

03-1445-CD
MELINDA MEANS CARPIN vs. PHIL TABONE

Date		Judge	
09/25/2003	Filing: District Justice Appeals Paid by: Tabone, Phil (plaintiff) Receipt number: 1866642 Dated: 09/25/2003 Amount: \$85.00 (Cash)	No Judge	✓
10/01/2003	Filed: Transcript from DJ Ford. No cc.	No Judge	✓
	Proof of service of Appeal filed by Phil Tabone. 1 CC to Def.	No Judge	✓
10/15/2003	Complaint. filed by s/Melinda Means Carpin Verification s/Melinda Means Carpin 1 cc Plff	No Judge	✓
10/17/2003	Answers. filed by s/Phil Tabone 1 cc to P. Tabone Verification s/Phil Tabone	No Judge	✓
10/24/2003	Certificate of Service of Complaint on the Defendant. No cc.	No Judge	✓
12/03/2003	Filing: Praecipe/List For Arbitration Paid by: Carpin, Melinda Means (plaintiff) Receipt number: 1869948 Dated: 12/03/2003 Amount: \$20.00 (Check)	No Judge	✓
	Praecipe To List Arbitration. filed by, s/Melinda Means Carpin, Plaintiff/Appellee 1 copy Plff, Copy to C/A	No Judge	
01/27/2004	Order, NOW, this 27 day of January, 2004, Order of the Court that the matter is scheduled for Arbitration on Tuesday, March 23, 2003, at 10:00 a.m. The following have been appointed as Arbitrators: Dwight L. Koerber, Jr., Esq., Chairman Earle D. Lees, Jr., Esq., and William Lynn Hollen, Esq. Pre-Trial Statement should be submitted to the Court Administrator's Office seven days prior to the scheduled Arbitration. BY THE COURT: /s/Fredric J. Ammerman, P.J. Five CC C/A	No Judge	✓
02/02/2004	Domestic Return Receipt #7001 2510 0005 2723 9710. filed	No Judge	✓
02/04/2004	Domestic Return Receipt # 7001 2510 0005 2723 9703. filed	No Judge	✓

Date: 03/05/2004

Clearfield County Court of Common Pleas

User: BILLSHAW

Time: 12:54 PM

ROA Report

Page 1 of 1

Case: 2004-00320-CD

Current Judge: No Judge

Clearfield Bank _Trust vs. Emery L. Brown

Judgment

Date		Judge
03/05/2004	Filing: District Justice Judgment Fee Paid by: Clearfield Bank & Trust (plaintiff) Receipt number: 1874978 Dated: 03/05/2004 Amount: \$20.00 (Check) Judgment entered against the Defendant in the amount of \$4,935.46 Notice to Defendant and statement to Plaintiff	No Judge

COURT OF COMMON PLEAS

FROM

JUDICIAL DISTRICT

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No.

03-1445-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 PHIL TABONE		MAG. DIST. NO. OR NAME OF D.J. 46-3-01 Patrick FORD	
ADDRESS OF APPELLANT 715 S BRADY ST		CITY DUBOIS	STATE PA
DATE OF JUDGMENT 9-4-03		ZIP CODE 15801	
IN THE CASE OF (Plaintiff) CARPIN, Melinda Means		(Defendant) vs. TABONE, PHIL.	
CLAIM NO. CV 0000303-03 LT		SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT Phil Tabone	

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 **MELINDA MEANS CARPIN**, appellee(s), to file a complaint in this appeal
Name of appellee(s)

(Common Pleas No. **03-1445-CJ**) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

RULE: To **MELINDA MEANS CARPIN**, appellee(s).
Name of appellee(s)

Phil Tabone
Signature of appellant or his attorney or agent

(1) You are notified that a rule is hereby entered upon you to file a complaint in this appeal within twenty (20) days after the date of service of this rule upon you by personal service or by certified or registered mail.

(2) If you do not file a complaint within this time, a JUDGMENT OF NON PROS WILL BE ENTERED AGAINST YOU.

(3) The date of service of this rule if service was by mail is the date of mailing.

Date: **Sept. 25, 2003.**

FILED

SEP 25 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 TEN (10) DAYS AFTER filing the notice of appeal. Check applicable boxes)

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF _____; SS

AFFIDAVIT: I hereby swear or affirm that I served

- ☐ a copy of the Notice of Appeal, Common Pleas No. _____, upon the District Justice designated therein on (date of service) _____, ☐ by personal service ☐ by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) _____, on _____, ☐ by personal service ☐ by (certified) (registered) mail, sender's receipt attached hereto.
- ☐ and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to whom the Rule was addressed on _____, ☐ by personal service ☐ by (certified) (registered) mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS _____ DAY OF _____, _____

Signature of affiant

Signature of official before whom affidavit was made

Title of official

My commission expires on _____



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**

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF:

NAME and ADDRESS

CARPIN, MELINDA MEANS
208 TREASURE LAKE
DUBOIS, PA 15801

VS.

DEFENDANT:

NAME and ADDRESS

TABONE, PHIL
715 S. BRADY STREET
DUBOIS, PA 15801

PHIL TABONE
715 S. BRADY STREET
DUBOIS, PA 15801

Docket No.: **CV-0000303-03**
Date Filed: **7/08/03**



THIS IS TO NOTIFY YOU THAT:

Judgment:

DEFAULT JUDGMENT PLTF

☒ Judgment was entered for: (Name) **CARPIN, MELINDA MEANS**

☒ Judgment was entered against: (Name) **TABONE, PHIL**

in the amount of \$ **1,292.60** on: (Date of Judgment) **9/04/03**

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

☐ Damages will be assessed on:

☐ This case dismissed without prejudice.

☐ Amount of Judgment Subject to
Attachment/42 Pa.C.S. § 8127 \$ _____

☐ Portion of Judgment for physical
damages arising out of residential
lease \$ _____

Amount of Judgment	\$ 1,200.00
Judgment Costs	\$ 92.60
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 1,292.60

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.

9-4-03 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

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**

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF:

NAME and ADDRESS

**CARPIN, MELINDA MEANS
208 TREASURE LAKE
DUBOIS, PA 15801**

VS.

DEFENDANT:

NAME and ADDRESS

**TABONE, PHIL
715 S. BRADY STREET
DUBOIS, PA 15801**

Docket No.: **CV-0000303-03**

Date Filed: **7/08/03**



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

THIS IS TO NOTIFY YOU THAT:

Judgment:

DEFAULT JUDGMENT PLTF



Judgment was entered for:

(Name)

CARPIN, MELINDA MEANS



Judgment was entered against:

(Name)

TABONE, PHIL

in the amount of \$ **1,292.60** on:

(Date of Judgment)

9/04/03



Defendants are jointly and severally liable.

(Date & Time)



Damages will be assessed on:



This case dismissed without prejudice.



Amount of Judgment Subject to
Attachment/42 Pa.C.S. § 8127 \$



Portion of Judgment for physical
damages arising out of residential
lease \$

FILED
SEP 30 2003
10:47 AM

William A. Shaw
Prothonotary/Clerk of Courts

Amount of Judgment	\$ 1,200.00
Judgment Costs	\$ 92.60
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 1,292.60

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.

9-4-03 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

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

**CIVIL ACTION
HEARING NOTICE**

PLAINTIFF: NAME and ADDRESS
**CARPIN, MELINDA MEANS
208 TREASURE LAKE
DUBOIS, PA 15801**

VS.
DEFENDANT: NAME and ADDRESS
**TABONE, PHIL
715 S. BRADY STREET
DUBOIS, PA 15801**

Docket No.: **CV-0000303-03**
Date Filed: **7/08/03**



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

Date: 8/12/03	Place: DISTRICT COURT 46-3-01 309 MAPLE AVENUE P.O. BOX 452 DUBOIS, PA 15801
Time: 9:45 AM	

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.

CIVIL COMPLAINT

Mag. Dist. No.: **46-3-01**
CJ Name: Hon.
PATRICK N. FORD
Address: **309 MAPLE AVENUE**
P.O. BOX 452
DUBOIS, PA 15801
Telephone: **(814) 371-5321**

PLAINTIFF: NAME and ADDRESS
Melinda Means Carpin
208 Treasure Lake
DuBois, PA 15801
VS.
DEFENDANT: NAME and ADDRESS
Phil Tabone
715 S. Brady St.
DuBois, PA 15801

Docket No.: **CV 303-03**
Date Filed:



	AMOUNT	DATE PAID
FILING COSTS	\$ <u>71.50</u>	<u>7/18/03</u>
POSTAGE	\$ _____	<u>/ /</u>
SERVICE COSTS	\$ _____	<u>/ /</u>
CONSTABLE ED.	\$ _____	<u>/ /</u>
TOTAL	\$ _____	<u>/ /</u>

TO THE DEFENDANT: The above named plaintiff(s) asks judgment against you for \$ 1,200- together with costs upon the following claim (Civil fines must include citation of the statute or ordinance violated):

Phil Tabone contracted me to hang paper at the new Eckerd Drug store. Signed a contract (I have) stating he would pay me \$2,400- by Jan. 1, 2003. I have been paid 1,200- in Feb. and have not received any other money after sending monthly bills.

I, Melinda Means Carpin 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.

Melinda Means Carpin
(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 IMMEDIATE 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 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.

COURT OF COMMON PLEAS

FROM

JUDICIAL DISTRICT

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No.

03-1445-C.D

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 PHIL TABONE		MAG. DIST. NO. OR NAME OF D.J. 46-3-01 Patrick FORD	
ADDRESS OF APPELLANT 715 S BRADY ST		CITY DUBOIS	STATE PA
DATE OF JUDGMENT 9-4-03		ZIP CODE 15801	
IN THE CASE OF (Plaintiff) CARPIN, Melinda Means		(Defendant) vs. TABONE, PHIL	
CLAIM NO. CV 0000303-03 LT		SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT <i>Phil Tabone</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 **MELINDA MEANS CARPIN**, appellee(s), to file a complaint in this appeal
Name of appellee(s)

(Common Pleas No. **03-1445-C**) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Phil Tabone

Signature of appellant or his attorney or agent

RULE: To **MELINDA MEANS CARPIN**, 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: **Sept 25, 2003**

Willi L. Hester

Signature of Prothonotary or Deputy

2003-1445-CD

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 Clean Fork; SS

AFFIDAVIT: I hereby swear or affirm that I served

- ☒ a copy of the Notice of Appeal, Common Pleas No. 03-1445-CD, upon the District Justice designated therein on (date of service) SEPT 25, 2003, ☒ by personal service ☐ by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) CARPIN MELINDA MEANS, on SEPT 27, 2003 ☐ 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 208 TREASURE LAKE DuBOIS PA, ☐ by personal service ☒ by (certified) (registered) mail, sender's receipt attached hereto. MELINDA MEANS CARPIN, 15801

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS 1st DAY OF Oct, 2003

[Signature]
Signature of official before whom affidavit was made

[Signature]
Signature of affiant

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

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Received by (Please Print Clearly) <u>[Signature]</u> B. Date of Delivery <u>10/1/2003</u></p> <p>C. Signature <u>[Signature]</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>	
<p>1. Article Addressed to:</p> <p><u>Melinda Means Carpin</u> <u>208 Treasure Lake</u> <u>DuBOIS PA</u> <u>15801</u></p>		<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
<p>2. Article Number (Copy from service label)</p> <p><u>7001 0320 0002 8384 1948</u></p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	

FILED

OCT 01 2003
William A. Shaw
Prothonotary/Clerk of Courts
Clearfield Co., PA

COMPLAINT COVER SHEET

IN THE COURT OF COMMON PLEAS CLEARFIELD COUNTY,
PENNSYLVANIA

Melinda Means Carpin
Plaintiff / Appellee

vs.

Phil Tabone
Defendant / Appellant

:
:
: District Justice Appeal
: CASE NO. 03-1445-CD
:

:
:
: Type for pleading :
: COMPLAINT
:

:
:
: Files on Behalf of
: PLAINTIFF
:

:
:
: Plaintiff's address:
: 208 Treasure Lake
: DuBois, PA 15801
: (814) 375-0631
:

FILED

OCT 15 2003

William A. Shaw
Prothonotary/Clerk of Courts

COMPLAINT

IN THE COURT OF COMMON PLEAS CLEARFIELD COUNTY,
PENNSYLVANIA

Melinda Means Carpin

Plaintiff / Appellee

vs.

Phil Tabone

Defendant / Appellant

:
:
:
:
:
:
:

CASE NO. 03-1445-CD

Type of Pleading :
COMPLAINT

COMPLAINT

Now, comes the Plaintiff, Melinda Means Carpin who hereby avers as follows:

1. Melinda Means Carpin, is an adult individual whose address is 208 Treasure Lake, DuBois, PA 15801.

2. Defendant is Phil Tabone, an adult individual, whose address is 715 South Brady St., DuBois, PA 15801.

3. On Dec. 16, 2002, Phil Tabone signed a contract (exhibit #1) agreeing to pay \$2,400.00 (Twenty-four hundred dollars) to Melinda Means Carpin for hanging paper at the new Eckerd Drug store at the Commons in DuBois, PA.

4. On Jan. 8, 2003, Phil Tabone mailed a check for \$1,200.00 (twelve hundred dollars) with a letter (exhibit #2) stating the balance would be forwarded when the job was completed.

5. Melinda Means Carpin completed the job approximately Jan. 14, 2003

6. Monthly statement were sent to Phil Tabone, with no further payments


being made on the outstanding balance of \$1,200.00. April 10, 2003 statement gave notice that interest of 1.5 percent per month would be charged after May 1 on this past due balance. (Exhibit #3)

7. On July 8, 2003, Melinda Means Carpin took civil action against Phil Tabone at District Magistrate office Patrick Ford Mag. No. 46-3-01 Docket No.0000303-03.

8. Phil Tabone refused the registered mail as sent by Patrick Ford so the notices were served by a constable.

9. On Sept. 4, 2003, Phil Tabone failed to show at the Magistrate hearing or prepare a defense. Judgment was made for Melinda Means Carpin in the amount of \$1,292.60. (Exhibit #4)

WHEREFORE, Plaintiff demands judgment against Defendant, Phil Tabone in the amount for \$1,292.60 plus interest, court costs and such reasonable costs as the court may allow.


Plaintiff

COMPLAINT – VERIFICATION

VERIFICATION

I verify that the statements made in this Complaint are true and correct. 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.

A handwritten signature in black ink, appearing to read "Melvin M. Casper", written over a horizontal line.

CONTRACT FOR PAPER HANGING

Contractor : Phil Tabone

Tabone Painting Inc
715 South Brady St.
DuBois, PA 15801

Subcontractor : Melinda Means Carpin

208 Treasure Lake
DuBois, PA 15801

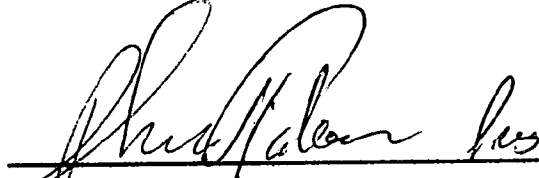
This agreement is entered into on Dec. 13, 2002

Melinda Means Carpin, hereby agrees to hang paper at the new DuBois Eckerd store as specified in the blueprints of said building.

Phil Tabone, Hereby agrees to pay Melinda Means Carpin, \$2,400.00 for hanging the above mentioned paper. The payment of Twenty-four hundred dollars will be made payable to Melinda Means Carpin by Jan. 1, 2003.

Contractor :

Phil Tabone

 date 12/16/02

Subcontractor :

Melinda Means Carpin

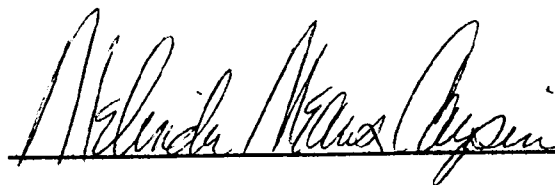
 date 12-13-02

Exhibit #1

Tabone's Construction & Painting
715 South Brady Street
DuBois, PA 15801
814-371-9099

January 8, 2003

Melinda Means Carpin
208 Treasure Lake
DuBois, PA 15801

Dear Melinda:

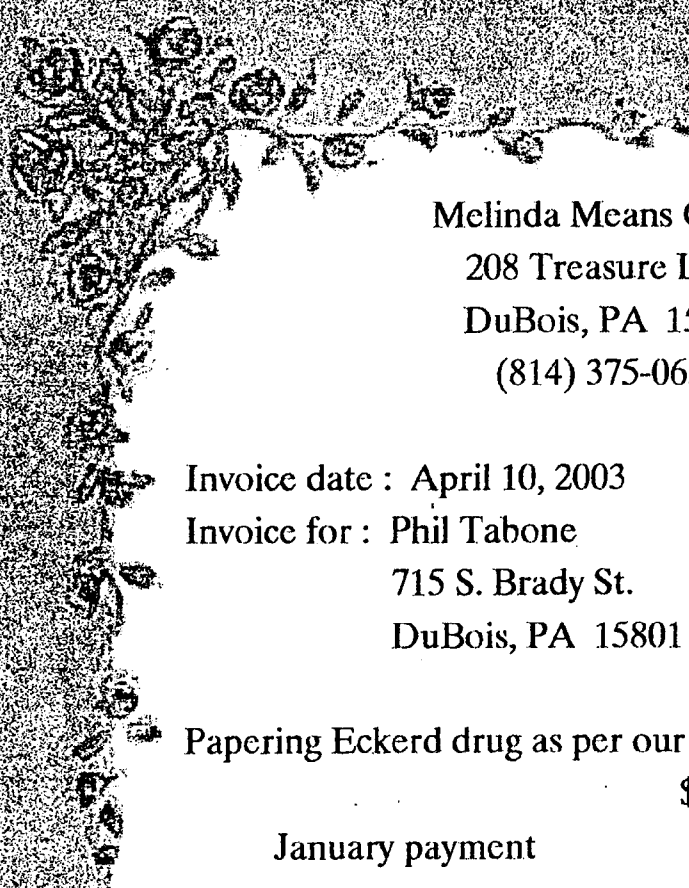
Please find enclosed a check for half of the wall papering job at Eckerd Drug. The balance will be forwarded at the completion of the job.

Please provide my office with a copy of your social security card or tax identification number for Income Tax purposes.

Thank you,

Philip Tabone

Exhibit #2



Melinda Means Carpin
208 Treasure Lake
DuBois, PA 15801
(814) 375-0631

Invoice date : April 10, 2003

Invoice for : Phil Tabone

715 S. Brady St.

DuBois, PA 15801

Copy

Papering Eckerd drug as per our signed agreement

\$ 2,400.00

January payment

1,200.00

PAST DUE BALANCE

\$ 1,200.00

Your prompt payment would be greatly appreciated. Interest of 1.5 percent per month will be charged after May 1, 2003 for this past due balance.

Exhibit #3

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**

MELINDA M. CARPIN
208 TREASURE LAKE
DUBOIS, PA 15801

NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE

PLAINTIFF:

NAME and ADDRESS

CARPIN, MELINDA MEANS
208 TREASURE LAKE
DUBOIS, PA 15801

VS.

DEFENDANT:

NAME and ADDRESS

TABONE, PHIL
715 S. BRADY STREET
DUBOIS, PA 15801

Docket No.: **CV-0000303-03**

Date Filed: **7/08/03**



THIS IS TO NOTIFY YOU THAT:

Judgment:

DEFAULT JUDGMENT PLTF

☒ Judgment was entered for: (Name) **CARPIN, MELINDA MEANS**

☒ Judgment was entered against: (Name) **TABONE, PHIL**

in the amount of \$ **1,292.60** on: (Date of Judgment) **9/04/03**

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

☐ Damages will be assessed on:

☐ This case dismissed without prejudice.

☐ Amount of Judgment Subject to
Attachment/42 Pa.C.S. § 8127 \$ _____

☐ Portion of Judgment for physical
damages arising out of residential
lease \$ _____

Amount of Judgment	\$ 1,200.00
Judgment Costs	\$ 92.60
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 1,292.60

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.

9-4-03 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

AOPC 315-03

DATE PRINTED: **9/04/03 9:53:13 AM**

Exhibit # 4

FILED 1cc

02/10:55:24 P155
Oct 15 2003

William A. Shaw

Prothonotary/Clerk of Courts



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

Melinda Means Carpin
Plaintiff / Appellee

Vs.

District Justice Appeal

Case No: 03-1445-CD

Phil Tabone
Defendant / Appellant

Answers

1. Paragraph 1 is admitted
2. Paragraph 2 is admitted
3. Paragraph 3 is admitted
4. Paragraph 4 is admitted
5. Paragraph 5 is denied [repair work was not completed on faulty installation of vinyl]
6. Paragraph 6 is denied [\$1,200 was not paid because work was unsatisfactory]
7. Paragraph 7 is admitted
8. Paragraph 8 is denied [The wrong individual was served]
9. Paragraph 9 is admitted

FILED

OCT 17 2003

of 11.15.11 up
William A. Shaw

Prothonotary/Clerk of Courts

1 sent to P. Tabone

Tabone Const & Paving Inc
Phil Tabone

**Phil Tabone -
Defendant/Appellant**

VERIFICATION

I verify that the statements made in this Answer are true and correct. 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.

10/17/03
Date

Patron Court & Painting Contractor Inc.
Phil Tabone

Phil Tabone

IN THE COURT OF COMMON PLEAS CLEARFIELD COUNTY,
PENNSYLVANIA

Melinda Means Carpin :
208 Treasure Lake :
DuBois, PA 15801 :
Plaintiff / Appellee :

District Justice Appeal
CASE NO. 03-1445-CD

Phil Tabone, Jr. :
725 S. Brady St. :
DuBois, PA 15801 :
Defendant / Appellant :

CERTIFICATE OF SERVICE

I, Melinda Means Carpin, Plaintiff above named, do hereby certify that on the 15 th day of October, 2003, I hired State Constable Llyn A. Hartzfeld to serve a certified copy of the Complaint on the Defendant above named, by hand delivering said certified copy to the Defendant at 725 S. Brady St. DuBois, PA. Enclosed Exhibit # 1 PROOF OF SERVICE and Exhibit # 2 Invoice from State Constable Llyn A. Hartzfeld for the above service.

FILED
OCT 24 2003
201 34 10 CC

William A. Shaw
Prothonotary



PROOF OF SERVICE

To whom it may concern:

Now be it known that I, Llyn A. Hartzfeld, one of the Constables within the
Commonwealth of Pennsylvania, being duly sworn according to law, does hereby depose
and say that on the 15th day of October 2003 the original
Complaint

was served upon (name) Phil Tabona, Jr.
address 725 S. Brady St. DuBois, PA 15801
time 4:15 P.M.
manner of service: Hand Delivered

Llyn A. Hartzfeld
Pennsylvania State Constable

Sworn to and subscribed before me on this the

17 Day of October 2003
Patrick N. Ford
Notary

(SEAL)

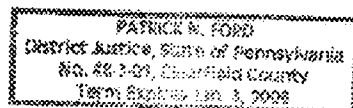


Exhibit #1



PENNSYLVANIA STATE CONSTABLE

Llyn A. Hartzfeld
P.O. Box 77
Golden Yoke Road
Luthersburg, PA 15848

Home: 814-583-5531
Cellular: 814-590-5680
Pager: 814-298-0913
Fax: 814-583-5854

INVOICE
For Constable Services Rendered

Date: October 15, 2003

Reference: Service of Complaint

Melinda Means Carpin
208 Treasure Lake
DuBois, PA 15801

Service Fee: 1 @ \$25.00

25.00

TOTAL DUE

\$ 25.00



Exhibit #2

IN THE COURT OF COMMON PLEAS CLEARFIELD COUNTY,
PENNSYLVANIA

Melinda Means Carpin
Plaintiff / Appellee

Vs.

Phil Tabone
Defendant / Appellant


:
:
:
:
:
:
:

District Justice Appeal
CASE NO: 03-1445-CD

PRAECIPE TO LIST ARBITRATION

Please list the above case for arbitration at your earliest
convenience.

12-3-2003
Date


Melinda Means Carpin
Plaintiff / Appellee

FILED

DEC 03 2003

William A. Shaw
Prothonotary/Clerk of Courts

FILED

DEC 19 2003

William A. Shaw
Prothonotary/Clerk of Courts

1 cc Piff
Copy to C/A

CA
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL DIVISION

MELINDA MEANS CARPIN

vs.

PHIL TABONE

:
:
: No. 03-1445-CD
:
:

ORDER

NOW, this 27 day of January, 2004, it is the ORDER of the Court that the above-captioned matter is scheduled for Arbitration on **Tuesday, March 23, 2004 at 10:00 A.M.** The following have been appointed as Arbitrators:

Dwight L. Koerber, Jr., Esquire, Chairman

Earle D. Lees, Jr., Esquire

William Lynn Hollen, Esquire


Pursuant to Local Rule 1306A, you must submit your Pre-Trial Statement seven (7) days prior to the scheduled Arbitration. **The original should be forwarded to the Court Administrator's Office and copies to opposing counsel and each member of the Board of Arbitrators.** For your convenience, a Pre-Trial (Arbitration) Memorandum Instruction Form is enclosed as well as a copy of said Local Rule of Court.

BY THE COURT:

FILED

JAN 27 2004

William A. Shaw
Prothonotary


FREDRIC J. AMMERMAN
President Judge

FILED

1.30 84 5445 CA

JAN 27 2004

W
William A. Shaw
Prothonotary

FILED

FEB 02 2004

Done/2:35/uy
William A. Shaw
Prothonotary/Clerk of Courts
no cm

03-1445-CD

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:

Phil Tabone
715 South Brady Street
DuBois, PA 15801

#03-1445-CD

COMPLETE THIS SECTION ON DELIVERY

A. Signature

B. Received by (Printed Name)

C. Date of Delivery

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

FILED

FEB 02 2004

3. Service Type

☒ Registered Mail ☐ Express Mail
☐ Insured Mail ☐ Return Receipt for Merchandise

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number

(Transfer from service label)

7001 2510 0005 2723 9710

PS Form 3811, August 2001

Domestic Return Receipt

102595-01-M-2509

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

7001 2510 0005 2723 9710

Postage \$

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees \$

Postmark
Here

#03-1445-CD

Sent To

Phil Tabone

Street Apt. No.
or PO Box No.
South Brady Street

City, State, ZIP+4
DuBois, PA 15801

PS Form 3811, January 2000

See Back for Instructions

Arb 3-23-04
#03-1445-CD

03-1445-CD

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature <i>Melinda Means Carpin</i>	
1. Article Addressed to: Melinda Means Carpin 208 Treasure Lake DuBois, PA 15801		B. Received by (Printed Name) C. Date of Delivery 2-2-04	
2. Article Number (Transfer from service label) 7001 2510 0005 2723 9703		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
PS Form 3811, August 2001		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

Domestic Return Receipt 102595-01-M-2509

FILED

01 2:46 PM
FEB 04 2004

William A. Shaw
Prothonotary/Clerk of Courts

Ans - 3-23-04
10:00 AM

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

7001 2510 0005 2723 9703

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To
Melinda Means Carpin
208 Treasure Lake
DuBois, PA 15801

PS Form 3800, January 2001 See Reverse for Instructions

Arb 3-23-04 - 10:00

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

MELINDA MEANS CARPIN

Plaintiff / Appellee

VS.

No. 03-1445-CD

PHIL TABONE

Defendant / Appellant

RECEIVED

MAR 15 2004

COURT ADMINISTRATOR'S
OFFICE

PRE-TRIAL ARBITRATION MEMORANDUM FOR CLEARFIELD COUNTY

Now, comes the Plaintiff, Melinda Means Carpin who hereby avers as follows:

1. On Dec. 16, 2002, Phil Tabone signed a contract (exhibit #1) agreeing to pay \$2,400.00 (twenty-four hundred dollars) to Melinda Means Carpin for handing paper at the new Eckerd Drug store at the Commons in DuBois, PA

2. On Jan. 8, 2003, Phil Tabone mailed a check for \$ 1,200.00 (twelve hundred dollars) with a letter (exhibit # 2) stating the balance would be forwarded when the job was completed.

3. Melinda Means Carpin completed the job approximately Jan. 14, 2003

4. Monthly statements were sent to Phil Tabone, with no further payments being made on the outstanding balance of \$ 1,200.00. April 10, 2003 statement gave notice that interest of 1.5 percent per month would be charged after May 1 on this past due balance.

5. On July 8, 2003, Melinda Means Carpin took civil action against Phil Tabone at District Magistrate office Patrick Ford Mag. No. 46-3-01 Docket 0000303-03

6.. On Sept. 4, 2003, Phil Tabone failed to show at the Magistrate hearing or prepare a defense. Judgement was made for Melinda Means Carpin in the amount of \$ 1,292.60 (exhibit # 3)

7. Wherefore, Plaintiff, Melinda Means Carpin, seeks judgement against Defendant , Phil Tabone in the amount of \$1,292.60 plus Constable Llyn Hartsfeld service fee of \$ 25.00, (exhibit # 4 +5), Arbitration filing cost \$20.00 (exhibit # 6) for a total of \$ 1,337.60 plus interest as the court see fit.

8. I would like to submit testimony from the following witnesses or people having information pertaining to the above case :

Dennis Carpin

Marcie Mancuso

9. Ron Smith, job foreman, of Tennessee can be called for phone testimony if needed or submittable.

Melinda Means Carpin 3-14-04

Plaintiff

Melinda Means Carpin

208 Treasure Lake

DuBois, PA 15801

375-0631

Exhibit #1

CONTRACT FOR PAPER HANGING

Contractor : Phil Tabone

Tabone Painting Inc.

715 South Brady St.

DuBois, PA 15801

Subcontractor : Melinda Means Carpin

208 Treasure Lake

DuBois, PA 15801

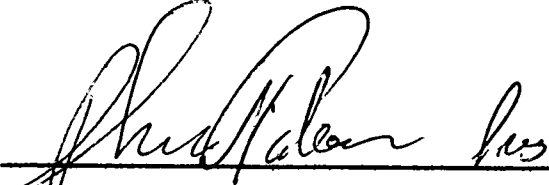
This agreement is entered into on Dec. 13, 2002

Melinda Means Carpin, hereby agrees to hang paper at the new DuBois Eckerd store as specified in the blueprints of said building.

Phil Tabone, Hereby agrees to pay Melinda Means Carpin, \$2,400.00 for hanging the above mentioned paper. The payment of Twenty-four hundred dollars will be made payable to Melinda Means Carpin by Jan. 1, 2003.

Contractor :

Phil Tabone

 date 12/16/02

Subcontractor :

Melinda Means Carpin

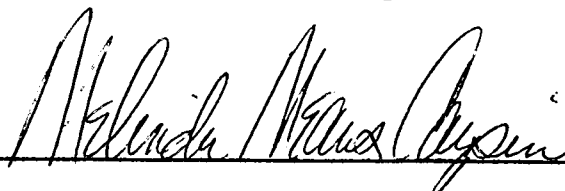
 date 12-13-02

Exhibit #2

**Tabone's Construction & Painting
715 South Brady Street
DuBois, PA 15801
814-371-9099**

January 8, 2003

Melinda Means Carpin
208 Treasure Lake
DuBois, PA 15801

Dear Melinda:

Please find enclosed a check for half of the wall papering job at Eckerd Drug. The balance will be forwarded at the completion of the job.

Please provide my office with a copy of your social security card or tax identification number for Income Tax purposes.

Thank you,

Philip Tabone

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

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

CARPIN, MELINDA MEANS
208 TREASURE LAKE
DUBOIS, PA 15801

VS.

DEFENDANT:

NAME and ADDRESS

TABONE, PHIL
715 S. BRADY STREET
DUBOIS, PA 15801

MELINDA M. CARPIN
208 TREASURE LAKE
DUBOIS, PA 15801

Docket No.: **CV-0000303-03**

Date Filed: **7/08/03**



THIS IS TO NOTIFY YOU THAT:

Judgment:

DEFAULT JUDGMENT PLTF



Judgment was entered for:

(Name)

CARPIN, MELINDA MEANS



Judgment was entered against:

(Name)

TABONE, PHIL

in the amount of \$ **1,292.60** on:

(Date of Judgment) **9/04/03**



Defendants are jointly and severally liable.

(Date & Time)



Damages will be assessed on:



This case dismissed without prejudice.



Amount of Judgment Subject to

Attachment/42 Pa.C.S. § 8127 \$ _____



Portion of Judgment for physical
damages arising out of residential
lease \$ _____

Amount of Judgment	\$ 1,200.00
Judgment Costs	\$ 92.60
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 1,292.60

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.

9-4-03 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

Exhibit #4



PENNSYLVANIA STATE CONSTABLE

Llyn A. Hartzfeld
P.O. Box 77
Golden Yoke Road
Luthersburg, PA 15848

Home: 814-583-5531
Cellular: 814-590-5680
Pager: 814-298-0913
Fax: 814-583-5864

INVOICE For Constable Services Rendered

Date: October 15, 2003

Reference: Service of Complaint

Melinda Means Carpin
208 Treasure Lake
DuBois, PA 15801

Service Fee: 1 @ \$25.00

25.00

TOTAL DUE

\$ 25.00

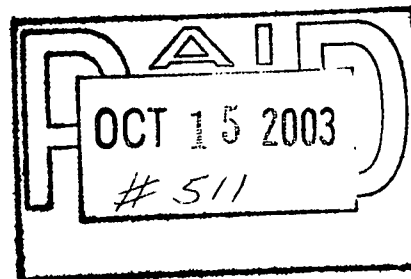


Exhibit #5

PROOF OF SERVICE

To whom it may concern:

Now be it known that I, Llyn A. Hartzfeld, one of the Constables within the
Commonwealth of Pennsylvania, being duly sworn according to law, does hereby depose
and say that on the 15th day of October 2003 the original

Complaint

was served upon (name) Phil Tabone, Jr.

address 725 S. Brady St. DuBois, PA 15801

time 4:15 P M

manner of service: Hand Delivered

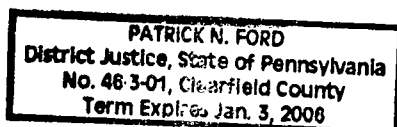
Llyn A. Hartzfeld
Pennsylvania State Constable

Sworn to and subscribed before me on this the

17 Day of October 2003

Patrick N. Ford
Notary

(SEAL)



Date: 12/03/2003

Clearfield County Court of Common Pleas

NO. 1869948

Time: 09:17 AM

Receipt

Page 1 of 1

Received of: Carpin, Melinda Means (plaintiff) \$ 20.00

Twenty and 00/100 Dollars

Case: 2003-01445-CD	Plaintiff: Carpin, Melinda Means	Amount
Praecipe/List For Arbitration		20.00
Total:		20.00

Check: 523

Payment Method: Check

Amount Tendered: 20.00

Clerk: BHUDSON

William A. Shaw, Prothonotary/Clerk of Court

By: _____
Deputy Clerk

HANAK, GUIDO and TALADAY
Attorneys at Law

Robert M. Hanak
Anthony S. Guido
Matthew B. Taladay

Telephone: (814) 371-7768
Fax: (814) 371-1974

498 Jeffers Street
P.O. Box 487
DuBois, PA 15801

Nicole Hanak Bankovich
S. Casey Bowers

March 15, 2004

Marcy Kelley, Dep. Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

Re: Carpin v. Tabone
No. 03-1445, CD

Dear Marcy:

Enclosed please find a Pre-Trial Statement relative to the above captioned ~~arbitration~~ which is scheduled for ~~Tuesday, March 23,~~ 2004.

Thank you for your attention to this matter.

Sincerely,



S. Casey Bowers

SCB/bab
Enc.

cc: Melinda Means Carpin (w/enc.)
Dwight L. Koerber, Jr., Esq. (w/enc.)
Earle D. Lees, Jr., Esq. (w/enc.)
William Lynn Hollen, Esq. (w/enc.)

RECEIVED
MAR 16 2004
COURT ADMINISTRATOR'S
OFFICE

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

MELINDA MEANS CARPIN,
Plaintiff

vs.

PHIL TABONE,
Defendant

No. 03-1445-CD

Type of Pleading:

**DEFENDANT'S PRE-TRIAL
STATEMENT**

Filed on Behalf of:

DEFENDANT

Counsel of Record for this Party:

S. Casey Bowers, Esquire
Supreme Court No. 89032
Hanak, Guido and Taladay
498 Jeffers Street
P. O. Box 487
DuBois, PA 15801
(814) 371-7768

RECEIVED

MAR 16 2004

COURT ADMINISTRATOR'S
OFFICE

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

MELINDA MEANS CARPIN,
Plaintiff

vs.

PHIL TABONE,
Defendant

:
:
:
:
:
:
:

No. 03-1445-CD

DEFENDANT'S PRE-TRIAL STATEMENT

I. BRIEF STATEMENT OF THE CASE.

On or about December 13, 2002, Plaintiff entered into a contract with Tabone Construction and Painting, Inc., under the terms of which Plaintiff was to hang decorative vinyl at the newly constructed Eckerd Drug Store in DuBois, Pennsylvania. Under the terms of the contract, Plaintiff was to receive payment of \$2,400.00 from Tabone Construction and Painting, Inc., in exchange for hanging the decorative vinyl.

Tabone Construction and Painting, Inc., did make payment to Plaintiff in the amount of \$1,200.00.

Plaintiff failed to complete the hanging of the vinyl in a workmanlike manner. Despite repeated requests to do so, Plaintiff refused to repair defects in her work.

Tabone Construction and Painting, Inc., refused to make further payment on the contract due to Plaintiff's failure to complete the work in a workmanlike and satisfactory manner.

Plaintiff brings this action against Philip Tabone personally. This is despite the fact that Mr. Tabone signed the subject contract as President of Tabone Construction and Painting, Inc.

II. CITATION TO APPLICABLE LAW.

1. A corporation is a legal entity separate from its stockholders and officers. In re: Erie Drug Company, 416 Pa. 41, 204 A.2d 256 (1964).

2. A party in breach of a contract cannot recover under the contract. Francis Gerard Janson, P.C. v. Frost, 618 A.2d 1003 (Pa.Super. 1993).

III. WITNESSES.

1. Phil Tabone, Jr.
715 South Brad St.
DuBois, PA 15801
2. Randy Watson
Blue Dolphin Painting Co.
22 Smithfield Street
DuBois, PA 15801

Defendant reserves the right to call additional witnesses at the time of trial with proper notice to the Court and counsel.

Respectfully submitted,



S. Casey Bowers
Attorney for Defendant

CERTIFICATE OF SERVICE

I do hereby certify that on the 15th day of March, 2004, I mailed by first class mail, postage prepaid, a true and correct copy of Defendant's Pre-Trial Statement to the following:

Melinda Means Carpin
208 Treasure Lake
DuBois, PA 15801

Dwight L. Koerber, Jr.
110 N. Second Street
P. O. Box 1320
Clearfield, PA 16830

Earle D. Lees, Jr.
109 N. Brady Street
P. O. Box 685
DuBois, PA 15801

William Lynn Hollen, Esq.
1633 E. Pleasant Valley Blvd.
Altoona, PA 16602



S. Casey Bowers

Arb 3-23-04

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

MELINDA MEANS CARPIN

Plaintiff / Appellee

VS

No. 03-1445-CD

PHIL TABONE

Defendant / Appellant

AMENDED PRE-TRIAL ARBITRATION MEMORANDUM FOR
CLEARFIELD COUNTY

8. PLEASE AMEND AS FOLLOWS

I WOULD LIKE TO SUBMIT TESTIMONY FOR THE FOLLOWING
WITNESSES OR PEOPLE HAVING INFORMATION PERTAINING TO THE
ABOVE CASE:

DENNIS CARPIN

MAURENE MANCUSO

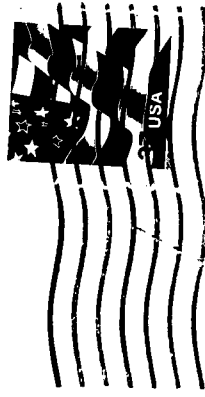
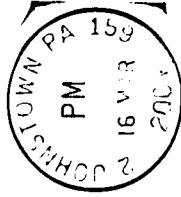
Melinda Means Carpin 3-16-04

RECEIVED

MAR 17 2004

COURT ADMINISTRATIVE
OFFICE

M. Cargin
208 T.L.
Dubois, PA
15801



Court Administrator Office
Suite 228
230 E. Market St.
Clearfield, PA 16830

16830+2446 Intellifacsimile Mailmark

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

MELINDA MEANS CARPIN,
Plaintiff

vs.

PHIL TABONE,
Defendant

No. 03-1445-CD

Type of Pleading:

ENTRY OF APPEARANCE

Filed on Behalf of:

DEFENDANT

Counsel of Record for this Party:

S. Casey Bowers, Esquire
Supreme Court No. 89032
Hanak, Guido and Taladay
498 Jeffers Street
P. O. Box 487
DuBois, PA 15801
(814) 371-7768

FILED

MAR 16 2004

William A. Snaw
Prothonotary/Clerk of Courts

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

MELINDA MEANS CARPIN,
Plaintiff

vs.

PHIL TABONE,
Defendant

:
:
:
:
:
:
:
:

No. 03-1445-CD

ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Please enter my appearance on behalf of the Defendant, PHIL
TABONE.

HANAK, GUIDO AND TALADAY, by:



S. Casey Bowers
Pa. I.D. No. 89032
498 Jeffers Street
P. O. Box 487
DuBois, PA 15801

CERTIFICATE OF SERVICE

I do hereby certify that on the 15 day of
March, 2004, I mailed by first class mail, postage prepaid, a
true and correct copy of Entry of Appearance to the following:

Melinda Means Carpin
208 Treasure Lake
DuBois, PA 15801

Dwight L. Koerber, Jr.
110 N. Second Street
P. O. Box 1320
Clearfield, PA 16830

Earle D. Lees, Jr.
109 N. Brady Street
P. O. Box 685
DuBois, PA 15801

William Lynn Hollen, Esq.
1633 E. Pleasant Valley Blvd.
Altoona, PA 16602



S. Casey Bowers

FILED

17/10/16
Mar 16 2004

William A. Shaw
Prothonotary/Clerk of Courts

NO
cc
[Signature]

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

MELINDA MEANS CARPIN,
Plaintiff

No. 03-1445-CD

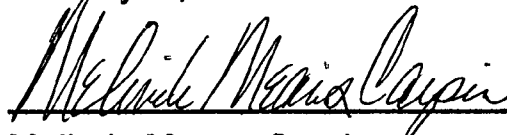
vs.

PHIL TABONE,
Defendant

Please withdrawal the above case scheduled for arbitration on
Tuesday, March 23, 2004.

I, Melinda Means Carpin, wish to withdrawal my complaint against
Phil Tabone at this time.

Thank you,



Melinda Means Carpin

208 Treasure Lake

DuBois, PA 15801

375-0631

FILED

MAR 18 2004

William A. Shaw
Prothonotary

CERTIFICATE OF SERVICE

I do hereby certify on the 16 day of March, 2004, I mailed by first class mail, postage prepaid, a true and correct copy of my withdrawal in the case # 03-1445-CD to the following:

Dwight L. Koerber, Jr.
P.O. Box 1320
Clearfield, PA 16830


Earle D. Lees, Jr.
109 N. Brady St.
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William Lynn Hollen, Esq.
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Marcy Kelley, Dep... Court Administrator
Clearfield County Courthouse
230 East Market St.
Clearfield, PA 16830

S. Casey Bowers, Esq.
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801

Phil Tabone
715 S. Brady St.
DuBois, PA 15801


Melinda Means Carpin

CERTIFICATE OF SERVICE

I do hereby certify on the 16 day of March, 2004, I mailed by first class mail, postage prepaid, a true and correct copy of my Affidavit in the case # 03-1442-CD to the following:

Dwight L. Koerber, Jr.
P.O. Box 1020
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FILED

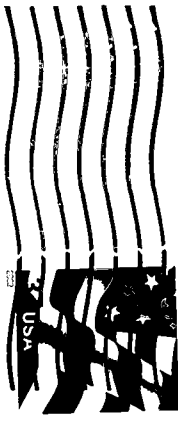
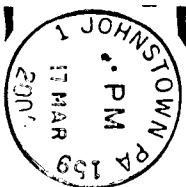
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MAR 18 2004

William A. Shaw
Prothonotary

Melinda Means Carbin

Melinda Means Carpin
208 Treasure Lk.
Du Bois, PA 15801-9005



Mary Kelley, Dep. Court Admin.
Hempfield County Courthouse
230 E. Market St.
Hempfield, PA 15801-9005