

03-1792-CD

TIMOTHY J. SHERICK VS. JEFFREY CARNIS, ETAL.

## COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS

CLEARFIELD CO.  
JUDICIAL DISTRICT

46-3-02

## NOTICE OF APPEAL

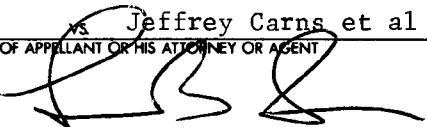
FROM

## 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		MAG. DIST. NO. OR NAME OF D.J.	
Jeffrey Carns, a/k/a Jeff Carns, and Carns Equipment Company		46-3-02	
ADDRESS OF APPELLANT		STATE ZIP CODE	
164 Nelson Road		Clearfield	PA 16830
DATE OF JUDGMENT	IN THE CASE OF (Plaintiff) (Defendant)		
11/3/03	Timothy J. Sherick vs. Jeffrey Carns et al		
CLAIM NO.	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT		
CV 0000369-03			
LT			
<p>This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.</p> <p>This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.</p> <p>Signature of Prothonotary or Deputy</p>		<p>If appellant was CLAIMANT (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.</p>	

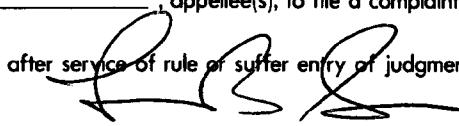
## PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

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

## PRAECIPE: To Prothonotary

Enter rule upon 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



**FILED**

DEC 03 2003



012301var

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**



## 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. VORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS 11<sup>th</sup> DAY OF December, 2003



Signature of affiant

Rose M. Raymond

Signature of official before whom affidavit was made

11/10/03  
Date of official

My commission expires on

**NOTARIAL SEAL**  
ROSE M. RAYMOND, Notary Public  
Clearfield Boro, Clearfield County  
My Commission Expires Oct. 28, 2005

**FILED**  
012-31481  
DEC 11 2003

William A. Shaw  
Prothonotary/Clerk of Courts

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**CLEARFIELD PA 16830**  
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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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Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	2.67

**CLEARFIELD PA 16830**  
Postmark  
Dec 10 2003  
USPS

**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

## NOTICE OF APPEAL

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

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.

*William L. Shaw*  
Prothonotary/  
Clerk of Courts

COURT FILE

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 :  
:

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

RECEIVED  
JAN 16 2004

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. Meholic, 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

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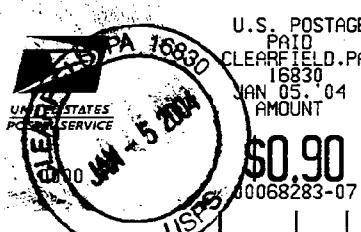
GATES & SEAMAN  
2 North Front Street  
P.O. Box 846  
Clearfield, PA 16830

One piece of ordinary mail addressed to:

Timothy J. Sherick  
1200 Village Road  
Clearfield, PA 16830

PS Form 3817, Mar. 1989

\*U.S.GPO:1991-0-282-404/25



FILED

JAN 16 2003

019-20 a-11  
William A. Shaw  
Prothonotary

cc to all  
Andrew D. Drey

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

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

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' Praeclipe and the Entry of Judgment  
of Non Pros is herewith attached.

William A. Shaw, Prothonotary

By \_\_\_\_\_  
Deputy