extra Fee) Yes

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:

The Hite Company
RD FULLERTON Street
P.O. Box 392A
Clearfield, PA 16830



2. Article Number

(Transfer from service label)

7001 2510 0002 6639 2455

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Joseph L. Rumsky Agent Addressee

B. Received by (Printed Name) *Joseph L. Rumsky* C. Date of Delivery

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

3. Service Type

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

4. Restricted Delivery? (Extra Fee) Yes

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
CIVIL CASE

PLAINTIFF/JUDGMENT DEBTOR: NAME and ADDRESS

THE HITE COMPANY
RD FULLERTON ST
P.O. BOX 392-A
CLEARFIELD, PA 16830

NAME and ADDRESS

DEFENDANT/JUDGMENT CREDITOR: NAME and ADDRESS

CONSERVCO
PO BOX 1404
CLEARFIELD, PA 16830

Docket No.: **CV-0000081-03**
Date Filed: **3/03/03**



THIS IS TO NOTIFY YOU THAT:

Judgment:

DEFAULT JUDGMENT PLTF

03-652-CO

<input checked="" type="checkbox"/> Judgment was entered for: (Name) <u>THE HITE COMPANY</u> ,		
<input checked="" type="checkbox"/> Judgment was entered against: (Name) <u>CONSERVCO</u>		
in the amount of \$ <u>4,225.24</u> on:	(Date of Judgment)	<u>3/31/03</u>
<input type="checkbox"/> Defendants are jointly and severally liable.	(Date & Time)	
<input type="checkbox"/> Damages will be assessed on:		
<input type="checkbox"/> This case dismissed without prejudice	FILED <i>03-652-CO</i> MAY 13 2003	
<input type="checkbox"/> Amount of Judgment Subject to Attachment/Act 5 of 1996 \$ <u>4,108.74</u>	Amount of Judgment \$ <u>4,108.74</u> Judgment Costs \$ <u>116.50</u> Interest on Judgment \$ <u>.00</u> Attorney Fees \$ <u>.00</u> Total \$ <u>4,225.24</u>	
	Post Judgment Credits \$ _____ Post Judgment Costs \$ _____ =====	
	Certified Judgment Total \$ _____	

William A. Shaw
Prothonotary

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.

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MAR 31 2003 Date Rubba Ireland, District Justice

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

APR 30 2003 Date Rubba Ireland, District Justice

My commission expires first Monday of January, 2006

SEAL

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THE HITE COMPANY, INC.

03-652-CD
No. 03652 CD

Plaintiff

CIVIL DIVISION

vs.

CONSERVCO,

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 for Quiet Title 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 Defendant/Respondent. You may lose money or property or other rights important to you.

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

Court Administrator
Clearfield County Courthouse
Second and Market Streets
Clearfield, PA 16830
(814) 765-2641 Ext. 50-51

FILED

MAY 19 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THE HITE COMPANY, INC.

No. 03652 CD

Plaintiff,

CIVIL DIVISION

vs.

CONSERVCO,

Defendant

COMPLAINT

AND NOW COMES Plaintiff, THE HITE COMPANY, INC., by and through its Attorney, Patrick J. Fanelli, Esquire, of ANDREWS, WAGNER & BEARD, and files this Complaint:

1. Plaintiff, The Hite Company, Inc., is a Corporation organized and existing under the laws of the Commonwealth of Pennsylvania with offices located at Beale Avenue and 31st Street, Altoona, Blair County, Pennsylvania.

2. Upon information and belief, Conservco is the fictitious name under which BJR, Inc., has operated or continues to operate. Conservco has a business address of P.O. Box 1404, Clearfield, PA 16830.

3. Plaintiff files this Complaint due to Defendant filing a Rule to File Complaint appealing a judgment by District Magistrate Ireland totaling \$4,225.24.

4. Plaintiff, The Hite Company, Inc., is in the business of distributing and selling electrical and lighting fixtures and goods.

5. Defendant ordered and agreed to pay for various goods from Plaintiff to be either delivered to Defendant or picked up by Defendant at Plaintiff's warehouse.

6. Plaintiff did, in fact, obtain and deliver the requested goods to Defendant.

7. The goods delivered by Plaintiff to Defendant were at all times proper, satisfactory and consistent with and in performance of the Agreement between the parties.

8. Defendant received and accepted the goods delivered by Plaintiff. Defendant did not reject the goods nor did Defendant refuse to accept delivery of the goods, in fact, by his conduct, Defendant has become the owner of the goods delivered by Plaintiff.

9. Plaintiff forwarded invoices to Defendant requesting payment for the goods accepted. Each of said invoices advises there is a one and one-half (1 1/2%) percent service charge added to all past due invoices (the "Invoices").

10. Defendant has failed and refused to pay the invoices.

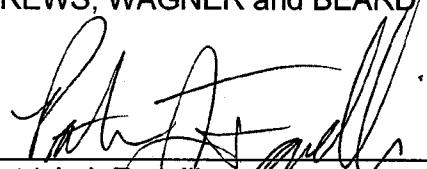
11. Defendant's failure to remit payment to Plaintiff for the goods is a material breach of the Agreement entered into between Plaintiff and Defendant.

12. Defendant's breach has caused Plaintiff injury.

13. In addition, Defendant owes all Court costs and fees associated with filing with the District Magistrate and the Court of Common Pleas.

WHEREFORE, the Plaintiff, The Hite Company, Inc., demands judgment against Defendant, for charges due and owing, together with attorneys' fees, costs and continuing interest and service charges from the date of demand, being the date when the invoices were mailed to the Defendant.

ANDREWS, WAGNER and BEARD

By: 

Patrick J. Fanelli
PA ID# 85640
Attorney for Plaintiff
P. O. Box 1311
Altoona, PA 16603-1311
(814) 943-3304

VERIFICATION

I, Robert Lee Hite, verify that the statements made in the foregoing Complaint are true and correct to the best of my knowledge and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.



Robert Lee Hite

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THE HITE COMPANY, INC.

No. 03652 CD

Plaintiff,

CIVIL DIVISION

vs.

CONSERVCO,

Defendant

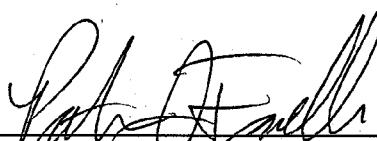
CERTIFICATE OF SERVICE

I, PATRICK J. FANELLI, ATTORNEY-AT-LAW, 3366 Lynnwood Drive, P. O. Box 1311, Altoona, Pennsylvania 16603-1311, hereby certify that Plaintiff's Complaint was served this 16th day of May, 2003, by mailing same First Class United States mail, postage prepaid, addressed as follows:

James A. Naddeo, Esquire
211 1/2 East Locust Street
P.O. Box 552
Clearfield, PA 16830

Clearfield County Prothonotary
Clearfield County Courthouse
Second and Market Streets
Clearfield, PA 16830

ANDREWS, WAGNER & BEARD

By: 

Patrick J. Fanelli
PA ID# 85640
Attorney for Plaintiff
P. O. Box 1311
Altoona, PA 16603-1311
(814) 943-3304

FILED

NO. 2
cc

112961
MAY 19 2003

EK

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THE HITE COMPANY, INC.

Plaintiff,

vs.

CONSERVCO,

Defendant

No. 03652 CD

CIVIL DIVISION

FILED

JUN 26 2003

William A. Shaw
Prothonotary

PRAECIPE FOR ENTRY OF DEFAULT JUDGMENT

AND NOW COMES Plaintiff, The Hite Company, Inc., by and through its counsel, Patrick J. Fanelli, Esquire, ANDREWS WAGNER & BEARD, 3366 Lynnwood Drive, P.O. Box 1311, Altoona, PA 16603, and files this Praecipe for Entry of Default Judgment.

1. Please enter Judgment of Default in favor of Plaintiff, The Hite Company, Inc. against Defendant, BJR, Inc. t/d/b/a Conservco, for failure to plead to the Complaint in this action within the required time.

2. Defendant filed an Appeal from a judgment by District Magistrate Ireland, against Defendant and in favor of Plaintiff. As a result, Plaintiff was served with a Rule to File Complaint in this matter.

3. On May 19, 2003, Plaintiff filed a Complaint in this matter. A copy of Plaintiff's Complaint is attached hereto and made a part hereof as Exhibit A.

4. The Complaint contained a Notice to Defend within twenty (20) days of service thereof. The Complaint was served by mail from Plaintiff to Defendant's counsel of record on May 16, 2003, and Defendant's Answer was due to be filed twenty (20) days after the receipt thereof.

5. On June 12, 2003, Plaintiff's Counsel served Defendant with a Notice of Intent to File Default Judgment. Said Notice was served via regular United States First Class mail on that date. A true and correct copy of the Notice is attached hereto and made a part hereof as Exhibit B.

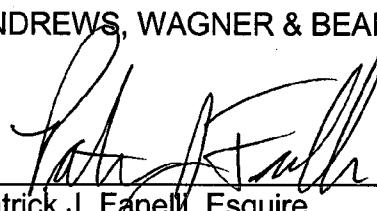
6. Please assess damages, with interest, in the amount demanded in the Complaint as follows:

a. Amount owed pursuant to contracts: \$4,225.24

b. Attorney's fees: \$1,000.00

Total: \$5,225.24

ANDREWS, WAGNER & BEARD

By: 

Patrick J. Fanelli, Esquire
Pa. I.D. No. 85640

3366 Lynnwood Drive
P.O. Box 1311
Altoona, PA 16603-1311
(814) 943-3304

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THE HITE COMPANY, INC.

No. 03652 CD

Plaintiff,

CIVIL DIVISION

vs.

CONSERVCO,

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 for Quiet Title 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 Defendant/Respondent. You may lose money or property or other rights important to you.

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

Court Administrator
Clearfield County Courthouse
Second and Market Streets
Clearfield, PA 16830
(814) 765-2641 Ext. 50-51

11:30
FILED
MAY 19 2003
Wm. A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THE HITE COMPANY, INC.

No. 03652 CD

Plaintiff,

CIVIL DIVISION

VS.

CONSERVCO,

Defendant

COMPLAINT

AND NOW COMES Plaintiff, THE HITE COMPANY, INC., by and through its Attorney, Patrick J. Fanelli, Esquire, of ANDREWS, WAGNER & BEARD, and files this Complaint:

1. Plaintiff, The Hite Company, Inc., is a Corporation organized and existing under the laws of the Commonwealth of Pennsylvania with offices located at Beale Avenue and 31st Street, Altoona, Blair County, Pennsylvania.

2. Upon information and belief, Conservco is the fictitious name under which BJR, Inc., has operated or continues to operate. Conservco has a business address of P.O. Box 1404, Clearfield, PA 16830.

3. Plaintiff files this Complaint due to Defendant filing a Rule to File Complaint appealing a judgment by District Magistrate Ireland totaling \$4,225.24.

4. Plaintiff, The Hite Company, Inc., is in the business of distributing and selling electrical and lighting fixtures and goods.

5. Defendant ordered and agreed to pay for various goods from Plaintiff to be either delivered to Defendant or picked up by Defendant at Plaintiff's warehouse.

6. Plaintiff did, in fact, obtain and deliver the requested goods to Defendant.

7. The goods delivered by Plaintiff to Defendant were at all times proper, satisfactory and consistent with and in performance of the Agreement between the parties.

8. Defendant received and accepted the goods delivered by Plaintiff. Defendant did not reject the goods nor did Defendant refuse to accept delivery of the goods, in fact, by his conduct, Defendant has become the owner of the goods delivered by Plaintiff.

9. Plaintiff forwarded invoices to Defendant requesting payment for the goods accepted. Each of said invoices advises there is a one and one-half (1 ½%) percent service charge added to all past due invoices (the "Invoices").

10. Defendant has failed and refused to pay the invoices.

11. Defendant's failure to remit payment to Plaintiff for the goods is a material breach of the Agreement entered into between Plaintiff and Defendant.

12. Defendant's breach has caused Plaintiff injury.

13. In addition, Defendant owes all Court costs and fees associated with filing with the District Magistrate and the Court of Common Pleas.

WHEREFORE, the Plaintiff, The Hite Company, Inc., demands judgment against Defendant, for charges due and owing, together with attorneys' fees, costs and continuing interest and service charges from the date of demand, being the date when the invoices were mailed to the Defendant.

ANDREWS, WAGNER and BEARD

By: 

Patrick J. Fanelli
PA ID# 85640
Attorney for Plaintiff
P. O. Box 1311
Altoona, PA 16603-1311
(814) 943-3304

VERIFICATION

I, Robert Lee Hite, verify that the statements made in the foregoing Complaint are true and correct to the best of my knowledge and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.



Robert Lee Hite

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THE HITE COMPANY, INC.

No. 03652 CD

Plaintiff,

CIVIL DIVISION

vs.

CONSERVCO,

Defendant

CERTIFICATE OF SERVICE

I, PATRICK J. FANELLI, ATTORNEY-AT-LAW, 3366 Lynnwood Drive, P. O. Box 1311, Altoona, Pennsylvania 16603-1311, hereby certify that Plaintiff's Complaint was served this 16th day of May, 2003, by mailing same First Class United States mail, postage prepaid, addressed as follows:

James A. Naddeo, Esquire
211 ½ East Locust Street
P.O. Box 552
Clearfield, PA 16830

Clearfield County Prothonotary
Clearfield County Courthouse
Second and Market Streets
Clearfield, PA 16830

ANDREWS, WAGNER & BEARD

By: 

Patrick J. Fanelli
PA ID# 85640
Attorney for Plaintiff
P. O. Box 1311
Altoona, PA 16603-1311
(814) 943-3304

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THE HITE COMPANY, INC.

No. 03652 CD

Plaintiff,

CIVIL DIVISION

vs.

CONSERVCO,

Defendant

**NOTICE OF INTENT TO FILE PRAECIPE FOR ENTRY OF
DEFAULT JUDGMENT**

TO: BJR, Inc.
Conservco
P.O. Box 1404
Clearfield, PA 16830

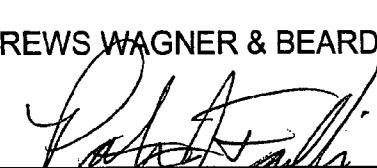
DATE OF NOTICE: June 12, 2003

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:

MIDPENN LEGAL SERVICES
2054 East College Avenue
State College, PA 16801
(814) 238-4958

ANDREWS WAGNER & BEARD

BY: 

Patrick J. Fanelli, Esquire
Pa. I.D. No. 85640
3366 Lynwood Drive
P.O. Box 1311
Altoona, PA 16603

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THE HITE COMPANY, INC.

: No. 03652 CD

Plaintiff,

: CIVIL DIVISION

vs.

CONSERVCO,

Defendant

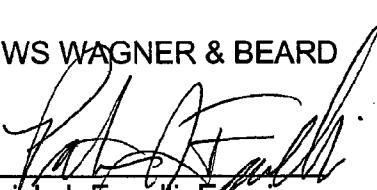
CERTIFICATE OF SERVICE

I, Patrick J. Fanelli, Esquire, of the law firm of ANDREWS WAGNER & BEARD, 3366 Lynnwood Drive, P. O. Box 1311, Altoona, Pennsylvania 16603-1311, hereby certify that the Notice of Intent to File Praeclipe for Entry of Default Judgment was served this 12th day of June, 2003, by mailing same first class United States mail, postage prepaid, addressed as follows:

James A. Naddeo, Esquire
211 ½ East Locust Street
P.O. Box 552
Clearfield, PA 16830

BJR, Inc.
Conservco
P.O. Box 1404
Clearfield, PA 16830

ANDREWS WAGNER & BEARD

BY: 

Patrick J. Fanelli, Esquire
Pa. I.D. No. 85640
3366 Lynwood Drive
P.O. Box 1311
Altoona, PA 16603
(814) 943-3304

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THE HITE COMPANY, INC.

No. 03652 CD

Plaintiff,

CIVIL DIVISION

vs.

CONSERVCO,

Defendant

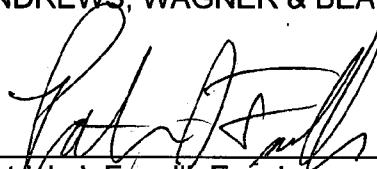
PROOF OF SERVICE

I, Patrick J. Fanelli, Esquire of the law firm of ANDREWS, WAGNER & BEARD, 3366 Lynnwood Drive, P.O. Box 1311, Altoona, Pennsylvania 16603-1311, hereby certify that the Praeclipe for Entry of Default Judgment was served by U.S. First Class Mail this 24th day of June, 2003, on the following:

James A. Naddeo, Esquire
211 ½ East Locust Street
P.O. Box 552
Clearfield, PA 16830

Clearfield County Prothonotary
Clearfield County Courthouse
Second and Market Streets
Clearfield, PA 16830

ANDREWS, WAGNER & BEARD

By: 

Patrick J. Fanelli, Esquire
Pa. I.D. No. 85640

3366 Lynnwood Drive
P.O. Box 1311
Altoona, PA 16603-1311
(814) 943-3304

FILED

*in 1:45 AM per 20.00
JUN 26 2003 Searle & O'Dell
Searle & O'Dell*

William A. Shaw
Prothonotary

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

Hite Company
Plaintiff(s)

No.: 2003-00652-CD

COPY

Real Debt: \$5,225.24

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Conservco
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: June 26, 2003

Expires: June 26, 2008

Certified from the record this 26th day of June, 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

NOTICE OF JUDGMENT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION

CO
PY

Hite Company

Vs.

No. 2003-00652-CD

Conservco

To: DEFENDANT(S)

NOTICE is given that a JUDGMENT in the above captioned matter has been entered against you in the amount of \$5,225.24 on the June 26, 2003.

William A. Shaw
Prothonotary

William A. Shaw

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THE HITE COMPANY, INC.

No. 03652 CD

Plaintiff,

CIVIL DIVISION

vs.

CONSERVCO,

Defendant

PRAECIPE FOR ISSUANCE OF WRIT OF EXECUTION

TO THE CLEARFIELD COUNTY PROTHONOTARY:

Kindly issue a Writ of Execution in the above matter,

1. Directed to the Sheriff of Clearfield County
2. Against Defendant, BJR, Inc., t/d/b/a Conservco
3. And index this Writ against Defendant, BJR, Inc., t/d/b/a Conservco

Kindly levy upon any and all personal property located with Defendant at **610 South 2nd Street, Clearfield, PA 16830.**

Kindly issue Writ of Execution to make levy upon and execute upon sufficient personal property of the Defendant to satisfy the judgment, interest and costs as follows.

4. Amount Due	\$5,225.24
Interest from date of Judgment of June 26, 2003	_____
Costs to be added	_____

Patrick J. Farnell Prothonotary costs 125.00

Patrick J. Farnell, Esquire
ANDREWS, WAGNER & BEARD
Attorney for Plaintiff
3366 Lynnwood Drive
Altoona, PA 16603
(814) 943-3304
Pa. I.D. # 85640

FILED

SEP 02 2003

William A. Shaw
Prothonotary/Clerk of Courts

FILED

acc shft w/le wnts

m/2/3/2003

SEP 02 2003

Atty pd. 20.00

William A. Shaw
Prothonotary/Clerk of Courts

WAS

**WRIT OF EXECUTION and/or ATTACHMENT
COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD
CIVIL ACTION – LAW**

The Hite Company, Inc.

Vs.

NO.: 2003-00652-CD

Conservco

COPY

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the debt, interest and costs due THE HITE COMPANY, INC., Plaintiff(s) from CONSERVCO, Defendant(s):

- (1) You are directed to levy upon the property of the defendant(s) and to sell interest(s) therein:
All Personal Property
- (2) You are also directed to attach the property of the defendant(s) not levied upon in the possession of:

Garnishee(s) as follows:

and to notify the garnishee(s) that: (a) an attachment has been issued; (b) the garnishee(s) is/are enjoined from paying any debt to or for the account of the defendant(s) and from delivering any property of the defendant(s) or otherwise disposing thereof;

- (3) If property of the defendant(s) not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify him/her that he/she has been added as a garnishee and is enjoined as above stated.

AMOUNT DUE: \$5,225.24

PAID: \$125.00

INTEREST: \$

SHERIFF: \$

PROTH. COSTS: \$

OTHER COSTS: \$

ATTY'S COMM: \$

DATE: 09/02/2003

William A. Shaw
Prothonotary/Clerk Civil Division

Received this writ this _____ day
of _____ A.D.
At _____ A.M./P.M.

Requesting Party: Patrick J. Fanelli, Esq.
3366 Lynnwood Drive
Altoona, PA 16603
(814) 943-3304

Sheriff

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 14549

THE HITE COMPANY, INC.

03-652-CD

VS.

CONSERVCO

WRIT OF EXECUTION PERSONAL PROPERTY

FILED
01 3 35 PM
NOV 17 2003
E. K.

William A. Shaw
Prothonotary/Clerk of Courts

SHERIFF RETURNS

NOW, SEPTEMBER 16, 2003 @ 1:30 P.M. O'CLOCK A LEVY WAS TAKEN ON THE PROPERTY OF THE DEFENDANT.

NOW, OCTOBER 1, 2003 SERVED JOE KANE, PRESIDENT, OF CONSERVCO, DEFENDANT, AT HIS PLACE OF EMPLOYMENT, ONE WASHINGTON AVENUE, HYDE, PA 16843, BY HANDING TO JOE KANE, PRESIDENT, OF CONSERVCO, DEFENDANT, A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION AND COPY OF THE LEVY AND BY MAKING KNOWN TO HIM THE CONTENTS THEREOF.

A SALE DATE OF OCTOBER 31, 2003 AT 10:30 A.M. WAS SET.

NOW, OCTOBER 30, 2003 RECEIVED A FAX FROM THE PLAINTIFF FOR A PAYOFF AMOUNT OF \$6,000.00.

NOW, OCTOBER 30, 2003 JOE KANE, PRESIDENT OF CONSERVCO PAID HIS DEBT OF \$6,000.00 TO THE CLEARFIELD COUNTY SHERIFF'S OFFICE. RECEIPT # 0012 BJR INC. DBA CONSERVCO CHECK #1063.

NOW, OCTOBER 30, 2003 RECEIVED A FAX LETTER FROM THE PLAINTIFF (HITE COMPANY) TO CANCEL THE SHERIFF'S SALE SCHEDULED FOR OCTOBER 31, 2003.

NOW, NOVEMBER 17, 2003 PAID COSTS FROM THE DEBT AMOUNT COLLECTED FROM CONSERVCO. SENT THE DEBT AMOUNT TO THE HITE COMPANY AND REFUNDED THE ADVANCE AMOUNT TO THE ATTORNEY.

NOW, NOVEMBER 17, 2003 RETURN WRIT AS NO SALE HELD ON THE PROPERTY OF THE DEFENDANT. DEFENDANT PAID THE DEBT AMOUNT IN FULL AND THE PLAINTIFF CANCELED THE SALE.

SHERIFF HAWKINS \$193.98

SURCHARGE 20.00

PAID BY ATTORNEY

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 14549

THE HITE COMPANY, INC.

03-652-CD

VS.

CONSERVCO

WRIT OF EXECUTION PERSONAL PROPERTY

SHERIFF RETURNS

Sworn to Before Me This

17 Day Of November 2003
William Shaw

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

So Answers,

Chester Hawkins
By Cynthia Ritter-Aylenbaugh
Chester A. Hawkins
Sheriff

**WRIT OF EXECUTION and/or ATTACHMENT
COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD
CIVIL ACTION – LAW**

The Hite Company, Inc.

Vs.

NO.: 2003-00652-CD

Conservco

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the debt, interest and costs due THE HITE COMPANY, INC., Plaintiff(s) from CONSERVCO, Defendant(s):

- (1) You are directed to levy upon the property of the defendant(s) and to sell interest(s) therein:
All Personal Property
- (2) You are also directed to attach the property of the defendant(s) not levied upon in the possession of:

Garnishee(s) as follows:

and to notify the garnishee(s) that: (a) an attachment has been issued; (b) the garnishee(s) is/are enjoined from paying any debt to or for the account of the defendant(s) and from delivering any property of the defendant(s) or otherwise disposing thereof;

- (3) If property of the defendant(s) not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify him/her that he/she has been added as a garnishee and is enjoined as above stated.

AMOUNT DUE: \$5,225.24

PAID: \$125.00

INTEREST: \$

SHERIFF: \$

PROTH. COSTS: \$

OTHER COSTS: \$

ATTY'S COMM: \$

DATE: 09/02/2003

Received this writ this 3rd day
of Sept. A.D. 2003
At 2:00 A.M./P.M.

Chasen A. Hawley
Sheriff By Cynthia Butler - Augherbaugh



William A. Shaw
Prothonotary/Clerk Civil Division

Requesting Party: Patrick J. Fanelli, Esq.
3366 Lynnwood Drive
Altoona, PA 16603
(814) 943-3304

PERSONAL PROPERTY

SCHEDULE OF DISTRIBUTION

NAME: CONSERVCO NO. 03-652-CD

NOW, by virtue of the writ hereunto attached, after having given due and legal Notice of the time and place of sale, by handbills posted on the premises, setting forth the time and place of sale, I sold on the day of 2002, the defendant's personal property for and made the following appropriations.

SHERIFF COSTS:		DEBT & INTEREST			
RDR	9.00	DEBT	PAID	6,000.00	5,225.24
SERVICE	9.00	INTEREST			
MILEAGE	2.00				
LEVY	20.00				
MILEAGE	2.00				
POSTING	9.00				
HANDBILLS	10.00				
COMMISSION	104.50				
UNABLE TO LEVY (9.00)					
POSTAGE	1.48	ATTORNEY PAID			
ADD'L SERVICE		ATTORNEY FEES			
ADD'L ,MILEAGE-DEPUTIZE	2.00	COSTS TO PROTHONOTARY	125.00		
ADD'L POSTING		SHERIFF'S COSTS	193.98		
COPIES/BILLING	15.00	REFUND OF ADVANCE			
BID		REFUND OF SURCHARGE	20.00		
RETURN OF INTERROGATORIES		COSTS			
PHONE CALLS	10.00	OTHER COSTS-PREVIOUS			
ADJOURNED SALE					
TOTAL SHERIFF COSTS	193.98	TOTAL COSTS		338.98	
		DEBT PAID TO HITE	\$5,806.02		
		TOTAL DEBT AND COSTS		5,564.22	

COMMISSION 2% ON THE FIRST \$100,000.00 AND 1/2% ON ALL OVER THAT. DISTRIBUTION WILL BE MADE IN ACCORDANCE WITH THE ABOVE SCHEDULE UNLESS EXCEPTIONS ARE FILED WITH THIS OFFICE WITHIN TEN (10) DAYS FROM THIS DATE.

Chester A. Hawkins, Sheriff



**ELECTRICAL DISTRIBUTION EQUIPMENT
INDUSTRIAL POWER & CONTROL
LIGHTING & HEATING PRODUCTS**

P.O. BOX 392A R.D. FULLERTON STREET (HYDE)
CLEARFIELD, PENNSYLVANIA 16830
814-765-7531 or 800-722-2063
FAX 814-765-1480

Oct 30, 2003

Conservco
Mr Joe Kane
PO Box 1404
Clearfield Pa, 16830

Dear Mr Kane,

In talking with our credit department and our attorney Patrick Finelli, the Hite Co will forego a sheriff's sale on Friday, Oct 30, 2003 if we receive a payment of \$6000.00 in form of a money order or cashier's check by 3:00 today. The above amount is more than your original past due amount due to fees paid to our attorney and the sheriff's department.

Once we receive this payment at our location, the sheriff's department will be notified of our intention to cancel the sale.

Regards,

Doug Pepperday
Branch Manager

Twelve Locations To Serve You

Altoona	Indiana	Lewistown	State College	Johnstown	Olean, NY
Erie	Meadville	Somerset	Williamsport	Jamestown, NY	



**ELECTRICAL DISTRIBUTION EQUIPMENT
INDUSTRIAL POWER & CONTROL
LIGHTING & HEATING PRODUCTS**

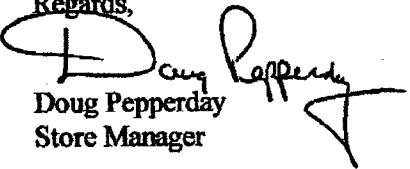
P.O. BOX 392A R.D. FULLERTON STREET (HYDE)
CLEARFIELD, PENNSYLVANIA 16830
814-765-7531 or 800-722-2063
FAX 814-765-1480

Oct 30,2003

To: Clearfield Co Sheriff's department
From: Doug Pepperday – Hite Co

This is to inform you that we wish to cancel the sheriff's sale against Conservco / Mr Joe Kane scheduled for Oct 31,2003 due to payment received in your office.

Regards,


Doug Pepperday
Store Manager

Twelve Locations To Serve You

Altoona

Indiana

Lewistown

State College

Johnstown

Olean, NY

Erie

Meadville

Somerset

Williamsport

Jamestown, NY

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

THE HITE COMPANY, INC.

No. 03652 CD

Plaintiff,

CIVIL DIVISION

vs.

CONSERVCO,

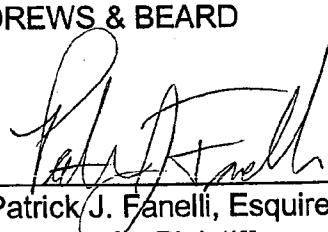
Defendant

PRAECIPE FOR SATISFACTION OF JUDGMENT

TO: PROTHONOTARY OF CLEARFIELD COUNTY

Please enter a Satisfaction of Judgment for a Judgment entered to No. 03652
CD, entered against BJR, Inc. t/d/b/a Conservco, in the above-captioned matter.

ANDREWS & BEARD

By: 

Patrick J. Fanelli, Esquire
Attorney for Plaintiff
Pa. ID No. 85640
3366 Lynnwood Drive
P. O. Box 1311
Altoona, PA 16603-1311

Dated: November 24, 2003

FILED

NOV 25 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

THE HITE COMPANY, INC.

No. 03652 CD

Plaintiff,

CIVIL DIVISION

vs.

CONSERVCO,

Defendant

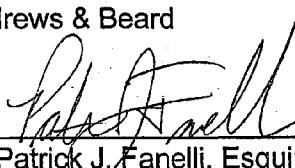
CERTIFICATE OF SERVICE

I, Patrick J. Fanelli, Esquire, of ANDREWS and BEARD, P. O. Box 1311, Altoona, Pennsylvania 16603-1311, hereby certify that I am this day serving a copy of the foregoing Praeclipe for Satisfaction of Judgment on the following persons by U.S. First Class Mail, postage pre-paid:

James A. Naddeo, Esquire
211 1/2 East Locust Street
P.O. Box 552
Clearfield, PA 16830

Clearfield County Prothonotary
Clearfield County Courthouse,
Second and Market Streets
Clearfield, PA 16830

Andrews & Beard

By: 
Patrick J. Fanelli, Esquire
Attorney for Plaintiff
Pa. I.D. No. 85640
P. O. Box 1311
Altoona, PA 16603-1311

Dated: November 24, 2003

**IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA**

CIVIL DIVISION

CERTIFICATE OF SATISFACTION OF JUDGMENT

No.: 2003-00652-CD

Hite Company

Debt: \$5,225.24

Vs.

Atty's Comm.:

Conservco

Interest From:

Cost: \$338.98

NOW, Tuesday, November 25, 2003 , directions for satisfaction having been received, and all costs having been paid, SATISFACTION was entered of record.

Certified from the record this 25th day of November, A.D. 2003.

Prothonotary