

03-1792-CD
TIMOTHY J. SHERICK vs. JEFFREY CARNS, ETAL.

COURT OF COMMON PLEAS

CLEARFIELD Co.
JUDICIAL DISTRICT

46-3-02

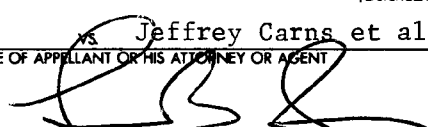
FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 2003-1792-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 Jeffrey Carns, a/k/a Jeff Carns, and Carns Equipment Company		MAG. DIST. NO. OR NAME OF D.J. 46-3-02	
ADDRESS OF APPELLANT 164 Nelson Road	CITY Clearfield	STATE PA	ZIP CODE 16830
DATE OF JUDGMENT 11/3/03	IN THE CASE OF (Plaintiff) Timothy J. Sherick		
CLAIM NO. CV 0000369-03 LT		SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT 	

This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.

This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.

Signature of Prothonotary or Deputy

If appellant was CLAIMANT (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.

PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

(This section of form to be used ONLY when appellant was DEFENDANT (see Pa. R.C.P.J.P. No. 1001(7) in action before District Justice. IF NOT USED, detach from copy of notice of appeal to be served upon appellee).

PRAECIPE: To Prothonotary

Enter rule upon Timothy J. Sherick, appellee(s), to file a complaint in this appeal

Name of appellee(s)

(Common Pleas No. 03- -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 Timothy J. Sherick, 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: DEC. 3, 2003

Signature of Prothonotary or Deputy

FILED

DEC 03 2003

0/20301 was
William A. Shaw
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 _____

FILED

DEC 03 2003

William A. Shaw
Prothonotary

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.: **46-3-02**
D.J. Name: **Hor**
Address: **RICHARD A. IRELAND**
650 LEONARD STREET
SUITE 133
CLEARFIELD, PA
Telephone: **(814) 765-5335** **16830**

CARNS EQUIPMENT
RD1, BOX 266A
CLEARFIELD, PA 16830

NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE

PLAINTIFF: **SHERICK, TIMOTHY J**
NAME and ADDRESS
1200 VILLAGE ROAD
CLEARFIELD, PA 16830

DEFENDANT: **CARNS, JEFFREY, ET AL.**
VS.
NAME and ADDRESS
RD1, BOX 266A
CLEARFIELD, PA 16830

Docket No.: **CV-0000369-03**
Date Filed: **9/08/03**



THIS IS TO NOTIFY YOU THAT:

Judgment:

DEFAULT JUDGMENT PLTF

☒ Judgment was entered for: (Name) **SHERICK, TIMOTHY J**

☒ Judgment was entered against: (Name) **CARNS, JEFFREY**

in the amount of \$ **1,281.50** on: (Date of Judgment) **11/03/03**

☐ 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	\$ 81.50
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 1,281.50

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.

Date **NOV 03 2003** **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

AOPC 315-03

DATE PRINTED: **11/03/03 11:26:59 AM**

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

(This proof of service MUST BE FILED WITHIN TEN (10) DAYS AFTER filing the notice of appeal. Check applicable boxes)

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF CLEARFIELD; SS

AFFIDAVIT: I hereby swear or affirm that I served

- ☒ a copy of the Notice of Appeal, Common Pleas No. 03-1792-CD, upon the District Justice designated therein on (date of service) December 10, 2003, ☐ by personal service ☒ by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) Timothy J. Sherick, on December 10, 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 December 10, 2003, ☐ by personal service ☒ by (certified) (registered) mail, sender's receipt attached hereto.

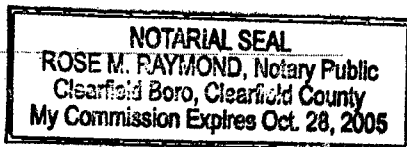
S.WORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS 11th DAY OF December, 2003

Rose M. Raymond
Signature of official before whom affidavit was made

Notary Public
Title of official

My commission expires on



William A. Shaw

Signature of affiant

FILED
DEC 11 2003

William A. Shaw
Prothonotary/Clerk of Courts

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Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ <u>2.67</u>

Sent To
District Justice Richard A. Ireland
Street, Apt. No.,
or PO Box No. 650 Leonard Street, Suite 133
City, State, ZIP+4[®]
Clearfield, PA 16830

PS Form 3800, June 2002 See Reverse for Instructions

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OFFICIAL USE

Postage	\$
Certified Fee	<input checked="" type="checkbox"/>
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ <u>2.67</u>

Sent To
Mr. Timothy J. Sherick
Street, Apt. No.,
or PO Box No. 1200 Village Road
City, State, ZIP+4[®]
Clearfield, PA 16830

PS Form 3800, June 2002 See Reverse for Instructions

COURT OF COMMON PLEAS

CLEARFIELD CO
JUDICIAL DISTRICT

46771

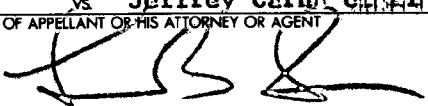
FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 2003-1792-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 Jeffrey Carno, a/k/a Jeff Carno, and Carno Equipment Company		MAG. DIST. NO. OR NAME OF D.J. 46-3-02	
ADDRESS OF APPELLANT 164 Nelson Road		CITY Clearfield	STATE PA
		ZIP CODE 16830	
DATE OF JUDGMENT 11/3/03	IN THE CASE OF (Plaintiff) Timothy J. Sherick		
		(Defendant) Jeffrey Carno et al	
CLAIM NO. CV 0000369-03 LT	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT 		

This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.

This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.

Signature of Prothonotary or Deputy

If appellant was CLAIMANT (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.

PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

(This section of form to be used ONLY when appellant was DEFENDANT (see Pa. R.C.P.J.P. No. 1001(7) in action before District Justice. IF NOT USED, detach from copy of notice of appeal to be served upon appellee).

PRAECIPE: To Prothonotary

Enter rule upon **Timothy J. Sherick**, appellee(s), to file a complaint in this appeal
Name of appellee(s)

(Common Pleas No. **03-1792-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 **Timothy J. Sherick**, 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.

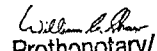
Date: **DEC 3, 2003**

Signature of Prothonotary or Deputy

I hereby certify this to be a true and attested copy of the original statement filed in this case.

DEC 03 2003

Attest.


Prothonotary/
Clerk of Courts

COURT FILE

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

TIMOTHY J. SHERICK, Plaintiff :
 : No. 03-1792-CD
 vs. :
 JEFF CARNS and CARNS EQUIPMENT :
 COMPANY, Defendants :

PRAECIPE FOR JUDMGENT OF NON PROS

TO WILLIAM A. SHAW, PROTHONOTARY:

Pursuant to Pa. R.C.A. 1037(a), kindly enter judgment of non pros in favor of Defendants, Jeff Carns and Carns Equipment Company, and against Plaintiff, Timothy J. Sherick for Plaintiff's failure to file a Complaint despite a Rule being entered upon and served upon said Plaintiff to do so.

It is certified that a written notice of intention to file this Praecipe, as required by Pa. R.C.P. 237.1(a)(2)(i), was mailed to Timothy J. Sherick, the Plaintiff against whom said judgment is to be entered, more than twenty (20) days after the Rule to file a Complaint was served upon him and at least ten (10) days prior to the date of the filing of this Praecipe. A photocopy of said notice and U.S. Postal Service Form 3817 indicating that said notice was mailed to Plaintiff on January 5, 2004, are attached hereto and made a part hereof, collectively, as Exhibit "A".

GATES & SEAMAN

BY: 

Andrew P. Gates, Esquire
Attorney for Defendants

Date: January 16, 2004

Two North Front Street, P.O. Box 846
Clearfield, PA 16830
(814) 765-1766

Judgment of non pros entered in favor of Defendants, Jeff Carns and Carns Equipment Company and against Plaintiff, Timothy J. Sherick.

Date: _____

William A. Shaw, Prothonotary

JAN 16 2003

FILED

William A. Shaw
Prothonotary

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

TIMOTHY J. SHERICK, Plaintiff :
 :
 vs. : No. 03-1792-CD
 :
 JEFF CARNS and CARNS EQUIPMENT :
 COMPANY, Defendants :
 :

TO: Plaintiff, Timothy J. Sherick
1200 Village Road
Clearfield, Pennsylvania 16830

DATE OF NOTICE: January 5, 2004

IMPORTANT NOTICE

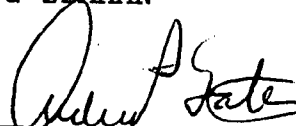
YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO FILE A COMPLAINT IN THIS CASE. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR RIGHT TO SUE THE DEFENDANTS AND THEREBY LOSE PROPERTY OR OTHER IMPORTANT RIGHTS.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

David S. Meholick, Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641

GATES & SEAMAN
By:



Andrew P. Gates, Esquire,
Attorney for Defendants

P. O. Box 846
Clearfield, PA 16830
(814) 765-1766

U.S. POSTAL SERVICE **CERTIFICATE OF MAILING**
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT
PROVIDE FOR INSURANCE—POSTMASTER

Received From

GATES & SEAMAN
2 North Front Street
P.O. Box 846
Clearfield, PA 16830

One piece of ordinary mail addressed to:

Timothy J. Sherick
1200 Village Road
Clearfield, PA 16830



U.S. POSTAGE
PAID
CLEARFIELD, PA
16830
JAN 05 04
AMOUNT
\$0.90
0068283-07

PS Form 3817, Mar. 1989 ★ U.S.GPO:1991-0-282-404/25

MAILED
JAN 5 2004
CLEARFIELD, PA 16830

FILED

JAN 16 2003

0/9:20 a.m.
William A. Shaw
Prothonotary

1 cc to alls

noted to Dep.
1/24

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

TIMOTHY J. SHERICK, Plaintiff :
: No. 03-1792-CD
vs. :
JEFF CARNS and CARNS EQUIPMENT :
COMPANY, Defendants :

TO: Plaintiff, Timothy J. Sherick
1200 Village Road
Clearfield, Pennsylvania 16830

Notice is given that a JUDGMENT OF NON PROS in the above captioned matter has been entered against you on January 16, 2004. A copy of Defendants' Praecipe and the Entry of Judgment of Non Pros is herewith attached.

William A. Shaw, Prothonotary

By _____
Deputy