

03-784-CD
BRENDA L. DIXON, et al. vs. G R EXCAVATING & DEMOLITION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL ACTION - LAW

BRENDA L. DIXON, i/a/t/d/b/a DIXON
CONTRACTING & SUPPLY

Plaintiff

* No. 03-784-CD

vs.
G&R EXCAVATING & DEMOLITION,
INC.

Defendant

* TYPE OF CASE: Civil Action

* TYPE OF PLEADING: Complaint

* FILED ON BEHALF OF:

* Plaintiff

* COUNSEL OF RECORD FOR THIS PARTY:

* David C. Mason, Esq.
* Supreme Court No. 39180
* Attorney at Law
* P. O. Box 28
* Philipsburg, PA 16866
* (814) 342-2240

FILED

MAY 28 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL ACTION - LAW

BRENDA L. DIXON, i/a/t/d/b/a DIXON
CONTRACTING & SUPPLY

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*
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No.

Plaintiff

vs.
G&R EXCAVATING & DEMOLITION,
INC.

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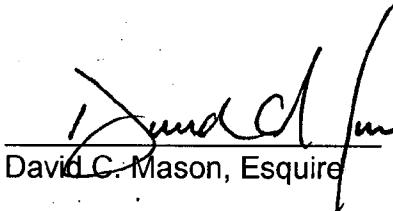
Defendant

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 against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

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

Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-3641



David C. Mason, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL ACTION - LAW

BRENDA L. DIXON, i/a/t/d/b/a DIXON
CONTRACTING & SUPPLY

No.

Plaintiff

vs.

G&R EXCAVATING & DEMOLITION, INC.

Defendant

COMPLAINT

AND NOW, the Plaintiff, by and through her Attorney, David C. Mason, files this Complaint against the Defendant of which the following are averments of fact:

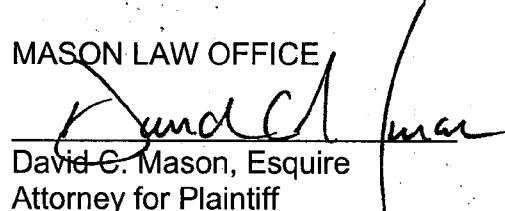
1. Plaintiff is an individual, with an office and place of business at 740 Laurel Run Road, West Decatur, Pennsylvania, 16878.
2. Defendant is G&R Excavating & Demolition, Inc., which, upon information and belief is a Pennsylvania Business Corporation, with an office and place of business at 5 Gardner Road, Tyrone, Pennsylvania, 16686.
3. Defendant purchased construction materials from the said Dixon Contracting & Supply, and charged said purchases to an open account.
4. Defendant has failed and refused and continues to fail and refuse to pay the balance of the account due despite Plaintiff's repeated requests to do so.
5. The outstanding balance of the account as of April 30, 2003, is \$14,610.97.
6. The interest on this account will continue to be added to the principal in the

amount of 1.5% per month.

7. There are no set offs or claims against this debt.

WHEREFORE, Plaintiff demands judgment to be entered in its favor and against the Defendant, in the amount of \$14,610.97, plus interest at the rate of eighteen (18%) percent per annum, from April 30, 2003, plus costs of suit.

MASON LAW OFFICE



David C. Mason, Esquire
Attorney for Plaintiff

C:\OFFICE\COMPLAIN\dixon.g&rexcavating.wpd\klb

VERIFICATION

I, the Plaintiff herein, verify that the statements made in the foregoing Complaint are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 PA. C.S. §4904 relating to unsworn falsification to authorities.



Brenda L. Dixon

FILED

Aug Mason
pd. 85.00

30 01 8:46 AM
MAY 28 2003

2 cc Aug Mason

William A. Shaw
Prothonotary

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

BRENDA L. DIXON, i/a/t/d/b/a DIXON : NO. 03-784-CD
Plaintiff/Counterdefendant :
: CIVIL ACTION - LAW
: :
: **ANSWER TO COMPLAINT AND**
: **COUNTER-CLAIM**
: :
: Filed on behalf of Defendant/Counterplaintiff
: **G&R EXCAVATING & DEMOLITION, INC.**
: :
: Counsel of Record:
: **EDWARD E ZANG, ESQUIRE**
: **GIEG, GIEG, MONTGOMERY & ZANG**
: 401 North Logan Boulevard
G&R EXCAVATING & DEMOLITION, : Altoona, PA 16602
INC., : 814-946-1606
Defendant/Counterplaintiff : PA I.D. #59665

FILED

JUL 21 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

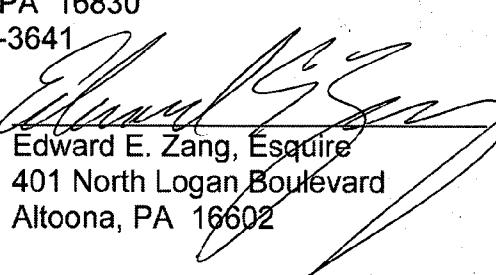
BRENDA L. DIXON, i/a/t/d/b/a DIXON : NO. 03-784-CD
CONTRACTING & SUPPLY, :
Plaintiff/Counterdefendant :
vs. :
G&R EXCAVATING & DEMOLITION, :
INC., :
Defendant/Counterplaintiff : CIVIL ACTION - LAW

NOTICE TO PLEAD

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.

CLEARFIELD COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830
(814) 765-3641


Edward E. Zang, Esquire
401 North Logan Boulevard
Altoona, PA 16602

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BRENDA L. DIXON, i/a/t/d/b/a DIXON : NO. 03-784-CD
CONTRACTING & SUPPLY, :
Plaintiff/Counterdefendant :
vs. :
G&R EXCAVATING & DEMOLITION, :
INC., :
Defendant/Counterplaintiff : CIVIL ACTION - LAW

ANSWER TO COMPLAINT

NOW comes the Defendant, G&R Excavating & Demolition, Inc., by and through its attorneys, the Law Offices of Gieg, Gieg, Montgomery & Zang, and files the following Answer to Complaint:

1. Admitted.
2. Admitted.
3. Defendant is without specific information as to the truth of the averment in paragraph 3 and strict proof is demanded at time of trial.
4. It is specifically denied that the Defendant has failed and/or refused to make any payments on said account and strict proof of the same is demanded at time of trial.
5. It is specifically denied that Plaintiff is owed any monies and strict proof of the same is demanded at time of trial.
6. It is specifically denied that Plaintiff is entitled to any interest on said balance as it is denied that Plaintiff is entitled to any monies.
7. It is specifically denied that there exists no set-offs or claims against the Plaintiff which are owed to Defendant.

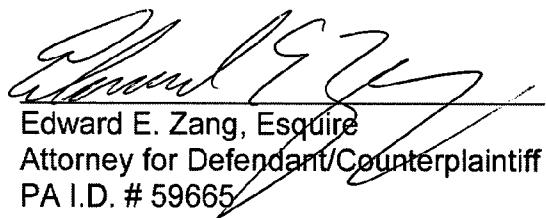
WHEREFORE, Defendant requests Plaintiff's Complaint be denied and dismissed.

COUNTER-CLAIM

1. The Counterplaintiff is G&R Excavating and Demolition, Inc., a Pennsylvania corporation with an address of 5 Gardner Road, Tyrone, Blair County, Pennsylvania, 16686.
2. The Counterdefendants are Thomas Dixon and Brenda L. Dixon, i/t/d/b/a Dixon Contracting & Supply with an office and place of business at 740 Laurel Run Road, West Decatur, Pennsylvania, 16878.
3. On or about March 1, 2003, the Counterdefendants were in possession of a D755 Komatsu Crawler Frontend Loader that was the property of the Counterplaintiff.
4. For a period of approximately fourteen (14) days the Counterdefendants refused to return said property and unlawfully coveted said property.
5. Said piece of equipment was used regularly in the regular course of business.
6. By the unlawful detaining of said equipment by Counterdefendants, Counterplaintiff lost the ability to use said equipment that is billed out at \$125.00 per hour.
15. For a period of fourteen (14) days at eight (8) hours per day, Counterplaintiff lost the income from said equipment, for a total of \$14,000.00.
16. As a result of the unlawful detention of said equipment without any judgment or valid legal reason for the detention of said property, the Counterplaintiff is entitled to punitive damages not to exceed \$20,000.00.

WHEREFORE, the Counterplaintiff, G&R Excavating and Demolition, Inc.,
requests this Honorable Court to enter a Judgment against the Counterdefendant in the
amount of \$14,000.00, plus punitive damages not to exceed \$20,000.00, plus
reasonable interest and costs of suit.

Respectfully Submitted,
GIEG, GIEG, MONTGOMERY ZANG



Edward E. Zang, Esquire
Attorney for Defendant/Counterplaintiff
PA I.D. # 59665

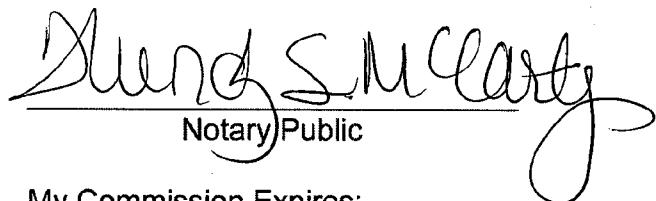
COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF BLAIR)

Personally appeared before me, a Notary Public, the undersigned authority,
GLENN I. RAY, President of G&R Excavating & Demolition, Inc., who being duly sworn
according to law, deposes and says that the facts set forth in the foregoing ANSWER
TO COMPLAINT AND COUNTERCLAIM are true and correct to the best of his
knowledge, information and belief.

G&R EXCAVATING & DEMOLITION, INC.


Glenn I. Ray, President

Sworn to and subscribed before me,
this 11th day of July, 2003.

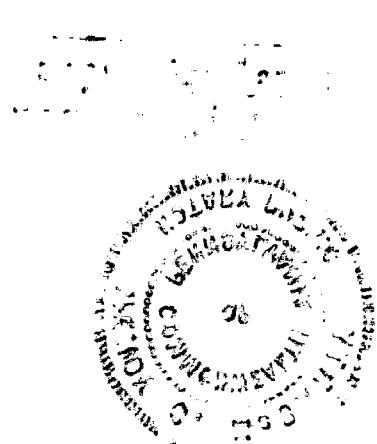

Notary Public

My Commission Expires:

NOTARIAL SEAL
WENDY S. McCARTY, NOTARY PUBLIC
ALTOONA, BLAIR COUNTY
MY COMMISSION EXPIRES MARCH 29, 2004

NOTARIAL SEAL
WENDY S. McCARTY, NOTARY PUBLIC
ALTOONA, BLAIR COUNTY
MY COMMISSION EXPIRES MARCH 29, 2004





IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

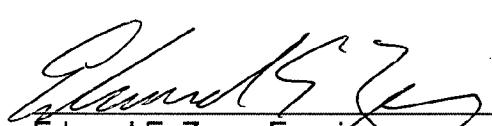
BRENDA L. DIXON, i/a/t/d/b/a DIXON : NO. 03-784-CD
CONTRACTING & SUPPLY, :
Plaintiff/Counterdefendant :
vs. :
G&R EXCAVATING & DEMOLITION, :
INC., :
Defendant/Counterplaintiff : CIVIL ACTION - LAW

CERTIFICATE OF SERVICE

I, Edward E. Zang, Esquire, hereby certify that on this 10th day of July, 2003,
a copy of the Answer to Complaint and Counterclaim has been sent by regular U.S.
Mail, postage prepaid, to the following party:

David C. Mason, Esquire
P.O. Box 28
Philipsburg, PA 16866

GIEG, GIEG, MONTGOMERY & ZANG


Edward E. Zang, Esquire
Attorney for Defendant/Counterplaintiff
PA I.D. # 59665

FILED

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3:34 PM
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JUL 21 2003
QJ

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

William A. Shaw
Prothonotary/Clerk of Courts

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

BRENDA L. DIXON, i/a/t/d/b/a DIXON *
CONTRACTING & SUPPLY *
* No. 03-784-CD

Plaintiff *

vs.

G&R EXCAVATING & DEMOLITION,
INC.

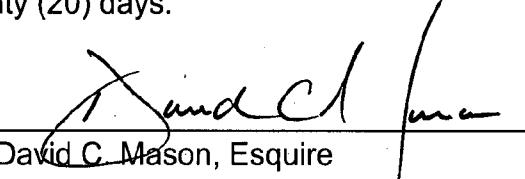
Defendant *

NOTICE TO PLEAD

TO THE DEFENDANT:

Pursuant to the Rules of Civil Procedure, you are required to plead to the within
NEW MATTER of Answering Plaintiff within twenty (20) days.

DATE: *July 29, 2003*



David C. Mason, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

BRENDA L. DIXON, i/a/t/d/b/a DIXON *
CONTRACTING & SUPPLY *
* Plaintiff *
* *
* vs. *
G&R EXCAVATING & DEMOLITION, *
INC. *
* *
* Defendant *

PLAINTIFF'S REPLY TO DEFENDANT'S
COUNTER-CLAIM CONTAINING
NEW MATTER

AND NOW, comes the Plaintiff, BRENDA L. DIXON, by and through her attorney, DAVID C. MASON, ESQUIRE, and files the following Reply to Defendant's Counter-Claim:

1. ADMITTED.
2. DENIED. The averment contained in paragraph 2 of the Counter-Claim is strictly denied, and it is averred that Brenda L. Dixon is the owner of Dixon Contracting & Supply, which averment is admitted by the Defendant in paragraph 1 of its Answer. Thomas Dixon is not a party to this litigation and is not *sui juris*.
3. ADMITTED.
4. DENIED. The averment contained in paragraph 4 of Defendant's Counter-Claim is strictly denied as Plaintiff did not refuse to return said property and did not

covet [sic] said property. Strict proof thereof, to the extent deemed relevant, is demanded at the time of trial. By way of further Answer, please see New Matter.

5. DENIED. After reasonable investigation the averment contained in paragraph 5 is denied as the Plaintiff is without knowledge or information sufficient to form a belief as to the truth of the same. Strict proof thereof, to the extent deemed relevant, is demanded at the time of trial. By way of further answer, please see New Matter.

6. DENIED. After reasonable investigation the averment contained in paragraph 6 is denied as the Plaintiff is without knowledge or information sufficient to form a belief as to the truth of the same. Strict proof thereof, to the extent deemed relevant, is demanded at the time of trial. By way of further answer, please see New Matter.

15. [sic] DENIED. After reasonable investigation the averment contained in paragraph 15 is denied as the Plaintiff is without knowledge or information sufficient to form a belief as to the truth of the same. Strict proof thereof, to the extent deemed relevant, is demanded at the time of trial. By way of further answer, please see New Matter.

16. DENIED. Paragraph 16 contains a conclusion of law not an averment of fact and therefore no response is necessary or required. However, to the extent an Answer is deemed necessary, the averment that Defendant is entitled to punitive damages is denied.

NEW MATTER

17. The equipment identified in paragraph 3 of Defendant's Counter-Claim wintered with the Plaintiff.

18. When the said loader became inoperable in November of 2002, Defendant vacated the lands of Plaintiff, Defendant laid off his employees and abandoned the loader until spring.

19. In March, Defendant returned to Plaintiff's place of business and began to attempt the repairs necessary to regain the possession and use of the loader.

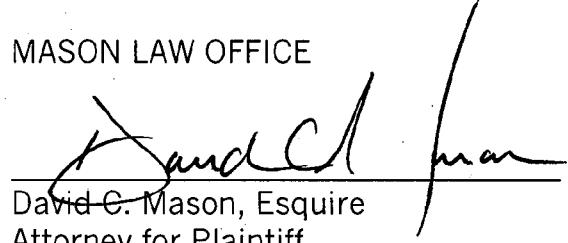
20. Plaintiff assisted the Defendant in its attempts to render the loader operable, and offered to assist with the use of a bulldozer the loading of the equipment on a trailer for removal and relocating.

21. At no time did the Plaintiff refuse to allow Defendant to remove said property once the necessary repairs were made and the equipment was operable.

WHEREFORE, Plaintiff prays your Honorable Court for the entry of an Order dismissing Defendant's Counter-Claim, enter judgment in favor of the Plaintiff and against the Defendant on the Counter-Claim and in accordance with the prayer for relief contained in Plaintiff's Complaint.

Respectfully submitted,

MASON LAW OFFICE



David C. Mason, Esquire
Attorney for Plaintiff

VERIFICATION

I certify that the facts set forth in the foregoing PLAINTIFF'S REPLY TO DEFENDANT'S COUNTER-CLAIM CONTAINING NEW MATTER are true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of 18 PA. C.S. §4904, relating to unsworn falsification to authorities.

DATED: 7/29/03

By 
Brenda L. Dixon

FILED NO
JUL 3 2003
2003
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

BRENDA L. DIXON, i/a/t/d/b/a DIXON
CONTRACTING & SUPPLY

Plaintiff

* No. 03-784-CD

vs.

G&R EXCAVATING & DEMOLITION,
INC.

Defendant

* TYPE OF CASE: Civil Action

* TYPE OF PLEADING: CERTIFICATE
OF SERVICE

* FILED ON BEHALF OF: Plaintiff

* COUNSEL OF RECORD FOR THIS
PARTY:

* David C. Mason
* Superior Court I.D. 39180
* DAVID C. MASON LAW OFFICE
* P.O. Box 28
* Philipsburg PA 16866
* (814) 342-2240

* COUNSEL OF RECORD FOR

* DEFENDANT:

* Edward E. Zang, Esquire
* PA. I.D. #59665
* 401 North Logan Boulevard
* Altoona, PA 16602
* (814) 946-1606

FILED

JUL 29 2003

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

BRENDA L. DIXON, i/a/t/d/b/a DIXON
CONTRACTING & SUPPLY

*
*
* No. 03-784-CD

Plaintiff

vs.
G&R EXCAVATING & DEMOLITION,
INC.

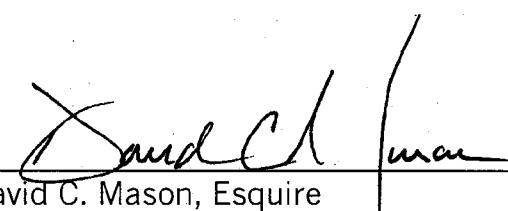
Defendant

CERTIFICATE OF SERVICE

I, DAVID C. MASON, Esquire, do hereby certify that I served a true and correct copy of the PLAINTIFF'S REPLY TO DEFENDANT'S COUNTERCLAIM CONTAINING NEW MATTER filed in the above captioned action on the following by depositing the same in the U. S. Mail, postage prepaid and addressed as follows:

Edward E. Zang, Esquire
Gieg, Gieg, Montgomery & Zang
Attorneys at Law
401 North Logan Boulevard
Altoona, PA 16602

DATED: 7-29-03



David C. Mason, Esquire
Attorney for Plaintiff

FILED NO
07-342-CH-cc
JUL 29 2003

William A. Shaw
Prothonotary/Clerk of Courts

In The Court of Common Pleas of Clearfield County, Pennsylvania

BRENDA L. DIXON //a/t/d/b/a DIXON CONTRACTING & SUPPLY

Sheriff Docket # 14144

VS.

03-784-CD

G&R EXCAVATING & DEMOLITION INC.

COMPLAINT

SHERIFF RETURNS

NOW JUNE 2, 2003 LARRY FIELD, SHERIFF OF BLAIR COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON G&R EXCAVATING & DEMOLITION INC., DEFENDANT.

NOW JUNE 10, 2003 SERVED THE WITHIN COMPLAINT ON G&R EXCAVATING & DEMOLITION INC., DEFENDANT BY DEPUTIZING THE SHERIFF OF BLAIR COUNTY. THE RETURN OF SHERIFF FIELD IS HERETO ATTACHED AND MADE A PART OF THIS RETURN STATING THAT HE SERVED SCOTT BONSELL, BROTHER IN LAW.

Return Costs

Cost	Description
27.97	SHERIFF HAWKINS PAID BY: ATTY CK# 8048
10.00	SURCHARGE PAID BY: ATTY CK# 8049
32.00	BLAIR CO. SHFF. PAID BY: ATTY.

Sworn to Before Me This

20th Day Of July 2003

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

So Answers,

Chester A. Hawkins
by Mailey Harris
Chester A. Hawkins
Sheriff

FILED
07/28/03
JUL 29 2003
No CC

William A. Shaw
Prothonotary/Clerk of Courts

P.52
L.D.

SHERIFF'S DEPARTMENT

BLAIR COUNTY, PENNSYLVANIA
COURTHOUSE, HOLLIDAYSBURG, PA. 16648SHERIFF SERVICE
PROCESS RECEIPT, and AFFIDAVIT OF RETURN

INSTRUCTIONS:

Print legibly, insuring readability of all copies.

Do not detach any copies. BCSO ENV. #

1. PLAINTIFF / S /

Brenda L Dixon

2. COURT NUMBER

03-784-CD / 60654ET

3. DEFENDANT / S /

G & R Excavating & Demolition Inc

4. TYPE OF WRIT OR COMPLAINT

Complaint

SERVE



{ 5. NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVICE OR DESCRIPTION OF PROPERTY TO BE LEVIED, ATTACHED OR SOLD.

G & R Excavating & Demolition Inc

AT

{ 6. ADDRESS (Street or RFD, Apartment No., City, Boro, Twp., State and ZIP Code)

5 Gardner Rd. Tyrone PA 16686

7. INDICATE UNUSUAL SERVICE:

 PERSONAL PERSON IN CHARGE DEPUTIZE CERT. MAIL REGISTERED MAIL POSTED OTHER

NOW, _____, I, SHERIFF OF BLAIR COUNTY, PA., do hereby depose the Sheriff of County to execute this Writ and make return thereof according to law. This deputation being made at the request and risk of the plaintiff.

SHERIFF OF BLAIR COUNTY

8. SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE:

NOTE ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN — Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person of levy or attachment, without liability on the part of such deputy or the sheriff to any plaintiff herein for any loss, destruction or removal of any such property before sheriffs' sale thereof.

9. SIGNATURE of ATTORNEY or other ORIGINATOR requesting service on behalf of:
Deputy of Clearfield County
David C Mason (Signature) PLAINTIFF
 DEFENDANT

10. TELEPHONE NUMBER

11. DATE

12. I acknowledge receipt of the writ or complaint as indicated above. { SIGNATURE of Authorized BCSO Deputy or Clerk and Title

B Schiebler

13. Date Received

14. Expiration/Hearing date
6-5-03 6-27-0315. I hereby CERTIFY and RETURN that I have personally served. have served person in charge. have legal evidence of service as shown in "Remarks" (on reverse) have posted the above described property with the writ or complaint described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., at the address inserted below by hand ing/or Posting a TRUE and ATTESTED COPY thereof.16. I hereby certify and return a NOT FOUND because I am unable to locate the individual, company, corporation, etc., named above. (See remarks below)

17. Name and title of individual served

SCOTT BONSELL (BROTHER IN LAW)

18. A person of suitable age and discretion then residing in the defendant's usual place of abode. Read Order

19. Address of where served (complete only if different than shown above) (Street or RFD, Apartment No., City, Boro, Twp., State and ZIP Code)

SAME

20. Date of Service

21. Time

6-10-03

2025

22. ATTEMPTS Date Miles Dep. Int. Date Miles Dep. Int. Date Miles Dep. Int. Date Miles Dep. Int.

23. Advance Costs 24. *S&B* 25. *30.00* 26. *NO 1* 27. Total Costs 28. COST DUE OR REFUND

150.00 Rec'd 107.00 30.00 2.00 32.00 118.00

30. REMARKS

SO ANSWER.

AFFIRMED and subscribed to before me this

11th

By (Sheriff/Dep. Sheriff) (Please Print or Type)

JENNIFER HARRON

Signature of Sheriff

Date

6-10-03

Date

SHERIFF OF BLAIR COUNTY

NOTARY PUBLIC Seal

Carol Grieco, Notary Public

Hollidaysburg Boro, Blair County

MY COMMISSION EXPIRES

My Commission Expires APR. 3, 2007

I ACKNOWLEDGE RECEIVING THIS WRIT AND AFFIDAVIT

OF AUTHORIZED ISSUER, *Carol Grieco*, Pennsylvania Association of Notaries

39. Date Received

SHERIFF'S RETURN OF SERVICE

() (1) The within _____ upon _____, the within named defendant by mailing to _____ by _____ mail, return receipt requested, postage prepaid _____ on the _____ a true and attested copy thereof at _____

The return-receipt signed by _____ defendant on the _____ is hereto attached and made part of this return.

() (2) Outside the Commonwealth, pursuant to Pa. R.C.P. 405 (c) (1) (2), by mailing a true and attested copy thereof at _____

in the following manner.

() (a) To the defendant by () registered () certified mail, return receipt requested, postage prepaid, addressee only on the _____, said receipt being returned NOT signed by defendant, but with a notation by the Postal Authorities that defendant refused to accept the same. The returned receipt and envelope is attached hereto and made part of this return.

And thereafter:

() (b) To the defendant by ordinary mail addressed to defendant at same address, with the return address of the Sheriff appearing thereon, on the _____

I further certify that after fifteen (15) days from the mailing date, I have not received said envelope back from the Postal Authorities. A certificate of mailing is hereto attached as a proof of mailing.

() (3) By publication in a daily publication of general circulation in the County of Blair Commonwealth of Pennsylvania. _____ time (s) with publication appearing _____

The affidavit from said publication is hereto attached.

() (4) By mailing to _____ by _____ mail, return receipt requested, postage prepaid, on the _____ a true and attested copy thereof at _____

The _____ returned by the Postal Authorities marked _____ is hereto attached.

() (5) Other _____

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

BRENDA L. DIXON, i/a/t/d/b/a DIXON
CONTRACTING & SUPPLY

*

*

* No. 03-784-CD

Plaintiff

*

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*

*

vs.
G&R EXCAVATING & DEMOLITION,
INC.

*

*

*

*

Defendant

* TYPE OF CASE: Civil Action

*

* TYPE OF PLEADING: Notice of

* Taking Deposition Upon Oral

* Examination Pursuant to PA.

* R.C.P. §4003.1

* CERTIFICATE OF SERVICE

*

* FILED ON BEHALF OF: Plaintiff

*

*COUNSEL OF RECORD FOR THIS

*PARTY:

* David C. Mason, Esquire

* Supreme Court I.D. #39180

* Attorney at Law

* P. O. Box 28

* Philipsburg, PA 16866

* (814) 342-2240

*

*COUNSEL OF RECORD FOR

*DEFENDANT:

*

* Edward E. Zang, Esquire

* Gieg, Gieg, Montgomery & Zang

* 401 North Logan Boulevard

* Altoona, PA 16602

* (814) 946-1606

FILED

AUG 04 2003

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

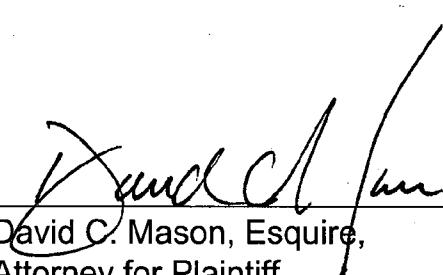
BRENDA L. DIXON, i/a/t/d/b/a DIXON *
CONTRACTING & SUPPLY *
* Plaintiff * No. 03-784-CD
*
*
* vs. *
* G&R EXCAVATING & DEMOLITION, *
INC. *
*
* Defendant *
*

CERTIFICATE OF SERVICE

I, DAVID C. MASON, Esquire, hereby certify that I have served a true and correct copy of the attached and foregoing Notice of Taking Deposition Upon Oral Examination Pursuant to Pa. R.C.P. §4003.1 upon G & R Excavating & Demolition, Inc., through his attorney, **Edward E. Zang**, Esquire, by depositing said Notice in the United States Mail, postage prepaid and addressed as follows:

G & R Excavating & Demolition, Inc.
% Edward E. Lang
Gieg, Gieg, Montgomery & Zang
Attorneys at Law
401 North Logan Boulevard
Altoona, PA 16602

DATED: 7-31-03



David C. Mason, Esquire,
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

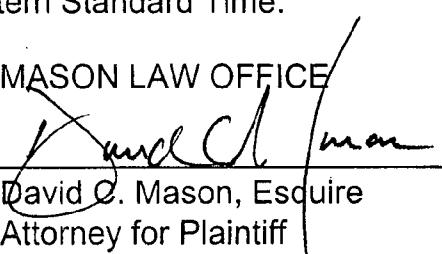
BRENDA L. DIXON, i/a/t/d/b/a DIXON CONTRACTING & SUPPLY Plaintiff * * * No. 03-784-CD
vs. G&R EXCAVATING & DEMOLITION, INC. Defendant *

NOTICE OF TAKING DEPOSITION
UPON ORAL EXAMINATION
PURSUANT TO PA. R.C.P. §4003.1

TO: G & R Excavating & Demolition, Inc.
% Edward E. Zang, Esquire
Gieg, Gieg, Montgomery & Zang
Attorneys at Law
401 North Logan Boulevard
Altoona, PA 16602

You are hereby notified that the Plaintiff intends to take your Deposition Upon Oral Examination Pursuant to Pa.R.C.P. §4003.1 at the Office of David C. Mason, Esquire, at 409 N. Front Street, Philipsburg, Centre County, Pennsylvania, on the 26th day of August, 2003, at 8:30 A.M., Eastern Standard Time.

DATED: 7-31-03

MASON LAW OFFICE


David C. Mason, Esquire
Attorney for Plaintiff

FILED NO
AUG 17 2003 cc
AUG 04 2003 E
425

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

BRENDA L. DIXON, i/a/t/d/b/a DIXON
CONTRACTING & SUPPLY

Plaintiff

vs.
G&R EXCAVATING & DEMOLITION,
INC.

Defendant

* No. 03-784-CD

* TYPE OF CASE: Civil Action

* TYPE OF PLEADING: PRAECIPE TO
SETTLE & DISCONTINUE

* FILED ON BEHALF OF: Plaintiff

* COUNSEL OF RECORD FOR THIS
PARTY:

* David C. Mason
* Superior Court I.D. 39180
* DAVID C. MASON LAW OFFICE
* P.O. Box 28
* Philipsburg PA 16866
* (814) 342-2240

* COUNSEL OF RECORD FOR
DEFENDANT:

* Edward E. Zang, Esquire
* PA. I.D. #59665
* 401 North Logan Boulevard
* Altoona, PA 16602
* (814) 946-1606

FILED

SEP 23 2003

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

BRENDA L. DIXON, i/a/t/d/b/a DIXON
CONTRACTING & SUPPLY

Plaintiff

No. 03-784-CD

VS.
G&R EXCAVATING & DEMOLITION,
INC.

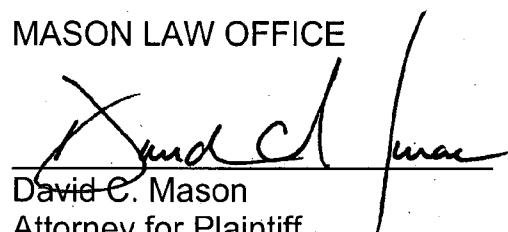
Defendant

PRAECIPE TO SETTLE AND DISCONTINUE

To: William Shaw, Prothonotary:

Kindly discontinue the above referenced case filed against the named
Defendant, G&R EXCAVATING & DEMOLITION, INC.

MASON LAW OFFICE

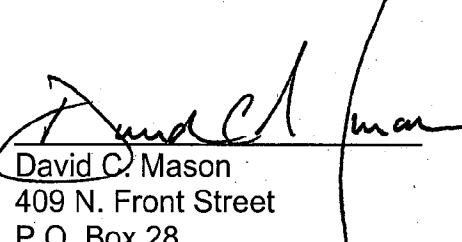

David C. Mason
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Plaintiff's Praecipe to Discontinue was served upon counsel of record for Defendant, via First Class U.S. mail, postage prepaid, this 27 day of September 2003, as follows:

Edward E. Zang, Esquire
401 North Logan Boulevard
Altoona, PA 16602

MASON LAW OFFICE


David C. Mason
409 N. Front Street
P.O. Box 28
Philipsburg, PA 16866
(814) 342-2240

FILED 2cc
OCT 10 2003
SEP 23 2003
Amy Mason

William A. Shaw
Prothonotary/Clerk of Courts

EDS

COPY

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

CIVIL DIVISION

**Brenda L. Dixon, i/a/t/d/b/a
Dixon Contracting & Supply**

Vs. **No. 2003-00784-CD**
G & R Excavating & Demolition, Inc.

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on September 23, 2003, marked:

Discontinued

Record costs in the sum of \$85.00 have been paid in full by David C. Mason, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 23rd day of September A.D. 2003.

William A. Shaw, Prothonotary