

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

MAHONING OUTDOOR FURNACE, INC. ,
Plaintiff

vs.

EDWARD DUKES a/k/a EDWARD DUKES, JR.
D/B/A DUKES CONTRACTING,
Defendant

No. 2004- 299-CD

Type of Case:
CIVIL

Type of Pleading:
COMPLAINT

Filed on Behalf of:
PLAINTIFF

Counsel for This Party:
Peter F. Smith, Esquire
Supreme Court No. 34291
30 South Second Street
P.O. Box 130
Clearfield, PA 16830
(814) 765-5595

FILED

MAR 02 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

| | | |
|--------------------------------------|---|-----------|
| MAHONING OUTDOOR FURNACE, INC., | : | |
| Plaintiff | : | No. 2004- |
| | : | |
| | : | |
| vs. | : | |
| | : | |
| | : | |
| | : | |
| EDWARD DUKES a/k/a EDWARD DUKES, JR. | : | |
| D/B/A DUKES CONTRACTING, | : | |
| Defendant | : | |
| | : | |

NOTICE TO DEFEND

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

COURT ADMINISTRATOR
Clearfield County Courthouse
Market and Second Streets
Clearfield, PA 16830
(814) 765-2641

AMERICANS WITH DISABILITIES ACT OF 1990

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| MAHONING OUTDOOR FURNACE, INC., | : | |
| Plaintiff | : | No. 2004- |
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| | : | |
| EDWARD DUKES a/k/a EDWARD DUKES, JR. | : | |
| D/B/A DUKES CONTRACTING, | : | |
| Defendant | : | |
| | : | |
| | : | |

COMPLAINT

COMES NOW, MAHONING OUTDOOR FURNACE, INC., by its attorney Peter F. Smith, who states the following in support of this complaint:

1. The Plaintiff is **MAHONING OUTDOOR FURNACE, INC.** It is a Pennsylvania business corporation with principal office and mailing address at 208 Whiskey Run Road, Mahaffey, Clearfield County, Pennsylvania 15757.
2. The Defendant is **EDWARD DUKES a/k/a EDWARD DUKES, JR.** whose business address is 1625 Whiskey Run Road, Mahaffey, Clearfield County, Pennsylvania 15757.
3. Mr. Dukes did business as **DUKES CONTRACTING.**
4. The address of Mr. Duke's last known residence is C/O Edward Dukes, Sr. R.R. 2, State Route 36, Punxsutawney, PA 15767.
5. On December 3, 2003, December 4, 2003 and January 20, 2004, Mr. Dukes purchased furnace parts and a furnace from Mahoning.

6. These purchases are recapitulated and totaled on a statement dated January 31, 2004. A true and correct copy of said statement is attached hereto and incorporated herein by reference as Plaintiff's Exhibit 1.

7. Also attached are true and correct copies of the individual invoices representing each sale as follows:

A. Invoice dated 12/03/03, Plaintiff's Exhibit 2

B. Invoice dated 12/04/03, Plaintiff's Exhibit 3

C. Invoice dated 01/20/04, Plaintiff's Exhibit 4

8. All sales were made at Plaintiff's place of business in Mahaffey, PA.

9. Sales were not complete and binding contracts until received, reviewed and accepted at Plaintiff's place of business.

10. Jurisdiction and venue rest in Clearfield County, Pennsylvania.

11. Defendant received and accepted the furnace and other parts without objection.

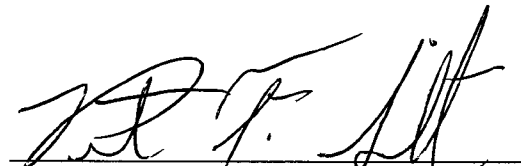
12. Demand has been made upon the Defendant to pay the balance due which is \$11,064.64 but he has refused to do so.

WHEREFORE, Plaintiff prays that judgment be entered in its favor and against the Defendant in the amount of \$11,064.64 together with interest at the statutory rate and court costs.

Respectfully submitted,

Date:

2/27/04



Peter F. Smith, Attorney for Plaintiff

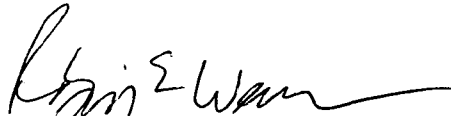
VERIFICATION

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. §4904 relating to unsworn falsification to authorities.

MAHONING OUTDOOR FURNACE, INC.

Dated: _____

2/25/04



Robin E. Weaver, President

MAHONING OUTDOOR FURN INC
 203 WHISKEY RUN ROAD
 MAHAFFEY PA 15757-9624

 *** STATEMENT ***

STATEMENT DATE: 01/31/04

CUSTOMER ID.: DUKESE

PAGE: 1

=====

DUKES CONTRACTING
 1625 WHISKEY RUN ROAD
 MAHAFFEY, PA 15757

=====

| INVOICE | DATE | TERMS OR REF | CODE | DEBITS | CREDITS | CUMULATIVE BALANCE |
|---------|----------|--------------|------|----------|---------|-----------------------|
| 008306 | 12/03/03 | Invoicing | SA | 197.69 | | 197.69 |
| 008320 | 12/04/03 | Invoicing | SA | 3015.00 | | 3212.69 |
| 008540 | 01/20/04 | Invoicing | SA | 7851.95 | | 11064.64 |
| | | | | 11064.64 | 0.00 | 11064.64 |

| | 1 - 30 FAST DUE | 31 - 60 FAST DUE | |
|--------------------|--------------------|---------------------|--------------------|
| CURRENT | | | |
| 7851.95 OVER 60 | 3212.69 | 0.00 | TOTAL DUE 11064.64 |
| FAST DUE | OPEN CR | TOTAL | |
| 0.00 | 0.00 | 11064.64 | |

EXHIBIT 1



Mahoning
Outdoor
Furnaces

208 Whiskey Run Road
Mahaffey, PA 15757
(814) 277-6675

INVOICE

INVOICE NUMBER: 008306

INVOICE DATE: 12/03/03

PAGE: 1

SOLD TO: DUKES CONTRACTING
1625 WHISKEY RUN ROAD
MAHAFFEY, PA
15757

SHIP TO: DUKES CONTRACTING
1625 WHISKEY RUN ROAD
MAHAFFEY, PA
15757

SHIP VIA:
SHIP DATE:
DUE DATE: 12/03/03
TERMS: 01/02/04
ON RECEIPT

CUST. I.D.: DUKESE
P.O. NUMBER:
P.O. DATE: 12/03/03
OUR ORDER NO.:
SALESPERSON:

| ITEM I.D./DESC. | ORDERED | SHIPPED | UNIT | PRICE | NET | TX |
|-------------------|---------|---------|------|----------|--------|----|
| INSULATION X 125' | 1.00 | 1.00 | | 177.5000 | 177.50 | T |
| 1" CRIMP RINGS | 50.00 | 50.00 | | 0.1800 | 9.00 | T |

| | |
|-----------|--------|
| SUBTOTAL: | 186.50 |
| TAX: | 11.19 |
| PAYMENTS: | 0.00 |
| TOTAL: | 197.69 |



Mahoning
DOutdoor
Furnaces

208 Whiskey Run Road
Mahaffey, PA 15757
(814) 277-6675

INVOICE

INVOICE NUMBER: 008320

INVOICE DATE: 12/04/03

PAGE: 1

SOLD TO: DUKES CONTRACTING
1625 WHISKEY RUN ROAD
MAHAFFEY, PA
15757

SHIP TO: DUKES CONTRACTING
1625 WHISKEY RUN ROAD
MAHAFFEY, PA
15757

SHIP VIA:
SHIP DATE: 12/04/03
DUE DATE: 01/03/04
TERMS: ON RECEIPT

CUST. I.D.: DUKESE
P.O. NUMBER:
P.O. DATE: 12/04/03
OUR ORDER NO.:
SALESPERSON:

| ITEM I.D./DESC. | ORDERED | SHIPPED | UNIT | PRICE | NET | TX |
|--------------------------------------------------------------------------------------------------------|---------|---------|------|-----------|---------|----|
| 2005 S/N #0337812 Discount On Above FURNACE IS FOR COMMUNITY ACTION TAX EXEMPT #75-00790-2 | 1.00 | 1.00 | | 3350.0000 | 3350.00 | E |
| | | | | | 335.00- | |

| | |
|-----------|---------|
| SUBTOTAL: | 3015.00 |
| TAX: | 0.00 |
| PAYMENTS: | 0.00 |
| TOTAL: | 3015.00 |



Mahoning
Outdoor
Furnaces

208 Whiskey Run Road
Mahaffey, PA 15757
(814) 277-6675

INVOICE

INVOICE NUMBER: 008540
INVOICE DATE: 01/20/04
PAGE: 1

SOLD TO: DUKES CONTRACTING
1625 WHISKEY RUN ROAD
MAHAFFEY, PA
15757

SHIP TO: DUKES CONTRACTING
1625 WHISKEY RUN ROAD
MAHAFFEY, PA
15757

SHIP VIA:
SHIP DATE: 01/20/04
DUE DATE: 02/19/04
TERMS: ON RECEIPT

CUST. I.D.: DUKESE
P.O. NUMBER:
P.O. DATE: 01/20/04
OUR ORDER NO.:
SALESPERSON:

| ITEM I.D./DESC. | ORDERED | SHIPPED | UNIT | PRICE | NET | TX |
|-------------------------------------------|---------|---------|------|-----------|---------|----|
| 300S S/N #0402001 Discount On Above | 1.00 | 1.00 | | 4075.0000 | 4075.00 | T |
| | | | | | 407.50- | |
| 300S S/N #0402101 Discount On Above | 1.00 | 1.00 | | 4075.0000 | 4075.00 | T |
| | | | | | 407.50- | |
| 200 BLOWER 3 BOLT | 1.00 | 1.00 | | 72.5000 | 72.50 | T |

| | |
|-----------|---------|
| SUBTOTAL: | 7407.50 |
| TAX: | 444.45 |
| PAYMENTS: | 0.00 |
| TOTAL: | 7851.95 |

FILED
MAR 02 2004
William A. Shaw
Prothonotary/Clerk of Courts

PETER F. SMITH
ATTORNEY
30 SOUTH SECOND STREET
P.O. BOX 130
CLEARFIELD, PA. 16830

In The Court of Common Pleas of Clearfield County, Pennsylvania

MAHONING OUTDOOR FURNACE, INC.

VS.

Sheriff Docket # 15270

04-299-CD

DUKES, EDWARD a/k/a EDWARD DUKES, JR. d/b/a ;

COMPLAINT

SHERIFF RETURNS

NOW APRIL 28, 2004 MAILED THE WITHIN COMPLAINT TO EDWARD DUKES a/k/a EDWARD DUKES JR. d/b/a DUKES CONTRACTING, DEFENDANT BY CERT. MAIL #7003 3110 0001 9380 6017 AT 2933 BAY CITY TERRACE, NORTH PORT, FL. 34286 BEING HIS LAST KNOWN ADDRESS. THE LETTER IS HERETO ATTACHED AND MADE A PART OF THIS RETURN MARKED "UNCLAIMED".

Return Costs

| Cost | Description |
|-------|----------------------------------------|
| 10.02 | SHERIFF HAWKINS PAID BY: ATTY CK# 7953 |

Sworn to Before Me This

2nd Day Of June 2004
William A. Shaw

So Answers,

Chester A. Hawkins
by Mark A. Harris
Chester A. Hawkins
Sheriff

FILED

JUN 02 2004

0/8:31 a.m.

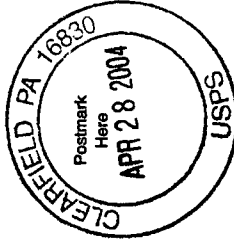
William A. Shaw
Prothonotary

CERTIFIED MAIL[®] RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

| | |
|---------------------------------------------------|--------|
| Postage | \$ 160 |
| Certified Fee | |
| Return Receipt Fee (Endorsement Required) | |
| Restricted Delivery Fee (Endorsement Required) | |
| Total Postage & Fees | \$ 165 |



Sent To Edward Dukes a/k/a Edward Dukes Jr
d/b/a Dukes Contracting
Street, Apt. No.: 2933 Bay City Terrace
or PO Box No.
City, State, ZIP+4 North Port, FL 34286

Form 3800, June 2002 See Reverse for Instructions

2109 08EB 1000 01TE E002

0125103

Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A record of delivery kept by the Postal Service for two years

Important Reminders:

- Certified Mail may ONLY be combined with First-Class Mail® or Priority Mail®
 - Certified Mail is *not* available for any class of international mail.
 - NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.
 - For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS® postmark on your Certified Mail receipt is required.
 - For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "Restricted Delivery".
 - If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.
- IMPORTANT: Save this receipt and present it when making an inquiry. Internet access to delivery information is not available on mail addressed to APOs and FPOs.**

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:

Edward Dukes a/k/a Edward Dukes
Jr. d/b/a Dukes Contracting
2933 Bay City Terrace
North Port, FL. 34286

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent
☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

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

3. Service Type

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

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number

(Transfer from service label)

7003 3110 0001 9380 6017

PS Form 3811, August 2001

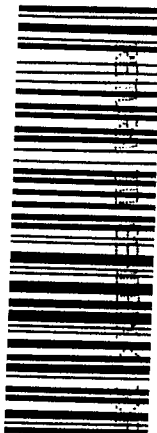
Domestic Return Receipt

102595-01-M-2509



CHESTER A. HAWKINS
SHERIFF
COURTHOUSE
1 NORTH SECOND STREET - SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE
CERTIFIED MAIL™



FOR RETURN TO SENDER
NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

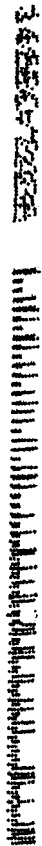
7003 3110 0001 9360 6017

DELIVERED TO ADDRESSEE
NORTH PORT FL 34287-9998

DELIVERED TO ADDRESSEE
NORTH PORT FL 34287-9998

Edward Dukes a/k/a Edward Dukes Jr.
D/b/a Dukes Contracting
2933 Bay City Terrace
North Port, FL 34286

Handwritten notes:
C/N
P.S.D (SD)
5-1-04
5/17/04
5/17/04



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

MAHONING OUTDOOR FURNACE, INC. ,
Plaintiff

vs.

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D/B/A DUKES CONTRACTING,
Defendant

No. 2004- 244-CD

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Type of Pleading:
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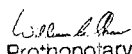
Filed on Behalf of:
PLAINTIFF

Counsel for This Party:
Peter F. Smith, Esquire
Supreme Court No. 34291
30 South Second Street
P.O. Box 130
Clearfield, PA 16830
(814) 765-5595

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

MAR 02 2004

Attest.


Prothonotary/
Clerk of Courts

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

| | | |
|--------------------------------------|---|-----------|
| MAHONING OUTDOOR FURNACE, INC., | : | |
| Plaintiff | : | No. 2004- |
| | : | |
| | : | |
| vs. | : | |
| | : | |
| | : | |
| EDWARD DUKES a/k/a EDWARD DUKES, JR. | : | |
| D/B/A DUKES CONTRACTING, | : | |
| Defendant | : | |
| | : | |

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Plaintiff

No. 2004-

vs.

EDWARD DUKES a/k/a EDWARD DUKES, JR.
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Defendant

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2. The Defendant is **EDWARD DUKES a/k/a EDWARD DUKES, JR.** whose business address is 1625 Whiskey Run Road, Mahaffey, Clearfield County, Pennsylvania 15757.
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C. Invoice dated 01/20/04, Plaintiff's Exhibit 4

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9. Sales were not complete and binding contracts until received, reviewed and accepted at Plaintiff's place of business.

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11. Defendant received and accepted the furnace and other parts without objection.

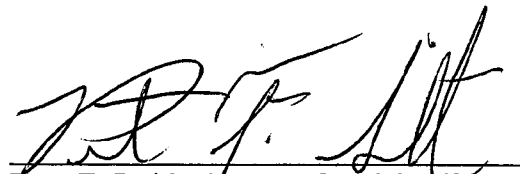
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WHEREFORE, Plaintiff prays that judgment be entered in its favor and against the Defendant in the amount of \$11,064.64 together with interest at the statutory rate and court costs.

Respectfully submitted,

Date:

2/27/04



Peter F. Smith, Attorney for Plaintiff

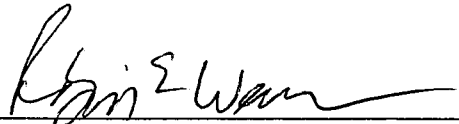
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MAHONING OUTDOOR FURNACE, INC.

Dated: _____

2/25/04



Robin E. Weaver, President

MAHONING OUTDOOR FURN INC
 208 WHISKEY RUN ROAD
 MAHAFFEY PA 15757-9624

 *** STATEMENT ***

STATEMENT DATE: 01/31/04

CUSTOMER ID.: DUKESE

PAGE: 1

=====

DUKES CONTRACTING
 1625 WHISKEY RUN ROAD
 MAHAFFEY, PA 15757

=====

| INVOICE | DATE | TERMS OR REF | CODE | DEBITS | CREDITS | CUMULATIVE BALANCE |
|---------|----------|--------------|------|----------|---------|-----------------------|
| 008306 | 12/03/03 | Invoicing | SA | 197.69 | | 197.69 |
| 008320 | 12/04/03 | Invoicing | SA | 3015.00 | | 3212.69 |
| 008540 | 01/20/04 | Invoicing | SA | 7851.95 | | 11064.64 |
| | | | | 11064.64 | 0.00 | 11064.64 |

| CURRENT | 1 - 30 PAST DUE | 31 - 60 PAST DUE | |
|----------|--------------------|---------------------|--------------------|
| 7851.95 | 3212.69 | 0.00 | TOTAL DUE 11064.64 |
| OVER 60 | | | |
| PAST DUE | DPLN CR | TOTAL | |
| 0.00 | 0.00 | 11064.64 | |

EXHIBIT 1



Mahoning
Outdoor
Furnaces

208 Whiskey Run Road
Mahaffey, PA 15757
(814) 277-6675

INVOICE

INVOICE NUMBER: 008306

INVOICE DATE: 12/03/03

PAGE: 1

SOLD TO: DUKES CONTRACTING
1625 WHISKEY RUN ROAD
MAHAFFEY, PA
15757

SHIP TO: DUKES CONTRACTING
1625 WHISKEY RUN ROAD
MAHAFFEY, PA
15757

SHIP VIA:
SHIP DATE:
DUE DATE: 12/03/03
TERMS: 01/02/04
ON RECEIPT

CUST. ID.: DUKESE
P.O. NUMBER:
P.O. DATE: 12/03/03
OUR ORDER NO.:
SALESPERSON:

| ITEM I.D./DESC. | ORDERED | SHIPPED | UNIT | PRICE | NET | TX |
|-------------------|---------|---------|------|----------|--------|----|
| INSULATION x 125' | 1.00 | 1.00 | | 177.5000 | 177.50 | T |
| 1" CRIMP RINGS | 50.00 | 50.00 | | 0.1800 | 9.00 | T |

| | |
|-----------|--------|
| SUBTOTAL: | 186.50 |
| TAX: | 11.19 |
| PAYMENTS: | 0.00 |
| TOTAL: | 197.69 |



Mahoning
Outdoor
Furnaces

208 Whiskey Run Road
Mahaffey, PA 15757
(814) 277-6675

INVOICE

INVOICE NUMBER: 008320

INVOICE DATE: 12/04/03

PAGE: 1

SOLD TO: DUKES CONTRACTING
1625 WHISKEY RUN ROAD
MAHAFFEY, PA
15757

SHIP TO: DUKES CONTRACTING
1625 WHISKEY RUN ROAD
MAHAFFEY, PA
15757

SHIP VIA:
SHIP DATE: 12/04/03
DUE DATE: 01/03/04
TERMS: ON RECEIPT

CUST. ID.: DUKESE
P.O. NUMBER:
P.O. DATE: 12/04/03
OUR ORDER NO.:
SALESPERSON:

| ITEM I.D./DESC | ORDERED | SHIPPED | UNIT | PRICE | NET | TX |
|--------------------------------------------------------------------------------------------------------|---------|---------|------|-----------|---------|--------------|
| 2005 S/N #0337812 Discount On Above FURNACE IS FOR COMMUNITY ACTION TAX EXEMPT #75-00790-2 | 1.00 | 1.00 | | 3350.0000 | 3350.00 | E 335.00- |

SUBTOTAL:
TAX:
PAYMENTS:
TOTAL:

3015.00
0.00
0.00
3015.00



Mahoning
DOutdoor
Furnaces

208 Whiskey Run Road
Mahaffey, PA 15757
(814) 277-6675

INVOICE

INVOICE NUMBER: 008540
INVOICE DATE: 01/20/04
PAGE: 1

SOLD TO: DUKES CONTRACTING
1625 WHISKEY RUN ROAD
MAHAFFEY, PA
15757

SHIP TO: DUKES CONTRACTING
1625 WHISKEY RUN ROAD
MAHAFFEY, PA
15757

SHIP VIA: _____
SHIP DATE: 01/20/04
DUE DATE: 02/19/04
TERMS: ON RECEIPT

CUST. ID.: DUKESE
P.O. NUMBER: _____
P.O. DATE: 01/20/04
OUR ORDER NO.: _____
SALESPERSON: _____

| ITEM I.D./DESC. | ORDERED | SHIPPED | UNIT | PRICE | NET | TX |
|-------------------------------------------|---------|---------|------|-----------|---------|----|
| 300S S/N #0402001 Discount On Above | 1.00 | 1.00 | | 4075.0000 | 4075.00 | T |
| | | | | | 407.50- | |
| 300S S/N #0402101 Discount On Above | 1.00 | 1.00 | | 4075.0000 | 4075.00 | T |
| | | | | | 407.50- | |
| 200 BLOWER 3 BOLT | 1.00 | 1.00 | | 72.5000 | 72.50 | T |

Eduard Duka

| | |
|-----------|---------|
| SUBTOTAL: | 7407.50 |
| TAX: | 444.45 |
| PAYMENTS: | 0.00 |
| TOTAL: | 7851.95 |

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

MAHONING OUTDOOR FURNACE, INC.
Plaintiff

vs.

EDWARD DUKES a/k/a EDWARD DUKES, JR.
D/b/a DUKES CONTRACTING,
Defendant

No. 2004-299-CD

Type of Case:
CIVIL

Type of Pleading:
**MOTION & AFFIDAVIT FOR
SPECIAL SERVICE**

Filed on Behalf of:
PLAINTIFF

Attorney for this party:
Peter F. Smith, Esquire
Supreme Court No. 34291
30 South Second Street
P.O. Box 130
Clearfield, PA 16830
(814) 765-5595

FILED

JUN 14 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

| | | |
|--------------------------------------|---|-----------------|
| MAHONING OUTDOOR FURNACE, INC., | : | |
| Plaintiff | : | |
| | : | |
| vs. | : | No. 2004-299-CD |
| | : | |
| EDWARD DUKES a/k/a EDWARD DUKES, JR. | : | |
| D/b/a DUKES CONTRACTING, | : | |
| Defendant | : | |

MOTION & AFFIDAVIT FOR SPECIAL SERVICE

COMES NOW, Peter F. Smith, counsel for Plaintiff in the above-captioned matter, who moves this Court to enter an Order permitting Special Service of the complaint on the Defendant in support thereof avers:

1. The Complaint was filed on March 2, 2004 to collect \$11,064.64 which the Defendant owes Plaintiff for the sale of a furnace and furnace parts.
2. A certified copy of the Complaint was delivered to the Clearfield County Sheriff for service on the Defendant at his last known address which was 1625 Whiskey Run Road, Clearfield County, Mahaffey, Pennsylvania 15757.
3. By Return dated April 12, 2004 the Sheriff reported that the Defendant was not found at that address and allegedly had moved to Florida. Attached hereto and incorporated herein by reference is a true and correct copy of said Return marked Exhibit A.
4. Through inquiries of friends and family of the Defendant made, Plaintiff's counsel learned that the Defendant's next address was 2993 Bay City Terrace, North Port, Florida 34286, and by Certified Mail pursuant for P.A.R.C.P. 404 was attempted.

5. By Return dated April 28, 2004 Clearfield County Sheriff advised that the service attempted by certified mail was return to his office marked "Unclaimed." Attached hereto and incorporated herein by reference is a true and correct copy of said Return marked Exhibit B.

6. Plaintiff's counsel contacted the Clearfield County Voter Registration Board to inquire if it had a valid address for the Defendant.

7. The Voter Registration Board responded in the negative.

8. Plaintiff's counsel performed an Internet search in an attempt to locate the Defendant or verify the Florida address.

9. This attempt was unsuccessful.

10. Local phone directories were checked. One listing for "Dukes Contracting" at 277-8871 was found, but a call to this number is answered by the phone company recording that the number has been disconnected.

11. Clearfield County tax assessments were checked and no assessment for the Defendant was found.

12. An assessment for "Edward Dukes 1625 Whiskey Run Road, Mahaffey, PA 15757" was found. However, the Sheriff's attempt to make service on the Defendant at this address failed as recited at numbers 2 and 3 above.

13. Plaintiff's counsel believes that the Florida address is valid and that the Defendant is aware of the attempts made to serve him with this suit and that he is avoiding service.

WHEREFORE, Plaintiff prays this Honorable Court to enter an Order permitting Special Service pursuant to Pa.R.C.P. 430 directing that service be made as follows:

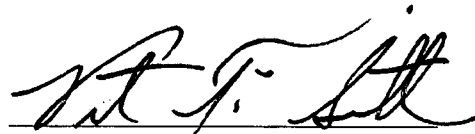
- a. That Plaintiff's counsel send by First Class Mail postage prepaid with his return address on the outside of the envelope a certified copy of the Complaint; and,

- b. That a certified copy of the Complaint be delivered to the Defendant's father Edward Dukes, Sr. who resides at R.R. #2 State Route 36, Punxsutawney, Pennsylvania 15767 by competent adult; and,
- c. That service also be made by publication in The Progress and The Clearfield County Legal Journal on one occasion; and,
- d. A sample text of the Notice to be published is attached hereto and incorporated herein as Exhibit C.

Respectfully submitted,

Dated:

6/10/04

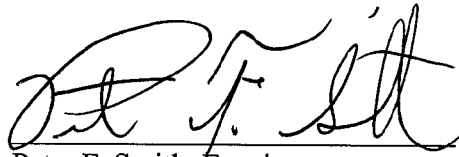
A handwritten signature in black ink, appearing to read "P. F. Smith", written over a horizontal line.

Peter F. Smith, Esquire
Attorney for Plaintiff

AFFIDAVIT

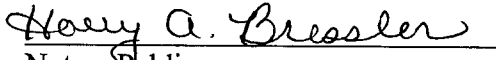
STATE OF PENNSYLVANIA :
 : SS
COUNTY OF CLEARFIELD :

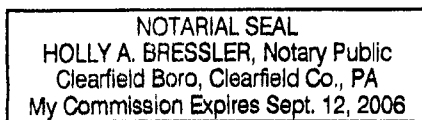
I, Peter F. Smith, counsel for Plaintiff, being duly sworn according to law, deposes and says that the averments of the foregoing Motion for Service of the Writ by Publication are true and correct to the best of his knowledge, information and belief.



Peter F. Smith, Esquire
Counsel for Mahoning Outdoor Furnace, Inc.

SWORN TO AND SUBSCRIBED
before me this 10th day of
June, 2004


Notary Public



In The Court of Common Pleas of Clearfield County, Pennsylvania

MAHONING OUTDOOR FURNACE, INC.

VS.

DUKES, EDWARD a/k/a EDWARD DUKES, JR. d/b/a

COMPLAINT

Sheriff Docket # 15270
04-299-CD

COPY

SHERIFF RETURNS

NOW APRIL 12, 2004 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURN THE WITHIN COMPLAINT "NOT FOUND" AS TO EDWARD DUKES ak/a EDWARD DUKES JR. d/b/a DUKES CONTRACTING, DEFENDANT. MOVED TO FLORIDA.

Return Costs

| Cost | Description |
|-------|-----------------------------------------|
| 30.87 | SHERIFF HAWKINS PAID BY: PLF. CK# 20618 |
| 10.00 | SURCHARGE PAID BY: PLFF. CK# 20619 |

Sworn to Before Me This

____ Day Of _____ 2004

So Answers,



Chester A. Hawkins
Sheriff

In The Court of Common Pleas of Clearfield County, Pennsylvania

MAHONING OUTDOOR FURNACE, INC.

VS.

DUKES, EDWARD a/k/a EDWARD DUKES, JR. d/b/a

COMPLAINT

Sheriff Docket # 15270

04-299-CD

SHERIFF RETURNS

NOW APRIL 28, 2004 MAILED THE WITHIN COMPLAINT TO EDWARD DUKES a/k/a EDWARD DUKES JR. d/b/a DUKES CONTRACTING, DEFENDANT BY CERT. MAIL #7003 3110 0001 9380 6017 AT 2933 BAY CITY TERRACE, NORTH PORT, FL. 34286 BEING HIS LAST KNOWN ADDRESS. THE LETTER IS HERETO ATTACHED AND MADE A PART OF THIS RETURN MARKED "UNCLAIMED".

Return Costs

| Cost | Description |
|-------|----------------------------------------|
| 10.02 | SHERIFF HAWKINS PAID BY: ATTY CK# 7953 |

Sworn to Before Me This

_____ Day Of _____ 2004

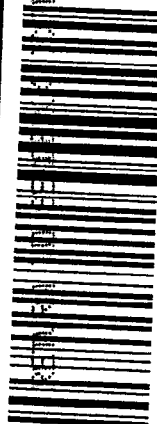
So Answers,



Chester A. Hawkins
Sheriff



CERTIFIED MAIL™



2003 3110 0001 9380 60172

RECEIVED
NORTH PORT FL 342

40-1-2
P3) 25.2
2/2

5/17/04

Edward Dukes a/k/a Edward Dukes Jr.
D/b/a Dukes Contracting
2933 Bay City Terrace
North Port, FL. 34286

CHINA
NORTH PORT FL 344

卷一百一十五



RETURNED TO SENDER

RETURNED TO SENDER

SECRET

NORTH PORT FL 3426

[illegible]

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

MAHONING OUTDOOR FURNACE, INC.

Plaintiff

vs.

EDWARD DUKES a/k/a EDWARD DUKES, JR.

D/b/a DUKES CONTRACTING,

Defendant

No. 2004-299-CD

**To: EDWARD DUKES, a/k/a
EDWARD DUKES, JR.
d/b/a DUKES CONTRACTING**

NOTICE

The Plaintiff Mahoning Outdoor Furnace, Inc. has filed a lawsuit against you for three unpaid bills.

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE 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.

David S. Meholick, Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830
(814) 765-2641 ext. 5982

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

MAHONING OUTDOOR FURNACE, INC.

Plaintiff

vs.

EDWARD DUKES a/k/a EDWARD DUKES, JR.

D/b/a/ DUKES CONTRACTING

Defendant

No. 2004-299-CD

O R D E R

NOW this 11th Day of June, 2004 upon consideration of the Motion and Affidavit for Special Services, it is,

ORDERED, ADJUDGED and DECREED, that service of the complaint upon the Defendant shall be made as follows:

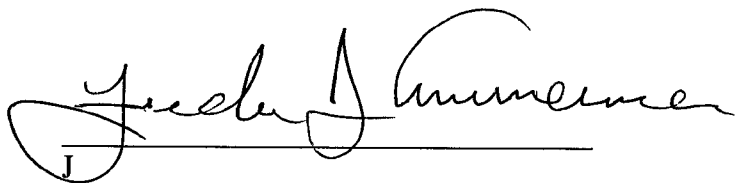
- a. That Plaintiff's counsel send by First Class Mail postage prepaid with his return address on the outside of the envelope a certified copy of the Complaint; and,
- b. That a certified copy of the Complaint be delivered to the Defendant's father Edward Dukes, Sr. who resides at R.R. #2 State Route 36, Punxsutawney, Pennsylvania 15767 by competent adult; and,
- c. That service also be made by publication in The Progress and The Clearfield County Legal Journal on one occasion; and,
- d. A sample text of the Notice to be published is attached hereto and incorporated herein as Exhibit C.

BY THE COURT:

FILED

JUN 14 2004

William A. Shaw
Prothonotary/Clerk of Courts



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

MAHONING OUTDOOR FURNACE, INC.,
Plaintiff

No. 2004-299-CD

vs.

EDWARD DUKES a/k/a EDWARD DUKES, JR.
D/B/A DUKES CONTRACTING,
Defendant

FILED
JUL 14 2004

William A Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

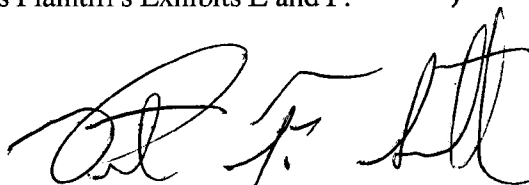
I, the undersigned counsel for Plaintiff, certify that pursuant to this Court's Order dated June 11, 2004, directing special service, I have:

A. Sent by First Class Mail on June 12, 2004, a certified copy of the complaint to the Defendant's last known address at 2993 Bay City Terrace, North Port, Florida 34286, and that the envelope containing the certified copy of the complaint has not been returned to me by the U.S. Postal Service; and,

B. Retained C & D Investigations which served a certified copy of the complaint on the Defendant's father Edward Dukes, Sr. at R.R. 2 Star Route 36, Punxsutawney, Pennsylvania 15767 on June 19, 2004; and, a true and correct copy of C & D Investigation's letter to me confirming said service is attached hereto and incorporated herein by reference as Plaintiff's Exhibit D; and,

C. Made service by publication in both The Progress and The Clearfield County Legal Journal on one occasion, on June 19, 2004 and June 25, 2004 respectively, by using the text of the notice presented in Exhibit C; and, original Proofs of Publication from each periodical are attached hereto and incorporated herein by reference as Plaintiff's Exhibits E and F.

Date: July 14, 2004



Peter F. Smith, Esquire
Attorney for Plaintiff

C & D
INVESTIGATIONS

P.O. Box 686 - Clearfield, PA 16830
Robert P. Cessna P. I. Robert D. Dale P. I.
(814) 857-7205 (814) 765-2740

17-04
June 19, 2004

Peter F. Smith, Esquire
30 South Second Street
P.O. Box 130
Clearfield, Pennsylvania 16830

RE: Edward Duke Sr.

Dear Mr. Smith,

On June 19, 2004 at 0930 hours, the letter from your office was personally delivered to Edward Duke Sr., R.R. 2, Star Rt. 36, Punxsutawney, Pennsylvania 15767 at his residence by Robert P. Cessna and Robert D. Dale.

A handwritten signature in black ink, appearing to read 'R. P. Cessna', with a large, stylized initial 'C'.

Robert P. Cessna
557 Lansberry Road
Woodland, Penna. 16881

IN THE COURT
OF COMMON PLEAS
OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL DIVISION
No. 2004-299-CD

MAHONING OUTDOOR
FURNACE, INC.

Plaintiff

vs.

EDWARD DUKES,
a/k/a EDWARD DUKES, JR.
D/b/a DUKES CONTRACTING,
Defendant

To: EDWARD DUKES, a/k/a
EDWARD DUKES, JR.
d/b/a DUKES CONTRACTING

NOTICE

The Plaintiff Mahoning Outdoor
Furnace, Inc. has filed a lawsuit
against you for three unpaid bills.

If you wish to defend, you must
enter a written appearance person-
ally or by attorney and file your de-
fenses or objections in writing with
the court. You are warned that if
you fail to do so the case may pro-
ceed without you and a judgment
may be entered against you without
further notice for the relief re-
quested by the plaintiff. You may
lose money or property or other
rights important to you.

YOU SHOULD TAKE THIS PA-
PER 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.

David S. Meholick,
Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830
(814) 765-2641, Ext. 5982

6:19-1d-b

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :
: SS:
COUNTY OF CLEARFIELD :

On this 6th day of July, A.D. 2004,
before me, the subscriber, a Notary Public in and for said County and
State, personally appeared Margaret E. Krebs, who being duly sworn
according to law, deposes and says that she is the President of The
Progressive Publishing Company, Inc., and Associate Publisher of The
Progress, a daily newspaper published at Clearfield, in the County of
Clearfield and State of Pennsylvania, and established April 5, 1913, and
that the annexed is a true copy of a notice or advertisement published in
said publication in

the regular issues of June 19, 2004.

And that the affiant is not interested in the subject matter of the notice or
advertising, and that all of the allegations of this statement as to the time,
place, and character of publication are true.

Margaret E. Krebs

Sworn and subscribed to before me the day and year aforesaid.

Cheryl J. Robison
Notary Public, Clearfield, Pa.

My Commission Expires
October 31, 2007

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Cheryl J. Robison, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires Oct. 31, 2007
Member, Pennsylvania Association Of Notaries

EXHIBIT E

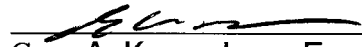
PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

:

COUNTY OF CLEARFIELD :

On this 6th day of July AD 2003, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro editor of the Clearfield County Legal Journal of the Courts of Clearfield County, and that the annexed is a true copy of the notice or advertisement published in said publication in the regular issues of Week of June 25, 2004, No. 26. And that all of the allegations of this statement as to the time, place, and character of the publication are true.



Gary A. Knaresboro, Esquire
Editor

Sworn and subscribed to before me the day and year aforesaid.



Notary Public
My Commission Expires

NOTARIAL SEAL
SHARON J. PUSEY, Notary Public
Clearfield, Clearfield County, PA
My Commission Expires APRIL 7, 2007

Peter F Smith
PO Box 130
Clearfield PA 16830

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

MAHONING OUTDOOR FURNACE,
INC., Plaintiff vs. EDWARD DUKES, a/k/a
EDWARD DUKES, JR. D/B/A DUKES
CONTRACTING, Defendant

TO: EDWARD DUKES, a/k/a EDWARD
DUKES, JR. d/b/a DUKE CONTRACTING
NO. 2004-299-CD

NOTICE

The Plaintiff Mahoning Outdoor
Furnace, Inc. has filed a lawsuit against you
for three unpaid bills.

If you wish to defend, you must enter a
written appearance personally or by attorney
and file your defenses or objections in
writing with the court. You are warned that
if you fail to do so, the case may proceed
without you, and a judgment may be entered
against you without further notice for 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 OR CANNOT AFFORD A
LAWYER, GO TO OR TELEPHONE THE
OFFICE SET FORTH BELOW TO FIND
OUT WHERE YOU CAN GET LEGAL
HELP.

David S. Meholic, Court Administrator,
230 East Market Street, Clearfield, PA
16830 (814) 765-2641, Ext. 5982.

PETER F. SMITH, Attorney for Plaintiff,
PO Box 130, 30 South 2nd Street, Clearfield,
PA 16830.

pin and place of beginning.

Said description encompasses seventy-five hundred (75,500) square feet, being Lot No. 91 in the Eastern Section of the Charles Patton Addition to the Second Ward of the Borough of Curwensville. Said description is further illustrated on a plat of survey made by Robert L. Kester, P.L.S., dated September 2, 1986, a copy of which is attached to the deed referenced herein below and filed in the Office of the Recorder of Deeds for Clearfield County. The bearing used are current magnetic bearings and do not coincide with the bearings of the original Patton Addition, although the lines designated do coincide with the lines as shown on the Patton Addition to the Borough of Curwensville.

BEING the same premises conveyed to Dean D. Lansberry and Linda S. Lansberry, husband and wife, by deed of Marc R. Daniels and Lorraine Daniels, husband and wife, dated October 15, 1986 and recorded at Clearfield County Deed and Record Book 1118, Page 83.

That the purposes of this Quiet Title Action is to extinguish any interest in the above described premises which Defendants may have retained by virtue of the misidentification of the said premises throughout the chain of title.

That the further purpose of this quiet title action is to confirm title in the above described premises acquired by the Plaintiffs by virtue of their possession of the above described premises, through their predecessors in title, for a period in excess of twenty-one (21) years as provided by law.

WHEREUPON the Court ordered that notice of said action and the facts thereto be served on the Defendants CHARLES E. PATTON and M. B. PATTON, also known as MARY B. PATTON, husband and wife, both

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

MAHONING OUTDOORFURNANCE,
Plaintiff

vs.

EDWARD DUKES a/k/a EDWARD DUKES, JR.
D/B/A DUKES CONTRACTING,
Defendant

No. 2004-299-CD

FILED

AUG 05 2004 (File)

0/3:25 (w)

William A. Shaw
Prothonotary

NOTICE TO DEF. +
STAYMENT W/ATL

PRAECIPE FOR ENTRY OF DEFAULT JUDGMENT

To: William A. Shaw, Sr., Prothonotary

Dear Sir:

1. I certify that on July 19, 2004, I sent by First Class Mail, postage prepaid, the notice required by Pa.R.C.P. 237.1 of our intent to enter a default judgment against the Defendant. Attached hereto and incorporated herein is a true and correct copy of said Notice.

2. This Notice was sent to the Defendant at the following addresses:

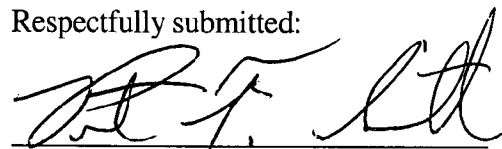
Edward Dukes a/k/a Edward Dukes, Jr.
D/b/a Dukes Contracting
C/o Edward Dukes, Sr.
RR 2 Star Route 36
Punxsutawney, PA 15767

Edward Dukes a/k/a Edward Dukes, Jr.
D/b/a Dukes Contracting
2993 Bay City Terrace
North Port, FL 34286

3. More than ten days have elapsed since the mailing of said Notice, but Defendant is still in default of an Answer or other responsive pleading.

4. Please enter judgment in favor of the Plaintiff and against the Defendant in the amount of **\$11,064.64** plus interest and costs of suit.

Respectfully submitted:



Peter F. Smith, Esquire
Attorney for Plaintiff

Date:

8/3/04

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

MAHONING OUTDOOR FURNACE, INC.,
Plaintiff

No. 2004-299-CD

vs.

EDWARD DUKES a/k/a EDWARD DUKES, JR.
D/B/A DUKES CONTRACTING,
Defendant

TO: Edward Dukes a/k/a Edward Dukes, Jr.
d/b/a Dukes Contracting
C/O Edward Duke, Sr.
RR 2 Star Route 36
Punxsutawney, PA 15767

Edward Dukes a/k/a Edward Dukes, Jr.
d/b/a Dukes Contracting
2993 Bay City Terrace
North Port, FL 34286

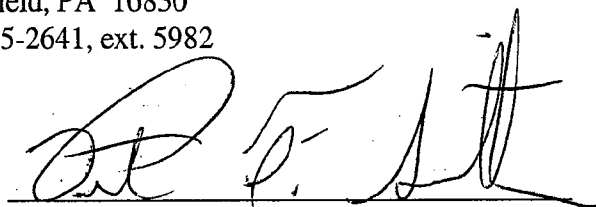
IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO TAKE ACTION REQUIRED OF YOU 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 PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS TO A 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.

THIS TEN (10) DAY PERIOD SHALL EXPIRE ON JULY 30, 2004

Clearfield County Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641, ext. 5982

Date: July 19, 2004



Peter F. Smith, Esquire
Attorney for Plaintiff

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

MAHONING OUTDOORFURNANCE,
Plaintiff

vs.

EDWARD DUKES a/k/a EDWARD DUKES, JR.
D/B/A DUKES CONTRACTING,
Defendant

:
:
:
:
:
:
:
:

No. 2004-299-CD

Notice is given that a judgment has been entered of record in Clearfield County against Edward Dukes a/k/a Edward Dukes, Jr., d/b/a Dukes Contracting, Defendant, and in favor of the Plaintiff in the amount of \$11,064.64 plus interest and costs. 8-5-04

Prothonotary

By _____, Deputy

Rule of Civil Procedure No. 236

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

Mahoning Outdoor Furnace, Inc.
Plaintiff(s)

No.: 2004-00299-CD

Real Debt: \$11,064.64

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Edward Dukes a/k/a Edward Dukes, Jr.
D/B/A Dukes Contracting
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: August 5, 2004

Expires: August 5, 2009

Certified from the record this August 5, 2004

William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

Received on _____, _____, of defendant full satisfaction of this Judgment,
Debt, Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

Plaintiff/Attorney

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

FILED ^{E6K} 4 cc
03:36 PM
SEP 09 2004
Atty Shope

William A. Shaw
Prothonotary Clerk of Courts

KENNETH W. BUNGO,
Plaintiff,

vs.

GLEEANNA BUNGO,
Defendant.

- * NO. 04-298-CD
- * Type of Case: CUSTODY
- * Type of Pleading: CONSENT ORDER
- * Filed on behalf of: PLAINTIFF
- * KENNETH W. BUNGO
- * Counsel of Record for Plaintiff:
- * BARBARA J. HUGNEY-SHOPE,
- * ESQUIRE
- * Supreme Court I. D. No. 26274
- * 23 North Second Street
- * Clearfield, PA 16830
- * (814) 765-5155

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

| | | |
|--------------------------|---|----------------------|
| KENNETH W. BUNGO, | * | |
| Plaintiff, | * | |
| | * | |
| vs. | * | NO. 04-298-CD |
| | * | |
| GLEEANNA BUNGO, | * | |
| Defendant. | * | |

CONSENT ORDER

AND NOW, this 9th day of September, 2004, following Custody Conference, the parties, KENNETH W. BUNGO (hereinafter referred to as Father) and GLEEANNA BUNGO (hereinafter referred to as Mother), Plaintiff and Defendant in the above-captioned action, having reached an agreement with regard to legal and physical custody of their minor child, PETER G. BUNGO, born April 22, 1994, it is the ORDER of this Court that:

1. The parties shall have joint legal and physical custody of their minor child, PETER G. BUNGO, born April 22, 1994.

"Legal custody" means the legal right to make major decisions affecting the best interests of a minor child, including but not limited to, medical, religious and education decisions" and "shared custody" means shared legal or shared physical custody, or both, of a child in such a way as to assure the child of frequent and continuing contact,

including physical access, to both parents. Each parent shall have equal access to any and all medical, dental, school and legal records and the medical and dental providers and school administrators shall accept this Order as authorization to release same to them. It is understood that this Paragraph shall in no way delay the parent having custody to seek emergency medical treatment for the children but that parent shall notify the other parent as soon as possible in this event.

2. Physical custody of the said child shall be shared by the parties as follows:

a. Week 1: Father shall have physical custody from Sunday night until Wednesday night and Mother shall have physical custody from Wednesday night until Friday night;

b. Week 2: Father shall have physical custody from Friday night until Wednesday night and Mother shall have physical custody from Wednesday night until Sunday night, and thereafter the parties shall alternate physical custody as set forth in weeks 1 and 2 above;

c. The above times and days shall be subject to adjustment by agreement of the parties.

3. During the summer school vacation the parties shall share alternate the summer school vacation so that each parent has physical custody of the child for one-

half of the summer with the non-custodial parent having alternate weekend custody of the child.

4. The parties shall share custody of the child on the child's birthday and on holidays by agreement.

BY THE COURT:

Paul E. Cherry
J.

The parties consent to the above Order:

Kenneth W. Bungo
Kenneth W. Bungo, Plaintiff

Gleeanna Bungo
Gleeanna Bungo, Defendant

Barbara J. Hugney-Shope
Barbara J. Hugney-Shope, Esquire
Attorney for Plaintiff

Michael E. H.
Witness

Dated: Sept. 9, 2004